

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

Sub. S. B. No. 178

Senator Reineke

**Cosponsors: Senators Brenner, Cirino, Dolan, Hackett, Hoagland, Huffman, S.,
Lang, McColley, Peterson, Romanchuk, Schaffer, Wilson**

A BILL

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6301.11, 6301.111, 6301.112, 6301.15, 6301.21, 6301.22, and 294
6301.23 be amended and new section 3301.13 and section 3301.111 295
of the Revised Code be enacted to read as follows: 296

Sec. 5.224. The first day of March is designated as "Ohio 297
statehood day," in recognition of the date in 1803 when Ohio 298
became a state. In addition to those duties imposed on the Ohio 299
history connection under section 149.30 of the Revised Code, and 300
those duties imposed on the ~~superintendent of public instruction~~ 301
director of education and workforce under section 3301.12 of the 302
Revised Code, the Ohio history connection shall, throughout the 303
state, and the ~~superintendent~~ director shall, in all school 304

districts, encourage and promote the celebration of "Ohio 305
statehood day." 306

Sec. 5.281. Beginning in 2018, and every year thereafter, 307
the full week beginning on the first Monday in May is designated 308
as in-demand jobs week. 309

Every year during in-demand jobs week, the governor's 310
office of workforce transformation, in collaboration with the 311
departments of job and family services, education and workforce, 312
and higher education, shall organize activities to raise 313
awareness among educators, students, and parents of jobs that 314
are in demand by employers operating in this state and the 315
requirements and benefits of those jobs. The activities shall 316
include job fairs and company tours to connect middle and high 317
school students with employers. 318

Sec. 9.231. (A) (1) Subject to divisions (A) (2) and (3) of 319
this section, a governmental entity shall not disburse money 320
totaling twenty-five thousand dollars or more to any person for 321
the provision of services for the primary benefit of individuals 322
or the public and not for the primary benefit of a governmental 323
entity or the employees of a governmental entity, unless the 324
contracting authority of the governmental entity first enters 325
into a written contract with the person that is signed by the 326
person or by an officer or agent of the person authorized to 327
legally bind the person and that embodies all of the 328
requirements and conditions set forth in sections 9.23 to 9.236 329
of the Revised Code. If the disbursement of money occurs over 330
the course of a governmental entity's fiscal year, rather than 331
in a lump sum, the contracting authority of the governmental 332
entity shall enter into the written contract with the person at 333
the point during the governmental entity's fiscal year that at 334

least seventy-five thousand dollars has been disbursed by the 335
governmental entity to the person. Thereafter, the contracting 336
authority of the governmental entity shall enter into the 337
written contract with the person at the beginning of the 338
governmental entity's fiscal year, if, during the immediately 339
preceding fiscal year, the governmental entity disbursed to that 340
person an aggregate amount totaling at least seventy-five 341
thousand dollars. 342

(2) If the money referred to in division (A) (1) of this 343
section is disbursed by or through more than one state agency to 344
the person for the provision of services to the same population, 345
the contracting authorities of those agencies shall determine 346
which one of them will enter into the written contract with the 347
person. 348

(3) The requirements and conditions set forth in divisions 349
(A), (B), (C), and (F) of section 9.232, divisions (A) (1) and 350
(2) and (B) of section 9.234, divisions (A) (2) and (B) of 351
section 9.235, and sections 9.233 and 9.236 of the Revised Code 352
do not apply with respect to the following: 353

(a) Contracts to which all of the following apply: 354

(i) The amount received for the services is a set fee for 355
each time the services are provided, is determined in accordance 356
with a fixed rate per unit of time or per service, or is a 357
capitated rate, and the fee or rate is established by 358
competitive bidding or by a market rate survey of similar 359
services provided in a defined market area. The market rate 360
survey may be one conducted by or on behalf of the governmental 361
entity or an independent survey accepted by the governmental 362
entity as statistically valid and reliable. 363

(ii) The services are provided in accordance with 364
standards established by state or federal law, or by rules or 365
regulations adopted thereunder, for their delivery, which 366
standards are enforced by the federal government, a governmental 367
entity, or an accrediting organization recognized by the federal 368
government or a governmental entity. 369

(iii) Payment for the services is made after the services 370
are delivered and upon submission to the governmental entity of 371
an invoice or other claim for payment as required by any 372
applicable local, state, or federal law or, if no such law 373
applies, by the terms of the contract. 374

(b) Contracts under which the services are reimbursed 375
through or in a manner consistent with a federal program that 376
meets all of the following requirements: 377

(i) The program calculates the reimbursement rate on the 378
basis of the previous year's experience or in accordance with an 379
alternative method set forth in rules adopted by the Ohio 380
department of job and family services. 381

(ii) The reimbursement rate is derived from a breakdown of 382
direct and indirect costs. 383

(iii) The program's guidelines describe types of 384
expenditures that are allowable and not allowable under the 385
program and delineate which costs are acceptable as direct costs 386
for purposes of calculating the reimbursement rate. 387

(iv) The program includes a uniform cost reporting system 388
with specific audit requirements. 389

(c) Contracts under which the services are reimbursed 390
through or in a manner consistent with a federal program that 391
calculates the reimbursement rate on a fee for service basis in 392

compliance with United States office of management and budget	393
Circular A-87, as revised May 10, 2004.	394
(d) Contracts for services that are paid pursuant to the	395
earmarking of an appropriation made by the general assembly for	396
that purpose.	397
(B) Division (A) of this section does not apply if the	398
money is disbursed to a person pursuant to a contract with the	399
United States or a governmental entity under any of the	400
following circumstances:	401
(1) The person receives the money directly or indirectly	402
from the United States, and no governmental entity exercises any	403
oversight or control over the use of the money.	404
(2) The person receives the money solely in return for the	405
performance of one or more of the following types of services:	406
(a) Medical, therapeutic, or other health-related services	407
provided by a person if the amount received is a set fee for	408
each time the person provides the services, is determined in	409
accordance with a fixed rate per unit of time, or is a capitated	410
rate, and the fee or rate is reasonable and customary in the	411
person's trade or profession;	412
(b) Medicaid-funded services, including administrative and	413
management services, provided pursuant to a contract or medicaid	414
provider agreement that meets the requirements of the medicaid	415
program.	416
(c) Services, other than administrative or management	417
services or any of the services described in division (B) (2) (a)	418
or (b) of this section, that are commonly purchased by the	419
public at an hourly rate or at a set fee for each time the	420
services are provided, unless the services are performed for the	421

benefit of children, persons who are eligible for the services 422
by reason of advanced age, medical condition, or financial need, 423
or persons who are confined in a detention facility as defined 424
in section 2921.01 of the Revised Code, and the services are 425
intended to help promote the health, safety, or welfare of those 426
children or persons; 427

(d) Educational services provided by a school to children 428
eligible to attend that school. For purposes of division (B) (2) 429
(d) of this section, "school" means any school operated by a 430
school district board of education, any community school 431
established under Chapter 3314. of the Revised Code, or any 432
nonpublic school for which the ~~state board~~ director of education 433
and workforce prescribes minimum education standards under 434
section 3301.07 of the Revised Code. 435

(e) Services provided by a foster home as defined in 436
section 5103.02 of the Revised Code; 437

(f) "Routine business services other than administrative 438
or management services," as that term is defined by the attorney 439
general by rule adopted in accordance with Chapter 119. of the 440
Revised Code; 441

(g) Services to protect the environment or promote 442
environmental education that are provided by a nonprofit entity 443
or services to protect the environment that are funded with 444
federal grants or revolving loan funds and administered in 445
accordance with federal law. 446

(3) The person receives the money solely in return for the 447
performance of services intended to help preserve public health 448
or safety under circumstances requiring immediate action as a 449
result of a natural or man-made emergency. 450

(C) With respect to an unincorporated nonprofit 451
association, corporation, or organization established for the 452
purpose of providing educational, technical, consulting, 453
training, financial, or other services to its members in 454
exchange for membership dues and other fees, any of the services 455
provided to a member that is a governmental entity shall, for 456
purposes of this section, be considered services "for the 457
primary benefit of a governmental entity or the employees of a 458
governmental entity." 459

Sec. 9.55. (A) As used in this section, "state agency" 460
means the house of representatives, the senate, the governor, 461
the secretary of state, the auditor of state, the treasurer of 462
state, the attorney general, the department of job and family 463
services, the department of commerce, the department of 464
developmental disabilities, the department of education and 465
workforce, the department of health, the department of aging, 466
the governor's office of advocacy for disabled persons, and the 467
civil rights commission. 468

(B) Each state agency shall install in its offices at 469
least one teletypewriter designed to receive printed messages 470
from and transmit printed messages to deaf or hearing-impaired 471
persons. 472

Sec. 102.02. (A) (1) Except as otherwise provided in 473
division (H) of this section, all of the following shall file 474
with the appropriate ethics commission the disclosure statement 475
described in this division on a form prescribed by the 476
appropriate commission: every person who is elected to or is a 477
candidate for a state, county, or city office and every person 478
who is appointed to fill a vacancy for an unexpired term in such 479
an elective office; all members of the state board of education; 480

the director, assistant directors, deputy directors, division 481
chiefs, or persons of equivalent rank of any administrative 482
department of the state; the president or other chief 483
administrative officer of every state institution of higher 484
education as defined in section 3345.011 of the Revised Code; 485
the executive director and the members of the capitol square 486
review and advisory board appointed or employed pursuant to 487
section 105.41 of the Revised Code; all members of the Ohio 488
casino control commission, the executive director of the 489
commission, all professional employees of the commission, and 490
all technical employees of the commission who perform an 491
internal audit function; the individuals set forth in division 492
(B) (2) of section 187.03 of the Revised Code; the chief 493
executive officer and the members of the board of each state 494
retirement system; each employee of a state retirement board who 495
is a state retirement system investment officer licensed 496
pursuant to section 1707.163 of the Revised Code; the members of 497
the Ohio retirement study council appointed pursuant to division 498
(C) of section 171.01 of the Revised Code; employees of the Ohio 499
retirement study council, other than employees who perform 500
purely administrative or clerical functions; the administrator 501
of workers' compensation and each member of the bureau of 502
workers' compensation board of directors; the bureau of workers' 503
compensation director of investments; the chief investment 504
officer of the bureau of workers' compensation; all members of 505
the board of commissioners on grievances and discipline of the 506
supreme court and the ethics commission created under section 507
102.05 of the Revised Code; every business manager, treasurer, 508
or superintendent of a city, local, exempted village, joint 509
vocational, or cooperative education school district or an 510
educational service center; every person who is elected to or is 511
a candidate for the office of member of a board of education of 512

a city, local, exempted village, joint vocational, or 513
cooperative education school district or of a governing board of 514
an educational service center that has a total student count of 515
twelve thousand or more as most recently determined by the 516
department of education and workforce pursuant to section 517
3317.03 of the Revised Code; every person who is appointed to 518
the board of education of a municipal school district pursuant 519
to division (B) or (F) of section 3311.71 of the Revised Code; 520
all members of the board of directors of a sanitary district 521
that is established under Chapter 6115. of the Revised Code and 522
organized wholly for the purpose of providing a water supply for 523
domestic, municipal, and public use, and that includes two 524
municipal corporations in two counties; every public official or 525
employee who is paid a salary or wage in accordance with 526
schedule C of section 124.15 or schedule E-2 of section 124.152 527
of the Revised Code; all members appointed to the Ohio livestock 528
care standards board under section 904.02 of the Revised Code; 529
all entrepreneurs in residence assigned by the LeanOhio office 530
in the department of administrative services under section 531
125.65 of the Revised Code and every other public official or 532
employee who is designated by the appropriate ethics commission 533
pursuant to division (B) of this section. 534

(2) The disclosure statement shall include all of the 535
following: 536

(a) The name of the person filing the statement and each 537
member of the person's immediate family and all names under 538
which the person or members of the person's immediate family do 539
business; 540

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 541
this section and except as otherwise provided in section 102.022 542

of the Revised Code, identification of every source of income, 543
other than income from a legislative agent identified in 544
division (A) (2) (b) (ii) of this section, received during the 545
preceding calendar year, in the person's own name or by any 546
other person for the person's use or benefit, by the person 547
filing the statement, and a brief description of the nature of 548
the services for which the income was received. If the person 549
filing the statement is a member of the general assembly, the 550
statement shall identify the amount of every source of income 551
received in accordance with the following ranges of amounts: 552
zero or more, but less than one thousand dollars; one thousand 553
dollars or more, but less than ten thousand dollars; ten 554
thousand dollars or more, but less than twenty-five thousand 555
dollars; twenty-five thousand dollars or more, but less than 556
fifty thousand dollars; fifty thousand dollars or more, but less 557
than one hundred thousand dollars; and one hundred thousand 558
dollars or more. Division (A) (2) (b) (i) of this section shall not 559
be construed to require a person filing the statement who 560
derives income from a business or profession to disclose the 561
individual items of income that constitute the gross income of 562
that business or profession, except for those individual items 563
of income that are attributable to the person's or, if the 564
income is shared with the person, the partner's, solicitation of 565
services or goods or performance, arrangement, or facilitation 566
of services or provision of goods on behalf of the business or 567
profession of clients, including corporate clients, who are 568
legislative agents. A person who files the statement under this 569
section shall disclose the identity of and the amount of income 570
received from a person who the public official or employee knows 571
or has reason to know is doing or seeking to do business of any 572
kind with the public official's or employee's agency. 573

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

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

the name, other identity, or address of a client, patient, or 605
other recipient of professional services if the disclosure would 606
threaten the client, patient, or other recipient of professional 607
services, would reveal details of the subject matter for which 608
legal, medical, or professional advice or other services were 609
sought, or would reveal an otherwise privileged communication 610
involving the client, patient, or other recipient of 611
professional services. Division (A) (2) (b) (i) of this section 612
does not require an attorney, physician, or other professional 613
subject to a confidentiality requirement as described in 614
division (A) (2) (b) (iii) of this section to disclose in the brief 615
description of the nature of services required by division (A) 616
(2) (b) (i) of this section any information pertaining to specific 617
professional services rendered for a client, patient, or other 618
recipient of professional services that would reveal details of 619
the subject matter for which legal, medical, or professional 620
advice was sought or would reveal an otherwise privileged 621
communication involving the client, patient, or other recipient 622
of professional services. 623

(c) The name of every corporation on file with the 624
secretary of state that is incorporated in this state or holds a 625
certificate of compliance authorizing it to do business in this 626
state, trust, business trust, partnership, or association that 627
transacts business in this state in which the person filing the 628
statement or any other person for the person's use and benefit 629
had during the preceding calendar year an investment of over one 630
thousand dollars at fair market value as of the thirty-first day 631
of December of the preceding calendar year, or the date of 632
disposition, whichever is earlier, or in which the person holds 633
any office or has a fiduciary relationship, and a description of 634
the nature of the investment, office, or relationship. Division 635

(A) (2) (c) of this section does not require disclosure of the 636
name of any bank, savings and loan association, credit union, or 637
building and loan association with which the person filing the 638
statement has a deposit or a withdrawable share account. 639

(d) All fee simple and leasehold interests to which the 640
person filing the statement holds legal title to or a beneficial 641
interest in real property located within the state, excluding 642
the person's residence and property used primarily for personal 643
recreation; 644

(e) The names of all persons residing or transacting 645
business in the state to whom the person filing the statement 646
owes, in the person's own name or in the name of any other 647
person, more than one thousand dollars. Division (A) (2) (e) of 648
this section shall not be construed to require the disclosure of 649
debts owed by the person resulting from the ordinary conduct of 650
a business or profession or debts on the person's residence or 651
real property used primarily for personal recreation, except 652
that the superintendent of financial institutions and any deputy 653
superintendent of banks shall disclose the names of all state- 654
chartered banks and all bank subsidiary corporations subject to 655
regulation under section 1109.44 of the Revised Code to whom the 656
superintendent or deputy superintendent owes any money. 657

(f) The names of all persons residing or transacting 658
business in the state, other than a depository excluded under 659
division (A) (2) (c) of this section, who owe more than one 660
thousand dollars to the person filing the statement, either in 661
the person's own name or to any person for the person's use or 662
benefit. Division (A) (2) (f) of this section shall not be 663
construed to require the disclosure of clients of attorneys or 664
persons licensed under section 4732.12 of the Revised Code, or 665

patients of persons licensed under section 4731.14 of the 666
Revised Code, nor the disclosure of debts owed to the person 667
resulting from the ordinary conduct of a business or profession. 668

(g) Except as otherwise provided in section 102.022 of the 669
Revised Code, the source of each gift of over seventy-five 670
dollars, or of each gift of over twenty-five dollars received by 671
a member of the general assembly from a legislative agent, 672
received by the person in the person's own name or by any other 673
person for the person's use or benefit during the preceding 674
calendar year, except gifts received by will or by virtue of 675
section 2105.06 of the Revised Code, or received from spouses, 676
parents, grandparents, children, grandchildren, siblings, 677
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 678
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 679
or any person to whom the person filing the statement stands in 680
loco parentis, or received by way of distribution from any inter 681
vivos or testamentary trust established by a spouse or by an 682
ancestor; 683

(h) Except as otherwise provided in section 102.022 of the 684
Revised Code, identification of the source and amount of every 685
payment of expenses incurred for travel to destinations inside 686
or outside this state that is received by the person in the 687
person's own name or by any other person for the person's use or 688
benefit and that is incurred in connection with the person's 689
official duties, except for expenses for travel to meetings or 690
conventions of a national or state organization to which any 691
state agency, including, but not limited to, any legislative 692
agency or state institution of higher education as defined in 693
section 3345.011 of the Revised Code, pays membership dues, or 694
any political subdivision or any office or agency of a political 695
subdivision pays membership dues; 696

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

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

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

(4) A person who is required to file a statement under this section shall file that statement according to the

following deadlines, as applicable: 727

(a) Except as otherwise provided in divisions (A) (4) (b), 728
(c), and (d) of this section, the person shall file the 729
statement not later than the fifteenth day of May of each year. 730

(b) A person who is a candidate for elective office shall 731
file the statement no later than the thirtieth day before the 732
primary, special, or general election at which the candidacy is 733
to be voted on, whichever election occurs soonest, except that a 734
person who is a write-in candidate shall file the statement no 735
later than the twentieth day before the earliest election at 736
which the person's candidacy is to be voted on. 737

(c) A person who is appointed to fill a vacancy for an 738
unexpired term in an elective office shall file the statement 739
within fifteen days after the person qualifies for office. 740

(d) A person who is appointed or employed after the 741
fifteenth day of May, other than a person described in division 742
(A) (4) (c) of this section, shall file an annual statement within 743
ninety days after appointment or employment. 744

(5) No person shall be required to file with the 745
appropriate ethics commission more than one statement or pay 746
more than one filing fee for any one calendar year. 747

(6) The appropriate ethics commission, for good cause, may 748
extend for a reasonable time the deadline for filing a statement 749
under this section. 750

(7) A statement filed under this section is subject to 751
public inspection at locations designated by the appropriate 752
ethics commission except as otherwise provided in this section. 753

(B) The Ohio ethics commission, the joint legislative 754

ethics committee, and the board of commissioners on grievances 755
and discipline of the supreme court, using the rule-making 756
procedures of Chapter 119. of the Revised Code, may require any 757
class of public officials or employees under its jurisdiction 758
and not specifically excluded by this section whose positions 759
involve a substantial and material exercise of administrative 760
discretion in the formulation of public policy, expenditure of 761
public funds, enforcement of laws and rules of the state or a 762
county or city, or the execution of other public trusts, to file 763
an annual statement under division (A) of this section. The 764
appropriate ethics commission shall send the public officials or 765
employees written notice of the requirement not less than thirty 766
days before the applicable filing deadline unless the public 767
official or employee is appointed after that date, in which case 768
the notice shall be sent within thirty days after appointment, 769
and the filing shall be made not later than ninety days after 770
appointment. 771

Disclosure statements filed under this division with the 772
Ohio ethics commission by members of boards, commissions, or 773
bureaus of the state for which no compensation is received other 774
than reasonable and necessary expenses shall be kept 775
confidential. Disclosure statements filed with the Ohio ethics 776
commission under division (A) of this section by business 777
managers, treasurers, and superintendents of city, local, 778
exempted village, joint vocational, or cooperative education 779
school districts or educational service centers shall be kept 780
confidential, except that any person conducting an audit of any 781
such school district or educational service center pursuant to 782
Chapter 117. of the Revised Code may examine the disclosure 783
statement of any business manager, treasurer, or superintendent 784
of that school district or educational service center. 785

Disclosure statements filed with the Ohio ethics commission 786
under division (A) of this section by the individuals set forth 787
in division (B) (2) of section 187.03 of the Revised Code shall 788
be kept confidential. The Ohio ethics commission shall examine 789
each disclosure statement required to be kept confidential to 790
determine whether a potential conflict of interest exists for 791
the person who filed the disclosure statement. A potential 792
conflict of interest exists if the private interests of the 793
person, as indicated by the person's disclosure statement, might 794
interfere with the public interests the person is required to 795
serve in the exercise of the person's authority and duties in 796
the person's office or position of employment. If the commission 797
determines that a potential conflict of interest exists, it 798
shall notify the person who filed the disclosure statement and 799
shall make the portions of the disclosure statement that 800
indicate a potential conflict of interest subject to public 801
inspection in the same manner as is provided for other 802
disclosure statements. Any portion of the disclosure statement 803
that the commission determines does not indicate a potential 804
conflict of interest shall be kept confidential by the 805
commission and shall not be made subject to public inspection, 806
except as is necessary for the enforcement of Chapters 102. and 807
2921. of the Revised Code and except as otherwise provided in 808
this division. 809

(C) No person shall knowingly fail to file, on or before 810
the applicable filing deadline established under this section, a 811
statement that is required by this section. 812

(D) No person shall knowingly file a false statement that 813
is required to be filed under this section. 814

(E) (1) Except as provided in divisions (E) (2) and (3) of 815

this section, the statement required by division (A) or (B) of 816
this section shall be accompanied by a filing fee of sixty 817
dollars. 818

(2) The statement required by division (A) of this section 819
shall be accompanied by the following filing fee to be paid by 820
the person who is elected or appointed to, or is a candidate 821
for, any of the following offices: 822

823

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2

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

(3) No judge of a court of record or candidate for judge 824

of a court of record, and no referee or magistrate serving a 825
court of record, shall be required to pay the fee required under 826
division (E) (1) or (2) or (F) of this section. 827

(4) For any public official who is appointed to a 828
nonelective office of the state and for any employee who holds a 829
nonelective position in a public agency of the state, the state 830
agency that is the primary employer of the state official or 831
employee shall pay the fee required under division (E) (1) or (F) 832
of this section. 833

(F) If a statement required to be filed under this section 834
is not filed by the date on which it is required to be filed, 835
the appropriate ethics commission shall assess the person 836
required to file the statement a late filing fee of ten dollars 837
for each day the statement is not filed, except that the total 838
amount of the late filing fee shall not exceed two hundred fifty 839
dollars. 840

(G) (1) The appropriate ethics commission other than the 841
Ohio ethics commission and the joint legislative ethics 842
committee shall deposit all fees it receives under divisions (E) 843
and (F) of this section into the general revenue fund of the 844
state. 845

(2) The Ohio ethics commission shall deposit all receipts, 846
including, but not limited to, fees it receives under divisions 847
(E) and (F) of this section, investigative or other fees, costs, 848
or other funds it receives as a result of court orders, and all 849
moneys it receives from settlements under division (G) of 850
section 102.06 of the Revised Code, into the Ohio ethics 851
commission fund, which is hereby created in the state treasury. 852
All moneys credited to the fund shall be used solely for 853
expenses related to the operation and statutory functions of the 854

commission. 855

(3) The joint legislative ethics committee shall deposit 856
all receipts it receives from the payment of financial 857
disclosure statement filing fees under divisions (E) and (F) of 858
this section into the joint legislative ethics committee 859
investigative and financial disclosure fund. 860

(H) Division (A) of this section does not apply to a 861
person elected or appointed to the office of precinct, ward, or 862
district committee member under Chapter 3517. of the Revised 863
Code; a presidential elector; a delegate to a national 864
convention; village or township officials and employees; any 865
physician or psychiatrist who is paid a salary or wage in 866
accordance with schedule C of section 124.15 or schedule E-2 of 867
section 124.152 of the Revised Code and whose primary duties do 868
not require the exercise of administrative discretion; or any 869
member of a board, commission, or bureau of any county or city 870
who receives less than one thousand dollars per year for serving 871
in that position. 872

Sec. 109.57. (A) (1) The superintendent of the bureau of 873
criminal identification and investigation shall procure from 874
wherever procurable and file for record photographs, pictures, 875
descriptions, fingerprints, measurements, and other information 876
that may be pertinent of all persons who have been convicted of 877
committing within this state a felony, any crime constituting a 878
misdemeanor on the first offense and a felony on subsequent 879
offenses, or any misdemeanor described in division (A) (1) (a), 880
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 881
of all children under eighteen years of age who have been 882
adjudicated delinquent children for committing within this state 883
an act that would be a felony or an offense of violence if 884

committed by an adult or who have been convicted of or pleaded 885
guilty to committing within this state a felony or an offense of 886
violence, and of all well-known and habitual criminals. The 887
person in charge of any county, multicounty, municipal, 888
municipal-county, or multicounty-municipal jail or workhouse, 889
community-based correctional facility, halfway house, 890
alternative residential facility, or state correctional 891
institution and the person in charge of any state institution 892
having custody of a person suspected of having committed a 893
felony, any crime constituting a misdemeanor on the first 894
offense and a felony on subsequent offenses, or any misdemeanor 895
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 896
section 109.572 of the Revised Code or having custody of a child 897
under eighteen years of age with respect to whom there is 898
probable cause to believe that the child may have committed an 899
act that would be a felony or an offense of violence if 900
committed by an adult shall furnish such material to the 901
superintendent of the bureau. Fingerprints, photographs, or 902
other descriptive information of a child who is under eighteen 903
years of age, has not been arrested or otherwise taken into 904
custody for committing an act that would be a felony or an 905
offense of violence who is not in any other category of child 906
specified in this division, if committed by an adult, has not 907
been adjudicated a delinquent child for committing an act that 908
would be a felony or an offense of violence if committed by an 909
adult, has not been convicted of or pleaded guilty to committing 910
a felony or an offense of violence, and is not a child with 911
respect to whom there is probable cause to believe that the 912
child may have committed an act that would be a felony or an 913
offense of violence if committed by an adult shall not be 914
procured by the superintendent or furnished by any person in 915
charge of any county, multicounty, municipal, municipal-county, 916

or multicounty-municipal jail or workhouse, community-based 917
correctional facility, halfway house, alternative residential 918
facility, or state correctional institution, except as 919
authorized in section 2151.313 of the Revised Code. 920

(2) Every clerk of a court of record in this state, other 921
than the supreme court or a court of appeals, shall send to the 922
superintendent of the bureau a weekly report containing a 923
summary of each case involving a felony, involving any crime 924
constituting a misdemeanor on the first offense and a felony on 925
subsequent offenses, involving a misdemeanor described in 926
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 927
of the Revised Code, or involving an adjudication in a case in 928
which a child under eighteen years of age was alleged to be a 929
delinquent child for committing an act that would be a felony or 930
an offense of violence if committed by an adult. The clerk of 931
the court of common pleas shall include in the report and 932
summary the clerk sends under this division all information 933
described in divisions (A) (2) (a) to (f) of this section 934
regarding a case before the court of appeals that is served by 935
that clerk. The summary shall be written on the standard forms 936
furnished by the superintendent pursuant to division (B) of this 937
section and shall include the following information: 938

(a) The incident tracking number contained on the standard 939
forms furnished by the superintendent pursuant to division (B) 940
of this section; 941

(b) The style and number of the case; 942

(c) The date of arrest, offense, summons, or arraignment; 943

(d) The date that the person was convicted of or pleaded 944
guilty to the offense, adjudicated a delinquent child for 945

committing the act that would be a felony or an offense of 946
violence if committed by an adult, found not guilty of the 947
offense, or found not to be a delinquent child for committing an 948
act that would be a felony or an offense of violence if 949
committed by an adult, the date of an entry dismissing the 950
charge, an entry declaring a mistrial of the offense in which 951
the person is discharged, an entry finding that the person or 952
child is not competent to stand trial, or an entry of a nolle 953
prosequi, or the date of any other determination that 954
constitutes final resolution of the case; 955

(e) A statement of the original charge with the section of 956
the Revised Code that was alleged to be violated; 957

(f) If the person or child was convicted, pleaded guilty, 958
or was adjudicated a delinquent child, the sentence or terms of 959
probation imposed or any other disposition of the offender or 960
the delinquent child. 961

If the offense involved the disarming of a law enforcement 962
officer or an attempt to disarm a law enforcement officer, the 963
clerk shall clearly state that fact in the summary, and the 964
superintendent shall ensure that a clear statement of that fact 965
is placed in the bureau's records. 966

(3) The superintendent shall cooperate with and assist 967
sheriffs, chiefs of police, and other law enforcement officers 968
in the establishment of a complete system of criminal 969
identification and in obtaining fingerprints and other means of 970
identification of all persons arrested on a charge of a felony, 971
any crime constituting a misdemeanor on the first offense and a 972
felony on subsequent offenses, or a misdemeanor described in 973
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 974
of the Revised Code and of all children under eighteen years of 975

age arrested or otherwise taken into custody for committing an 976
act that would be a felony or an offense of violence if 977
committed by an adult. The superintendent also shall file for 978
record the fingerprint impressions of all persons confined in a 979
county, multicounty, municipal, municipal-county, or 980
multicounty-municipal jail or workhouse, community-based 981
correctional facility, halfway house, alternative residential 982
facility, or state correctional institution for the violation of 983
state laws and of all children under eighteen years of age who 984
are confined in a county, multicounty, municipal, municipal- 985
county, or multicounty-municipal jail or workhouse, community- 986
based correctional facility, halfway house, alternative 987
residential facility, or state correctional institution or in 988
any facility for delinquent children for committing an act that 989
would be a felony or an offense of violence if committed by an 990
adult, and any other information that the superintendent may 991
receive from law enforcement officials of the state and its 992
political subdivisions. 993

(4) The superintendent shall carry out Chapter 2950. of 994
the Revised Code with respect to the registration of persons who 995
are convicted of or plead guilty to a sexually oriented offense 996
or a child-victim oriented offense and with respect to all other 997
duties imposed on the bureau under that chapter. 998

(5) The bureau shall perform centralized recordkeeping 999
functions for criminal history records and services in this 1000
state for purposes of the national crime prevention and privacy 1001
compact set forth in section 109.571 of the Revised Code and is 1002
the criminal history record repository as defined in that 1003
section for purposes of that compact. The superintendent or the 1004
superintendent's designee is the compact officer for purposes of 1005
that compact and shall carry out the responsibilities of the 1006

compact officer specified in that compact. 1007

(6) The superintendent shall, upon request, assist a 1008
county coroner in the identification of a deceased person 1009
through the use of fingerprint impressions obtained pursuant to 1010
division (A) (1) of this section or collected pursuant to section 1011
109.572 or 311.41 of the Revised Code. 1012

(B) The superintendent shall prepare and furnish to every 1013
county, multicounty, municipal, municipal-county, or 1014
multicounty-municipal jail or workhouse, community-based 1015
correctional facility, halfway house, alternative residential 1016
facility, or state correctional institution and to every clerk 1017
of a court in this state specified in division (A) (2) of this 1018
section standard forms for reporting the information required 1019
under division (A) of this section. The standard forms that the 1020
superintendent prepares pursuant to this division may be in a 1021
tangible format, in an electronic format, or in both tangible 1022
formats and electronic formats. 1023

(C) (1) The superintendent may operate a center for 1024
electronic, automated, or other data processing for the storage 1025
and retrieval of information, data, and statistics pertaining to 1026
criminals and to children under eighteen years of age who are 1027
adjudicated delinquent children for committing an act that would 1028
be a felony or an offense of violence if committed by an adult, 1029
criminal activity, crime prevention, law enforcement, and 1030
criminal justice, and may establish and operate a statewide 1031
communications network to be known as the Ohio law enforcement 1032
gateway to gather and disseminate information, data, and 1033
statistics for the use of law enforcement agencies and for other 1034
uses specified in this division. The superintendent may gather, 1035
store, retrieve, and disseminate information, data, and 1036

statistics that pertain to children who are under eighteen years 1037
of age and that are gathered pursuant to sections 109.57 to 1038
109.61 of the Revised Code together with information, data, and 1039
statistics that pertain to adults and that are gathered pursuant 1040
to those sections. 1041

(2) The superintendent or the superintendent's designee 1042
shall gather information of the nature described in division (C) 1043
(1) of this section that pertains to the offense and delinquency 1044
history of a person who has been convicted of, pleaded guilty 1045
to, or been adjudicated a delinquent child for committing a 1046
sexually oriented offense or a child-victim oriented offense for 1047
inclusion in the state registry of sex offenders and child- 1048
victim offenders maintained pursuant to division (A)(1) of 1049
section 2950.13 of the Revised Code and in the internet database 1050
operated pursuant to division (A)(13) of that section and for 1051
possible inclusion in the internet database operated pursuant to 1052
division (A)(11) of that section. 1053

(3) In addition to any other authorized use of 1054
information, data, and statistics of the nature described in 1055
division (C)(1) of this section, the superintendent or the 1056
superintendent's designee may provide and exchange the 1057
information, data, and statistics pursuant to the national crime 1058
prevention and privacy compact as described in division (A)(5) 1059
of this section. 1060

(4) The Ohio law enforcement gateway shall contain the 1061
name, confidential address, and telephone number of program 1062
participants in the address confidentiality program established 1063
under sections 111.41 to 111.47 of the Revised Code. 1064

(5) The attorney general may adopt rules under Chapter 1065
119. of the Revised Code establishing guidelines for the 1066

operation of and participation in the Ohio law enforcement 1067
gateway. The rules may include criteria for granting and 1068
restricting access to information gathered and disseminated 1069
through the Ohio law enforcement gateway. The attorney general 1070
shall adopt rules under Chapter 119. of the Revised Code that 1071
grant access to information in the gateway regarding an address 1072
confidentiality program participant under sections 111.41 to 1073
111.47 of the Revised Code to only chiefs of police, village 1074
marshals, county sheriffs, county prosecuting attorneys, and a 1075
designee of each of these individuals. The attorney general 1076
shall permit the state medical board and board of nursing to 1077
access and view, but not alter, information gathered and 1078
disseminated through the Ohio law enforcement gateway. 1079

The attorney general may appoint a steering committee to 1080
advise the attorney general in the operation of the Ohio law 1081
enforcement gateway that is comprised of persons who are 1082
representatives of the criminal justice agencies in this state 1083
that use the Ohio law enforcement gateway and is chaired by the 1084
superintendent or the superintendent's designee. 1085

(D) (1) The following are not public records under section 1086
149.43 of the Revised Code: 1087

(a) Information and materials furnished to the 1088
superintendent pursuant to division (A) of this section; 1089

(b) Information, data, and statistics gathered or 1090
disseminated through the Ohio law enforcement gateway pursuant 1091
to division (C) (1) of this section; 1092

(c) Information and materials furnished to any board or 1093
person under division (F) or (G) of this section. 1094

(2) The superintendent or the superintendent's designee 1095

shall gather and retain information so furnished under division 1096
(A) of this section that pertains to the offense and delinquency 1097
history of a person who has been convicted of, pleaded guilty 1098
to, or been adjudicated a delinquent child for committing a 1099
sexually oriented offense or a child-victim oriented offense for 1100
the purposes described in division (C) (2) of this section. 1101

(E) (1) The attorney general shall adopt rules, in 1102
accordance with Chapter 119. of the Revised Code and subject to 1103
division (E) (2) of this section, setting forth the procedure by 1104
which a person may receive or release information gathered by 1105
the superintendent pursuant to division (A) of this section. A 1106
reasonable fee may be charged for this service. If a temporary 1107
employment service submits a request for a determination of 1108
whether a person the service plans to refer to an employment 1109
position has been convicted of or pleaded guilty to an offense 1110
listed or described in division (A) (1), (2), or (3) of section 1111
109.572 of the Revised Code, the request shall be treated as a 1112
single request and only one fee shall be charged. 1113

(2) Except as otherwise provided in this division or 1114
division (E) (3) or (4) of this section, a rule adopted under 1115
division (E) (1) of this section may provide only for the release 1116
of information gathered pursuant to division (A) of this section 1117
that relates to the conviction of a person, or a person's plea 1118
of guilty to, a criminal offense or to the arrest of a person as 1119
provided in division (E) (3) of this section. The superintendent 1120
shall not release, and the attorney general shall not adopt any 1121
rule under division (E) (1) of this section that permits the 1122
release of, any information gathered pursuant to division (A) of 1123
this section that relates to an adjudication of a child as a 1124
delinquent child, or that relates to a criminal conviction of a 1125
person under eighteen years of age if the person's case was 1126

transferred back to a juvenile court under division (B) (2) or 1127
(3) of section 2152.121 of the Revised Code and the juvenile 1128
court imposed a disposition or serious youthful offender 1129
disposition upon the person under either division, unless either 1130
of the following applies with respect to the adjudication or 1131
conviction: 1132

(a) The adjudication or conviction was for a violation of 1133
section 2903.01 or 2903.02 of the Revised Code. 1134

(b) The adjudication or conviction was for a sexually 1135
oriented offense, the juvenile court was required to classify 1136
the child a juvenile offender registrant for that offense under 1137
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1138
classification has not been removed, and the records of the 1139
adjudication or conviction have not been sealed or expunged 1140
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 1141
section 2952.32 of the Revised Code. 1142

(3) A rule adopted under division (E) (1) of this section 1143
may provide for the release of information gathered pursuant to 1144
division (A) of this section that relates to the arrest of a 1145
person who is eighteen years of age or older when the person has 1146
not been convicted as a result of that arrest if any of the 1147
following applies: 1148

(a) The arrest was made outside of this state. 1149

(b) A criminal action resulting from the arrest is 1150
pending, and the superintendent confirms that the criminal 1151
action has not been resolved at the time the criminal records 1152
check is performed. 1153

(c) The bureau cannot reasonably determine whether a 1154
criminal action resulting from the arrest is pending, and not 1155

more than one year has elapsed since the date of the arrest. 1156

(4) A rule adopted under division (E) (1) of this section 1157
may provide for the release of information gathered pursuant to 1158
division (A) of this section that relates to an adjudication of 1159
a child as a delinquent child if not more than five years have 1160
elapsed since the date of the adjudication, the adjudication was 1161
for an act that would have been a felony if committed by an 1162
adult, the records of the adjudication have not been sealed or 1163
expunged pursuant to sections 2151.355 to 2151.358 of the 1164
Revised Code, and the request for information is made under 1165
division (F) of this section or under section 109.572 of the 1166
Revised Code. In the case of an adjudication for a violation of 1167
the terms of community control or supervised release, the five- 1168
year period shall be calculated from the date of the 1169
adjudication to which the community control or supervised 1170
release pertains. 1171

(F) (1) As used in division (F) (2) of this section, "head 1172
start agency" means an entity in this state that has been 1173
approved to be an agency for purposes of subchapter II of the 1174
"Community Economic Development Act," 95 Stat. 489 (1981), 42 1175
U.S.C.A. 9831, as amended. 1176

(2) (a) In addition to or in conjunction with any request 1177
that is required to be made under section 109.572, 2151.86, 1178
3301.32, 3301.541, division (C) of section 3310.58, or section 1179
3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 1180
5153.111 of the Revised Code or that is made under section 1181
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1182
board of education of any school district; the director of 1183
developmental disabilities; any county board of developmental 1184
disabilities; any provider or subcontractor as defined in 1185

section 5123.081 of the Revised Code; the chief administrator of 1186
any chartered nonpublic school; the chief administrator of a 1187
registered private provider that is not also a chartered 1188
nonpublic school; the chief administrator of any home health 1189
agency; the chief administrator of or person operating any child 1190
day-care center, type A family day-care home, or type B family 1191
day-care home licensed under Chapter 5104. of the Revised Code; 1192
the chief administrator of any head start agency; the executive 1193
director of a public children services agency; a private company 1194
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 1195
the Revised Code; or an employer described in division (J) (2) of 1196
section 3327.10 of the Revised Code may request that the 1197
superintendent of the bureau investigate and determine, with 1198
respect to any individual who has applied for employment in any 1199
position after October 2, 1989, or any individual wishing to 1200
apply for employment with a board of education may request, with 1201
regard to the individual, whether the bureau has any information 1202
gathered under division (A) of this section that pertains to 1203
that individual. On receipt of the request, subject to division 1204
(E) (2) of this section, the superintendent shall determine 1205
whether that information exists and, upon request of the person, 1206
board, or entity requesting information, also shall request from 1207
the federal bureau of investigation any criminal records it has 1208
pertaining to that individual. The superintendent or the 1209
superintendent's designee also may request criminal history 1210
records from other states or the federal government pursuant to 1211
the national crime prevention and privacy compact set forth in 1212
section 109.571 of the Revised Code. Within thirty days of the 1213
date that the superintendent receives a request, subject to 1214
division (E) (2) of this section, the superintendent shall send 1215
to the board, entity, or person a report of any information that 1216
the superintendent determines exists, including information 1217

contained in records that have been sealed under section 2953.32 1218
of the Revised Code, and, within thirty days of its receipt, 1219
subject to division (E) (2) of this section, shall send the 1220
board, entity, or person a report of any information received 1221
from the federal bureau of investigation, other than information 1222
the dissemination of which is prohibited by federal law. 1223

(b) When a board of education or a registered private 1224
provider is required to receive information under this section 1225
as a prerequisite to employment of an individual pursuant to 1226
division (C) of section 3310.58 or section 3319.39 of the 1227
Revised Code, it may accept a certified copy of records that 1228
were issued by the bureau of criminal identification and 1229
investigation and that are presented by an individual applying 1230
for employment with the district in lieu of requesting that 1231
information itself. In such a case, the board shall accept the 1232
certified copy issued by the bureau in order to make a photocopy 1233
of it for that individual's employment application documents and 1234
shall return the certified copy to the individual. In a case of 1235
that nature, a district or provider only shall accept a 1236
certified copy of records of that nature within one year after 1237
the date of their issuance by the bureau. 1238

(c) Notwithstanding division (F) (2) (a) of this section, in 1239
the case of a request under section 3319.39, 3319.391, or 1240
3327.10 of the Revised Code only for criminal records maintained 1241
by the federal bureau of investigation, the superintendent shall 1242
not determine whether any information gathered under division 1243
(A) of this section exists on the person for whom the request is 1244
made. 1245

(3) The state board of education or the department of 1246
education and workforce may request, with respect to any 1247

individual who has applied for employment after October 2, 1989, 1248
in any position with the state board or the department of 1249
education and workforce, any information that a school district 1250
board of education is authorized to request under division (F) 1251
(2) of this section, and the superintendent of the bureau shall 1252
proceed as if the request has been received from a school 1253
district board of education under division (F)(2) of this 1254
section. 1255

(4) When the superintendent of the bureau receives a 1256
request for information under section 3319.291 of the Revised 1257
Code, the superintendent shall proceed as if the request has 1258
been received from a school district board of education and 1259
shall comply with divisions (F)(2)(a) and (c) of this section. 1260

(G) In addition to or in conjunction with any request that 1261
is required to be made under section 3712.09, 3721.121, or 1262
3740.11 of the Revised Code with respect to an individual who 1263
has applied for employment in a position that involves providing 1264
direct care to an older adult or adult resident, the chief 1265
administrator of a home health agency, hospice care program, 1266
home licensed under Chapter 3721. of the Revised Code, or adult 1267
day-care program operated pursuant to rules adopted under 1268
section 3721.04 of the Revised Code may request that the 1269
superintendent of the bureau investigate and determine, with 1270
respect to any individual who has applied after January 27, 1271
1997, for employment in a position that does not involve 1272
providing direct care to an older adult or adult resident, 1273
whether the bureau has any information gathered under division 1274
(A) of this section that pertains to that individual. 1275

In addition to or in conjunction with any request that is 1276
required to be made under section 173.27 of the Revised Code 1277

with respect to an individual who has applied for employment in 1278
a position that involves providing ombudsman services to 1279
residents of long-term care facilities or recipients of 1280
community-based long-term care services, the state long-term 1281
care ombudsman, the director of aging, a regional long-term care 1282
ombudsman program, or the designee of the ombudsman, director, 1283
or program may request that the superintendent investigate and 1284
determine, with respect to any individual who has applied for 1285
employment in a position that does not involve providing such 1286
ombudsman services, whether the bureau has any information 1287
gathered under division (A) of this section that pertains to 1288
that applicant. 1289

In addition to or in conjunction with any request that is 1290
required to be made under section 173.38 of the Revised Code 1291
with respect to an individual who has applied for employment in 1292
a direct-care position, the chief administrator of a provider, 1293
as defined in section 173.39 of the Revised Code, may request 1294
that the superintendent investigate and determine, with respect 1295
to any individual who has applied for employment in a position 1296
that is not a direct-care position, whether the bureau has any 1297
information gathered under division (A) of this section that 1298
pertains to that applicant. 1299

In addition to or in conjunction with any request that is 1300
required to be made under section 3712.09 of the Revised Code 1301
with respect to an individual who has applied for employment in 1302
a position that involves providing direct care to a pediatric 1303
respite care patient, the chief administrator of a pediatric 1304
respite care program may request that the superintendent of the 1305
bureau investigate and determine, with respect to any individual 1306
who has applied for employment in a position that does not 1307
involve providing direct care to a pediatric respite care 1308

patient, whether the bureau has any information gathered under 1309
division (A) of this section that pertains to that individual. 1310

On receipt of a request under this division, the 1311
superintendent shall determine whether that information exists 1312
and, on request of the individual requesting information, shall 1313
also request from the federal bureau of investigation any 1314
criminal records it has pertaining to the applicant. The 1315
superintendent or the superintendent's designee also may request 1316
criminal history records from other states or the federal 1317
government pursuant to the national crime prevention and privacy 1318
compact set forth in section 109.571 of the Revised Code. Within 1319
thirty days of the date a request is received, subject to 1320
division (E) (2) of this section, the superintendent shall send 1321
to the requester a report of any information determined to 1322
exist, including information contained in records that have been 1323
sealed under section 2953.32 of the Revised Code, and, within 1324
thirty days of its receipt, shall send the requester a report of 1325
any information received from the federal bureau of 1326
investigation, other than information the dissemination of which 1327
is prohibited by federal law. 1328

(H) Information obtained by a government entity or person 1329
under this section is confidential and shall not be released or 1330
disseminated. 1331

(I) The superintendent may charge a reasonable fee for 1332
providing information or criminal records under division (F) (2) 1333
or (G) of this section. 1334

(J) As used in this section: 1335

(1) "Pediatric respite care program" and "pediatric care 1336
patient" have the same meanings as in section 3712.01 of the 1337

Revised Code. 1338

(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 1339
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(3) "Registered private provider" means a nonpublic school or entity registered with the ~~superintendent of public instruction~~ department of education and workforce under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 1342
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Sec. 109.572. (A) (1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 1349
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 1360
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2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 1368
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 1369
of the Revised Code, felonious sexual penetration in violation 1370
of former section 2907.12 of the Revised Code, a violation of 1371
section 2905.04 of the Revised Code as it existed prior to July 1372
1, 1996, a violation of section 2919.23 of the Revised Code that 1373
would have been a violation of section 2905.04 of the Revised 1374
Code as it existed prior to July 1, 1996, had the violation been 1375
committed prior to that date, or a violation of section 2925.11 1376
of the Revised Code that is not a minor drug possession offense; 1377

(b) A violation of an existing or former law of this 1378
state, any other state, or the United States that is 1379
substantially equivalent to any of the offenses listed in 1380
division (A) (1) (a) of this section; 1381

(c) If the request is made pursuant to section 3319.39 of 1382
the Revised Code for an applicant who is a teacher, any offense 1383
specified under section 9.79 of the Revised Code or in section 1384
3319.31 of the Revised Code. 1385

(2) On receipt of a request pursuant to section 3712.09 or 1386
3721.121 of the Revised Code, a completed form prescribed 1387
pursuant to division (C) (1) of this section, and a set of 1388
fingerprint impressions obtained in the manner described in 1389
division (C) (2) of this section, the superintendent of the 1390
bureau of criminal identification and investigation shall 1391
conduct a criminal records check with respect to any person who 1392
has applied for employment in a position for which a criminal 1393
records check is required by those sections. The superintendent 1394
shall conduct the criminal records check in the manner described 1395
in division (B) of this section to determine whether any 1396
information exists that indicates that the person who is the 1397

subject of the request previously has been convicted of or 1398
pleaded guilty to any of the following: 1399

(a) A violation of section 2903.01, 2903.02, 2903.03, 1400
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1401
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1402
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1403
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1404
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1405
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1406
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1407
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1408

(b) An existing or former law of this state, any other 1409
state, or the United States that is substantially equivalent to 1410
any of the offenses listed in division (A) (2) (a) of this 1411
section. 1412

(3) On receipt of a request pursuant to section 173.27, 1413
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 1414
5123.081, or 5123.169 of the Revised Code, a completed form 1415
prescribed pursuant to division (C) (1) of this section, and a 1416
set of fingerprint impressions obtained in the manner described 1417
in division (C) (2) of this section, the superintendent of the 1418
bureau of criminal identification and investigation shall 1419
conduct a criminal records check of the person for whom the 1420
request is made. The superintendent shall conduct the criminal 1421
records check in the manner described in division (B) of this 1422
section to determine whether any information exists that 1423
indicates that the person who is the subject of the request 1424
previously has been convicted of, has pleaded guilty to, or 1425
(except in the case of a request pursuant to section 5164.34, 1426
5164.341, or 5164.342 of the Revised Code) has been found 1427

eligible for intervention in lieu of conviction for any of the 1428
following, regardless of the date of the conviction, the date of 1429
entry of the guilty plea, or (except in the case of a request 1430
pursuant to section 5164.34, 5164.341, or 5164.342 of the 1431
Revised Code) the date the person was found eligible for 1432
intervention in lieu of conviction: 1433

(a) A violation of section 959.13, 959.131, 2903.01, 1434
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 1435
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 1436
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 1437
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1438
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 1439
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 1440
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 1441
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 1442
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 1443
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1444
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1445
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 1446
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 1447
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 1448
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 1449
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1450
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 1451
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 1452
of the Revised Code; 1453

(b) Felonious sexual penetration in violation of former 1454
section 2907.12 of the Revised Code; 1455

(c) A violation of section 2905.04 of the Revised Code as 1456
it existed prior to July 1, 1996; 1457

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

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

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

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996,

a violation of section 2919.23 of the Revised Code that would 1488
have been a violation of section 2905.04 of the Revised Code as 1489
it existed prior to July 1, 1996, had the violation been 1490
committed prior to that date, a violation of section 2925.11 of 1491
the Revised Code that is not a minor drug possession offense, 1492
two or more OVI or OVUAC violations committed within the three 1493
years immediately preceding the submission of the application or 1494
petition that is the basis of the request, or felonious sexual 1495
penetration in violation of former section 2907.12 of the 1496
Revised Code; 1497

(b) A violation of an existing or former law of this 1498
state, any other state, or the United States that is 1499
substantially equivalent to any of the offenses listed in 1500
division (A)(4)(a) of this section. 1501

(5) Upon receipt of a request pursuant to section 5104.013 1502
of the Revised Code, a completed form prescribed pursuant to 1503
division (C)(1) of this section, and a set of fingerprint 1504
impressions obtained in the manner described in division (C)(2) 1505
of this section, the superintendent of the bureau of criminal 1506
identification and investigation shall conduct a criminal 1507
records check in the manner described in division (B) of this 1508
section to determine whether any information exists that 1509
indicates that the person who is the subject of the request has 1510
been convicted of or pleaded guilty to any of the following: 1511

(a) A violation of section 2151.421, 2903.01, 2903.02, 1512
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1513
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1514
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1515
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1516
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1517

2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 1518
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 1519
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 1520
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1521
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1522
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 1523
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 1524
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1525
3716.11 of the Revised Code, felonious sexual penetration in 1526
violation of former section 2907.12 of the Revised Code, a 1527
violation of section 2905.04 of the Revised Code as it existed 1528
prior to July 1, 1996, a violation of section 2919.23 of the 1529
Revised Code that would have been a violation of section 2905.04 1530
of the Revised Code as it existed prior to July 1, 1996, had the 1531
violation been committed prior to that date, a violation of 1532
section 2925.11 of the Revised Code that is not a minor drug 1533
possession offense, a violation of section 2923.02 or 2923.03 of 1534
the Revised Code that relates to a crime specified in this 1535
division, or a second violation of section 4511.19 of the 1536
Revised Code within five years of the date of application for 1537
licensure or certification. 1538

(b) A violation of an existing or former law of this 1539
state, any other state, or the United States that is 1540
substantially equivalent to any of the offenses or violations 1541
described in division (A) (5) (a) of this section. 1542

(6) Upon receipt of a request pursuant to section 5153.111 1543
of the Revised Code, a completed form prescribed pursuant to 1544
division (C) (1) of this section, and a set of fingerprint 1545
impressions obtained in the manner described in division (C) (2) 1546
of this section, the superintendent of the bureau of criminal 1547
identification and investigation shall conduct a criminal 1548

records check in the manner described in division (B) of this 1549
section to determine whether any information exists that 1550
indicates that the person who is the subject of the request 1551
previously has been convicted of or pleaded guilty to any of the 1552
following: 1553

(a) A violation of section 2903.01, 2903.02, 2903.03, 1554
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1555
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1556
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1557
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1558
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1559
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1560
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 1561
Code, felonious sexual penetration in violation of former 1562
section 2907.12 of the Revised Code, a violation of section 1563
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1564
a violation of section 2919.23 of the Revised Code that would 1565
have been a violation of section 2905.04 of the Revised Code as 1566
it existed prior to July 1, 1996, had the violation been 1567
committed prior to that date, or a violation of section 2925.11 1568
of the Revised Code that is not a minor drug possession offense; 1569

(b) A violation of an existing or former law of this 1570
state, any other state, or the United States that is 1571
substantially equivalent to any of the offenses listed in 1572
division (A) (6) (a) of this section. 1573

(7) On receipt of a request for a criminal records check 1574
from an individual pursuant to section 4749.03 or 4749.06 of the 1575
Revised Code, accompanied by a completed copy of the form 1576
prescribed in division (C) (1) of this section and a set of 1577
fingerprint impressions obtained in a manner described in 1578

division (C) (2) of this section, the superintendent of the 1579
bureau of criminal identification and investigation shall 1580
conduct a criminal records check in the manner described in 1581
division (B) of this section to determine whether any 1582
information exists indicating that the person who is the subject 1583
of the request has been convicted of or pleaded guilty to any 1584
criminal offense in this state or in any other state. If the 1585
individual indicates that a firearm will be carried in the 1586
course of business, the superintendent shall require information 1587
from the federal bureau of investigation as described in 1588
division (B) (2) of this section. Subject to division (F) of this 1589
section, the superintendent shall report the findings of the 1590
criminal records check and any information the federal bureau of 1591
investigation provides to the director of public safety. 1592

(8) On receipt of a request pursuant to section 1321.37, 1593
1321.53, or 4763.05 of the Revised Code, a completed form 1594
prescribed pursuant to division (C) (1) of this section, and a 1595
set of fingerprint impressions obtained in the manner described 1596
in division (C) (2) of this section, the superintendent of the 1597
bureau of criminal identification and investigation shall 1598
conduct a criminal records check with respect to any person who 1599
has applied for a license, permit, or certification from the 1600
department of commerce or a division in the department. The 1601
superintendent shall conduct the criminal records check in the 1602
manner described in division (B) of this section to determine 1603
whether any information exists that indicates that the person 1604
who is the subject of the request previously has been convicted 1605
of or pleaded guilty to any criminal offense in this state, any 1606
other state, or the United States. 1607

(9) On receipt of a request for a criminal records check 1608
from the treasurer of state under section 113.041 of the Revised 1609

Code or from an individual under section 928.03, 4701.08, 1610
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 1611
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1612
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 1613
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 1614
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 1615
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 1616
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 1617
Code, accompanied by a completed form prescribed under division 1618
(C) (1) of this section and a set of fingerprint impressions 1619
obtained in the manner described in division (C) (2) of this 1620
section, the superintendent of the bureau of criminal 1621
identification and investigation shall conduct a criminal 1622
records check in the manner described in division (B) of this 1623
section to determine whether any information exists that 1624
indicates that the person who is the subject of the request has 1625
been convicted of or pleaded guilty to any criminal offense in 1626
this state or any other state. Subject to division (F) of this 1627
section, the superintendent shall send the results of a check 1628
requested under section 113.041 of the Revised Code to the 1629
treasurer of state and shall send the results of a check 1630
requested under any of the other listed sections to the 1631
licensing board specified by the individual in the request. 1632

(10) On receipt of a request pursuant to section 124.74, 1633
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1634
Code, a completed form prescribed pursuant to division (C) (1) of 1635
this section, and a set of fingerprint impressions obtained in 1636
the manner described in division (C) (2) of this section, the 1637
superintendent of the bureau of criminal identification and 1638
investigation shall conduct a criminal records check in the 1639
manner described in division (B) of this section to determine 1640

whether any information exists that indicates that the person 1641
who is the subject of the request previously has been convicted 1642
of or pleaded guilty to any criminal offense under any existing 1643
or former law of this state, any other state, or the United 1644
States. 1645

(11) On receipt of a request for a criminal records check 1646
from an appointing or licensing authority under section 3772.07 1647
of the Revised Code, a completed form prescribed under division 1648
(C) (1) of this section, and a set of fingerprint impressions 1649
obtained in the manner prescribed in division (C) (2) of this 1650
section, the superintendent of the bureau of criminal 1651
identification and investigation shall conduct a criminal 1652
records check in the manner described in division (B) of this 1653
section to determine whether any information exists that 1654
indicates that the person who is the subject of the request 1655
previously has been convicted of or pleaded guilty or no contest 1656
to any offense under any existing or former law of this state, 1657
any other state, or the United States that makes the person 1658
ineligible for appointment or retention under section 3772.07 of 1659
the Revised Code or that is a disqualifying offense as defined 1660
in that section or substantially equivalent to a disqualifying 1661
offense, as applicable. 1662

(12) On receipt of a request pursuant to section 2151.33 1663
or 2151.412 of the Revised Code, a completed form prescribed 1664
pursuant to division (C) (1) of this section, and a set of 1665
fingerprint impressions obtained in the manner described in 1666
division (C) (2) of this section, the superintendent of the 1667
bureau of criminal identification and investigation shall 1668
conduct a criminal records check with respect to any person for 1669
whom a criminal records check is required under that section. 1670
The superintendent shall conduct the criminal records check in 1671

the manner described in division (B) of this section to 1672
determine whether any information exists that indicates that the 1673
person who is the subject of the request previously has been 1674
convicted of or pleaded guilty to any of the following: 1675

(a) A violation of section 2903.01, 2903.02, 2903.03, 1676
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1677
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1678
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1679
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1680
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1681
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1682
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1683
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1684

(b) An existing or former law of this state, any other 1685
state, or the United States that is substantially equivalent to 1686
any of the offenses listed in division (A)(12)(a) of this 1687
section. 1688

(13) On receipt of a request pursuant to section 3796.12 1689
of the Revised Code, a completed form prescribed pursuant to 1690
division (C)(1) of this section, and a set of fingerprint 1691
impressions obtained in a manner described in division (C)(2) of 1692
this section, the superintendent of the bureau of criminal 1693
identification and investigation shall conduct a criminal 1694
records check in the manner described in division (B) of this 1695
section to determine whether any information exists that 1696
indicates that the person who is the subject of the request 1697
previously has been convicted of or pleaded guilty to the 1698
following: 1699

(a) A disqualifying offense as specified in rules adopted 1700
under section 9.79 and division (B)(2)(b) of section 3796.03 of 1701

the Revised Code if the person who is the subject of the request 1702
is an administrator or other person responsible for the daily 1703
operation of, or an owner or prospective owner, officer or 1704
prospective officer, or board member or prospective board member 1705
of, an entity seeking a license from the department of commerce 1706
under Chapter 3796. of the Revised Code; 1707

(b) A disqualifying offense as specified in rules adopted 1708
under section 9.79 and division (B) (2) (b) of section 3796.04 of 1709
the Revised Code if the person who is the subject of the request 1710
is an administrator or other person responsible for the daily 1711
operation of, or an owner or prospective owner, officer or 1712
prospective officer, or board member or prospective board member 1713
of, an entity seeking a license from the state board of pharmacy 1714
under Chapter 3796. of the Revised Code. 1715

(14) On receipt of a request required by section 3796.13 1716
of the Revised Code, a completed form prescribed pursuant to 1717
division (C) (1) of this section, and a set of fingerprint 1718
impressions obtained in a manner described in division (C) (2) of 1719
this section, the superintendent of the bureau of criminal 1720
identification and investigation shall conduct a criminal 1721
records check in the manner described in division (B) of this 1722
section to determine whether any information exists that 1723
indicates that the person who is the subject of the request 1724
previously has been convicted of or pleaded guilty to the 1725
following: 1726

(a) A disqualifying offense as specified in rules adopted 1727
under division (B) (8) (a) of section 3796.03 of the Revised Code 1728
if the person who is the subject of the request is seeking 1729
employment with an entity licensed by the department of commerce 1730
under Chapter 3796. of the Revised Code; 1731

(b) A disqualifying offense as specified in rules adopted 1732
under division (B) (14) (a) of section 3796.04 of the Revised Code 1733
if the person who is the subject of the request is seeking 1734
employment with an entity licensed by the state board of 1735
pharmacy under Chapter 3796. of the Revised Code. 1736

(15) On receipt of a request pursuant to section 4768.06 1737
of the Revised Code, a completed form prescribed under division 1738
(C) (1) of this section, and a set of fingerprint impressions 1739
obtained in the manner described in division (C) (2) of this 1740
section, the superintendent of the bureau of criminal 1741
identification and investigation shall conduct a criminal 1742
records check in the manner described in division (B) of this 1743
section to determine whether any information exists indicating 1744
that the person who is the subject of the request has been 1745
convicted of or pleaded guilty to any criminal offense in this 1746
state or in any other state. 1747

(16) On receipt of a request pursuant to division (B) of 1748
section 4764.07 or division (A) of section 4735.143 of the 1749
Revised Code, a completed form prescribed under division (C) (1) 1750
of this section, and a set of fingerprint impressions obtained 1751
in the manner described in division (C) (2) of this section, the 1752
superintendent of the bureau of criminal identification and 1753
investigation shall conduct a criminal records check in the 1754
manner described in division (B) of this section to determine 1755
whether any information exists indicating that the person who is 1756
the subject of the request has been convicted of or pleaded 1757
guilty to any criminal offense in any state or the United 1758
States. 1759

(17) On receipt of a request for a criminal records check 1760
under section 147.022 of the Revised Code, a completed form 1761

prescribed under division (C) (1) of this section, and a set of 1762
fingerprint impressions obtained in the manner prescribed in 1763
division (C) (2) of this section, the superintendent of the 1764
bureau of criminal identification and investigation shall 1765
conduct a criminal records check in the manner described in 1766
division (B) of this section to determine whether any 1767
information exists that indicates that the person who is the 1768
subject of the request previously has been convicted of or 1769
pleaded guilty or no contest to any criminal offense under any 1770
existing or former law of this state, any other state, or the 1771
United States. 1772

(18) Upon receipt of a request pursuant to division (F) of 1773
section 2915.081 or division (E) of section 2915.082 of the 1774
Revised Code, a completed form prescribed under division (C) (1) 1775
of this section, and a set of fingerprint impressions obtained 1776
in the manner described in division (C) (2) of this section, the 1777
superintendent of the bureau of criminal identification and 1778
investigation shall conduct a criminal records check in the 1779
manner described in division (B) of this section to determine 1780
whether any information exists indicating that the person who is 1781
the subject of the request has been convicted of or pleaded 1782
guilty or no contest to any offense that is a violation of 1783
Chapter 2915. of the Revised Code or to any offense under any 1784
existing or former law of this state, any other state, or the 1785
United States that is substantially equivalent to such an 1786
offense. 1787

(19) On receipt of a request pursuant to section 3775.03 1788
of the Revised Code, a completed form prescribed under division 1789
(C) (1) of this section, and a set of fingerprint impressions 1790
obtained in the manner described in division (C) (2) of this 1791
section, the superintendent of the bureau of criminal 1792

identification and investigation shall conduct a criminal 1793
records check in the manner described in division (B) of this 1794
section and shall request information from the federal bureau of 1795
investigation to determine whether any information exists 1796
indicating that the person who is the subject of the request has 1797
been convicted of any offense under any existing or former law 1798
of this state, any other state, or the United States that is a 1799
disqualifying offense as defined in section 3772.07 of the 1800
Revised Code. 1801

(B) Subject to division (F) of this section, the 1802
superintendent shall conduct any criminal records check to be 1803
conducted under this section as follows: 1804

(1) The superintendent shall review or cause to be 1805
reviewed any relevant information gathered and compiled by the 1806
bureau under division (A) of section 109.57 of the Revised Code 1807
that relates to the person who is the subject of the criminal 1808
records check, including, if the criminal records check was 1809
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 1810
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1811
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 1812
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 1813
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1814
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 1815
5123.169, or 5153.111 of the Revised Code, any relevant 1816
information contained in records that have been sealed under 1817
section 2953.32 of the Revised Code; 1818

(2) If the request received by the superintendent asks for 1819
information from the federal bureau of investigation, the 1820
superintendent shall request from the federal bureau of 1821
investigation any information it has with respect to the person 1822

who is the subject of the criminal records check, including 1823
fingerprint-based checks of national crime information databases 1824
as described in 42 U.S.C. 671 if the request is made pursuant to 1825
section 2151.86 or 5104.013 of the Revised Code or if any other 1826
Revised Code section requires fingerprint-based checks of that 1827
nature, and shall review or cause to be reviewed any information 1828
the superintendent receives from that bureau. If a request under 1829
section 3319.39 of the Revised Code asks only for information 1830
from the federal bureau of investigation, the superintendent 1831
shall not conduct the review prescribed by division (B) (1) of 1832
this section. 1833

(3) The superintendent or the superintendent's designee 1834
may request criminal history records from other states or the 1835
federal government pursuant to the national crime prevention and 1836
privacy compact set forth in section 109.571 of the Revised 1837
Code. 1838

(4) The superintendent shall include in the results of the 1839
criminal records check a list or description of the offenses 1840
listed or described in the relevant provision of division (A) of 1841
this section. The superintendent shall exclude from the results 1842
any information the dissemination of which is prohibited by 1843
federal law. 1844

(5) The superintendent shall send the results of the 1845
criminal records check to the person to whom it is to be sent 1846
not later than the following number of days after the date the 1847
superintendent receives the request for the criminal records 1848
check, the completed form prescribed under division (C) (1) of 1849
this section, and the set of fingerprint impressions obtained in 1850
the manner described in division (C) (2) of this section: 1851

(a) If the superintendent is required by division (A) of 1852

this section (other than division (A)(3) of this section) to 1853
conduct the criminal records check, thirty; 1854

(b) If the superintendent is required by division (A)(3) 1855
of this section to conduct the criminal records check, sixty. 1856

(C)(1) The superintendent shall prescribe a form to obtain 1857
the information necessary to conduct a criminal records check 1858
from any person for whom a criminal records check is to be 1859
conducted under this section. The form that the superintendent 1860
prescribes pursuant to this division may be in a tangible 1861
format, in an electronic format, or in both tangible and 1862
electronic formats. 1863

(2) The superintendent shall prescribe standard impression 1864
sheets to obtain the fingerprint impressions of any person for 1865
whom a criminal records check is to be conducted under this 1866
section. Any person for whom a records check is to be conducted 1867
under this section shall obtain the fingerprint impressions at a 1868
county sheriff's office, municipal police department, or any 1869
other entity with the ability to make fingerprint impressions on 1870
the standard impression sheets prescribed by the superintendent. 1871
The office, department, or entity may charge the person a 1872
reasonable fee for making the impressions. The standard 1873
impression sheets the superintendent prescribes pursuant to this 1874
division may be in a tangible format, in an electronic format, 1875
or in both tangible and electronic formats. 1876

(3) Subject to division (D) of this section, the 1877
superintendent shall prescribe and charge a reasonable fee for 1878
providing a criminal records check under this section. The 1879
person requesting the criminal records check shall pay the fee 1880
prescribed pursuant to this division. In the case of a request 1881
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1882

1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1883
fee shall be paid in the manner specified in that section. 1884

(4) The superintendent of the bureau of criminal 1885
identification and investigation may prescribe methods of 1886
forwarding fingerprint impressions and information necessary to 1887
conduct a criminal records check, which methods shall include, 1888
but not be limited to, an electronic method. 1889

(D) The results of a criminal records check conducted 1890
under this section, other than a criminal records check 1891
specified in division (A)(7) of this section, are valid for the 1892
person who is the subject of the criminal records check for a 1893
period of one year from the date upon which the superintendent 1894
completes the criminal records check. If during that period the 1895
superintendent receives another request for a criminal records 1896
check to be conducted under this section for that person, the 1897
superintendent shall provide the results from the previous 1898
criminal records check of the person at a lower fee than the fee 1899
prescribed for the initial criminal records check. 1900

(E) When the superintendent receives a request for 1901
information from a registered private provider, the 1902
superintendent shall proceed as if the request was received from 1903
a school district board of education under section 3319.39 of 1904
the Revised Code. The superintendent shall apply division (A)(1) 1905
(c) of this section to any such request for an applicant who is 1906
a teacher. 1907

(F)(1) Subject to division (F)(2) of this section, all 1908
information regarding the results of a criminal records check 1909
conducted under this section that the superintendent reports or 1910
sends under division (A)(7) or (9) of this section to the 1911
director of public safety, the treasurer of state, or the 1912

person, board, or entity that made the request for the criminal 1913
records check shall relate to the conviction of the subject 1914
person, or the subject person's plea of guilty to, a criminal 1915
offense. 1916

(2) Division (F)(1) of this section does not limit, 1917
restrict, or preclude the superintendent's release of 1918
information that relates to the arrest of a person who is 1919
eighteen years of age or older, to an adjudication of a child as 1920
a delinquent child, or to a criminal conviction of a person 1921
under eighteen years of age in circumstances in which a release 1922
of that nature is authorized under division (E)(2), (3), or (4) 1923
of section 109.57 of the Revised Code pursuant to a rule adopted 1924
under division (E)(1) of that section. 1925

(G) As used in this section: 1926

(1) "Criminal records check" means any criminal records 1927
check conducted by the superintendent of the bureau of criminal 1928
identification and investigation in accordance with division (B) 1929
of this section. 1930

(2) "Minor drug possession offense" has the same meaning 1931
as in section 2925.01 of the Revised Code. 1932

(3) "OVI or OVUAC violation" means a violation of section 1933
4511.19 of the Revised Code or a violation of an existing or 1934
former law of this state, any other state, or the United States 1935
that is substantially equivalent to section 4511.19 of the 1936
Revised Code. 1937

(4) "Registered private provider" means a nonpublic school 1938
or entity registered with the ~~superintendent of public~~ 1939
~~instruction department of education and workforce~~ under section 1940
3310.41 of the Revised Code to participate in the autism 1941

scholarship program or section 3310.58 of the Revised Code to 1942
participate in the Jon Peterson special needs scholarship 1943
program. 1944

Sec. 109.64. The bureau of criminal identification and 1945
investigation shall prepare a periodic information bulletin 1946
concerning missing children whom it determines may be present in 1947
this state. The bureau shall compile the bulletin from 1948
information contained in the national crime information center 1949
computer. The bulletin shall indicate the names and addresses of 1950
these minors who are the subject of missing children cases and 1951
other information that the superintendent of the bureau 1952
considers appropriate. The bulletin shall contain a reminder to 1953
law enforcement agencies of their responsibilities under section 1954
2901.30 of the Revised Code. 1955

The bureau shall send a copy of each periodic information 1956
bulletin to the missing children clearinghouse established under 1957
section 109.65 of the Revised Code for use in connection with 1958
its responsibilities under division (E) of that section. Upon 1959
receipt of each periodic information bulletin from the bureau, 1960
the missing children clearinghouse shall send a copy of the 1961
bulletin to each sheriff, marshal, police department of a 1962
municipal corporation, police force of a township police 1963
district or joint police district, and township constable in 1964
this state, to the board of education of each school district in 1965
this state, and to each nonpublic school in this state. The 1966
bureau shall provide a copy of the bulletin, upon request, to 1967
other persons or entities. The superintendent of the bureau, 1968
with the approval of the attorney general, may establish a 1969
reasonable fee for a copy of a bulletin provided to persons or 1970
entities other than law enforcement agencies in this or other 1971
states or of the federal government, the department of education 1972

and workforce, governmental entities of this state, and 1973
libraries in this state. The superintendent shall deposit all 1974
such fees collected into the missing children fund created by 1975
section 109.65 of the Revised Code. 1976

As used in this section, "missing children," 1977
"information," and "minor" have the same meanings as in section 1978
2901.30 of the Revised Code. 1979

Sec. 109.65. (A) As used in this section, "minor," 1980
"missing child," and "missing children" have the same meanings 1981
as in section 2901.30 of the Revised Code. 1982

(B) There is hereby created within the office of the 1983
attorney general the missing children clearinghouse. The 1984
attorney general shall administer the clearinghouse. The 1985
clearinghouse is established as a central repository of 1986
information to coordinate and improve the availability of 1987
information regarding missing children, which information shall 1988
be collected and disseminated by the clearinghouse to assist in 1989
the location of missing children. The clearinghouse shall act as 1990
an information repository separate from and in addition to law 1991
enforcement agencies within this state. 1992

(C) The missing children clearinghouse may perform any of 1993
the following functions: 1994

(1) The establishment of services to aid in the location 1995
of missing children that include, but are not limited to, any of 1996
the following services: 1997

(a) Assistance in the preparation and dissemination of 1998
flyers identifying and describing missing children and their 1999
abductors; 2000

(b) The development of informational forms for the 2001

reporting of missing children that may be used by parents,	2002
guardians, and law enforcement officials to facilitate the	2003
location of a missing child;	2004
(c) The provision of assistance to public and private	2005
organizations, boards of education, nonpublic schools,	2006
preschools, child care facilities, and law enforcement agencies	2007
in planning and implementing voluntary programs to fingerprint	2008
children.	2009
(2) The establishment and operation of a toll-free	2010
telephone line for supplemental reports of missing children and	2011
reports of sightings of missing children;	2012
(3) Upon the request of any person or entity and upon	2013
payment of any applicable fee established by the attorney	2014
general under division (H) of this section, the provision to the	2015
person or entity who makes the request of a copy of any	2016
information possessed by the clearinghouse that was acquired or	2017
prepared pursuant to division (E) (3) of this section;	2018
(4) The performance of liaison services between	2019
individuals and public and private agencies regarding procedures	2020
for handling and responding to missing children reports;	2021
(5) The participation as a member in any networks of other	2022
missing children centers or clearinghouses;	2023
(6) The creation and operation of an intrastate network of	2024
communication designed for the speedy collection and processing	2025
of information concerning missing children.	2026
(D) If a board of education is notified by school	2027
personnel that a missing child is attending any school under the	2028
board's jurisdiction, or if the principal or chief	2029
administrative officer of a nonpublic school is notified by	2030

school personnel that a missing child is attending that school, 2031
the board or the principal or chief administrative officer 2032
immediately shall give notice of that fact to the missing 2033
children clearinghouse and to the law enforcement agency with 2034
jurisdiction over the area where the missing child resides. 2035

(E) (1) The attorney general, in cooperation with the 2036
department of job and family services, shall establish a 2037
"missing child educational program" within the missing children 2038
clearinghouse that shall perform the functions specified in 2039
divisions (E) (1) to (3) of this section. The program shall 2040
operate under the supervision and control of the attorney 2041
general in accordance with procedures that the attorney general 2042
shall develop to implement divisions (E) (1) to (3) of this 2043
section. The attorney general shall cooperate with the 2044
department of education and workforce in developing and 2045
disseminating information acquired or prepared pursuant to 2046
division (E) (3) of this section. 2047

(2) Upon the request of any board of education in this 2048
state or any nonpublic school in this state, the missing child 2049
educational program shall provide to the board or school a 2050
reasonable number of copies of the information acquired or 2051
prepared pursuant to division (E) (3) of this section. 2052

Upon the request of any board of education in this state 2053
or any nonpublic school in this state that, pursuant to section 2054
3313.96 of the Revised Code, is developing an information 2055
program concerning missing children issues and matters, the 2056
missing child educational program shall provide to the board or 2057
nonpublic school assistance in developing the information 2058
program. The assistance may include, but is not limited to, the 2059
provision of any or all of the following: 2060

(a) If the requesting entity is a board of education of a school district, sample policies on missing and exploited children issues to assist the board in complying with section 3313.205 of the Revised Code;	2061 2062 2063 2064
(b) Suggested safety curricula regarding missing children issues, including child safety and abduction prevention issues;	2065 2066
(c) Assistance in developing, with local law enforcement agencies, prosecuting attorneys, boards of education, school districts, and nonpublic schools, cooperative programs for fingerprinting children;	2067 2068 2069 2070
(d) Other assistance to further the goals of the program.	2071
(3) The missing child educational program shall acquire or prepare informational materials relating to missing children issues and matters. These issues and matters include, but are not limited to, the following:	2072 2073 2074 2075
(a) The types of missing children;	2076
(b) The reasons why and how minors become missing children, the potential adverse consequences of a minor becoming a missing child, and, in the case of minors who are considering running away from home or from the care, custody, and control of their parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or another person responsible for them, alternatives that may be available to address their concerns and problems;	2077 2078 2079 2080 2081 2082 2083 2084
(c) Offenses under federal law that could relate to missing children and other provisions of federal law that focus on missing children;	2085 2086 2087
(d) Offenses under the Revised Code that could relate to	2088

missing children, including, but not limited to, kidnapping,	2089
abduction, unlawful restraint, child stealing, interference with	2090
custody, endangering children, domestic violence, abuse of a	2091
child and contributing to the dependency, neglect, unruliness,	2092
or delinquency of a child, sexual offenses, drug offenses,	2093
prostitution offenses, and obscenity offenses, and other	2094
provisions of the Revised Code that could relate to missing	2095
children;	2096
(e) Legislation being considered by the general assembly,	2097
legislatures of other states, the congress of the United States,	2098
and political subdivisions in this or any other state to address	2099
missing children issues;	2100
(f) Sources of information on missing children issues;	2101
(g) State, local, federal, and private systems for	2102
locating and identifying missing children;	2103
(h) Law enforcement agency programs, responsibilities, and	2104
investigative techniques in missing children matters;	2105
(i) Efforts on the community level in this and other	2106
states, concerning missing children issues and matters, by	2107
governmental entities and private organizations;	2108
(j) The identification of private organizations that,	2109
among their primary objectives, address missing children issues	2110
and matters;	2111
(k) How to avoid becoming a missing child and what to do	2112
if one becomes a missing child;	2113
(l) Efforts that schools, parents, and members of a	2114
community can undertake to reduce the risk that a minor will	2115
become a missing child and to quickly locate or identify a minor	2116

if he becomes a missing child, including, but not limited to, 2117
fingerprinting programs. 2118

(F) Each year the missing children clearinghouse shall 2119
issue a report describing its performance of the functions 2120
specified in division (E) of this section and shall provide a 2121
copy of the report to the speaker of the house of 2122
representatives, the president of the senate, the governor, the 2123
superintendent of the bureau of criminal identification and 2124
investigation, and the director of job and family services. 2125

(G) Any state agency or political subdivision of this 2126
state that operates a missing children program or a 2127
clearinghouse for information about missing children shall 2128
coordinate its activities with the missing children 2129
clearinghouse. 2130

(H) The attorney general shall determine a reasonable fee 2131
to be charged for providing to any person or entity other than a 2132
state or local law enforcement agency of this or any other 2133
state, a law enforcement agency of the United States, a board of 2134
education of a school district in this state, a nonpublic school 2135
in this state, a governmental entity in this state, or a public 2136
library in this state, pursuant to division (A) (3) of this 2137
section, copies of any information acquired or prepared pursuant 2138
to division (E) (3) of this section. The attorney general shall 2139
collect the fee prior to sending or giving copies of any 2140
information to any person or entity for whom or which this 2141
division requires the fee to be charged and shall deposit the 2142
fee into the missing children fund created by division (I) of 2143
this section. 2144

(I) There is hereby created in the state treasury the 2145
missing children fund that shall consist of all moneys awarded 2146

to the state by donation, gift, or bequest, all other moneys 2147
received for purposes of this section, and all fees collected 2148
pursuant to this section or section 109.64 of the Revised Code. 2149
The attorney general shall use the moneys in the missing 2150
children fund only for purposes of the office of the attorney 2151
general acquiring or preparing information pursuant to division 2152
(E) (3) of this section. 2153

(J) The failure of the missing children clearinghouse to 2154
undertake any function or activity authorized in this section 2155
does not create a cause of action against the state. 2156

Sec. 109.71. There is hereby created in the office of the 2157
attorney general the Ohio peace officer training commission. The 2158
commission shall consist of ten members appointed by the 2159
governor with the advice and consent of the senate and selected 2160
as follows: one member representing the public; one member who 2161
represents a fraternal organization representing law enforcement 2162
officers; two members who are incumbent sheriffs; two members 2163
who are incumbent chiefs of police; one member from the bureau 2164
of criminal identification and investigation; one member from 2165
the state highway patrol; one member who is the special agent in 2166
charge of a field office of the federal bureau of investigation 2167
in this state; and one member from the department of education 2168
and workforce, trade and industrial education services, law 2169
enforcement training. 2170

This section does not confer any arrest authority or any 2171
ability or authority to detain a person, write or issue any 2172
citation, or provide any disposition alternative, as granted 2173
under Chapter 2935. of the Revised Code. 2174

Pursuant to division (A) (9) of section 101.82 of the 2175
Revised Code, the commission is exempt from the requirements of 2176

sections 101.82 to 101.87 of the Revised Code.	2177
As used in sections 109.71 to 109.801 of the Revised Code:	2178
(A) "Peace officer" means:	2179
(1) A deputy sheriff, marshal, deputy marshal, member of	2180
the organized police department of a township or municipal	2181
corporation, member of a township police district or joint	2182
police district police force, member of a police force employed	2183
by a metropolitan housing authority under division (D) of	2184
section 3735.31 of the Revised Code, or township constable, who	2185
is commissioned and employed as a peace officer by a political	2186
subdivision of this state or by a metropolitan housing	2187
authority, and whose primary duties are to preserve the peace,	2188
to protect life and property, and to enforce the laws of this	2189
state, ordinances of a municipal corporation, resolutions of a	2190
township, or regulations of a board of county commissioners or	2191
board of township trustees, or any of those laws, ordinances,	2192
resolutions, or regulations;	2193
(2) A police officer who is employed by a railroad company	2194
and appointed and commissioned by the secretary of state	2195
pursuant to sections 4973.17 to 4973.22 of the Revised Code;	2196
(3) Employees of the department of taxation engaged in the	2197
enforcement of Chapter 5743. of the Revised Code and designated	2198
by the tax commissioner for peace officer training for purposes	2199
of the delegation of investigation powers under section 5743.45	2200
of the Revised Code;	2201
(4) An undercover drug agent;	2202
(5) Enforcement agents of the department of public safety	2203
whom the director of public safety designates under section	2204
5502.14 of the Revised Code;	2205

- (6) An employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013, a natural resources officer appointed pursuant to section 1501.24, a forest-fire investigator appointed pursuant to section 1503.09, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code;
- (7) An employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code;
- (8) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;
- (9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;
- (10) Veterans' homes police officers designated under section 5907.02 of the Revised Code;
- (11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;
- (12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;

(13) A special police officer employed by the department	2235
of mental health and addiction services pursuant to section	2236
5119.08 of the Revised Code or the department of developmental	2237
disabilities pursuant to section 5123.13 of the Revised Code;	2238
(14) A member of a campus police department appointed	2239
under section 1713.50 of the Revised Code;	2240
(15) A member of a police force employed by a regional	2241
transit authority under division (Y) of section 306.35 of the	2242
Revised Code;	2243
(16) Investigators appointed by the auditor of state	2244
pursuant to section 117.091 of the Revised Code and engaged in	2245
the enforcement of Chapter 117. of the Revised Code;	2246
(17) A special police officer designated by the	2247
superintendent of the state highway patrol pursuant to section	2248
5503.09 of the Revised Code or a person who was serving as a	2249
special police officer pursuant to that section on a permanent	2250
basis on October 21, 1997, and who has been awarded a	2251
certificate by the executive director of the Ohio peace officer	2252
training commission attesting to the person's satisfactory	2253
completion of an approved state, county, municipal, or	2254
department of natural resources peace officer basic training	2255
program;	2256
(18) A special police officer employed by a port authority	2257
under section 4582.04 or 4582.28 of the Revised Code or a person	2258
serving as a special police officer employed by a port authority	2259
on a permanent basis on May 17, 2000, who has been awarded a	2260
certificate by the executive director of the Ohio peace officer	2261
training commission attesting to the person's satisfactory	2262
completion of an approved state, county, municipal, or	2263

department of natural resources peace officer basic training 2264
program; 2265

(19) A special police officer employed by a municipal 2266
corporation who has been awarded a certificate by the executive 2267
director of the Ohio peace officer training commission for 2268
satisfactory completion of an approved peace officer basic 2269
training program and who is employed on a permanent basis on or 2270
after March 19, 2003, at a municipal airport, or other municipal 2271
air navigation facility, that has scheduled operations, as 2272
defined in section 119.3 of Title 14 of the Code of Federal 2273
Regulations, 14 C.F.R. 119.3, as amended, and that is required 2274
to be under a security program and is governed by aviation 2275
security rules of the transportation security administration of 2276
the United States department of transportation as provided in 2277
Parts 1542. and 1544. of Title 49 of the Code of Federal 2278
Regulations, as amended; 2279

(20) A police officer who is employed by an owner or 2280
operator of an amusement park that has an average yearly 2281
attendance in excess of six hundred thousand guests and that 2282
employs and maintains its own proprietary police department or 2283
security department, and who is appointed and commissioned by a 2284
judge of the appropriate municipal court or county court 2285
pursuant to section 4973.17 of the Revised Code; 2286

(21) A police officer who is employed by a bank, savings 2287
and loan association, savings bank, credit union, or association 2288
of banks, savings and loan associations, savings banks, or 2289
credit unions, who has been appointed and commissioned by the 2290
secretary of state pursuant to sections 4973.17 to 4973.22 of 2291
the Revised Code, and who has been awarded a certificate by the 2292
executive director of the Ohio peace officer training commission 2293

attesting to the person's satisfactory completion of a state, 2294
county, municipal, or department of natural resources peace 2295
officer basic training program; 2296

(22) An investigator, as defined in section 109.541 of the 2297
Revised Code, of the bureau of criminal identification and 2298
investigation who is commissioned by the superintendent of the 2299
bureau as a special agent for the purpose of assisting law 2300
enforcement officers or providing emergency assistance to peace 2301
officers pursuant to authority granted under that section; 2302

(23) A state fire marshal law enforcement officer 2303
appointed under section 3737.22 of the Revised Code or a person 2304
serving as a state fire marshal law enforcement officer on a 2305
permanent basis on or after July 1, 1982, who has been awarded a 2306
certificate by the executive director of the Ohio peace officer 2307
training commission attesting to the person's satisfactory 2308
completion of an approved state, county, municipal, or 2309
department of natural resources peace officer basic training 2310
program; 2311

(24) A gaming agent employed under section 3772.03 of the 2312
Revised Code; 2313

(25) An employee of the state board of pharmacy designated 2314
by the executive director of the board pursuant to section 2315
4729.04 of the Revised Code to investigate violations of 2316
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 2317
Revised Code and rules adopted thereunder. 2318

(B) "Undercover drug agent" has the same meaning as in 2319
division (B) (2) of section 109.79 of the Revised Code. 2320

(C) "Crisis intervention training" means training in the 2321
use of interpersonal and communication skills to most 2322

effectively and sensitively interview victims of rape.	2323
(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.	2324 2325
(E) "Tactical medical professional" means an EMT, EMT-basic, AEMT, EMT-I, paramedic, nurse, or physician who is trained and certified in a nationally recognized tactical medical training program that is equivalent to "tactical combat casualty care" (TCCC) and "tactical emergency medical support" (TEMS) and who functions in the tactical or austere environment while attached to a law enforcement agency of either this state or a political subdivision of this state.	2326 2327 2328 2329 2330 2331 2332 2333
(F) "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code and "EMT" and "AEMT" have the same meanings as in section 4765.011 of the Revised Code.	2334 2335 2336 2337
(G) "Nurse" means any of the following:	2338
(1) Any person who is licensed to practice nursing as a registered nurse by the board of nursing;	2339 2340
(2) Any certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code;	2341 2342 2343 2344
(3) Any person who is licensed to practice nursing as a licensed practical nurse by the board of nursing pursuant to Chapter 4723. of the Revised Code.	2345 2346 2347
(H) "Physician" means a person who is licensed pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	2348 2349 2350

Sec. 109.72. Ohio peace officer training commission member 2351
terms shall be for three years, commencing on the twentieth day 2352
of September and ending on the nineteenth day of September. Each 2353
member shall hold office from the date of appointment until the 2354
end of the term to which the member was appointed. Any member 2355
appointed to fill a vacancy occurring prior to the expiration of 2356
the term for which the member's predecessor was appointed shall 2357
hold office for the remainder of such term. Any member shall 2358
continue in office subsequent to the expiration date of the 2359
member's term until the member's successor takes office, or 2360
until a period of sixty days has elapsed, whichever occurs 2361
first. An interim chairperson shall be appointed by the governor 2362
until such time as the commission elects a permanent 2363
chairperson. 2364

Any member of the commission appointed pursuant to section 2365
109.71 of the Revised Code as an incumbent sheriff, incumbent 2366
chief of police, representative of the state highway patrol, 2367
state department of education and workforce, federal bureau of 2368
investigation, and bureau of criminal identification and 2369
investigation, shall immediately, upon termination of holding 2370
such office, cease to be a member of the commission, and a 2371
successor shall be appointed. 2372

The commission shall meet at least four times each year. 2373
Special meetings may be called by the chairperson and shall be 2374
called by the chairperson at the request of the attorney general 2375
or upon the written request of five members of the commission. 2376
The commission may establish its own requirements as to quorum 2377
and its own procedures with respect to the conduct of its 2378
meetings and other affairs; provided, that all recommendations 2379
by the commission to the attorney general pursuant to section 2380
109.74 of the Revised Code shall require the affirmative vote of 2381

five members of the commission. 2382

Membership on the commission does not constitute the 2383
holding of an office, and members of the commission shall not be 2384
required to take and file oaths of office before serving on the 2385
commission. The commission shall not exercise any portion of the 2386
sovereign power of the state. 2387

The members of the commission shall receive no 2388
compensation for their services but shall be allowed their 2389
actual and necessary expenses incurred in the performance of 2390
their duties. 2391

No member of the commission shall be disqualified from 2392
holding any public office or employment, nor shall the member 2393
forfeit any such office or employment, by reason of appointment 2394
to the commission, notwithstanding any general, special, or 2395
local law, ordinance, or city charter to the contrary. 2396

Sec. 109.746. (A) The attorney general may prepare public 2397
awareness programs that are designed to educate potential 2398
victims of violations of section 2905.32 of the Revised Code and 2399
their families of the risks of becoming a victim of a violation 2400
of that section. The attorney general may prepare these programs 2401
with assistance from the department of health, the department of 2402
mental health and addiction services, the department of job and 2403
family services, and the department of education and workforce. 2404

(B) Any organization, person, or other governmental agency 2405
with an interest and expertise in trafficking in persons may 2406
submit information or materials to the attorney general 2407
regarding the preparation of the programs and materials 2408
permitted under this section. The attorney general, in 2409
developing the programs and materials permitted by this section, 2410

shall consider any information submitted pursuant to this 2411
division. 2412

Sec. 113.73. (A) The Ohio state and local government 2413
expenditure database shall include the following features: 2414

(1) A searchable database of all expenditures; 2415

(2) The ability to filter expenditures by the following 2416
categories: 2417

(a) The category of expense; 2418

(b) The Ohio administrative knowledge system accounting 2419
code for a specific good or service. 2420

(3) The ability to search and filter by any of the factors 2421
listed in section 113.72 of the Revised Code; 2422

(4) The ability to aggregate data contained in the 2423
database; 2424

(5) The ability to determine the total amount of 2425
expenditures awarded to a supplier by a state entity; 2426

(6) The ability to download information obtained through 2427
the database; 2428

(7) A searchable database of state and school district 2429
employee salary and employment information. 2430

(B) The information required under division (A) (7) of this 2431
section shall be provided by the department of administrative 2432
services or the department of education and workforce, as 2433
applicable. 2434

Sec. 117.46. Each biennium the auditor of state shall 2435
conduct a minimum of four performance audits under this section. 2436
Except as otherwise provided in this section, at least two of 2437

the audits shall be of state agencies selected from a list 2438
comprised of the administrative departments listed in section 2439
121.02 of the Revised Code and the department of education and 2440
workforce and at least two of the audits shall be of other state 2441
agencies. At the auditor of state's discretion, the auditor of 2442
state may also conduct performance audits of state institutions 2443
of higher education. The offices of the attorney general, 2444
auditor of state, governor, secretary of state, and treasurer of 2445
state and agencies of the legislative and judicial branches are 2446
not subject to an audit under this section. 2447

The auditor shall select each agency or institution to be 2448
audited and shall determine whether to audit the entire agency 2449
or institution or a portion of the agency or institution by 2450
auditing one or more programs, offices, boards, councils, or 2451
other entities within that agency or institution. The auditor 2452
shall make the selection and determination in consultation with 2453
the governor and the speaker and minority leader of the house of 2454
representatives and president and minority leader of the senate. 2455

An audit of a portion of an agency or institution shall be 2456
considered an audit of one agency or institution. The authority 2457
to audit a portion of an agency or institution in no way limits 2458
the auditor's ability to audit an entire agency or institution 2459
if it is in the best interest of the state. 2460

The performance audits under this section shall be 2461
conducted pursuant to sections 117.01 and 117.13 of the Revised 2462
Code. In conducting a performance audit, the auditor of state 2463
shall determine the scope of the audit, but shall consider, if 2464
appropriate, supervisory and subordinate level operations in the 2465
agency or institution. A performance audit under this section 2466
shall not include review or evaluation of an institution's 2467

academic performance. 2468

As used in this section and in sections 117.461, 117.462, 2469
117.463, 117.47, 117.471, and 147.472 of the Revised Code, 2470
"state institution of higher education" has the meaning defined 2471
in section 3345.011 of the Revised Code. 2472

Sec. 121.02. The following administrative departments and 2473
their respective directors are hereby created: 2474

(A) The office of budget and management, which shall be 2475
administered by the director of budget and management; 2476

(B) The department of commerce, which shall be 2477
administered by the director of commerce; 2478

(C) The department of administrative services, which shall 2479
be administered by the director of administrative services; 2480

(D) The department of transportation, which shall be 2481
administered by the director of transportation; 2482

(E) The department of agriculture, which shall be 2483
administered by the director of agriculture; 2484

(F) The department of natural resources, which shall be 2485
administered by the director of natural resources; 2486

(G) The department of health, which shall be administered 2487
by the director of health; 2488

(H) The department of job and family services, which shall 2489
be administered by the director of job and family services; 2490

(I) Until July 1, 1997, the department of liquor control, 2491
which shall be administered by the director of liquor control; 2492

(J) The department of public safety, which shall be 2493
administered by the director of public safety; 2494

(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;	2495 2496 2497
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	2498 2499 2500
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	2501 2502 2503
(N) The department of development, which shall be administered by the director of development;	2504 2505
(O) The department of youth services, which shall be administered by the director of youth services;	2506 2507
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;	2508 2509 2510
(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	2511 2512
(R) The department of aging, which shall be administered by the director of aging;	2513 2514
(S) The department of veterans services, which shall be administered by the director of veterans services;	2515 2516
(T) The department of medicaid, which shall be administered by the medicaid director;	2517 2518
<u>(U) The department of education and workforce, which shall be administered by the director of education and workforce.</u>	2519 2520
The director of each department shall exercise the powers	2521

and perform the duties vested by law in such department. 2522

Sec. 121.03. The following administrative department heads 2523
shall be appointed by the governor, with the advice and consent 2524
of the senate, and shall hold their offices during the term of 2525
the appointing governor, and are subject to removal at the 2526
pleasure of the governor. 2527

(A) The director of budget and management; 2528

(B) The director of commerce; 2529

(C) The director of transportation; 2530

(D) The director of agriculture; 2531

(E) The director of job and family services; 2532

(F) Until July 1, 1997, the director of liquor control; 2533

(G) The director of public safety; 2534

(H) The superintendent of insurance; 2535

(I) The director of development; 2536

(J) The tax commissioner; 2537

(K) The director of administrative services; 2538

(L) The director of natural resources; 2539

(M) The director of mental health and addiction services; 2540

(N) The director of developmental disabilities; 2541

(O) The director of health; 2542

(P) The director of youth services; 2543

(Q) The director of rehabilitation and correction; 2544

(R) The director of environmental protection; 2545

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

agency. 2571

(B) In revising eligibility standards and eligibility 2572
determination procedures, a state agency shall not make any 2573
program's eligibility standards or eligibility determination 2574
procedures inconsistent with state or federal law. To the extent 2575
authorized by state and federal law, the revisions may provide 2576
for the state agencies to share administrative operations. 2577

Sec. 121.37. (A) (1) There is hereby created the Ohio 2578
family and children first cabinet council. The council shall be 2579
composed of the ~~superintendent of public instruction~~director of 2580
education and workforce, the executive director of the 2581
opportunities for Ohioans with disabilities agency, the medicaid 2582
director, and the directors of youth services, job and family 2583
services, mental health and addiction services, health, 2584
developmental disabilities, aging, rehabilitation and 2585
correction, and budget and management. The chairperson of the 2586
council shall be the governor or the governor's designee and 2587
shall establish procedures for the council's internal control 2588
and management. 2589

The purpose of the cabinet council is to help families 2590
seeking government services. This section shall not be 2591
interpreted or applied to usurp the role of parents, but solely 2592
to streamline and coordinate existing government services for 2593
families seeking assistance for their children. 2594

(2) In seeking to fulfill its purpose, the council may do 2595
any of the following: 2596

(a) Advise and make recommendations to the governor and 2597
general assembly regarding the provision of services to 2598
children; 2599

(b) Advise and assess local governments on the	2600
coordination of service delivery to children;	2601
(c) Hold meetings at such times and places as may be	2602
prescribed by the council's procedures and maintain records of	2603
the meetings, except that records identifying individual	2604
children are confidential and shall be disclosed only as	2605
provided by law;	2606
(d) Develop programs and projects, including pilot	2607
projects, to encourage coordinated efforts at the state and	2608
local level to improve the state's social service delivery	2609
system;	2610
(e) Enter into contracts with and administer grants to	2611
county family and children first councils, as well as other	2612
county or multicounty organizations to plan and coordinate	2613
service delivery between state agencies and local service	2614
providers for families and children;	2615
(f) Enter into contracts with and apply for grants from	2616
federal agencies or private organizations;	2617
(g) Enter into interagency agreements to encourage	2618
coordinated efforts at the state and local level to improve the	2619
state's social service delivery system. The agreements may	2620
include provisions regarding the receipt, transfer, and	2621
expenditure of funds;	2622
(h) Identify public and private funding sources for	2623
services provided to alleged or adjudicated unruly children and	2624
children who are at risk of being alleged or adjudicated unruly	2625
children, including regulations governing access to and use of	2626
the services;	2627
(i) Collect information provided by local communities	2628

regarding successful programs for prevention, intervention, and 2629
treatment of unruly behavior, including evaluations of the 2630
programs; 2631

(j) Identify and disseminate publications regarding 2632
alleged or adjudicated unruly children and children who are at 2633
risk of being alleged or adjudicated unruly children and 2634
regarding programs serving those types of children; 2635

(k) Maintain an inventory of strategic planning 2636
facilitators for use by government or nonprofit entities that 2637
serve alleged or adjudicated unruly children or children who are 2638
at risk of being alleged or adjudicated unruly children. 2639

(3) The cabinet council shall provide for the following: 2640

(a) Reviews of service and treatment plans for children 2641
for which such reviews are requested; 2642

(b) Assistance as the council determines to be necessary 2643
to meet the needs of children referred by county family and 2644
children first councils; 2645

(c) Monitoring and supervision of a statewide, 2646
comprehensive, coordinated, multi-disciplinary, interagency 2647
system for infants and toddlers with developmental disabilities 2648
or delays and their families, as established pursuant to federal 2649
grants received and administered by the department of health for 2650
early intervention services under the "Individuals with 2651
Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 2652
1400, as amended. 2653

(4) The cabinet council shall develop and implement the 2654
following: 2655

(a) An interagency process to select the indicators that 2656

will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. The indicators shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood.

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

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

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

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

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

council's membership.	2686
(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person to participate on the county's council.	2687 2688 2689 2690 2691 2692 2693
(c) The health commissioner, or the commissioner's designee, of the board of health of each city and general health district in the county. If the county has two or more health districts, the health commissioner membership may be limited to the commissioners of the two districts with the largest populations.	2694 2695 2696 2697 2698 2699
(d) The director of the county department of job and family services;	2700 2701
(e) The executive director of the public children services agency;	2702 2703
(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;	2704 2705 2706 2707
(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education <u>and</u> <u>workforce</u> , which shall notify each board of county commissioners of its determination at least biennially;	2708 2709 2710 2711 2712
(h) A school superintendent representing all other school districts with territory in the county, as designated at a	2713 2714

biennial meeting of the superintendents of those districts;	2715
(i) A representative of the municipal corporation with the largest population in the county;	2716 2717
(j) The president of the board of county commissioners or an individual designated by the board;	2718 2719
(k) A representative of the department of youth services or an individual designated by the department;	2720 2721
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	2722 2723
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	2724 2725 2726 2727
(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	2728 2729
Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.	2730 2731 2732 2733 2734 2735
The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be	2736 2737 2738 2739 2740 2741 2742

redirected to a county's board of county commissioners. 2743

The county's juvenile court judge senior in service or 2744
another judge of the juvenile court designated by the 2745
administrative judge or, where there is no administrative judge, 2746
by the judge senior in service shall serve as the judicial 2747
advisor to the county family and children first council. The 2748
judge may advise the county council on the court's utilization 2749
of resources, services, or programs provided by the entities 2750
represented by the members of the county council and how those 2751
resources, services, or programs assist the court in its 2752
administration of justice. Service of a judge as a judicial 2753
advisor pursuant to this section is a judicial function. 2754

(2) The purpose of the county council is to streamline and 2755
coordinate existing government services for families seeking 2756
services for their children. In seeking to fulfill its purpose, 2757
a county council shall provide for the following: 2758

(a) Referrals to the cabinet council of those children for 2759
whom the county council cannot provide adequate services; 2760

(b) Development and implementation of a process that 2761
annually evaluates and prioritizes services, fills service gaps 2762
where possible, and invents new approaches to achieve better 2763
results for families and children; 2764

(c) Participation in the development of a countywide, 2765
comprehensive, coordinated, multi-disciplinary, interagency 2766
system for infants and toddlers with developmental disabilities 2767
or delays and their families, as established pursuant to federal 2768
grants received and administered by the department of health for 2769
early intervention services under the "Individuals with 2770
Disabilities Education Act of 2004"; 2771

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

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

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

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

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

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

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

(4) (a) Except as provided in division (B) (4) (b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or

interagency agreements of a state department participating on 2801
the cabinet council whenever the county council performs a 2802
function subject to those rules or agreements. 2803

(b) On application of a county council, the cabinet 2804
council may grant an exemption from any rules or interagency 2805
agreements of a state department participating on the council if 2806
an exemption is necessary for the council to implement an 2807
alternative program or approach for service delivery to families 2808
and children. The application shall describe the proposed 2809
program or approach and specify the rules or interagency 2810
agreements from which an exemption is necessary. The cabinet 2811
council shall approve or disapprove the application in 2812
accordance with standards and procedures it shall adopt. If an 2813
application is approved, the exemption is effective only while 2814
the program or approach is being implemented, including a 2815
reasonable period during which the program or approach is being 2816
evaluated for effectiveness. 2817

(5) (a) Each county council shall designate an 2818
administrative agent for the council from among the following 2819
public entities: the board of alcohol, drug addiction, and 2820
mental health services, including a board of alcohol and drug 2821
addiction or a community mental health board if the county is 2822
served by separate boards; the board of county commissioners; 2823
any board of health of the county's city and general health 2824
districts; the county department of job and family services; the 2825
county agency responsible for the administration of children 2826
services pursuant to section 5153.15 of the Revised Code; the 2827
county board of developmental disabilities; any of the county's 2828
boards of education or governing boards of educational service 2829
centers; or the county's juvenile court. Any of the foregoing 2830
public entities, other than the board of county commissioners, 2831

may decline to serve as the council's administrative agent. 2832

A county council's administrative agent shall serve as the 2833
council's appointing authority for any employees of the council. 2834
The council shall file an annual budget with its administrative 2835
agent, with copies filed with the county auditor and with the 2836
board of county commissioners, unless the board is serving as 2837
the council's administrative agent. The council's administrative 2838
agent shall ensure that all expenditures are handled in 2839
accordance with policies, procedures, and activities prescribed 2840
by state departments in rules or interagency agreements that are 2841
applicable to the council's functions. 2842

The administrative agent of a county council shall send 2843
notice of a member's absence if a member listed in division (B) 2844
(1) of this section has been absent from either three 2845
consecutive meetings of the county council or a county council 2846
subcommittee, or from one-quarter of such meetings in a calendar 2847
year, whichever is less. The notice shall be sent to the board 2848
of county commissioners that establishes the county council and, 2849
for the members listed in divisions (B)(1)(b), (c), (e), and (l) 2850
of this section, to the governing board overseeing the 2851
respective entity; for the member listed in division (B)(1)(f) 2852
of this section, to the county board of developmental 2853
disabilities that employs the superintendent; for a member 2854
listed in division (B)(1)(g) or (h) of this section, to the 2855
school board that employs the superintendent; for the member 2856
listed in division (B)(1)(i) of this section, to the mayor of 2857
the municipal corporation; for the member listed in division (B) 2858
(1)(k) of this section, to the director of youth services; and 2859
for the member listed in division (B)(1)(n) of this section, to 2860
that member's board of trustees. 2861

The administrative agent for a county council may do any 2862
of the following on behalf of the council: 2863

(i) Enter into agreements or administer contracts with 2864
public or private entities to fulfill specific council business. 2865
Such agreements and contracts are exempt from the competitive 2866
bidding requirements of section 307.86 of the Revised Code if 2867
they have been approved by the county council and they are for 2868
the purchase of family and child welfare or child protection 2869
services or other social or job and family services for families 2870
and children. The approval of the county council is not required 2871
to exempt agreements or contracts entered into under section 2872
5139.34, 5139.41, or 5139.43 of the Revised Code from the 2873
competitive bidding requirements of section 307.86 of the 2874
Revised Code. 2875

(ii) As determined by the council, provide financial 2876
stipends, reimbursements, or both, to family representatives for 2877
expenses related to council activity; 2878

(iii) Receive by gift, grant, devise, or bequest any 2879
moneys, lands, or other property for the purposes for which the 2880
council is established. The agent shall hold, apply, and dispose 2881
of the moneys, lands, or other property according to the terms 2882
of the gift, grant, devise, or bequest. Any interest or earnings 2883
shall be treated in the same manner and are subject to the same 2884
terms as the gift, grant, devise, or bequest from which it 2885
accrues. 2886

(b) (i) If the county council designates the board of 2887
county commissioners as its administrative agent, the board may, 2888
by resolution, delegate any of its powers and duties as 2889
administrative agent to an executive committee the board 2890
establishes from the membership of the county council. The board 2891

shall name to the executive committee at least the individuals 2892
described in divisions (B) (1) (b) to (h) of this section and may 2893
appoint the president of the board or another individual as the 2894
chair of the executive committee. The executive committee must 2895
include at least one family county council representative who 2896
does not have a family member employed by an agency represented 2897
on the council. 2898

(ii) The executive committee may, with the approval of the 2899
board, hire an executive director to assist the county council 2900
in administering its powers and duties. The executive director 2901
shall serve in the unclassified civil service at the pleasure of 2902
the executive committee. The executive director may, with the 2903
approval of the executive committee, hire other employees as 2904
necessary to properly conduct the county council's business. 2905

(iii) The board may require the executive committee to 2906
submit an annual budget to the board for approval and may amend 2907
or repeal the resolution that delegated to the executive 2908
committee its authority as the county council's administrative 2909
agent. 2910

(6) Two or more county councils may enter into an 2911
agreement to administer their county councils jointly by 2912
creating a regional family and children first council. A 2913
regional council possesses the same duties and authority 2914
possessed by a county council, except that the duties and 2915
authority apply regionally rather than to individual counties. 2916
Prior to entering into an agreement to create a regional 2917
council, the members of each county council to be part of the 2918
regional council shall meet to determine whether all or part of 2919
the members of each county council will serve as members of the 2920
regional council. 2921

(7) A board of county commissioners may approve a 2922
resolution by a majority vote of the board's members that 2923
requires the county council to submit a statement to the board 2924
each time the council proposes to enter into an agreement, adopt 2925
a plan, or make a decision, other than a decision pursuant to 2926
section 121.38 of the Revised Code, that requires the 2927
expenditure of funds for two or more families. The statement 2928
shall describe the proposed agreement, plan, or decision. 2929

Not later than fifteen days after the board receives the 2930
statement, it shall, by resolution approved by a majority of its 2931
members, approve or disapprove the agreement, plan, or decision. 2932
Failure of the board to pass a resolution during that time 2933
period shall be considered approval of the agreement, plan, or 2934
decision. 2935

An agreement, plan, or decision for which a statement is 2936
required to be submitted to the board shall be implemented only 2937
if it is approved by the board. 2938

(C) Each county shall develop a county service 2939
coordination mechanism. The county service coordination 2940
mechanism shall serve as the guiding document for coordination 2941
of services in the county. For children who also receive 2942
services under the help me grow program, the service 2943
coordination mechanism shall be consistent with rules adopted by 2944
the department of health under section 3701.61 of the Revised 2945
Code. All family service coordination plans shall be developed 2946
in accordance with the county service coordination mechanism. 2947
The mechanism shall be developed and approved with the 2948
participation of the county entities representing child welfare; 2949
developmental disabilities; alcohol, drug addiction, and mental 2950
health services; health; juvenile judges; education; the county 2951

family and children first council; and the county early 2952
intervention collaborative established pursuant to the federal 2953
early intervention program operated under the "Individuals with 2954
Disabilities Education Act of 2004." The county shall establish 2955
an implementation schedule for the mechanism. The cabinet 2956
council may monitor the implementation and administration of 2957
each county's service coordination mechanism. 2958

Each mechanism shall include all of the following: 2959

(1) A procedure for an agency, including a juvenile court, 2960
or a family voluntarily seeking service coordination, to refer 2961
the child and family to the county council for service 2962
coordination in accordance with the mechanism; 2963

(2) A procedure ensuring that a family and all appropriate 2964
staff from involved agencies, including a representative from 2965
the appropriate school district, are notified of and invited to 2966
participate in all family service coordination plan meetings; 2967

(3) A procedure that permits a family to initiate a 2968
meeting to develop or review the family's service coordination 2969
plan and allows the family to invite a family advocate, mentor, 2970
or support person of the family's choice to participate in any 2971
such meeting; 2972

(4) A procedure for ensuring that a family service 2973
coordination plan meeting is conducted for each child who 2974
receives service coordination under the mechanism and for whom 2975
an emergency out-of-home placement has been made or for whom a 2976
nonemergency out-of-home placement is being considered. The 2977
meeting shall be conducted within ten days of an emergency out- 2978
of-home placement. The meeting shall be conducted before a 2979
nonemergency out-of-home placement. The family service 2980

coordination plan shall outline how the county council members 2981
will jointly pay for services, where applicable, and provide 2982
services in the least restrictive environment. 2983

(5) A procedure for monitoring the progress and tracking 2984
the outcomes of each service coordination plan requested in the 2985
county including monitoring and tracking children in out-of-home 2986
placements to assure continued progress, appropriateness of 2987
placement, and continuity of care after discharge from placement 2988
with appropriate arrangements for housing, treatment, and 2989
education; 2990

(6) A procedure for protecting the confidentiality of all 2991
personal family information disclosed during service 2992
coordination meetings or contained in the comprehensive family 2993
service coordination plan; 2994

(7) A procedure for assessing the needs and strengths of 2995
any child or family that has been referred to the council for 2996
service coordination, including a child whose parent or 2997
custodian is voluntarily seeking services, and for ensuring that 2998
parents and custodians are afforded the opportunity to 2999
participate; 3000

(8) A procedure for development of a family service 3001
coordination plan described in division (D) of this section; 3002

(9) A local dispute resolution process to serve as the 3003
process that must be used first to resolve disputes among the 3004
agencies represented on the county council concerning the 3005
provision of services to children, including children who are 3006
abused, neglected, dependent, unruly, alleged unruly, or 3007
delinquent children and under the jurisdiction of the juvenile 3008
court and children whose parents or custodians are voluntarily 3009

seeking services. The local dispute resolution process shall 3010
comply with sections 121.38, 121.381, and 121.382 of the Revised 3011
Code. The local dispute resolution process shall be used to 3012
resolve disputes between a child's parents or custodians and the 3013
county council regarding service coordination. The county 3014
council shall inform the parents or custodians of their right to 3015
use the dispute resolution process. Parents or custodians shall 3016
use existing local agency grievance procedures to address 3017
disputes not involving service coordination. The dispute 3018
resolution process is in addition to and does not replace other 3019
rights or procedures that parents or custodians may have under 3020
other sections of the Revised Code. 3021

The cabinet council shall adopt rules in accordance with 3022
Chapter 119. of the Revised Code establishing an administrative 3023
review process to address problems that arise concerning the 3024
operation of a local dispute resolution process. 3025

Nothing in division (C) (4) of this section shall be 3026
interpreted as overriding or affecting decisions of a juvenile 3027
court regarding an out-of-home placement, long-term placement, 3028
or emergency out-of-home placement. 3029

(D) Each county shall develop a family service 3030
coordination plan that does all of the following: 3031

(1) Designates service responsibilities among the various 3032
state and local agencies that provide services to children and 3033
their families, including children who are abused, neglected, 3034
dependent, unruly, or delinquent children and under the 3035
jurisdiction of the juvenile court and children whose parents or 3036
custodians are voluntarily seeking services; 3037

(2) Designates an individual, approved by the family, to 3038

track the progress of the family service coordination plan, 3039
schedule reviews as necessary, and facilitate the family service 3040
coordination plan meeting process; 3041

(3) Ensures that assistance and services to be provided 3042
are responsive to the strengths and needs of the family, as well 3043
as the family's culture, race, and ethnic group, by allowing the 3044
family to offer information and suggestions and participate in 3045
decisions. Identified assistance and services shall be provided 3046
in the least restrictive environment possible. 3047

(4) Includes a process for dealing with a child who is 3048
alleged to be an unruly child. The process shall include methods 3049
to divert the child from the juvenile court system; 3050

(5) Includes timelines for completion of goals specified 3051
in the plan with regular reviews scheduled to monitor progress 3052
toward those goals; 3053

(6) Includes a plan for dealing with short-term crisis 3054
situations and safety concerns. 3055

(E) (1) The process provided for under division (D) (4) of 3056
this section may include, but is not limited to, the following: 3057

(a) Designation of the person or agency to conduct the 3058
assessment of the child and the child's family as described in 3059
division (C) (7) of this section and designation of the 3060
instrument or instruments to be used to conduct the assessment; 3061

(b) An emphasis on the personal responsibilities of the 3062
child and the parental responsibilities of the parents, 3063
guardian, or custodian of the child; 3064

(c) Involvement of local law enforcement agencies and 3065
officials. 3066

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

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

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

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

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

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

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

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

(F) Each county may review and revise the service 3095
coordination process described in division (D) of this section 3096
based on the availability of funds under Title IV-A of the 3097
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 3098
as amended, or to the extent resources are available from any 3099
other federal, state, or local funds. 3100

Sec. 121.40. (A) There is hereby created the Ohio 3101
commission on service and volunteerism consisting of nineteen 3102
voting members including the ~~superintendent of public~~ 3103
~~instruction~~ director of education and workforce or the 3104
~~superintendent's~~ director's designee, the chancellor of higher 3105
education or the chancellor's designee, the director of youth 3106
services or the director's designee, the director of aging or 3107
the director's designee, and fifteen members who shall be 3108
appointed by the governor with the advice and consent of the 3109
senate and who shall serve terms of office of three years. The 3110
appointees shall include educators, including teachers and 3111
administrators; representatives of youth organizations; students 3112
and parents; representatives of organizations engaged in 3113
volunteer program development and management throughout the 3114
state, including youth and conservation programs; and 3115
representatives of business, government, nonprofit 3116
organizations, social service agencies, veterans organizations, 3117
religious organizations, or philanthropies that support or 3118
encourage volunteerism within the state. The director of the 3119
governor's office of faith-based and community initiatives shall 3120
serve as a nonvoting ex officio member of the commission. 3121
Members of the commission shall receive no compensation, but 3122
shall be reimbursed for actual and necessary expenses incurred 3123
in the performance of their official duties. 3124

(B) The commission shall appoint an executive director for 3125

the commission, who shall be in the unclassified civil service. 3126
The governor shall be informed of the appointment of an 3127
executive director before such an appointment is made. The 3128
executive director shall supervise the commission's activities 3129
and report to the commission on the progress of those 3130
activities. The executive director shall do all things necessary 3131
for the efficient and effective implementation of the duties of 3132
the commission. 3133

The responsibilities assigned to the executive director do 3134
not relieve the members of the commission from final 3135
responsibility for the proper performance of the requirements of 3136
this section. 3137

(C) The commission or its designee shall do all of the 3138
following: 3139

(1) Employ, promote, supervise, and remove all employees 3140
as needed in connection with the performance of its duties under 3141
this section and may assign duties to those employees as 3142
necessary to achieve the most efficient performance of its 3143
functions, and to that end may establish, change, or abolish 3144
positions, and assign and reassign duties and responsibilities 3145
of any employee of the commission. Personnel employed by the 3146
commission who are subject to Chapter 4117. of the Revised Code 3147
shall retain all of their rights and benefits conferred pursuant 3148
to that chapter. Nothing in this chapter shall be construed as 3149
eliminating or interfering with Chapter 4117. of the Revised 3150
Code or the rights and benefits conferred under that chapter to 3151
public employees or to any bargaining unit. 3152

(2) Maintain its office in Columbus, and may hold sessions 3153
at any place within the state; 3154

- (3) Acquire facilities, equipment, and supplies necessary 3155
to house the commission, its employees, and files and records 3156
under its control, and to discharge any duty imposed upon it by 3157
law. The expense of these acquisitions shall be audited and paid 3158
for in the same manner as other state expenses. For that 3159
purpose, the commission shall prepare and submit to the office 3160
of budget and management a budget for each biennium according to 3161
sections 101.532 and 107.03 of the Revised Code. The budget 3162
submitted shall cover the costs of the commission and its staff 3163
in the discharge of any duty imposed upon the commission by law. 3164
The commission shall not delegate any authority to obligate 3165
funds. 3166
- (4) Pay its own payroll and other operating expenses from 3167
line items designated by the general assembly; 3168
- (5) Retain its fiduciary responsibility as appointing 3169
authority. Any transaction instructions shall be certified by 3170
the appointing authority or its designee. 3171
- (6) Establish the overall policy and management of the 3172
commission in accordance with this chapter; 3173
- (7) Assist in coordinating and preparing the state 3174
application for funds under sections 101 to 184 of the "National 3175
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 3176
U.S.C.A. 12411 to 12544, as amended, assist in administering and 3177
overseeing the "National and Community Service Trust Act of 3178
1993," P.L. 103-82, 107 Stat. 785, and the americorps program in 3179
this state, and assist in developing objectives for a 3180
comprehensive strategy to encourage and expand community service 3181
programs throughout the state; 3182
- (8) Assist the ~~state board~~ department of education and 3183

workforce, school districts, the chancellor of higher education, 3184
and institutions of higher education in coordinating community 3185
service education programs through cooperative efforts between 3186
institutions and organizations in the public and private 3187
sectors; 3188

(9) Assist the departments of natural resources, youth 3189
services, aging, and job and family services in coordinating 3190
community service programs through cooperative efforts between 3191
institutions and organizations in the public and private 3192
sectors; 3193

(10) Suggest individuals and organizations that are 3194
available to assist school districts, institutions of higher 3195
education, and the departments of natural resources, youth 3196
services, aging, and job and family services in the 3197
establishment of community service programs and assist in 3198
investigating sources of funding for implementing these 3199
programs; 3200

(11) Assist in evaluating the state's efforts in providing 3201
community service programs using standards and methods that are 3202
consistent with any statewide objectives for these programs and 3203
provide information to the ~~state board~~ department of education 3204
and workforce, school districts, the chancellor of higher 3205
education, institutions of higher education, and the departments 3206
of natural resources, youth services, aging, and job and family 3207
services to guide them in making decisions about these programs; 3208

(12) Assist the ~~state board~~ department of education and 3209
workforce in complying with section 3301.70 of the Revised Code 3210
and the chancellor of higher education in complying with 3211
division (B) (2) of section 3333.043 of the Revised Code. 3212

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

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

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

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

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

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

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

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

(2) The commission shall follow all state procurement, 3241
fiscal, human resources, statutory, and administrative rule 3242
requirements. 3243

(3) The fiscal agent shall determine fees to be charged to 3244
the commission, which shall be in proportion to the services 3245
performed for the commission. 3246

(4) The commission shall pay fees owed to the fiscal agent 3247
from a general revenue fund of the commission or from any other 3248
fund from which the operating expenses of the commission are 3249
paid. Any amounts set aside for a fiscal year for the payment of 3250
these fees shall be used only for the services performed for the 3251
commission by the fiscal agent in that fiscal year. 3252

(F) The commission may accept and administer grants from 3253
any source, public or private, to carry out any of the 3254
commission's functions this section establishes. 3255

Sec. 121.95. (A) As used in this section, "state agency" 3256
means an administrative department created under section 121.02 3257
of the Revised Code, an administrative department head appointed 3258
under section 121.03 of the Revised Code, and a state agency 3259
organized under an administrative department or administrative 3260
department head. "State agency" also includes the department of 3261
education and workforce, the state lottery commission, the Ohio 3262
casino control commission, the state racing commission, and the 3263
public utilities commission of Ohio. Rules adopted by an 3264
otherwise independent official or entity organized under a state 3265
agency shall be attributed to the agency under which the 3266
official or entity is organized for the purposes of this 3267
section. 3268

(B) Not later than December 31, 2019, a state agency shall 3269

review its existing rules to identify rules having one or more 3270
regulatory restrictions that require or prohibit an action and 3271
prepare a base inventory of the regulatory restrictions in its 3272
existing rules. Rules that include the words "shall," "must," 3273
"require," "shall not," "may not," and "prohibit" shall be 3274
considered to contain regulatory restrictions. 3275

(C) In the base inventory, the state agency shall indicate 3276
all of the following concerning each regulatory restriction: 3277

(1) A description of the regulatory restriction; 3278

(2) The rule number of the rule in which the regulatory 3279
restriction appears; 3280

(3) The statute under which the regulatory restriction was 3281
adopted; 3282

(4) Whether state or federal law expressly and 3283
specifically requires the agency to adopt the regulatory 3284
restriction or the agency adopted the regulatory restriction 3285
under the agency's general authority; 3286

(5) Whether removing the regulatory restriction would 3287
require a change to state or federal law, provided that removing 3288
a regulatory restriction adopted under a law granting the agency 3289
general authority shall be presumed not to require a change to 3290
state or federal law; 3291

(6) Any other information the joint committee on agency 3292
rule review considers necessary. 3293

(D) The state agency shall compute and state the total 3294
number of regulatory restrictions indicated in the base 3295
inventory, shall post the base inventory on its web site, and 3296
shall electronically transmit a copy of the inventory to the 3297

joint committee. The joint committee shall review the base 3298
inventory, then transmit it electronically to the speaker of the 3299
house of representatives and the president of the senate. 3300

(E) The following types of rules or regulatory 3301
restrictions are not required to be included in a state agency's 3302
inventory of regulatory restrictions: 3303

(1) An internal management rule; 3304

(2) An emergency rule; 3305

(3) A rule that state or federal law requires the state 3306
agency to adopt verbatim; 3307

(4) A regulatory restriction contained in materials or 3308
documents incorporated by reference into a rule pursuant to 3309
sections 121.71 to 121.75 of the Revised Code; 3310

(5) A rule adopted pursuant to section 1347.15 of the 3311
Revised Code; 3312

(6) A rule concerning instant lottery games; 3313

(7) A rule adopted by the Ohio casino control commission 3314
or the state lottery commission concerning sports gaming; 3315

(8) Any other rule that is not subject to review under 3316
Chapter 106. of the Revised Code. 3317

(F) Beginning on October 17, 2019, and ending on June 30, 3318
2023, a state agency may not adopt a new regulatory restriction 3319
unless it simultaneously removes two or more other existing 3320
regulatory restrictions. The state agency may not satisfy this 3321
section by merging two or more existing regulatory restrictions 3322
into a single surviving regulatory restriction. 3323

Sec. 124.15. (A) Board and commission members appointed 3324

prior to July 1, 1991, shall be paid a salary or wage in 3325
accordance with the following schedules of rates: 3326

Schedule B 3327

Pay Ranges and Step Values 3328

3329

	1	2	3	4	5	6
A	Range		Step 1	Step 2	Step 3	Step 4
B	23	Hourly	5.72	5.91	6.10	6.31
C		Annually	11897.60	12292.80	12688.00	13124.80
D			Step 5	Step 6		
E		Hourly	6.52	6.75		
F		Annually	13561.60	14040.00		
G			Step 1	Step 2	Step 3	Step 4
H	24	Hourly	6.00	6.20	6.41	6.63
I		Annually	12480.00	12896.00	13332.80	13790.40
J			Step 5	Step 6		
K		Hourly	6.87	7.10		
L		Annually	14289.60	14768.00		
M			Step 1	Step 2	Step 3	Step 4

N	25	Hourly	6.31	6.52	6.75	6.99
O		Annually	13124.80	13561.60	14040.00	14539.20
P			Step 5	Step 6		
Q		Hourly	7.23	7.41		
R		Annually	15038.40	15412.80		
S			Step 1	Step 2	Step 3	Step 4
T	26	Hourly	6.63	6.87	7.10	7.32
U		Annually	13790.40	14289.60	14768.00	15225.60
V			Step 5	Step 6		
W		Hourly	7.53	7.77		
X		Annually	15662.40	16161.60		
Y			Step 1	Step 2	Step 3	Step 4
Z	27	Hourly	6.99	7.23	7.41	7.64
AA		Annually	14534.20	15038.40	15412.80	15891.20
AB			Step 5	Step 6	Step 7	
AC		Hourly	7.88	8.15	8.46	
AD		Annually	16390.40	16952.00	17596.80	
AE			Step 1	Step 2	Step 3	Step 4

AF	28	Hourly	7.41	7.64	7.88	8.15
AG		Annually	15412.80	15891.20	16390.40	16952.00
AH			Step 5	Step 6	Step 7	
AI		Hourly	8.46	8.79	9.15	
AJ		Annually	17596.80	18283.20	19032.00	
AK			Step 1	Step 2	Step 3	Step 4
AL	29	Hourly	7.88	8.15	8.46	8.79
AM		Annually	16390.40	16952.00	17596.80	18283.20
AN			Step 5	Step 6	Step 7	
AO		Hourly	9.15	9.58	10.01	
AP		Annually	19032.00	19926.40	20820.80	
AQ			Step 1	Step 2	Step 3	Step 4
AR	30	Hourly	8.46	8.79	9.15	9.58
AS		Annually	17596.80	18283.20	19032.00	19926.40
AT			Step 5	Step 6	Step 7	
AU		Hourly	10.01	10.46	10.99	
AV		Annually	20820.80	21756.80	22859.20	
AW			Step 1	Step 2	Step 3	Step 4

AX	31	Hourly	9.15	9.58	10.01	10.46
AY		Annually	19032.00	19962.40	20820.80	21756.80
AZ			Step 5	Step 6	Step 7	
BA		Hourly	10.99	11.52	12.09	
BB		Annually	22859.20	23961.60	25147.20	
BC			Step 1	Step 2	Step 3	Step 4
BD	32	Hourly	10.01	10.46	10.99	11.52
BE		Annually	20820.80	21756.80	22859.20	23961.60
BF			Step 5	Step 6	Step 7	Step 8
BG		Hourly	12.09	12.68	13.29	13.94
BH		Annually	25147.20	26374.40	27643.20	28995.20
BI			Step 1	Step 2	Step 3	Step 4
BJ	33	Hourly	10.99	11.52	12.09	12.68
BK		Annually	22859.20	23961.60	25147.20	26374.40
BL			Step 5	Step 6	Step 7	Step 8
BM		Hourly	13.29	13.94	14.63	15.35
BN		Annually	27643.20	28995.20	30430.40	31928.00
BO			Step 1	Step 2	Step 3	Step 4

BP	34	Hourly	12.09	12.68	13.29	13.94
BQ		Annually	25147.20	26374.40	27643.20	28995.20
BR			Step 5	Step 6	Step 7	Step 8
BS		Hourly	14.63	15.35	16.11	16.91
BT		Annually	30430.40	31928.00	33508.80	35172.80
BU			Step 1	Step 2	Step 3	Step 4
BV	35	Hourly	13.29	13.94	14.63	15.35
BW		Annually	27643.20	28995.20	30430.40	31928.00
BX			Step 5	Step 6	Step 7	Step 8
BY		Hourly	16.11	16.91	17.73	18.62
BZ		Annually	33508.80	35172.80	36878.40	38729.60
CA			Step 1	Step 2	Step 3	Step 4
CB	36	Hourly	14.63	15.35	16.11	16.91
CC		Annually	30430.40	31928.00	33508.80	35172.80
CD			Step 5	Step 6	Step 7	Step 8
CE		Hourly	17.73	18.62	19.54	20.51
CF		Annually	36878.40	38729.60	40643.20	42660.80

Schedule C

3330

Pay Range and Values

3331

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	10.44	15.72
C		Annually	21715.20	32697.60
D	42	Hourly	11.51	17.35
E		Annually	23940.80	36088.00
F	43	Hourly	12.68	19.12
G		Annually	26374.40	39769.60
H	44	Hourly	13.99	20.87
I		Annually	29099.20	43409.60
J	45	Hourly	15.44	22.80
K		Annually	32115.20	47424.00
L	46	Hourly	17.01	24.90
M		Annually	35380.80	51792.00
N	47	Hourly	18.75	27.18
O		Annually	39000.00	56534.40
P	48	Hourly	20.67	29.69
Q		Annually	42993.60	61755.20

R	49	Hourly	22.80	32.06
S		Annually	47424.00	66684.80

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

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

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

The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover employees in the service of the state and determine whether certain benefits or payments

provided to the employees covered by those agreements should 3359
also be provided to employees in the service of the state who 3360
are exempt from collective bargaining coverage and are paid in 3361
accordance with section 124.152 of the Revised Code or are 3362
listed in division (B)(2) or (4) of section 124.14 of the 3363
Revised Code. On completing the review, the director of 3364
administrative services, with the approval of the director of 3365
budget and management, may provide to some or all of these 3366
employees any payment or benefit, except for salary, contained 3367
in such a collective bargaining agreement even if it is similar 3368
to a payment or benefit already provided by law to some or all 3369
of these employees. Any payment or benefit so provided shall not 3370
exceed the highest level for that payment or benefit specified 3371
in such a collective bargaining agreement. The director of 3372
administrative services shall not provide, and the director of 3373
budget and management shall not approve, any payment or benefit 3374
to such an employee under this division unless the payment or 3375
benefit is provided pursuant to a collective bargaining 3376
agreement to a state employee who is in a position with similar 3377
duties as, is supervised by, or is employed by the same 3378
appointing authority as, the employee to whom the benefit or 3379
payment is to be provided. 3380

As used in this division, "payment or benefit already 3381
provided by law" includes, but is not limited to, bereavement, 3382
personal, vacation, administrative, and sick leave, disability 3383
benefits, holiday pay, and pay supplements provided under the 3384
Revised Code, but does not include wages or salary. 3385

(E) New employees paid in accordance with schedule B of 3386
division (A) of this section or schedule E-1 of section 124.152 3387
of the Revised Code shall be employed at the minimum rate 3388
established for the range unless otherwise provided. Employees 3389

with qualifications that are beyond the minimum normally 3390
required for the position and that are determined by the 3391
director to be exceptional may be employed in, or may be 3392
transferred or promoted to, a position at an advanced step of 3393
the range. Further, in time of a serious labor market condition 3394
when it is relatively impossible to recruit employees at the 3395
minimum rate for a particular classification, the entrance rate 3396
may be set at an advanced step in the range by the director of 3397
administrative services. This rate may be limited to 3398
geographical regions of the state. Appointments made to an 3399
advanced step under the provision regarding exceptional 3400
qualifications shall not affect the step assignment of employees 3401
already serving. However, anytime the hiring rate of an entire 3402
classification is advanced to a higher step, all incumbents of 3403
that classification being paid at a step lower than that being 3404
used for hiring, shall be advanced beginning at the start of the 3405
first pay period thereafter to the new hiring rate, and any time 3406
accrued at the lower step will be used to calculate advancement 3407
to a succeeding step. If the hiring rate of a classification is 3408
increased for only a geographical region of the state, only 3409
incumbents who work in that geographical region shall be 3410
advanced to a higher step. When an employee in the unclassified 3411
service changes from one state position to another or is 3412
appointed to a position in the classified service, or if an 3413
employee in the classified service is appointed to a position in 3414
the unclassified service, the employee's salary or wage in the 3415
new position shall be determined in the same manner as if the 3416
employee were an employee in the classified service. When an 3417
employee in the unclassified service who is not eligible for 3418
step increases is appointed to a classification in the 3419
classified service under which step increases are provided, 3420
future step increases shall be based on the date on which the 3421

employee last received a pay increase. If the employee has not 3422
received an increase during the previous year, the date of the 3423
appointment to the classified service shall be used to determine 3424
the employee's annual step advancement eligibility date. In 3425
reassigning any employee to a classification resulting in a pay 3426
range increase or to a new pay range as a result of a promotion, 3427
an increase pay range adjustment, or other classification change 3428
resulting in a pay range increase, the director shall assign 3429
such employee to the step in the new pay range that will provide 3430
an increase of approximately four per cent if the new pay range 3431
can accommodate the increase. When an employee is being assigned 3432
to a classification or new pay range as the result of a class 3433
plan change, if the employee has completed a probationary 3434
period, the employee shall be placed in a step no lower than 3435
step two of the new pay range. If the employee has not completed 3436
a probationary period, the employee may be placed in step one of 3437
the new pay range. Such new salary or wage shall become 3438
effective on such date as the director determines. 3439

(F) If employment conditions and the urgency of the work 3440
require such action, the director of administrative services 3441
may, upon the application of a department head, authorize 3442
payment at any rate established within the range for the class 3443
of work, for work of a casual or intermittent nature or on a 3444
project basis. Payment at such rates shall not be made to the 3445
same individual for more than three calendar months in any one 3446
calendar year. Any such action shall be subject to the approval 3447
of the director of budget and management as to the availability 3448
of funds. This section and sections 124.14 and 124.152 of the 3449
Revised Code do not repeal any authority of any department or 3450
public official to contract with or fix the compensation of 3451
professional persons who may be employed temporarily for work of 3452

a casual nature or for work on a project basis. 3453

(G) (1) Except as provided in divisions (G) (2) and (3) of 3454
this section, each state employee paid in accordance with 3455
schedule B of this section or schedule E-1 of section 124.152 of 3456
the Revised Code shall be eligible for advancement to succeeding 3457
steps in the range for the employee's class or grade according 3458
to the schedule established in this division. Beginning on the 3459
first day of the pay period within which the employee completes 3460
the prescribed probationary period in the employee's 3461
classification with the state, each employee shall receive an 3462
automatic salary adjustment equivalent to the next higher step 3463
within the pay range for the employee's class or grade. 3464

Except as provided in divisions (G) (2) and (3) of this 3465
section, each employee paid in accordance with schedule E-1 of 3466
section 124.152 of the Revised Code shall be eligible to advance 3467
to the next higher step until the employee reaches the top step 3468
in the range for the employee's class or grade, if the employee 3469
has maintained satisfactory performance in accordance with 3470
criteria established by the employee's appointing authority. 3471
Those step advancements shall not occur more frequently than 3472
once in any twelve-month period. 3473

When an employee is promoted, the step entry date shall be 3474
set to account for a probationary period. When an employee is 3475
reassigned to a higher pay range, the step entry date shall be 3476
set to allow an employee who is not at the highest step of the 3477
range to receive a step advancement one year from the 3478
reassignment date. Step advancement shall not be affected by 3479
demotion. A promoted employee shall advance to the next higher 3480
step of the pay range on the first day of the pay period in 3481
which the required probationary period is completed. Step 3482

advancement shall become effective at the beginning of the pay 3483
period within which the employee attains the necessary length of 3484
service. Time spent on authorized leave of absence shall be 3485
counted for this purpose. 3486

If determined to be in the best interest of the state 3487
service, the director of administrative services may, either 3488
statewide or in selected agencies, adjust the dates on which 3489
annual step advancements are received by employees paid in 3490
accordance with schedule E-1 of section 124.152 of the Revised 3491
Code. 3492

(2) (a) There shall be a moratorium on annual step 3493
advancements under division (G) (1) of this section beginning 3494
June 21, 2009, through June 20, 2011. Step advancements shall 3495
resume with the pay period beginning June 21, 2011. Upon the 3496
resumption of step advancements, there shall be no retroactive 3497
step advancements for the period the moratorium was in effect. 3498
The moratorium shall not affect an employee's performance 3499
evaluation schedule. 3500

An employee who begins a probationary period before June 3501
21, 2009, shall advance to the next step in the employee's pay 3502
range at the end of probation, and then become subject to the 3503
moratorium. An employee who is hired, promoted, or reassigned to 3504
a higher pay range between June 21, 2009, through June 20, 2011, 3505
shall not advance to the next step in the employee's pay range 3506
until the next anniversary of the employee's date of hire, 3507
promotion, or reassignment that occurs on or after June 21, 3508
2011. 3509

(b) The moratorium under division (G) (2) (a) of this 3510
section shall apply to the employees of the secretary of state, 3511
the auditor of state, the treasurer of state, and the attorney 3512

general, who are subject to this section unless the secretary of 3513
state, the auditor of state, the treasurer of state, or the 3514
attorney general decides to exempt the office's employees from 3515
the moratorium and so notifies the director of administrative 3516
services in writing on or before July 1, 2009. 3517

(3) Employees in intermittent positions shall be employed 3518
at the minimum rate established for the pay range for their 3519
classification and are not eligible for step advancements. 3520

(H) Employees in appointive managerial or professional 3521
positions paid in accordance with schedule C of this section or 3522
schedule E-2 of section 124.152 of the Revised Code may be 3523
appointed at any rate within the appropriate pay range. This 3524
rate of pay may be adjusted higher or lower within the 3525
respective pay range at any time the appointing authority so 3526
desires as long as the adjustment is based on the employee's 3527
ability to successfully administer those duties assigned to the 3528
employee. Salary adjustments shall not be made more frequently 3529
than once in any six-month period under this provision to 3530
incumbents holding the same position and classification. 3531

(I) When an employee is assigned to duty outside this 3532
state, the employee may be compensated, upon request of the 3533
department head and with the approval of the director of 3534
administrative services, at a rate not to exceed fifty per cent 3535
in excess of the employee's current base rate for the period of 3536
time spent on that duty. 3537

(J) Unless compensation for members of a board or 3538
commission is otherwise specifically provided by law, the 3539
director of administrative services shall establish the rate and 3540
method of payment for members of boards and commissions pursuant 3541
to the pay schedules listed in section 124.152 of the Revised 3542

Code. 3543

(K) Regular full-time employees in positions assigned to 3544
classes within the instruction and education administration 3545
series under the job classification plans of the director of 3546
administrative services, except certificated employees on the 3547
instructional staff of the state school for the blind or the 3548
state school for the deaf, whose positions are scheduled to work 3549
on the basis of an academic year rather than a full calendar 3550
year, shall be paid according to the pay range assigned by the 3551
applicable job classification plan, but only during those pay 3552
periods included in the academic year of the school where the 3553
employee is located. 3554

(1) Part-time or substitute teachers or those whose period 3555
of employment is other than the full academic year shall be 3556
compensated for the actual time worked at the rate established 3557
by this section. 3558

(2) Employees governed by this division are exempt from 3559
sections 124.13 and 124.19 of the Revised Code. 3560

(3) Length of service for the purpose of determining 3561
eligibility for step advancements as provided by division (G) of 3562
this section and for the purpose of determining eligibility for 3563
longevity pay supplements as provided by division (E) of section 3564
124.181 of the Revised Code shall be computed on the basis of 3565
one full year of service for the completion of each academic 3566
year. 3567

(L) The superintendent of the state school for the deaf 3568
and the superintendent of the state school for the blind shall, 3569
subject to the approval of the ~~superintendent of public~~ 3570
~~instruction~~director of education and workforce, carry out both 3571

of the following: 3572

(1) Annually, between the first day of April and the last 3573
day of June, establish for the ensuing fiscal year a schedule of 3574
hourly rates for the compensation of each certificated employee 3575
on the instructional staff of that superintendent's respective 3576
school constructed as follows: 3577

(a) Determine for each level of training, experience, and 3578
other professional qualification for which an hourly rate is set 3579
forth in the current schedule, the per cent that rate is of the 3580
rate set forth in such schedule for a teacher with a bachelor's 3581
degree and no experience. If there is more than one such rate 3582
for such a teacher, the lowest rate shall be used to make the 3583
computation. 3584

(b) Determine which six city, local, and exempted village 3585
school districts with territory in Franklin county have in 3586
effect on, or have adopted by, the first day of April for the 3587
school year that begins on the ensuing first day of July, 3588
teacher salary schedules with the highest minimum salaries for a 3589
teacher with a bachelor's degree and no experience; 3590

(c) Divide the sum of such six highest minimum salaries by 3591
ten thousand five hundred sixty; 3592

(d) Multiply each per cent determined in division (L) (1) 3593
(a) of this section by the quotient obtained in division (L) (1) 3594
(c) of this section; 3595

(e) One hundred five per cent of each product thus 3596
obtained shall be the hourly rate for the corresponding level of 3597
training, experience, or other professional qualification in the 3598
schedule for the ensuing fiscal year. 3599

(2) Annually, assign each certificated employee on the 3600

instructional staff of the superintendent's respective school to 3601
an hourly rate on the schedule that is commensurate with the 3602
employee's training, experience, and other professional 3603
qualifications. 3604

If an employee is employed on the basis of an academic 3605
year, the employee's annual salary shall be calculated by 3606
multiplying the employee's assigned hourly rate times one 3607
thousand seven hundred sixty. If an employee is not employed on 3608
the basis of an academic year, the employee's annual salary 3609
shall be calculated in accordance with the following formula: 3610

(a) Multiply the number of days the employee is required 3611
to work pursuant to the employee's contract by eight; 3612

(b) Multiply the product of division (L) (2) (a) of this 3613
section by the employee's assigned hourly rate. 3614

Each employee shall be paid an annual salary in biweekly 3615
installments. The amount of each installment shall be calculated 3616
by dividing the employee's annual salary by the number of 3617
biweekly installments to be paid during the year. 3618

Sections 124.13 and 124.19 of the Revised Code do not 3619
apply to an employee who is paid under this division. 3620

As used in this division, "academic year" means the number 3621
of days in each school year that the schools are required to be 3622
open for instruction with pupils in attendance. Upon completing 3623
an academic year, an employee paid under this division shall be 3624
deemed to have completed one year of service. An employee paid 3625
under this division is eligible to receive a pay supplement 3626
under division (L) (1), (2), or (3) of section 124.181 of the 3627
Revised Code for which the employee qualifies, but is not 3628
eligible to receive a pay supplement under division (L) (4) or 3629

(5) of that section. An employee paid under this division is 3630
eligible to receive a pay supplement under division (L) (6) of 3631
section 124.181 of the Revised Code for which the employee 3632
qualifies, except that the supplement is not limited to a 3633
maximum of five per cent of the employee's regular base salary 3634
in a calendar year. 3635

(M) Division (A) of this section does not apply to "exempt 3636
employees," as defined in section 124.152 of the Revised Code, 3637
who are paid under that section. 3638

Notwithstanding any other provisions of this chapter, when 3639
an employee transfers between bargaining units or transfers out 3640
of or into a bargaining unit, the director of administrative 3641
services shall establish the employee's compensation and adjust 3642
the maximum leave accrual schedule as the director deems 3643
equitable. 3644

Sec. 124.382. (A) As used in this section and sections 3645
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 3646

(1) "Pay period" means the fourteen-day period of time 3647
during which the payroll is accumulated, as determined by the 3648
director of administrative services. 3649

(2) "Active pay status" means the conditions under which 3650
an employee is eligible to receive pay, and includes, but is not 3651
limited to, vacation leave, sick leave, personal leave, 3652
bereavement leave, and administrative leave. 3653

(3) "No pay status" means the conditions under which an 3654
employee is ineligible to receive pay and includes, but is not 3655
limited to, leave without pay, leave of absence, and disability 3656
leave. 3657

(4) "Disability leave" means the leave granted pursuant to 3658

section 124.385 of the Revised Code. 3659

(5) "Full-time permanent employee" means an employee whose 3660
regular hours of duty total eighty hours in a pay period in a 3661
state agency and whose appointment is not for a limited period 3662
of time. 3663

(6) "Base rate of pay" means the rate of pay established 3664
under schedule B or C of section 124.15 of the Revised Code or 3665
under schedule E-1 or schedule E-2 of section 124.152 of the 3666
Revised Code, plus any supplement provided under section 124.181 3667
of the Revised Code, plus any supplements enacted into law which 3668
are added to schedule B or C of section 124.15 of the Revised 3669
Code or to schedule E-1 or schedule E-2 of section 124.152 of 3670
the Revised Code. 3671

(7) "Part-time permanent employee" means an employee whose 3672
regular hours of duty total less than eighty hours in a pay 3673
period in a state agency and whose appointment is not for a 3674
limited period of time. 3675

(B) Each full-time permanent and part-time permanent 3676
employee whose salary or wage is paid directly by warrant of the 3677
director of budget and management shall be credited with sick 3678
leave of three and one-tenth hours for each completed eighty 3679
hours of service, excluding overtime hours worked. Sick leave is 3680
not available for use until it appears on the employee's earning 3681
statement and the compensation described in the earning 3682
statement is available to the employee. 3683

(C) Any sick leave credit provided pursuant to division 3684
(B) of this section, remaining as of the last day of the pay 3685
period preceding the first paycheck the employee receives in 3686
December, shall be converted pursuant to section 124.383 of the 3687

Revised Code. 3688

(D) Employees may use sick leave, provided a credit 3689
balance is available, upon approval of the responsible 3690
administrative officer of the employing unit, for absence due to 3691
personal illness, pregnancy, injury, exposure to contagious 3692
disease that could be communicated to other employees, and 3693
illness, injury, or death in the employee's immediate family. 3694
When sick leave is used, it shall be deducted from the 3695
employee's credit on the basis of absence from previously 3696
scheduled work in such increments of an hour and at such a 3697
compensation rate as the director of administrative services 3698
determines. The appointing authority of each employing unit may 3699
require an employee to furnish a satisfactory, signed statement 3700
to justify the use of sick leave. 3701

If, after having utilized the credit provided by this 3702
section, an employee utilizes sick leave that was accumulated 3703
prior to November 15, 1981, compensation for such sick leave 3704
used shall be at a rate as the director determines. 3705

(E) (1) The previously accumulated sick leave balance of an 3706
employee who has been separated from the public service, for 3707
which separation payments pursuant to section 124.384 of the 3708
Revised Code have not been made, shall be placed to the 3709
employee's credit upon the employee's reemployment in the public 3710
service, if the reemployment takes place within ten years of the 3711
date on which the employee was last terminated from public 3712
service. 3713

(2) The previously accumulated sick leave balance of an 3714
employee who has separated from a school district shall be 3715
placed to the employee's credit upon the employee's appointment 3716
as an unclassified employee of the state department of education 3717

and workforce, if all of the following apply: 3718

(a) The employee accumulated the sick leave balance while 3719
employed by the school district. 3720

(b) The employee did not receive any separation payments 3721
for the sick leave balance. 3722

(c) The employee's employment with the department takes 3723
place within ten years after the date on which the employee 3724
separated from the school district. 3725

(F) An employee who transfers from one public agency to 3726
another shall be credited with the unused balance of the 3727
employee's accumulated sick leave. 3728

(G) The director of administrative services shall 3729
establish procedures to uniformly administer this section. No 3730
sick leave may be granted to a state employee upon or after the 3731
employee's retirement or termination of employment. 3732

(H) As used in this division, "active payroll" means 3733
conditions under which an employee is in active pay status or 3734
eligible to receive pay for an approved leave of absence, 3735
including, but not limited to, occupational injury leave, 3736
disability leave, or workers' compensation. 3737

(1) Employees who are in active payroll status on June 18, 3738
2011, shall receive a one-time credit of additional sick leave 3739
in the pay period that begins on July 1, 2011. Full-time 3740
employees shall receive the lesser of either a one-time credit 3741
of thirty-two hours of additional sick leave or a one-time 3742
credit of additional sick leave equivalent to half the hours of 3743
personal leave the employee lost during the moratorium 3744
established under either division (A) of section 124.386 of the 3745
Revised Code or pursuant to a rule of the director of 3746

administrative services. Part-time employees shall receive a 3747
one-time credit of sixteen hours of additional sick leave. 3748

(2) Employees who are not in active payroll status due to 3749
military leave or an absence taken in accordance with the 3750
federal "Family and Medical Leave Act" are eligible to receive 3751
the one-time additional sick leave credit. 3752

(3) The one-time additional sick leave credit does not 3753
apply to employees of the supreme court, general assembly, 3754
legislative service commission, secretary of state, auditor of 3755
state, treasurer of state, or attorney general unless the 3756
supreme court, general assembly, legislative service commission, 3757
secretary of state, auditor of state, treasurer of state, or 3758
attorney general participated in the moratorium under division 3759
(H) or (I) of section 124.386 of the Revised Code and notifies 3760
in writing the director of administrative services on or before 3761
June 1, 2011, of the decision to participate in the one-time 3762
additional sick leave credit. Written notice under this division 3763
shall be signed by the appointing authority for employees of the 3764
supreme court, general assembly, or legislative service 3765
commission, as the case may be. 3766

Sec. 124.384. (A) Except as otherwise provided in this 3767
section, employees whose salaries or wages are paid by warrant 3768
of the director of budget and management and who have 3769
accumulated sick leave under section 124.38 or 124.382 of the 3770
Revised Code shall be paid for a percentage of their accumulated 3771
balances, upon separation for any reason, including death but 3772
excluding retirement, at their last base rate of pay at the rate 3773
of one hour of pay for every two hours of accumulated balances. 3774
An employee who retires in accordance with any retirement plan 3775
offered by the state shall be paid upon retirement for each hour 3776

of the employee's accumulated sick leave balance at a rate of 3777
fifty-five per cent of the employee's last base rate of pay. 3778

An employee serving in a temporary work level who elects 3779
to convert unused sick leave to cash shall do so at the base 3780
rate of pay of the employee's normal classification. If an 3781
employee dies, the employee's unused sick leave shall be paid in 3782
accordance with section 2113.04 of the Revised Code or to the 3783
employee's estate. 3784

In order to be eligible for the payment authorized by this 3785
section, an employee shall have at least one year of state 3786
service and shall request all or a portion of that payment no 3787
later than three years after separation from state service. No 3788
person is eligible to receive all or a portion of the payment 3789
authorized by this section at any time later than three years 3790
after the person's separation from state service. 3791

(B) A person initially employed on or after July 5, 1987, 3792
by a state agency in which the employees' salaries or wages are 3793
paid directly by warrant of the director of budget and 3794
management shall receive payment under this section only for 3795
sick leave accumulated while employed by state agencies in which 3796
the employees' salaries or wages are paid directly by warrant of 3797
the director of budget and management. Additionally, a person 3798
initially employed on or after July 5, 1987, but before October 3799
1, 2017, by the state department of education and workforce as 3800
an unclassified employee shall receive payment under this 3801
section for sick leave placed to the employee's credit under 3802
division (E) (2) of section 124.382 of the Revised Code. 3803

(C) For employees paid in accordance with section 124.152 3804
of the Revised Code and those employees listed in divisions (B) 3805
(2) and (4) of section 124.14 of the Revised Code, the director 3806

of administrative services, with the approval of the director of 3807
budget and management, may establish a plan for early payment of 3808
accrued sick leave and vacation leave. 3809

Sec. 125.05. Except as provided in division (D) or (E) of 3810
this section, no state agency shall purchase any supplies or 3811
services except as provided in divisions (A) to (C) of this 3812
section. 3813

(A) A state agency may, without competitive selection, 3814
make any purchase of supplies or services that cost less than 3815
fifty thousand dollars after complying with divisions (A) to (E) 3816
of section 125.035 of the Revised Code. The agency may make the 3817
purchase directly or may make the purchase from or through the 3818
department of administrative services, whichever the agency 3819
determines. The agency shall adopt written procedures consistent 3820
with the department's purchasing procedures and shall use those 3821
procedures when making purchases under this division. 3822

Section 127.16 of the Revised Code does not apply to 3823
purchases made under this division. 3824

(B) A state agency shall make purchases of supplies and 3825
services that cost fifty thousand dollars or more through the 3826
department of administrative services and the process provided 3827
in section 125.035 of the Revised Code, unless the department 3828
grants a waiver under division (D) or (E) of that section and a 3829
release and permit under division (G) of that section. 3830

(C) An agency that has been granted a release and permit 3831
under division (G) of section 125.035 of the Revised Code to 3832
make a purchase may make the purchase without competitive 3833
selection if after making the purchase the cumulative purchase 3834
threshold as computed under division (E) of section 127.16 of 3835

the Revised Code would: 3836

(1) Be exceeded and the controlling board approves the 3837
purchase; 3838

(2) Not be exceeded and the department of administrative 3839
services approves the purchase. 3840

(D) If the department of education and workforce or the 3841
Ohio education computer network determines that it can purchase 3842
software services or supplies for specified school districts at 3843
a price less than the price for which the districts could 3844
purchase the same software services or supplies for themselves, 3845
the department or network shall certify that fact to the 3846
department of administrative services and, acting as an agent 3847
for the specified school districts, shall make that purchase 3848
without following the provisions in divisions (A) to (D) of this 3849
section. 3850

(E) When the purchase cost of personal protective 3851
equipment is less than fifty thousand dollars, a state agency 3852
shall comply with divisions (A) to (E) of section 125.035 of the 3853
Revised Code. If the purchase is not subject to the requirements 3854
of an applicable first or second requisite procurement program, 3855
the agency shall apply the same preferences in section 125.09 of 3856
the Revised Code when making the purchase. As used in this 3857
division, "personal protective equipment" means equipment worn 3858
to minimize exposure to hazards that cause workplace injuries 3859
and illnesses. 3860

Sec. 125.13. (A) As used in this section: 3861

(1) "Emergency medical service organization" has the same 3862
meaning as in section 4765.01 of the Revised Code. 3863

(2) "Private fire company" has the same meaning as in 3864

section 9.60 of the Revised Code. 3865

(B) Whenever a state agency has excess or surplus 3866
supplies, it shall notify the director of administrative 3867
services. On forms provided by the director, the state agency 3868
shall furnish to the director a list of its excess and surplus 3869
supplies, including the location of the supplies and whether the 3870
supplies are currently in the agency's control. 3871

(C) Upon receipt of notification and at no cost to the 3872
state agency, the director of administrative services shall make 3873
arrangements for their disposition and shall take immediate 3874
control of a state agency's excess and surplus supplies, except 3875
for the following excess and surplus supplies: 3876

(1) Excess or surplus supplies that have a value below the 3877
minimum value that the director establishes for excess and 3878
surplus supplies under division (F) of this section; 3879

(2) Excess or surplus supplies that the director has 3880
authorized an agency to donate to a governmental agency, 3881
including, but not limited to, public schools and surplus 3882
computers and computer equipment transferred to a public school 3883
under division (G) of this section; 3884

(3) Excess or surplus supplies that an agency trades in as 3885
full or partial payment when purchasing a replacement item; 3886

(4) Hazardous property; 3887

(5) Excess or surplus supplies that the director has 3888
authorized to be part of an interagency transfer; 3889

(6) Excess or surplus supplies that are donated under 3890
division (H) of this section. 3891

(D) The director shall inventory excess and surplus 3892

supplies in the director's control and post on a public web site 3893
a list of the supplies available for acquisition. The director 3894
may have the supplies repaired. The director shall not charge a 3895
fee for the collection or transportation of excess and surplus 3896
supplies. 3897

(E) The director may do any of the following: 3898

(1) Dispose of declared surplus or excess supplies in the 3899
director's control by sale, lease, donation, or transfer. If the 3900
director does so, the director shall dispose of those supplies 3901
in any of the following manners: 3902

(a) To state agencies or by interagency trade; 3903

(b) To state-supported or state-assisted institutions of 3904
higher education; 3905

(c) To tax-supported agencies, municipal corporations, or 3906
other political subdivisions of this state, private fire 3907
companies, or private, nonprofit emergency medical service 3908
organizations; 3909

(d) To nonpublic elementary and secondary schools 3910
chartered by the ~~state board~~ department of education and 3911
workforce under section 3301.16 of the Revised Code; 3912

(e) To a nonprofit organization that is both exempt from 3913
federal income taxation under 26 U.S.C. 501(a) and (c) (3) and 3914
that receives funds from the state or has a contract with the 3915
state; 3916

(f) To the general public by auction, sealed bid, sale, or 3917
negotiation. 3918

(2) If the director has attempted to dispose of any 3919
declared surplus or excess motor vehicle that does not exceed 3920

four thousand five hundred dollars in value pursuant to 3921
divisions (E) (1) (a) to (c) of this section, donate the motor 3922
vehicle to a nonprofit organization exempt from federal income 3923
taxation pursuant to 26 U.S.C. 501(a) and (c) (3) for the purpose 3924
of meeting the transportation needs of participants in the Ohio 3925
works first program established under Chapter 5107. of the 3926
Revised Code and participants in the prevention, retention, and 3927
contingency program established under Chapter 5108. of the 3928
Revised Code. The director may not donate a motor vehicle 3929
furnished to the state highway patrol to a nonprofit 3930
organization pursuant to this division. 3931

(F) The director may adopt rules governing the sale, 3932
lease, or transfer of surplus and excess supplies in the 3933
director's control by public auction, sealed bid, sale, or 3934
negotiation, except that no employee of the disposing agency 3935
shall be allowed to purchase, lease, or receive any such 3936
supplies. The director may dispose of declared surplus or excess 3937
supplies, including motor vehicles, in the director's control as 3938
the director determines proper if such supplies cannot be 3939
disposed of pursuant to division (E) of this section. The 3940
director shall by rule establish a minimum value for excess and 3941
surplus supplies and prescribe procedures for a state agency to 3942
follow in disposing of excess and surplus supplies in its 3943
control that have a value below the minimum value established by 3944
the director. 3945

(G) The director of administrative services may authorize 3946
any state agency to transfer surplus computers and computer 3947
equipment that are not needed by other state agencies directly 3948
to an accredited public school within the state. The computers 3949
and computer equipment may be repaired or refurbished prior to 3950
transfer. The state agency may charge a service fee to the 3951

public schools for the property not to exceed the direct cost of 3952
repairing or refurbishing it. The state agency shall deposit 3953
such funds into the account used for repair or refurbishment. 3954

(H) Excess and surplus supplies of food shall be exempt 3955
from this section and may be donated directly to nonprofit food 3956
pantries and institutions without notification to the director 3957
of administrative services. 3958

Sec. 133.06. (A) A school district shall not incur, 3959
without a vote of the electors, net indebtedness that exceeds an 3960
amount equal to one-tenth of one per cent of its tax valuation, 3961
except as provided in divisions (G) and (H) of this section and 3962
in division (D) of section 3313.372 of the Revised Code, or as 3963
prescribed in section 3318.052 or 3318.44 of the Revised Code, 3964
or as provided in division (J) of this section. 3965

(B) Except as provided in divisions (E), (F), and (I) of 3966
this section, a school district shall not incur net indebtedness 3967
that exceeds an amount equal to nine per cent of its tax 3968
valuation. 3969

(C) A school district shall not submit to a vote of the 3970
electors the question of the issuance of securities in an amount 3971
that will make the district's net indebtedness after the 3972
issuance of the securities exceed an amount equal to four per 3973
cent of its tax valuation, unless the ~~superintendent of public~~ 3974
~~instruction~~director of education and workforce, acting under 3975
policies adopted by the ~~state board~~department of education and 3976
workforce, and the tax commissioner, acting under written 3977
policies of the commissioner, consent to the submission. A 3978
request for the consents shall be made at least one hundred 3979
twenty days prior to the election at which the question is to be 3980
submitted. 3981

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

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

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

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

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

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

(4) Loans, evidenced by any securities, received under

sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	4011
(5) Debt incurred under section 3313.374 of the Revised Code;	4012 4013
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	4014 4015 4016
(7) Debt incurred under section 3318.042 of the Revised Code;	4017 4018
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	4019 4020 4021
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	4022 4023 4024
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	4025 4026 4027
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	4028 4029
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	4030 4031 4032 4033
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction <u>director of education and workforce</u> with a statistical report showing all of the following:	4034 4035 4036 4037

(a) The history of and a projection of the growth of the tax valuation;	4038 4039
(b) The projected needs;	4040
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	4041 4042
(3) The superintendent of public instruction <u>director of education and workforce</u> shall certify the district as an approved special needs district if the superintendent <u>director</u> finds both of the following:	4043 4044 4045 4046
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	4047 4048 4049
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent <u>director</u> and any other information the superintendent <u>director</u> obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent <u>director</u> shall be conclusive.	4050 4051 4052 4053 4054 4055 4056 4057 4058
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	4059 4060 4061 4062
(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month	4063 4064 4065 4066

preceding the month in which its board determines to submit to 4067
the electors the question of issuing the proposed securities; 4068

(b) Twelve per cent of the sum of its tax valuation plus 4069
an amount that is the product of multiplying that tax valuation 4070
by the percentage, determined by the ~~superintendent of public~~ 4071
~~instruction~~director of education and workforce, by which that 4072
tax valuation is projected to increase during the next ten 4073
years. 4074

(F) A school district may issue securities for emergency 4075
purposes, in a principal amount that does not exceed an amount 4076
equal to three per cent of its tax valuation, as provided in 4077
this division. 4078

(1) A board of education, by resolution, may declare an 4079
emergency if it determines both of the following: 4080

(a) School buildings or other necessary school facilities 4081
in the district have been wholly or partially destroyed, or 4082
condemned by a constituted public authority, or that such 4083
buildings or facilities are partially constructed, or so 4084
constructed or planned as to require additions and improvements 4085
to them before the buildings or facilities are usable for their 4086
intended purpose, or that corrections to permanent improvements 4087
are necessary to remove or prevent health or safety hazards. 4088

(b) Existing fiscal and net indebtedness limitations make 4089
adequate replacement, additions, or improvements impossible. 4090

(2) Upon the declaration of an emergency, the board of 4091
education may, by resolution, submit to the electors of the 4092
district pursuant to section 133.18 of the Revised Code the 4093
question of issuing securities for the purpose of paying the 4094
cost, in excess of any insurance or condemnation proceeds 4095

received by the district, of permanent improvements to respond 4096
to the emergency need. 4097

(3) The procedures for the election shall be as provided 4098
in section 133.18 of the Revised Code, except that: 4099

(a) The form of the ballot shall describe the emergency 4100
existing, refer to this division as the authority under which 4101
the emergency is declared, and state that the amount of the 4102
proposed securities exceeds the limitations prescribed by 4103
division (B) of this section; 4104

(b) The resolution required by division (B) of section 4105
133.18 of the Revised Code shall be certified to the county 4106
auditor and the board of elections at least one hundred days 4107
prior to the election; 4108

(c) The county auditor shall advise and, not later than 4109
ninety-five days before the election, confirm that advice by 4110
certification to, the board of education of the information 4111
required by division (C) of section 133.18 of the Revised Code; 4112

(d) The board of education shall then certify its 4113
resolution and the information required by division (D) of 4114
section 133.18 of the Revised Code to the board of elections not 4115
less than ninety days prior to the election. 4116

(4) Notwithstanding division (B) of section 133.21 of the 4117
Revised Code, the first principal payment of securities issued 4118
under this division may be set at any date not later than sixty 4119
months after the earliest possible principal payment otherwise 4120
provided for in that division. 4121

(G) (1) The board of education may contract with an 4122
architect, professional engineer, or other person experienced in 4123
the design and implementation of energy conservation measures 4124

for an analysis and recommendations pertaining to installations, 4125
modifications of installations, or remodeling that would 4126
significantly reduce energy consumption in buildings owned by 4127
the district. The report shall include estimates of all costs of 4128
such installations, modifications, or remodeling, including 4129
costs of design, engineering, installation, maintenance, 4130
repairs, measurement and verification of energy savings, and 4131
debt service, forgone residual value of materials or equipment 4132
replaced by the energy conservation measure, as defined by the 4133
Ohio facilities construction commission, a baseline analysis of 4134
actual energy consumption data for the preceding three years 4135
with the utility baseline based on only the actual energy 4136
consumption data for the preceding twelve months, and estimates 4137
of the amounts by which energy consumption and resultant 4138
operational and maintenance costs, as defined by the commission, 4139
would be reduced. 4140

If the board finds after receiving the report that the 4141
amount of money the district would spend on such installations, 4142
modifications, or remodeling is not likely to exceed the amount 4143
of money it would save in energy and resultant operational and 4144
maintenance costs over the ensuing fifteen years, the board may 4145
submit to the commission a copy of its findings and a request 4146
for approval to incur indebtedness to finance the making or 4147
modification of installations or the remodeling of buildings for 4148
the purpose of significantly reducing energy consumption. 4149

The facilities construction commission, in consultation 4150
with the auditor of state, may deny a request under division (G) 4151
(1) of this section by the board of education of any school 4152
district that is in a state of fiscal watch pursuant to division 4153
(A) of section 3316.03 of the Revised Code, if it determines 4154
that the expenditure of funds is not in the best interest of the 4155

school district. 4156

No district board of education of a school district that 4157
is in a state of fiscal emergency pursuant to division (B) of 4158
section 3316.03 of the Revised Code shall submit a request 4159
without submitting evidence that the installations, 4160
modifications, or remodeling have been approved by the 4161
district's financial planning and supervision commission 4162
established under section 3316.05 of the Revised Code. 4163

No board of education of a school district for which an 4164
academic distress commission has been established under section 4165
3302.10 of the Revised Code shall submit a request without first 4166
receiving approval to incur indebtedness from the district's 4167
academic distress commission established under that section, for 4168
so long as such commission continues to be required for the 4169
district. 4170

(2) The board of education may contract with a person 4171
experienced in the implementation of student transportation to 4172
produce a report that includes an analysis of and 4173
recommendations for the use of alternative fuel vehicles by 4174
school districts. The report shall include cost estimates 4175
detailing the return on investment over the life of the 4176
alternative fuel vehicles and environmental impact of 4177
alternative fuel vehicles. The report also shall include 4178
estimates of all costs associated with alternative fuel 4179
transportation, including facility modifications and vehicle 4180
purchase costs or conversion costs. 4181

If the board finds after receiving the report that the 4182
amount of money the district would spend on purchasing 4183
alternative fuel vehicles or vehicle conversion is not likely to 4184
exceed the amount of money it would save in fuel and resultant 4185

operational and maintenance costs over the ensuing five years, 4186
the board may submit to the commission a copy of its findings 4187
and a request for approval to incur indebtedness to finance the 4188
purchase of new alternative fuel vehicles or vehicle conversions 4189
for the purpose of reducing fuel costs. 4190

The facilities construction commission, in consultation 4191
with the auditor of state, may deny a request under division (G) 4192
(2) of this section by the board of education of any school 4193
district that is in a state of fiscal watch pursuant to division 4194
(A) of section 3316.03 of the Revised Code, if it determines 4195
that the expenditure of funds is not in the best interest of the 4196
school district. 4197

No district board of education of a school district that 4198
is in a state of fiscal emergency pursuant to division (B) of 4199
section 3316.03 of the Revised Code shall submit a request 4200
without submitting evidence that the purchase or conversion of 4201
alternative fuel vehicles has been approved by the district's 4202
financial planning and supervision commission established under 4203
section 3316.05 of the Revised Code. 4204

No board of education of a school district for which an 4205
academic distress commission has been established under section 4206
3302.10 of the Revised Code shall submit a request without first 4207
receiving approval to incur indebtedness from the district's 4208
academic distress commission established under that section, for 4209
so long as such commission continues to be required for the 4210
district. 4211

(3) The facilities construction commission shall approve 4212
the board's request provided that the following conditions are 4213
satisfied: 4214

(a) The commission determines that the board's findings 4215
are reasonable. 4216

(b) The request for approval is complete. 4217

(c) If the request was submitted under division (G) (1) of 4218
this section, the installations, modifications, or remodeling 4219
are consistent with any project to construct or acquire 4220
classroom facilities, or to reconstruct or make additions to 4221
existing classroom facilities under sections 3318.01 to 3318.20 4222
or sections 3318.40 to 3318.45 of the Revised Code. 4223

Upon receipt of the commission's approval, the district 4224
may issue securities without a vote of the electors in a 4225
principal amount not to exceed nine-tenths of one per cent of 4226
its tax valuation for the purpose specified in division (G) (1) 4227
or (2) of this section, but the total net indebtedness of the 4228
district without a vote of the electors incurred under this and 4229
all other sections of the Revised Code, except section 3318.052 4230
of the Revised Code, shall not exceed one per cent of the 4231
district's tax valuation. 4232

(4) (a) So long as any securities issued under division (G) 4233
(1) of this section remain outstanding, the board of education 4234
shall monitor the energy consumption and resultant operational 4235
and maintenance costs of buildings in which installations or 4236
modifications have been made or remodeling has been done 4237
pursuant to that division. Except as provided in division (G) (4) 4238

(b) of this section, the board shall maintain and annually 4239
update a report in a form and manner prescribed by the 4240
facilities construction commission documenting the reductions in 4241
energy consumption and resultant operational and maintenance 4242
cost savings attributable to such installations, modifications, 4243
or remodeling. The resultant operational and maintenance cost 4244

savings shall be certified by the school district treasurer. The 4245
report shall be submitted annually to the commission. 4246

(b) If the facilities construction commission verifies 4247
that the certified annual reports submitted to the commission by 4248
a board of education under division (G) (4) (a) of this section 4249
fulfill the guarantee required under division (B) of section 4250
3313.372 of the Revised Code for three consecutive years, the 4251
board of education shall no longer be subject to the annual 4252
reporting requirements of division (G) (4) (a) of this section. 4253

(5) So long as any securities issued under division (G) (2) 4254
of this section remain outstanding, the board of education shall 4255
monitor the purchase of new alternative fuel vehicles or vehicle 4256
conversions pursuant to that division. The board shall maintain 4257
and annually update a report in a form and manner prescribed by 4258
the facilities construction commission documenting the purchase 4259
of new alternative fuel vehicles or vehicle conversions, the 4260
associated environmental impact, and return on investment. The 4261
resultant fuel and operational and maintenance cost savings 4262
shall be certified by the school district treasurer. The report 4263
shall be submitted annually to the commission. 4264

(H) With the consent of the ~~superintendent of public~~ 4265
~~instruction~~ director of education and workforce, a school 4266
district may incur without a vote of the electors net 4267
indebtedness that exceeds the amounts stated in divisions (A) 4268
and (G) of this section for the purpose of paying costs of 4269
permanent improvements, if and to the extent that both of the 4270
following conditions are satisfied: 4271

(1) The fiscal officer of the school district estimates 4272
that receipts of the school district from payments made under or 4273
pursuant to agreements entered into pursuant to section 725.02, 4274

1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 4275
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 4276
or 5709.82 of the Revised Code, or distributions under division 4277
(C) of section 5709.43 or division (B) of section 5709.47 of the 4278
Revised Code, or any combination thereof, are, after accounting 4279
for any appropriate coverage requirements, sufficient in time 4280
and amount, and are committed by the proceedings, to pay the 4281
debt charges on the securities issued to evidence that 4282
indebtedness and payable from those receipts, and the taxing 4283
authority of the district confirms the fiscal officer's 4284
estimate, which confirmation is approved by the ~~superintendent~~ 4285
~~of public instruction~~ director of education and workforce; 4286

(2) The fiscal officer of the school district certifies, 4287
and the taxing authority of the district confirms, that the 4288
district, at the time of the certification and confirmation, 4289
reasonably expects to have sufficient revenue available for the 4290
purpose of operating such permanent improvements for their 4291
intended purpose upon acquisition or completion thereof, and the 4292
~~superintendent of public instruction~~ director of education and 4293
workforce approves the taxing authority's confirmation. 4294

The maximum maturity of securities issued under division 4295
(H) of this section shall be the lesser of twenty years or the 4296
maximum maturity calculated under section 133.20 of the Revised 4297
Code. 4298

(I) A school district may incur net indebtedness by the 4299
issuance of securities in accordance with the provisions of this 4300
chapter in excess of the limit specified in division (B) or (C) 4301
of this section when necessary to raise the school district 4302
portion of the basic project cost and any additional funds 4303
necessary to participate in a project under Chapter 3318. of the 4304

Revised Code, including the cost of items designated by the 4305
facilities construction commission as required locally funded 4306
initiatives, the cost of other locally funded initiatives in an 4307
amount that does not exceed fifty per cent of the district's 4308
portion of the basic project cost, and the cost for site 4309
acquisition. A school district shall notify the ~~superintendent~~ 4310
~~of public instruction~~ director of education and workforce 4311
whenever that district will exceed either limit pursuant to this 4312
division. 4313

(J) A school district whose portion of the basic project 4314
cost of its classroom facilities project under sections 3318.01 4315
to 3318.20 of the Revised Code is greater than or equal to one 4316
hundred million dollars may incur without a vote of the electors 4317
net indebtedness in an amount up to two per cent of its tax 4318
valuation through the issuance of general obligation securities 4319
in order to generate all or part of the amount of its portion of 4320
the basic project cost if the controlling board has approved the 4321
facilities construction commission's conditional approval of the 4322
project under section 3318.04 of the Revised Code. The school 4323
district board and the Ohio facilities construction commission 4324
shall include the dedication of the proceeds of such securities 4325
in the agreement entered into under section 3318.08 of the 4326
Revised Code. No state moneys shall be released for a project to 4327
which this section applies until the proceeds of any bonds 4328
issued under this section that are dedicated for the payment of 4329
the school district portion of the project are first deposited 4330
into the school district's project construction fund. 4331

Sec. 133.061. (A) This section applies only to a school 4332
district that satisfies all of the following conditions: 4333

(1) The district, prior to June 30, 2007, undertook a 4334

classroom facilities project under section 3318.37 of the Revised Code. 4335
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(2) The district will undertake a subsequent classroom facilities project under section 3318.37 of the Revised Code that will consist of a single building housing grades six through twelve. 4337
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(3) The district's project described in division (A) (2) of this section will include locally funded initiatives that are not required by the Ohio facilities construction commission. 4341
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(4) The district's project described in division (A) (2) of this section will commence within two years after June 30, 2007. 4344
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(B) Notwithstanding any other provision of law to the contrary, a school district to which this section applies may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in excess of the limit specified in division (B) or (C) of section 133.06 of the Revised Code when necessary to raise the school district portion of the basic project cost and any additional funds necessary to participate in the classroom facilities project described in division (A) (2) of this section, including the cost of items designated by the Ohio facilities construction commission as required locally funded initiatives, the cost for site acquisition, and the cost of the locally funded initiatives that are not required by the commission described in division (A) (3) of this section, as long as the district's total net indebtedness after the issuance of those securities does not exceed one hundred twenty-five per cent of the limit prescribed in division (B) of section 133.06 of the Revised Code and the electors of the district approve the issuance of those securities. 4346
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The facilities construction commission shall notify the 4365
~~superintendent of public instruction~~ director of education and 4366
workforce whenever a school district will exceed either limit 4367
pursuant to this section. 4368

Sec. 135.142. (A) In addition to the investments 4369
authorized by section 135.14 of the Revised Code, any board of 4370
education, by a two-thirds vote of its members, may authorize 4371
the treasurer of the board of education to invest up to forty 4372
per cent of the interim moneys of the board, available for 4373
investment at any one time, in either of the following: 4374

(1) Commercial paper notes issued by any entity that is 4375
defined in division (D) of section 1705.01 or division (E) of 4376
section 1706.01 of the Revised Code and has assets exceeding 4377
five hundred million dollars, and to which notes all of the 4378
following apply: 4379

(a) The notes are rated at the time of purchase in the 4380
highest classification established by at least two nationally 4381
recognized standard rating services. 4382

(b) The aggregate value of the notes does not exceed ten 4383
per cent of the aggregate value of the outstanding commercial 4384
paper of the issuing corporation. 4385

(c) The notes mature no later than two hundred seventy 4386
days after purchase. 4387

(d) The investment in commercial paper notes of a single 4388
issuer shall not exceed in the aggregate five per cent of 4389
interim moneys of the board available for investment at the time 4390
of purchase. 4391

(2) Bankers' acceptances of banks that are insured by the 4392
federal deposit insurance corporation and that mature no later 4393

than one hundred eighty days after purchase. 4394

(B) No investment authorized pursuant to division (A) of 4395
this section shall be made, whether or not authorized by a board 4396
of education, unless the treasurer of the board of education has 4397
completed additional training for making the types of 4398
investments authorized pursuant to division (A) of this section. 4399
The type and amount of such training shall be approved and may 4400
be conducted by or provided under the supervision of the 4401
treasurer of state. 4402

(C) The treasurer of the board of education shall prepare 4403
annually and submit to the board of education, the 4404
~~superintendent of public instruction~~director of education and 4405
workforce, and the auditor of state, on or before the thirty- 4406
first day of August, a report listing each investment made 4407
pursuant to division (A) of this section during the preceding 4408
fiscal year, income earned from such investments, fees and 4409
commissions paid pursuant to division (D) of this section, and 4410
any other information required by the board, the 4411
~~superintendent~~director, and the auditor of state. 4412

(D) A board of education may make appropriations and 4413
expenditures for fees and commissions in connection with 4414
investments made pursuant to division (A) of this section. 4415

(E) (1) In addition to the investments authorized by 4416
section 135.14 of the Revised Code and division (A) of this 4417
section, any board of education that is a party to an agreement 4418
with the treasurer of state pursuant to division (G) of section 4419
135.143 of the Revised Code and that has outstanding obligations 4420
issued under authority of section 133.10 of the Revised Code may 4421
authorize the treasurer of the board of education to invest 4422
interim moneys of the board in debt interests rated in either of 4423

the two highest rating classifications by at least two 4424
nationally recognized standard rating services and issued by 4425
entities that are defined in division (D) of section 1705.01 or 4426
division (E) of section 1706.01 of the Revised Code. The debt 4427
interests purchased under authority of division (E) of this 4428
section shall mature not later than the latest maturity date of 4429
the outstanding obligations issued under authority of section 4430
133.10 or 133.301 of the Revised Code. 4431

(2) If any of the debt interests acquired under division 4432
(E) (1) of this section ceases to be rated as there required, its 4433
issuer shall notify the treasurer of state of this fact within 4434
twenty-four hours. At any time thereafter the treasurer of state 4435
may require collateralization at the rate of one hundred two per 4436
cent of any remaining obligation of the entity, with securities 4437
authorized for investment under section 135.143 of the Revised 4438
Code. The collateral shall be delivered to and held by a 4439
custodian acceptable to the treasurer of state, marked to market 4440
daily, and any default to be cured within twelve hours. 4441
Unlimited substitution shall be allowed of comparable 4442
securities. 4443

Sec. 149.331. The state records program of the department 4444
of administrative services shall do all of the following: 4445

(A) Establish and promulgate in consultation with the 4446
state archivist standards, procedures, and techniques for the 4447
effective management of state records; 4448

(B) Review applications for one-time records disposal and 4449
schedules of records retention and destruction submitted by 4450
state agencies in accordance with section 149.333 of the Revised 4451
Code; 4452

(C) Establish "general schedules" proposing the disposal, 4453
after the lapse of specified periods of time, of records of 4454
specified form or character common to several or all agencies 4455
that either have accumulated or may accumulate in such agencies 4456
and that apparently will not, after the lapse of the periods 4457
specified, have sufficient administrative, legal, fiscal, or 4458
other value to warrant their further preservation by the state; 4459

(D) Establish and maintain a records management training 4460
program, and provide a basic consulting service, for personnel 4461
involved in record-making and record-keeping functions of 4462
departments, offices, and institutions; 4463

(E) Provide for the disposition of any remaining records 4464
of any state agency, board, or commission, whether in the 4465
executive, judicial, or legislative branch of government, that 4466
has terminated its operations. After the closing of the Ohio 4467
veterans' children's home, the resident records of the home and 4468
the resident records of the home when it was known as the 4469
soldiers' and sailors' orphans' home required to be maintained 4470
by approved records retention schedules shall be administered by 4471
the state department of education and workforce pursuant to this 4472
chapter, the administrative records of the home required to be 4473
maintained by approved records retention schedules shall be 4474
administered by the department of administrative services 4475
pursuant to this chapter, and historical records of the home 4476
shall be transferred to an appropriate archival institution in 4477
this state prescribed by the state records program. 4478

(F) Establish a centralized program coordinating 4479
micrographics standards, training, and services for the benefit 4480
of all state agencies; 4481

(G) Establish and publish in accordance with the 4482

applicable law necessary procedures and rules for the retention 4483
and disposal of state records. 4484

This section does not apply to the records of state- 4485
supported institutions of higher education, which shall keep 4486
their own records. 4487

Sec. 175.30. As used in sections 175.30 to 175.32 of the 4488
Revised Code: 4489

(A) "First home" or "home" means the first residential 4490
real property located in this state to be purchased by a 4491
recipient who has not owned or had an ownership interest in a 4492
principal residence in the three years prior to the purchase. 4493

(B) "Graduate" means an individual who has graduated from 4494
an institution of higher education and who is eligible under 4495
division (B) of section 175.31 of the Revised Code to apply for 4496
a grant, financial assistance, or down payment assistance 4497
awarded under the grants for grads program. 4498

(C) "Institution of higher education" means a state 4499
university or college located in this state, a private college 4500
or university located in this state that possesses a certificate 4501
of authorization issued by the ~~Ohio board of regents~~ chancellor 4502
of higher education under Chapter 1713. of the Revised Code, or 4503
an accredited college or university located outside this state 4504
that is accredited by an accrediting organization or 4505
professional accrediting association recognized by the ~~Ohio~~ 4506
~~board of regents~~ chancellor. 4507

(D) "Ohio resident" means any of the following: 4508

(1) An individual who was a resident of this state at the 4509
time of the individual's graduation from an Ohio public or 4510
nonpublic high school that is approved by the ~~state board~~ 4511

department of education and workforce, and who is a resident of 4512
this state at the time of applying for the program; 4513

(2) An individual who was a resident of this state at the 4514
time of completing, through the twelfth-grade level, a home 4515
study program approved by the ~~state board~~ department of 4516
education and workforce, and who is a resident of this state at 4517
the time of applying for the program; 4518

(3) An individual whose parent was a resident of this 4519
state at the time of the individual's graduation from high 4520
school, and who graduated from either of the following: 4521

(a) An out-of-state high school that was accredited by a 4522
regional accrediting organization recognized by the United 4523
States department of education and met standards at least 4524
equivalent to those adopted by the ~~state board~~ director of 4525
education and workforce for approval of nonpublic schools in 4526
this state; 4527

(b) A high school approved by the United States department 4528
of defense. 4529

(E) "Program" means the grants for grads program created 4530
under section 175.31 of the Revised Code. 4531

(F) "Recipient" means an individual who has been awarded a 4532
grant or has received financial assistance or down payment 4533
assistance under the program. 4534

Sec. 197.04. (A) The Holocaust and genocide memorial and 4535
education commission shall consist of fifteen members as 4536
follows: 4537

(1) Two members shall be members of the house of 4538
representatives appointed by the governor after consultation 4539

with the speaker of the house of representatives, with one 4540
member being from the majority party and one member being from 4541
the minority party, to serve a term of the remainder of the 4542
general assembly during which the representative is appointed. 4543

(2) Two members shall be members of the senate appointed 4544
by the governor after consultation with the president of the 4545
senate, with one member being from the majority party and one 4546
member being from the minority party, to serve a term of the 4547
remainder of the general assembly during which the senator is 4548
appointed. 4549

(3) Three nonvoting ex officio members, to serve until the 4550
ex officio member ceases to hold the applicable office: 4551

(a) The ~~superintendent of public instruction~~director of 4552
education and workforce; 4553

(b) The chancellor of higher education; 4554

(c) The director of veterans services. 4555

(4) Eight members shall be appointed by the governor with 4556
the advice and consent of the senate, to serve a term of three 4557
years, as follows: 4558

(a) At least three members shall be involved in Holocaust 4559
and genocide memorial and education or have a personal 4560
connection or experience with the Holocaust or genocide. 4561

(b) At least three members shall have expertise regarding 4562
the Holocaust and investigation, analysis, or research regarding 4563
genocide. 4564

(B) Vacancies shall be filled in the manner provided under 4565
division (A) of this section. Any member appointed to fill a 4566
vacancy occurring prior to the expiration of the term for which 4567

the member's predecessor was appointed shall hold office for the 4568
remainder of that term. Any appointed member shall continue in 4569
office subsequent to the expiration of that member's term until 4570
the member's successor takes office or until a period of sixty 4571
days has elapsed, whichever occurs first. 4572

Sec. 319.301. (A) The reductions required by division (D) 4573
of this section do not apply to any of the following: 4574

(1) Taxes levied at whatever rate is required to produce a 4575
specified amount of tax money, including a tax levied under 4576
section 5705.199 or 5748.09 of the Revised Code, or an amount to 4577
pay debt charges; 4578

(2) Taxes levied within the one per cent limitation 4579
imposed by Section 2 of Article XII, Ohio Constitution; 4580

(3) Taxes provided for by the charter of a municipal 4581
corporation. 4582

(B) As used in this section: 4583

(1) "Real property" includes real property owned by a 4584
railroad. 4585

(2) "Carryover property" means all real property on the 4586
current year's tax list except: 4587

(a) Land and improvements that were not taxed by the 4588
district in both the preceding year and the current year; 4589

(b) Land and improvements that were not in the same class 4590
in both the preceding year and the current year. 4591

(3) "Effective tax rate" means with respect to each class 4592
of property: 4593

(a) The sum of the total taxes that would have been 4594

charged and payable for current expenses against real property 4595
in that class if each of the district's taxes were reduced for 4596
the current year under division (D) (1) of this section without 4597
regard to the application of division (E) (3) of this section 4598
divided by 4599

(b) The taxable value of all real property in that class. 4600

(4) "Taxes charged and payable" means the taxes charged 4601
and payable prior to any reduction required by section 319.302 4602
of the Revised Code. 4603

(C) The tax commissioner shall make the determinations 4604
required by this section each year, without regard to whether a 4605
taxing district has territory in a county to which section 4606
5715.24 of the Revised Code applies for that year. Separate 4607
determinations shall be made for each of the two classes 4608
established pursuant to section 5713.041 of the Revised Code. 4609

(D) With respect to each tax authorized to be levied by 4610
each taxing district, the tax commissioner, annually, shall do 4611
both of the following: 4612

(1) Determine by what percentage, if any, the sums levied 4613
by such tax against the carryover property in each class would 4614
have to be reduced for the tax to levy the same number of 4615
dollars against such property in that class in the current year 4616
as were charged against such property by such tax in the 4617
preceding year subsequent to the reduction made under this 4618
section but before the reduction made under section 319.302 of 4619
the Revised Code. In the case of a tax levied for the first time 4620
that is not a renewal of an existing tax, the commissioner shall 4621
determine by what percentage the sums that would otherwise be 4622
levied by such tax against carryover property in each class 4623

would have to be reduced to equal the amount that would have
been levied if the full rate thereof had been imposed against
the total taxable value of such property in the preceding tax
year. A tax or portion of a tax that is designated a replacement
levy under section 5705.192 of the Revised Code is not a renewal
of an existing tax for purposes of this division.

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

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

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

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

If the amount in division (E) (1) (b) of this section
exceeds the amount in division (E) (1) (a) of this section, the

pre-1982 joint vocational taxes shall be zero. 4653

As used in divisions (E) (2) and (3) of this section, 4654
"taxes charged and payable" has the same meaning as in division 4655
(B) (4) of this section and excludes any tax charged and payable 4656
in 1985 or thereafter under sections 5705.194 to 5705.197 or 4657
section 5705.199, 5705.213, 5705.219, or 5748.09 of the Revised 4658
Code. 4659

(2) If in the case of a school district other than a joint 4660
vocational or cooperative education school district any 4661
percentage required to be used in division (D) (2) of this 4662
section for either class of property could cause the total taxes 4663
charged and payable for current expenses to be less than two per 4664
cent of the taxable value of all real property in that class 4665
that is subject to taxation by the district, the commissioner 4666
shall determine what percentages would cause the district's 4667
total taxes charged and payable for current expenses against 4668
that class, after all reductions that would otherwise be made 4669
under this section, to equal, when combined with the pre-1982 4670
joint vocational taxes against that class, the lesser of the 4671
following: 4672

(a) The sum of the rates at which those taxes are 4673
authorized to be levied; 4674

(b) Two per cent of the taxable value of the property in 4675
that class. The auditor shall use such percentages in making the 4676
reduction required by this section for that class. 4677

(3) If in the case of a joint vocational school district 4678
any percentage required to be used in division (D) (2) of this 4679
section for either class of property could cause the total taxes 4680
charged and payable for current expenses for that class to be 4681

less than two-tenths of one per cent of the taxable value of 4682
that class, the commissioner shall determine what percentages 4683
would cause the district's total taxes charged and payable for 4684
current expenses for that class, after all reductions that would 4685
otherwise be made under this section, to equal that amount. The 4686
auditor shall use such percentages in making the reductions 4687
required by this section for that class. 4688

(F) No reduction shall be made under this section in the 4689
rate at which any tax is levied. 4690

(G) The commissioner may order a county auditor to furnish 4691
any information the commissioner needs to make the 4692
determinations required under division (D) or (E) of this 4693
section, and the auditor shall supply the information in the 4694
form and by the date specified in the order. If the auditor 4695
fails to comply with an order issued under this division, except 4696
for good cause as determined by the commissioner, the 4697
commissioner shall withhold from such county or taxing district 4698
therein fifty per cent of state revenues to local governments 4699
pursuant to section 5747.50 of the Revised Code or shall direct 4700
the department of education and workforce to withhold therefrom 4701
fifty per cent of state revenues to school districts pursuant to 4702
Chapter 3317. of the Revised Code. The commissioner shall 4703
withhold the distribution of such revenues until the county 4704
auditor has complied with this division, and the department 4705
shall withhold the distribution of such revenues until the 4706
commissioner has notified the department that the county auditor 4707
has complied with this division. 4708

(H) If the commissioner is unable to certify a tax 4709
reduction factor for either class of property in a taxing 4710
district located in more than one county by the last day of 4711

November because information required under division (G) of this 4712
section is unavailable, the commissioner may compute and certify 4713
an estimated tax reduction factor for that district for that 4714
class. The estimated factor shall be based upon an estimate of 4715
the unavailable information. Upon receipt of the actual 4716
information for a taxing district that received an estimated tax 4717
reduction factor, the commissioner shall compute the actual tax 4718
reduction factor and use that factor to compute the taxes that 4719
should have been charged and payable against each parcel of 4720
property for the year for which the estimated reduction factor 4721
was used. The amount by which the estimated factor resulted in 4722
an overpayment or underpayment in taxes on any parcel shall be 4723
added to or subtracted from the amount due on that parcel in the 4724
ensuing tax year. 4725

A percentage or a tax reduction factor determined or 4726
computed by the commissioner under this section shall be used 4727
solely for the purpose of reducing the sums to be levied by the 4728
tax to which it applies for the year for which it was determined 4729
or computed. It shall not be used in making any tax computations 4730
for any ensuing tax year. 4731

(I) In making the determinations under division (D) (1) of 4732
this section, the tax commissioner shall take account of changes 4733
in the taxable value of carryover property resulting from 4734
complaints filed under section 5715.19 of the Revised Code for 4735
determinations made for the tax year in which such changes are 4736
reported to the commissioner. Such changes shall be reported to 4737
the commissioner on the first abstract of real property filed 4738
with the commissioner under section 5715.23 of the Revised Code 4739
following the date on which the complaint is finally determined 4740
by the board of revision or by a court or other authority with 4741
jurisdiction on appeal. The tax commissioner shall account for 4742

such changes in making the determinations only for the tax year 4743
in which the change in valuation is reported. Such a valuation 4744
change shall not be used to recompute the percentages determined 4745
under division (D) (1) of this section for any prior tax year. 4746

Sec. 901.71. (A) There is hereby created the advisory 4747
committee on livestock exhibitions consisting of not more than 4748
twenty-one members, as follows: 4749

(1) The director of agriculture, or the director's 4750
designee; 4751

(2) The state veterinarian, or the state veterinarian's 4752
designee; 4753

(3) A representative of the Ohio cattlemen's association, 4754
the Ohio purebred dairy cattle association, the Ohio pork 4755
producers council, the Ohio poultry association, the Ohio sheep 4756
improvement association, the Ohio fair managers association, the 4757
Ohio farm bureau federation, the Ohio farmers union, the Ohio 4758
department of ~~education's~~ education and workforce's agricultural 4759
education service, the Ohio state university extension, the 4760
national farmers organization, and the Ohio state grange, or 4761
their designees. Each of these members shall be chosen by the 4762
organization the member represents. 4763

(4) The chairperson of the Ohio expositions commission, or 4764
the chairperson's designee; 4765

(5) Three persons who shall be appointed by the director, 4766
each of whom shall serve as a member of a board of directors of 4767
a county or independent agricultural society organized under 4768
section 1711.01 or 1711.02 of the Revised Code. Of the initial 4769
appointments made by the director, one shall be for a term 4770
ending on December 31, 1996; one shall be for a term ending on 4771

December 31, 1997; and one shall be for a term ending on 4772
December 31, 1998. 4773

(6) Not more than three additional members appointed at 4774
the option of the director. If the director appoints one or more 4775
additional members, the first additional appointment shall be 4776
for a term ending on December 31, 1996, the second additional 4777
appointment shall be for a term ending on December 31, 1997, and 4778
the third additional appointment shall be for a term ending on 4779
December 31, 1998. 4780

Following the completion of the initial terms of the 4781
appointments made by the director, each term of office shall be 4782
three years, commencing on the first day of January and ending 4783
on the thirty-first day of December. A member appointed by the 4784
director shall hold office from the date of the member's 4785
appointment until the end of the term for which the member was 4786
appointed. Vacancies shall be filled in the same manner as the 4787
original appointment. Any member appointed to fill a vacancy 4788
occurring prior to the expiration of the term for which the 4789
member's predecessor was appointed shall hold office for the 4790
remainder of the unexpired term. Any member shall continue in 4791
office subsequent to the expiration date of the member's term 4792
until the member's successor takes office or until a period of 4793
ninety days has elapsed, whichever occurs first. 4794

Members may be removed from the committee only for 4795
misfeasance, malfeasance, or nonfeasance. A vacancy on the 4796
committee shall not impair the right of the other members to 4797
exercise all of the functions of the committee. A simple 4798
majority constitutes a quorum for the conduct of business of the 4799
committee. On request, each member shall be reimbursed for the 4800
actual and necessary expenses incurred in the discharge of the 4801

member's duties as a committee member. 4802

(B) The committee shall be considered a part of the 4803
department of agriculture for the administrative purposes 4804
required by this section, including the payment of expenses 4805
authorized to each member of the committee under this section. 4806
The director or the director's designee shall serve as 4807
chairperson of the committee. The director shall designate an 4808
employee or official of the department to act as the secretary 4809
of the committee. The secretary shall keep the minutes of the 4810
committee's meetings and a permanent journal of all meetings, 4811
proceedings, findings, determinations, and recommendations of 4812
the committee, including an itemized statement of the expenses 4813
allowed to each member of the committee under this section. The 4814
committee may request from the director, and the director shall 4815
provide, meeting space, assistance, services, and information to 4816
enable the committee to carry out its duties. 4817

(C) The committee shall meet at least once annually after 4818
the fifteenth day of October and before the first day of 4819
December. The committee may meet at other times as the 4820
chairperson or a majority of the committee members considers 4821
appropriate, provided the chairperson gives members written 4822
notice of any meeting at least seven days prior to the meeting. 4823

(D) The committee may propose rules and may advise and 4824
counsel the director on all matters relating to the 4825
administration of exhibitions and any other matters that the 4826
committee and the director consider appropriate in carrying out 4827
sections 901.71 to 901.76 of the Revised Code. 4828

Sec. 921.06. (A) (1) No individual shall do any of the 4829
following without having a commercial applicator license issued 4830
by the director of agriculture: 4831

(a) Apply pesticides for a pesticide business without direct supervision;	4832 4833
(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;	4834 4835 4836 4837 4838 4839
(c) Apply restricted use pesticides. Division (A) (1) (c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.	4840 4841 4842 4843 4844
(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:	4845 4846 4847 4848
(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;	4849 4850
(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	4851 4852
(iii) Golf courses;	4853
(iv) Rental properties of more than four apartment units at one location;	4854 4855
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	4856 4857
(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;	4858 4859

(vii) Facilities owned or operated by a school district 4860
established under Chapter 3311. of the Revised Code, including 4861
an educational service center, a community school established 4862
under Chapter 3314. of the Revised Code, or a chartered or 4863
nonchartered nonpublic school that meets minimum standards 4864
established by the ~~state board~~ director of education and 4865
workforce; 4866

(viii) State institutions of higher education as defined 4867
in section 3345.011 of the Revised Code, nonprofit institutions 4868
holding a certificate of authorization pursuant to Chapter 1713. 4869
of the Revised Code, institutions holding a certificate of 4870
registration from the state board of career colleges and schools 4871
and program authorization for an associate or bachelor's degree 4872
program issued under section 3332.05 of the Revised Code, and 4873
private institutions exempt from regulation under Chapter 3332. 4874
of the Revised Code as prescribed in section 3333.046 of the 4875
Revised Code; 4876

(ix) Food processing establishments as defined in section 4877
3715.021 of the Revised Code; 4878

(x) Any other site designated by rule. 4879

(e) Conduct authorized diagnostic inspections. 4880

(2) Divisions (A)(1)(a) to (d) of this section do not 4881
apply to an individual who is acting as a trained serviceperson 4882
under the direct supervision of a commercial applicator. 4883

(3) Licenses shall be issued for a period of time 4884
established by rule and shall be renewed in accordance with 4885
deadlines established by rule. The fee for each such license 4886
shall be established by rule. If a license is not issued or 4887
renewed, the application fee shall be retained by the state as 4888

payment for the reasonable expense of processing the 4889
application. The director shall by rule classify by pesticide- 4890
use category licenses to be issued under this section. A single 4891
license may include more than one pesticide-use category. No 4892
individual shall be required to pay an additional license fee if 4893
the individual is licensed for more than one category. 4894

The fee for each license or renewal does not apply to an 4895
applicant who is an employee of the department of agriculture 4896
whose job duties require licensure as a commercial applicator as 4897
a condition of employment. 4898

(B) Application for a commercial applicator license shall 4899
be made on a form prescribed by the director. Each application 4900
for a license shall state the pesticide-use category or 4901
categories of license for which the applicant is applying and 4902
other information that the director determines essential to the 4903
administration of this chapter. 4904

(C) If the director finds that the applicant is competent 4905
to apply pesticides and conduct diagnostic inspections and that 4906
the applicant has passed both the general examination and each 4907
applicable pesticide-use category examination as required under 4908
division (A) of section 921.12 of the Revised Code, the director 4909
shall issue a commercial applicator license limited to the 4910
pesticide-use category or categories for which the applicant is 4911
found to be competent. If the director rejects an application, 4912
the director may explain why the application was rejected, 4913
describe the additional requirements necessary for the applicant 4914
to obtain a license, and return the application. The applicant 4915
may resubmit the application without payment of any additional 4916
fee. 4917

(D) (1) A person who is a commercial applicator shall be 4918

deemed to hold a private applicator's license for purposes of 4919
applying pesticides on agricultural commodities that are 4920
produced by the commercial applicator. 4921

(2) A commercial applicator shall apply pesticides only in 4922
the pesticide-use category or categories in which the applicator 4923
is licensed under this chapter. 4924

(E) All money collected under this section shall be 4925
credited to the pesticide, fertilizer, and lime program fund 4926
created in section 921.22 of the Revised Code. 4927

Sec. 2151.011. (A) As used in the Revised Code: 4928

(1) "Juvenile court" means whichever of the following is 4929
applicable that has jurisdiction under this chapter and Chapter 4930
2152. of the Revised Code: 4931

(a) The division of the court of common pleas specified in 4932
section 2101.022 or 2301.03 of the Revised Code as having 4933
jurisdiction under this chapter and Chapter 2152. of the Revised 4934
Code or as being the juvenile division or the juvenile division 4935
combined with one or more other divisions; 4936

(b) The juvenile court of Cuyahoga county or Hamilton 4937
county that is separately and independently created by section 4938
2151.08 or Chapter 2153. of the Revised Code and that has 4939
jurisdiction under this chapter and Chapter 2152. of the Revised 4940
Code; 4941

(c) If division (A) (1) (a) or (b) of this section does not 4942
apply, the probate division of the court of common pleas. 4943

(2) "Juvenile judge" means a judge of a court having 4944
jurisdiction under this chapter. 4945

(3) "Private child placing agency" means any association, 4946

as defined in section 5103.02 of the Revised Code, that is 4947
certified under section 5103.03 of the Revised Code to accept 4948
temporary, permanent, or legal custody of children and place the 4949
children for either foster care or adoption. 4950

(4) "Private noncustodial agency" means any person, 4951
organization, association, or society certified by the 4952
department of job and family services that does not accept 4953
temporary or permanent legal custody of children, that is 4954
privately operated in this state, and that does one or more of 4955
the following: 4956

(a) Receives and cares for children for two or more 4957
consecutive weeks; 4958

(b) Participates in the placement of children in certified 4959
foster homes; 4960

(c) Provides adoption services in conjunction with a 4961
public children services agency or private child placing agency. 4962

(B) As used in this chapter: 4963

(1) "Adequate parental care" means the provision by a 4964
child's parent or parents, guardian, or custodian of adequate 4965
food, clothing, and shelter to ensure the child's health and 4966
physical safety and the provision by a child's parent or parents 4967
of specialized services warranted by the child's physical or 4968
mental needs. 4969

(2) "Adult" means an individual who is eighteen years of 4970
age or older. 4971

(3) "Agreement for temporary custody" means a voluntary 4972
agreement authorized by section 5103.15 of the Revised Code that 4973
transfers the temporary custody of a child to a public children 4974

services agency or a private child placing agency. 4975

(4) "Alternative response" means the public children 4976
services agency's response to a report of child abuse or neglect 4977
that engages the family in a comprehensive evaluation of child 4978
safety, risk of subsequent harm, and family strengths and needs 4979
and that does not include a determination as to whether child 4980
abuse or neglect occurred. 4981

(5) "Certified foster home" means a foster home, as 4982
defined in section 5103.02 of the Revised Code, certified under 4983
section 5103.03 of the Revised Code. 4984

(6) "Child" means a person who is under eighteen years of 4985
age, except that the juvenile court has jurisdiction over any 4986
person who is adjudicated an unruly child prior to attaining 4987
eighteen years of age until the person attains twenty-one years 4988
of age, and, for purposes of that jurisdiction related to that 4989
adjudication, a person who is so adjudicated an unruly child 4990
shall be deemed a "child" until the person attains twenty-one 4991
years of age. 4992

(7) "Child day camp," "child care," "child day-care 4993
center," "part-time child day-care center," "type A family day- 4994
care home," "licensed type B family day-care home," "type B 4995
family day-care home," "administrator of a child day-care 4996
center," "administrator of a type A family day-care home," and 4997
"in-home aide" have the same meanings as in section 5104.01 of 4998
the Revised Code. 4999

(8) "Child care provider" means an individual who is a 5000
child-care staff member or administrator of a child day-care 5001
center, a type A family day-care home, or a type B family day- 5002
care home, or an in-home aide or an individual who is licensed, 5003

is regulated, is approved, operates under the direction of, or 5004
otherwise is certified by the department of job and family 5005
services, department of developmental disabilities, or the early 5006
childhood programs of the department of education and workforce. 5007

(9) "Commit" means to vest custody as ordered by the 5008
court. 5009

(10) "Counseling" includes both of the following: 5010

(a) General counseling services performed by a public 5011
children services agency or shelter for victims of domestic 5012
violence to assist a child, a child's parents, and a child's 5013
siblings in alleviating identified problems that may cause or 5014
have caused the child to be an abused, neglected, or dependent 5015
child. 5016

(b) Psychiatric or psychological therapeutic counseling 5017
services provided to correct or alleviate any mental or 5018
emotional illness or disorder and performed by a licensed 5019
psychiatrist, licensed psychologist, or a person licensed under 5020
Chapter 4757. of the Revised Code to engage in social work or 5021
professional counseling. 5022

(11) "Custodian" means a person who has legal custody of a 5023
child or a public children services agency or private child 5024
placing agency that has permanent, temporary, or legal custody 5025
of a child. 5026

(12) "Delinquent child" has the same meaning as in section 5027
2152.02 of the Revised Code. 5028

(13) "Detention" means the temporary care of children 5029
pending court adjudication or disposition, or execution of a 5030
court order, in a public or private facility designed to 5031
physically restrict the movement and activities of children. 5032

- (14) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code. 5033
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- (15) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response. 5035
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- (16) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code. 5039
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- (17) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents. 5041
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- (18) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year. 5047
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- (19) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code. 5052
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- (20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code. 5054
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- (21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, 5056
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privileges, and responsibilities. An individual granted legal 5062
custody shall exercise the rights and responsibilities 5063
personally unless otherwise authorized by any section of the 5064
Revised Code or by the court. 5065

(22) A "legitimate excuse for absence from the public 5066
school the child is supposed to attend" includes, but is not 5067
limited to, any of the following: 5068

(a) The fact that the child in question has enrolled in 5069
and is attending another public or nonpublic school in this or 5070
another state; 5071

(b) The fact that the child in question is excused from 5072
attendance at school for any of the reasons specified in section 5073
3321.04 of the Revised Code; 5074

(c) The fact that the child in question has received an 5075
age and schooling certificate in accordance with section 3331.01 5076
of the Revised Code. 5077

(23) "Mental illness" has the same meaning as in section 5078
5122.01 of the Revised Code. 5079

(24) "Mental injury" means any behavioral, cognitive, 5080
emotional, or mental disorder in a child caused by an act or 5081
omission that is described in section 2919.22 of the Revised 5082
Code and is committed by the parent or other person responsible 5083
for the child's care. 5084

(25) "Nonsecure care, supervision, or training" means 5085
care, supervision, or training of a child in a facility that 5086
does not confine or prevent movement of the child within the 5087
facility or from the facility. 5088

(26) "Of compulsory school age" has the same meaning as in 5089

section 3321.01 of the Revised Code. 5090

(27) "Organization" means any institution, public, 5091
semipublic, or private, and any private association, society, or 5092
agency located or operating in the state, incorporated or 5093
unincorporated, having among its functions the furnishing of 5094
protective services or care for children, or the placement of 5095
children in certified foster homes or elsewhere. 5096

(28) "Out-of-home care" means detention facilities, 5097
shelter facilities, certified children's crisis care facilities, 5098
certified foster homes, placement in a prospective adoptive home 5099
prior to the issuance of a final decree of adoption, 5100
organizations, certified organizations, child day-care centers, 5101
type A family day-care homes, type B family day-care homes, 5102
child care provided by in-home aides, group home providers, 5103
group homes, institutions, state institutions, residential 5104
facilities, residential care facilities, residential camps, day 5105
camps, private, nonprofit therapeutic wilderness camps, public 5106
schools, chartered nonpublic schools, educational service 5107
centers, hospitals, and medical clinics that are responsible for 5108
the care, physical custody, or control of children. 5109

(29) "Out-of-home care child abuse" means any of the 5110
following when committed by a person responsible for the care of 5111
a child in out-of-home care: 5112

(a) Engaging in sexual activity with a child in the 5113
person's care; 5114

(b) Denial to a child, as a means of punishment, of proper 5115
or necessary subsistence, education, medical care, or other care 5116
necessary for a child's health; 5117

(c) Use of restraint procedures on a child that cause 5118

injury or pain;	5119
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	5120 5121 5122
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	5123 5124 5125 5126 5127 5128
(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	5129 5130 5131
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	5132 5133 5134
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	5135 5136 5137 5138
(c) Failure to develop a process for all of the following:	5139
(i) Administration of prescription drugs or psychotropic drugs for the child;	5140 5141
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	5142 5143
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	5144 5145 5146

(d) Failure to provide proper or necessary subsistence,	5147
education, medical care, or other individualized care necessary	5148
for the health or well-being of the child;	5149
(e) Confinement of the child to a locked room without	5150
monitoring by staff;	5151
(f) Failure to provide ongoing security for all	5152
prescription and nonprescription medication;	5153
(g) Isolation of a child for a period of time when there	5154
is substantial risk that the isolation, if continued, will	5155
impair or retard the mental health or physical well-being of the	5156
child.	5157
(31) "Permanent custody" means a legal status that vests	5158
in a public children services agency or a private child placing	5159
agency, all parental rights, duties, and obligations, including	5160
the right to consent to adoption, and divests the natural	5161
parents or adoptive parents of all parental rights, privileges,	5162
and obligations, including all residual rights and obligations.	5163
(32) "Permanent surrender" means the act of the parents	5164
or, if a child has only one parent, of the parent of a child, by	5165
a voluntary agreement authorized by section 5103.15 of the	5166
Revised Code, to transfer the permanent custody of the child to	5167
a public children services agency or a private child placing	5168
agency.	5169
(33) "Person" means an individual, association,	5170
corporation, or partnership and the state or any of its	5171
political subdivisions, departments, or agencies.	5172
(34) "Person responsible for a child's care in out-of-home	5173
care" means any of the following:	5174

(a) Any foster caregiver, in-home aide, or provider;	5175
(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;	5176 5177 5178 5179 5180 5181 5182 5183 5184
(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;	5185 5186 5187
(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	5188 5189
(35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:	5190 5191 5192 5193 5194
(a) A substantial impairment of vision, speech, or hearing;	5195 5196
(b) A congenital orthopedic impairment;	5197
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	5198 5199 5200
(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing	5201 5202

agency with a person for the care and adoption by that person of 5203
a child of whom the agency has permanent custody. 5204

(37) "Placement in foster care" means the arrangement by a 5205
public children services agency or a private child placing 5206
agency for the out-of-home care of a child of whom the agency 5207
has temporary custody or permanent custody. 5208

(38) "Planned permanent living arrangement" means an order 5209
of a juvenile court pursuant to which both of the following 5210
apply: 5211

(a) The court gives legal custody of a child to a public 5212
children services agency or a private child placing agency 5213
without the termination of parental rights. 5214

(b) The order permits the agency to make an appropriate 5215
placement of the child and to enter into a written agreement 5216
with a foster care provider or with another person or agency 5217
with whom the child is placed. 5218

(39) "Practice of social work" and "practice of 5219
professional counseling" have the same meanings as in section 5220
4757.01 of the Revised Code. 5221

(40) "Private, nonprofit therapeutic wilderness camp" has 5222
the same meaning as in section 5103.02 of the Revised Code. 5223

(41) "Sanction, service, or condition" means a sanction, 5224
service, or condition created by court order following an 5225
adjudication that a child is an unruly child that is described 5226
in division (A)(4) of section 2152.19 of the Revised Code. 5227

(42) "Protective supervision" means an order of 5228
disposition pursuant to which the court permits an abused, 5229
neglected, dependent, or unruly child to remain in the custody 5230

of the child's parents, guardian, or custodian and stay in the 5231
child's home, subject to any conditions and limitations upon the 5232
child, the child's parents, guardian, or custodian, or any other 5233
person that the court prescribes, including supervision as 5234
directed by the court for the protection of the child. 5235

(43) "Psychiatrist" has the same meaning as in section 5236
5122.01 of the Revised Code. 5237

(44) "Psychologist" has the same meaning as in section 5238
4732.01 of the Revised Code. 5239

(45) "Resource caregiver" has the same meaning as in 5240
section 5103.02 of the Revised Code. 5241

(46) "Resource family" has the same meaning as in section 5242
5103.02 of the Revised Code. 5243

(47) "Residential camp" means a program in which the care, 5244
physical custody, or control of children is accepted overnight 5245
for recreational or recreational and educational purposes. 5246

(48) "Residential care facility" means an institution, 5247
residence, or facility that is licensed by the department of 5248
mental health and addiction services under section 5119.34 of 5249
the Revised Code and that provides care for a child. 5250

(49) "Residential facility" means a home or facility that 5251
is licensed by the department of developmental disabilities 5252
under section 5123.19 of the Revised Code and in which a child 5253
with a developmental disability resides. 5254

(50) "Residual parental rights, privileges, and 5255
responsibilities" means those rights, privileges, and 5256
responsibilities remaining with the natural parent after the 5257
transfer of legal custody of the child, including, but not 5258

necessarily limited to, the privilege of reasonable visitation, 5259
consent to adoption, the privilege to determine the child's 5260
religious affiliation, and the responsibility for support. 5261

(51) "School day" means the school day established by the 5262
board of education of the applicable school district pursuant to 5263
section 3313.481 of the Revised Code. 5264

(52) "School year" has the same meaning as in section 5265
3313.62 of the Revised Code. 5266

(53) "Secure correctional facility" means a facility under 5267
the direction of the department of youth services that is 5268
designed to physically restrict the movement and activities of 5269
children and used for the placement of children after 5270
adjudication and disposition. 5271

(54) "Sexual activity" has the same meaning as in section 5272
2907.01 of the Revised Code. 5273

(55) "Shelter" means the temporary care of children in 5274
physically unrestricted facilities pending court adjudication or 5275
disposition. 5276

(56) "Shelter for victims of domestic violence" has the 5277
same meaning as in section 3113.33 of the Revised Code. 5278

(57) "Temporary custody" means legal custody of a child 5279
who is removed from the child's home, which custody may be 5280
terminated at any time at the discretion of the court or, if the 5281
legal custody is granted in an agreement for temporary custody, 5282
by the person who executed the agreement. 5283

(58) "Traditional response" means a public children 5284
services agency's response to a report of child abuse or neglect 5285
that encourages engagement of the family in a comprehensive 5286

evaluation of the child's current and future safety needs and a 5287
fact-finding process to determine whether child abuse or neglect 5288
occurred and the circumstances surrounding the alleged harm or 5289
risk of harm. 5290

(C) For the purposes of this chapter, a child shall be 5291
presumed abandoned when the parents of the child have failed to 5292
visit or maintain contact with the child for more than ninety 5293
days, regardless of whether the parents resume contact with the 5294
child after that period of ninety days. 5295

Sec. 2151.353. (A) If a child is adjudicated an abused, 5296
neglected, or dependent child, the court may make any of the 5297
following orders of disposition: 5298

(1) Place the child in protective supervision; 5299

(2) Commit the child to the temporary custody of any of 5300
the following: 5301

(a) A public children services agency; 5302

(b) A private child placing agency; 5303

(c) Either parent; 5304

(d) A relative residing within or outside the state; 5305

(e) A probation officer for placement in a certified 5306
foster home; 5307

(f) Any other person approved by the court. 5308

(3) Award legal custody of the child to either parent or 5309
to any other person who, prior to the dispositional hearing, 5310
files a motion requesting legal custody of the child or is 5311
identified as a proposed legal custodian in a complaint or 5312
motion filed prior to the dispositional hearing by any party to 5313

the proceedings. A person identified in a complaint or motion 5314
filed by a party to the proceedings as a proposed legal 5315
custodian shall be awarded legal custody of the child only if 5316
the person identified signs a statement of understanding for 5317
legal custody that contains at least the following provisions: 5318

(a) That it is the intent of the person to become the 5319
legal custodian of the child and the person is able to assume 5320
legal responsibility for the care and supervision of the child; 5321

(b) That the person understands that legal custody of the 5322
child in question is intended to be permanent in nature and that 5323
the person will be responsible as the custodian for the child 5324
until the child reaches the age of majority. Responsibility as 5325
custodian for the child shall continue beyond the age of 5326
majority if, at the time the child reaches the age of majority, 5327
the child is pursuing a diploma granted by the board of 5328
education or other governing authority, successful completion of 5329
the curriculum of any high school, successful completion of an 5330
individualized education program developed for the student by 5331
any high school, or an age and schooling certificate. 5332
Responsibility beyond the age of majority shall terminate when 5333
the child ceases to continuously pursue such an education, 5334
completes such an education, or is excused from such an 5335
education under standards adopted by the ~~state board~~ department 5336
of education and workforce, whichever occurs first. 5337

(c) That the parents of the child have residual parental 5338
rights, privileges, and responsibilities, including, but not 5339
limited to, the privilege of reasonable visitation, consent to 5340
adoption, the privilege to determine the child's religious 5341
affiliation, and the responsibility for support; 5342

(d) That the person understands that the person must be 5343

present in court for the dispositional hearing in order to 5344
affirm the person's intention to become legal custodian, to 5345
affirm that the person understands the effect of the 5346
custodianship before the court, and to answer any questions that 5347
the court or any parties to the case may have. 5348

(4) Commit the child to the permanent custody of a public 5349
children services agency or private child placing agency, if the 5350
court determines in accordance with division (E) of section 5351
2151.414 of the Revised Code that the child cannot be placed 5352
with one of the child's parents within a reasonable time or 5353
should not be placed with either parent and determines in 5354
accordance with division (D) (1) of section 2151.414 of the 5355
Revised Code that the permanent commitment is in the best 5356
interest of the child. If the court grants permanent custody 5357
under this division, the court, upon the request of any party, 5358
shall file a written opinion setting forth its findings of fact 5359
and conclusions of law in relation to the proceeding. 5360

(5) Place the child in a planned permanent living 5361
arrangement with a public children services agency or private 5362
child placing agency, if a public children services agency or 5363
private child placing agency requests the court to place the 5364
child in a planned permanent living arrangement and if the court 5365
finds, by clear and convincing evidence, that a planned 5366
permanent living arrangement is in the best interest of the 5367
child, that the child is sixteen years of age or older, and that 5368
one of the following exists: 5369

(a) The child, because of physical, mental, or 5370
psychological problems or needs, is unable to function in a 5371
family-like setting and must remain in residential or 5372
institutional care now and for the foreseeable future beyond the 5373

date of the dispositional hearing held pursuant to section 5374
2151.35 of the Revised Code. 5375

(b) The parents of the child have significant physical, 5376
mental, or psychological problems and are unable to care for the 5377
child because of those problems, adoption is not in the best 5378
interest of the child, as determined in accordance with division 5379
(D) (1) of section 2151.414 of the Revised Code, and the child 5380
retains a significant and positive relationship with a parent or 5381
relative. 5382

(c) The child has been counseled on the permanent 5383
placement options available to the child, and is unwilling to 5384
accept or unable to adapt to a permanent placement. 5385

(6) Order the removal from the child's home until further 5386
order of the court of the person who committed abuse as 5387
described in section 2151.031 of the Revised Code against the 5388
child, who caused or allowed the child to suffer neglect as 5389
described in section 2151.03 of the Revised Code, or who is the 5390
parent, guardian, or custodian of a child who is adjudicated a 5391
dependent child and order any person not to have contact with 5392
the child or the child's siblings. 5393

(B) (1) When making a determination on whether to place a 5394
child in a planned permanent living arrangement pursuant to 5395
division (A) (5) (b) or (c) of this section, the court shall 5396
consider all relevant information that has been presented to the 5397
court, including information gathered from the child, the 5398
child's guardian ad litem, and the public children services 5399
agency or private child placing agency. 5400

(2) A child who is placed in a planned permanent living 5401
arrangement pursuant to division (A) (5) (b) or (c) of this 5402

section shall be placed in an independent living setting or in a 5403
family setting in which the caregiver has been provided by the 5404
agency that has custody of the child with a notice that 5405
addresses the following: 5406

(a) The caregiver understands that the planned permanent 5407
living arrangement is intended to be permanent in nature and 5408
that the caregiver will provide a stable placement for the child 5409
through the child's emancipation or until the court releases the 5410
child from the custody of the agency, whichever occurs first. 5411

(b) The caregiver is expected to actively participate in 5412
the youth's independent living case plan, attend agency team 5413
meetings and court hearings as appropriate, complete training, 5414
as developed and implemented under section 5103.035 of the 5415
Revised Code, related to providing the child independent living 5416
services, and assist in the child's transition into adulthood. 5417

(3) The department of job and family services shall 5418
develop a model notice to be provided by an agency that has 5419
custody of a child to a caregiver under division (B) (2) of this 5420
section. The agency may modify the model notice to apply to the 5421
needs of the agency. 5422

(C) No order for permanent custody or temporary custody of 5423
a child or the placement of a child in a planned permanent 5424
living arrangement shall be made pursuant to this section unless 5425
the complaint alleging the abuse, neglect, or dependency 5426
contains a prayer requesting permanent custody, temporary 5427
custody, or the placement of the child in a planned permanent 5428
living arrangement as desired, the summons served on the parents 5429
of the child contains as is appropriate a full explanation that 5430
the granting of an order for permanent custody permanently 5431
divests them of their parental rights, a full explanation that 5432

an adjudication that the child is an abused, neglected, or 5433
dependent child may result in an order of temporary custody that 5434
will cause the removal of the child from their legal custody 5435
until the court terminates the order of temporary custody or 5436
permanently divests the parents of their parental rights, or a 5437
full explanation that the granting of an order for a planned 5438
permanent living arrangement will result in the removal of the 5439
child from their legal custody if any of the conditions listed 5440
in divisions (A) (5) (a) to (c) of this section are found to 5441
exist, and the summons served on the parents contains a full 5442
explanation of their right to be represented by counsel and to 5443
have counsel appointed pursuant to Chapter 120. of the Revised 5444
Code if they are indigent. 5445

If after making disposition as authorized by division (A) 5446
(2) of this section, a motion is filed that requests permanent 5447
custody of the child, the court may grant permanent custody of 5448
the child to the movant in accordance with section 2151.414 of 5449
the Revised Code. 5450

(D) If the court issues an order for protective 5451
supervision pursuant to division (A) (1) of this section, the 5452
court may place any reasonable restrictions upon the child, the 5453
child's parents, guardian, or custodian, or any other person, 5454
including, but not limited to, any of the following: 5455

(1) Order a party, within forty-eight hours after the 5456
issuance of the order, to vacate the child's home indefinitely 5457
or for a specified period of time; 5458

(2) Order a party, a parent of the child, or a physical 5459
custodian of the child to prevent any particular person from 5460
having contact with the child; 5461

(3) Issue an order restraining or otherwise controlling 5462
the conduct of any person which conduct would not be in the best 5463
interest of the child. 5464

(E) As part of its dispositional order, the court shall 5465
journalize a case plan for the child. The journalized case plan 5466
shall not be changed except as provided in section 2151.412 of 5467
the Revised Code. 5468

(F) (1) The court shall retain jurisdiction over any child 5469
for whom the court issues an order of disposition pursuant to 5470
division (A) of this section or pursuant to section 2151.414 or 5471
2151.415 of the Revised Code until the child attains the age of 5472
eighteen years if the child does not have a developmental 5473
disability or physical impairment, the child attains the age of 5474
twenty-one years if the child has a developmental disability or 5475
physical impairment, or the child is adopted and a final decree 5476
of adoption is issued, except that the court may retain 5477
jurisdiction over the child and continue any order of 5478
disposition under division (A) of this section or under section 5479
2151.414 or 2151.415 of the Revised Code for a specified period 5480
of time to enable the child to graduate from high school or 5481
vocational school. The court shall make an entry continuing its 5482
jurisdiction under this division in the journal. 5483

(2) Any public children services agency, any private child 5484
placing agency, the department of job and family services, or 5485
any party, other than any parent whose parental rights with 5486
respect to the child have been terminated pursuant to an order 5487
issued under division (A) (4) of this section, by filing a motion 5488
with the court, may at any time request the court to modify or 5489
terminate any order of disposition issued pursuant to division 5490
(A) of this section or section 2151.414 or 2151.415 of the 5491

Revised Code. The court shall hold a hearing upon the motion as 5492
if the hearing were the original dispositional hearing and shall 5493
give all parties to the action and the guardian ad litem notice 5494
of the hearing pursuant to the Juvenile Rules. If applicable, 5495
the court shall comply with section 2151.42 of the Revised Code. 5496

(G) Any temporary custody order issued pursuant to 5497
division (A) of this section shall terminate one year after the 5498
earlier of the date on which the complaint in the case was filed 5499
or the child was first placed into shelter care, except that, 5500
upon the filing of a motion pursuant to section 2151.415 of the 5501
Revised Code, the temporary custody order shall continue and not 5502
terminate until the court issues a dispositional order under 5503
that section. In resolving the motion, the court shall not order 5504
an existing temporary custody order to continue beyond two years 5505
after the date on which the complaint was filed or the child was 5506
first placed into shelter care, whichever date is earlier, 5507
regardless of whether any extensions have been previously 5508
ordered pursuant to division (D) of section 2151.415 of the 5509
Revised Code. 5510

(H) (1) No later than one year after the earlier of the 5511
date the complaint in the case was filed or the child was first 5512
placed in shelter care, a party may ask the court to extend an 5513
order for protective supervision for six months or to terminate 5514
the order. A party requesting extension or termination of the 5515
order shall file a written request for the extension or 5516
termination with the court and give notice of the proposed 5517
extension or termination in writing before the end of the day 5518
after the day of filing it to all parties and the child's 5519
guardian ad litem. If a public children services agency or 5520
private child placing agency requests termination of the order, 5521
the agency shall file a written status report setting out the 5522

facts supporting termination of the order at the time it files 5523
the request with the court. If no party requests extension or 5524
termination of the order, the court shall notify the parties 5525
that the court will extend the order for six months or terminate 5526
it and that it may do so without a hearing unless one of the 5527
parties requests a hearing. All parties and the guardian ad 5528
litem shall have seven days from the date a notice is sent 5529
pursuant to this division to object to and request a hearing on 5530
the proposed extension or termination. 5531

(a) If it receives a timely request for a hearing, the 5532
court shall schedule a hearing to be held no later than thirty 5533
days after the request is received by the court. The court shall 5534
give notice of the date, time, and location of the hearing to 5535
all parties and the guardian ad litem. At the hearing, the court 5536
shall determine whether extension or termination of the order is 5537
in the child's best interest. If termination is in the child's 5538
best interest, the court shall terminate the order. If extension 5539
is in the child's best interest, the court shall extend the 5540
order for six months. 5541

(b) If it does not receive a timely request for a hearing, 5542
the court may extend the order for six months or terminate it 5543
without a hearing and shall journalize the order of extension or 5544
termination not later than fourteen days after receiving the 5545
request for extension or termination or after the date the court 5546
notifies the parties that it will extend or terminate the order. 5547
If the court does not extend or terminate the order, it shall 5548
schedule a hearing to be held no later than thirty days after 5549
the expiration of the applicable fourteen-day time period and 5550
give notice of the date, time, and location of the hearing to 5551
all parties and the child's guardian ad litem. At the hearing, 5552
the court shall determine whether extension or termination of 5553

the order is in the child's best interest. If termination is in 5554
the child's best interest, the court shall terminate the order. 5555
If extension is in the child's best interest, the court shall 5556
issue an order extending the order for protective supervision 5557
six months. 5558

(2) If the court grants an extension of the order for 5559
protective supervision pursuant to division (H) (1) of this 5560
section, a party may, prior to termination of the extension, 5561
file with the court a request for an additional extension of six 5562
months or for termination of the order. The court and the 5563
parties shall comply with division (H) (1) of this section with 5564
respect to extending or terminating the order. 5565

(3) If a court grants an extension pursuant to division 5566
(H) (2) of this section, the court shall terminate the order for 5567
protective supervision at the end of the extension. 5568

(I) The court shall not issue a dispositional order 5569
pursuant to division (A) of this section that removes a child 5570
from the child's home unless the court complies with section 5571
2151.419 of the Revised Code and includes in the dispositional 5572
order the findings of fact required by that section. 5573

(J) If a motion or application for an order described in 5574
division (A) (6) of this section is made, the court shall not 5575
issue the order unless, prior to the issuance of the order, it 5576
provides to the person all of the following: 5577

(1) Notice and a copy of the motion or application; 5578

(2) The grounds for the motion or application; 5579

(3) An opportunity to present evidence and witnesses at a 5580
hearing regarding the motion or application; 5581

(4) An opportunity to be represented by counsel at the hearing. 5582
5583

(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards legal custody of a child to either of the following: 5584
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(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located; 5589
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(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the latest further action subsequent to the award. 5592
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The court in the county in which the legal custodian resides then shall have jurisdiction in the matter. 5598
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Sec. 2151.357. (A) If the court orders the records of a person sealed pursuant to section 2151.356 of the Revised Code, the person who is subject of the order properly may, and the court shall, reply that no record exists with respect to the person upon any inquiry in the matter, and the court, except as provided in division (D) of this section, shall do all of the following: 5600
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(1) Order that the proceedings in a case described in divisions (B) and (C) of section 2151.356 of the Revised Code be deemed never to have occurred; 5607
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(2) Except as provided in division (C) of this section, 5610

delete all index references to the case and the person so that 5611
the references are permanently irretrievable; 5612

(3) Order that all original records of the case maintained 5613
by any public office or agency, except fingerprints held by a 5614
law enforcement agency, DNA specimens collected pursuant to 5615
section 2152.74 of the Revised Code, and DNA records derived 5616
from DNA specimens pursuant to section 109.573 of the Revised 5617
Code, be delivered to the court; 5618

(4) Order each public office or agency, upon the 5619
delivering of records to the court under division (A) (3) of this 5620
section, to expunge remaining records of the case that are the 5621
subject of the sealing order that are maintained by that public 5622
office or agency, except fingerprints, DNA specimens, and DNA 5623
records described under division (A) (3) of this section; 5624

(5) Send notice of the order to seal to any public office 5625
or agency that the court has reason to believe may have a record 5626
of the sealed record including, but not limited to, the bureau 5627
of criminal identification and investigation; 5628

(6) Seal all of the records delivered to the court under 5629
division (A) (3) of this section, in a separate file in which 5630
only sealed records are maintained. 5631

(B) Except as provided in division (D) of this section, an 5632
order to seal under section 2151.356 of the Revised Code applies 5633
to every public office or agency that has a record relating to 5634
the case, regardless of whether it receives notice of the 5635
hearing on the sealing of the record or a copy of the order. 5636
Except as provided in division (D) of this section, upon the 5637
written request of a person whose record has been sealed and the 5638
presentation of a copy of the order and compliance with division 5639

(A) (3) of this section, a public office or agency shall expunge 5640
its record relating to the case, except a record of the 5641
adjudication or arrest or taking into custody that is maintained 5642
for compiling statistical data and that does not contain any 5643
reference to the person who is the subject of the order. 5644

(C) The court that maintains sealed records pursuant to 5645
this section may maintain a manual or computerized index of the 5646
sealed records and shall make the index available only for the 5647
purposes set forth in division (E) of this section. 5648

(1) Each entry regarding a sealed record in the index of 5649
sealed records shall contain all of the following: 5650

(a) The name of the person who is the subject of the 5651
sealed record; 5652

(b) An alphanumeric identifier relating to the person who 5653
is the subject of the sealed record; 5654

(c) The word "sealed"; 5655

(d) The name of the court that has custody of the sealed 5656
record. 5657

(2) Any entry regarding a sealed record in the index of 5658
sealed records shall not contain either of the following: 5659

(a) The social security number of the person who is 5660
subject of the sealed record; 5661

(b) The name or a description of the act committed. 5662

(D) Notwithstanding any provision of this section that 5663
requires otherwise, a board of education of a city, local, 5664
exempted village, or joint vocational school district that 5665
maintains records of an individual who has been permanently 5666

excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding an adjudication that the individual is a delinquent child that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under section 2151.356 of the Revised Code to seal the record of an adjudication that an individual is a delinquent child does not revoke the adjudication order of the ~~superintendent of public instruction~~ director of education and workforce to permanently exclude the individual who is the subject of the sealing order. An order to seal the record of an adjudication that an individual is a delinquent child may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed adjudication records of an individual that were the basis of a permanent exclusion of the individual is subject to division (F) of this section.

(E) Inspection of records that have been ordered sealed under section 2151.356 of the Revised Code may be made only by the following persons or for the following purposes:

(1) By the court;

(2) If the records in question pertain to an act that would be an offense of violence that would be a felony if committed by an adult, by any law enforcement officer or any prosecutor, or the assistants of a law enforcement officer or prosecutor, for any valid law enforcement or prosecutorial

purpose; 5697

(3) Upon application by the person who is the subject of 5698
the sealed records, by the person that is named in that 5699
application; 5700

(4) If the records in question pertain to an alleged 5701
violation of division (E) (1) of section 4301.69 of the Revised 5702
Code, by any law enforcement officer or any prosecutor, or the 5703
assistants of a law enforcement officer or prosecutor, for the 5704
purpose of determining whether the person is eligible for 5705
diversion under division (E) (2) of section 4301.69 of the 5706
Revised Code; 5707

(5) At the request of a party in a civil action that is 5708
based on a case the records for which are the subject of a 5709
sealing order issued under section 2151.356 of the Revised Code, 5710
as needed for the civil action. The party also may copy the 5711
records as needed for the civil action. The sealed records shall 5712
be used solely in the civil action and are otherwise 5713
confidential and subject to the provisions of this section; 5714

(6) By the attorney general or an authorized employee of 5715
the attorney general or the court for purposes of determining 5716
whether a child is a public registry-qualified juvenile offender 5717
registrant, as defined in section 2950.01 of the Revised Code, 5718
for purposes of Chapter 2950. of the Revised Code. 5719

(F) No officer or employee of the state or any of its 5720
political subdivisions shall knowingly release, disseminate, or 5721
make available for any purpose involving employment, bonding, 5722
licensing, or education to any person or to any department, 5723
agency, or other instrumentality of the state or of any of its 5724
political subdivisions any information or other data concerning 5725

any arrest, taking into custody, complaint, indictment, 5726
information, trial, hearing, adjudication, or correctional 5727
supervision, the records of which have been sealed pursuant to 5728
section 2151.356 of the Revised Code and the release, 5729
dissemination, or making available of which is not expressly 5730
permitted by this section. Whoever violates this division is 5731
guilty of divulging confidential information, a misdemeanor of 5732
the fourth degree. 5733

(G) In any application for employment, license, or other 5734
right or privilege, any appearance as a witness, or any other 5735
inquiry, a person may not be questioned with respect to any 5736
arrest or taking into custody for which the records were sealed. 5737
If an inquiry is made in violation of this division, the person 5738
may respond as if the sealed arrest or taking into custody did 5739
not occur, and the person shall not be subject to any adverse 5740
action because of the arrest or taking into custody or the 5741
response. 5742

(H) The judgment rendered by the court under this chapter 5743
shall not impose any of the civil disabilities ordinarily 5744
imposed by conviction of a crime in that the child is not a 5745
criminal by reason of the adjudication, and no child shall be 5746
charged with or convicted of a crime in any court except as 5747
provided by this chapter. The disposition of a child under the 5748
judgment rendered or any evidence given in court shall not 5749
operate to disqualify a child in any future civil service 5750
examination, appointment, or application. Evidence of a judgment 5751
rendered and the disposition of a child under the judgment is 5752
not admissible to impeach the credibility of the child in any 5753
action or proceeding. Otherwise, the disposition of a child 5754
under the judgment rendered or any evidence given in court is 5755
admissible as evidence for or against the child in any action or 5756

proceeding in any court in accordance with the Rules of Evidence 5757
and also may be considered by any court as to the matter of 5758
sentence or to the granting of probation, and a court may 5759
consider the judgment rendered and the disposition of a child 5760
under that judgment for purposes of determining whether the 5761
child, for a future criminal conviction or guilty plea, is a 5762
repeat violent offender, as defined in section 2929.01 of the 5763
Revised Code. 5764

Sec. 2151.362. (A) (1) In the manner prescribed by division 5765
(C) (1) or (2) of section 3313.64 of the Revised Code, as 5766
applicable, the court, at the time of making any order that 5767
removes a child from the child's own home or that vests legal or 5768
permanent custody of the child in a person other than the 5769
child's parent or a government agency, shall determine the 5770
school district that is to bear the cost of educating the child. 5771
The court shall make the determination a part of the order that 5772
provides for the child's placement or commitment. That school 5773
district shall bear the cost of educating the child unless and 5774
until the department of education and workforce determines that 5775
a different district shall be responsible for bearing that cost 5776
pursuant to division (A) (2) of this section. The court's order 5777
shall state that the determination of which school district is 5778
responsible to bear the cost of educating the child is subject 5779
to re-determination by the department pursuant to that division. 5780

(2) If, while the child is in the custody of a person 5781
other than the child's parent or a government agency, the 5782
department of education and workforce determines that the place 5783
of residence of the child's parent has changed since the court 5784
issued its initial order, the department may name a different 5785
school district to bear the cost of educating the child. The 5786
department shall make this new determination, and any future 5787

determinations, based on evidence received from the school 5788
district currently responsible to bear the cost of educating the 5789
child. If the department finds that the evidence demonstrates to 5790
its satisfaction that the residence of the child's parent has 5791
changed since the court issued its initial order under division 5792
(A) (1) of this section, or since the department last made a 5793
determination under division (A) (2) of this section, the 5794
department shall name the district in which the child's parent 5795
currently resides or, if the parent's residence is not known, 5796
the district in which the parent's last known residence is 5797
located. If the department cannot determine any Ohio district in 5798
which the parent currently resides or has resided, the school 5799
district designated in the initial court order under division 5800
(A) (1) of this section, or in the most recent determination made 5801
by the department under division (A) (2) of this section, shall 5802
continue to bear the cost of educating the child. 5803

(B) Whenever a child is placed in a detention facility 5804
established under section 2152.41 of the Revised Code or a 5805
juvenile facility established under section 2151.65 of the 5806
Revised Code, the facility shall be responsible for coordinating 5807
the education of the child. The facility may take any of the 5808
following measures in coordinating the education of the child: 5809

(1) If applicable, use the chartered nonpublic school that 5810
the facility operates; 5811

(2) Arrange with the school district responsible for 5812
bearing the cost of educating the child determined under 5813
division (A) of this section, for the facility to educate the 5814
child on its own; 5815

(3) Contract with an educational service center for the 5816
service center to educate the child; 5817

(4) Contract with the school district in which the 5818
facility is located for that school district to educate the 5819
child; 5820

(5) If the child is enrolled in an internet- or computer- 5821
based community school established under Chapter 3314. of the 5822
Revised Code, and provided that the facility possesses the 5823
necessary hardware, software, and internet connectivity, permit 5824
continued instruction of the child by the internet- or computer- 5825
based community school. 5826

If the facility coordinates the education of the child 5827
pursuant to division (B)(1), (2), (3), or (4) of this section, 5828
child's school district as determined by the court or the 5829
department, in the same manner as prescribed in division (A) of 5830
this section, shall pay the cost of educating the child based on 5831
the per capita cost of the educational facility within the 5832
detention home or juvenile facility. 5833

If the facility coordinates the education of the child 5834
pursuant to division (B)(5) of this section, payment for the 5835
cost of educating the child shall be made only as provided in 5836
section 3317.022 of the Revised Code. 5837

(C) Whenever a child is placed by the court in a private 5838
institution, school, or residential treatment center or any 5839
other private facility, the state shall pay to the court a 5840
subsidy to help defray the expense of educating the child in an 5841
amount equal to the product of the daily per capita educational 5842
cost of the private facility, as determined pursuant to this 5843
section, and the number of days the child resides at the private 5844
facility, provided that the subsidy shall not exceed twenty-five 5845
hundred dollars per year per child. The daily per capita 5846
educational cost of a private facility shall be determined by 5847

dividing the actual program cost of the private facility or 5848
twenty-five hundred dollars, whichever is less, by three hundred 5849
sixty-five days or by three hundred sixty-six days for years 5850
that include February twenty-ninth. The state shall pay seventy- 5851
five per cent of the total subsidy for each year quarterly to 5852
the court. The state may adjust the remaining twenty-five per 5853
cent of the total subsidy to be paid to the court for each year 5854
to an amount that is less than twenty-five per cent of the total 5855
subsidy for that year based upon the availability of funds 5856
appropriated to the department of education and workforce for 5857
the purpose of subsidizing courts that place a child in a 5858
private institution, school, or residential treatment center or 5859
any other private facility and shall pay that adjusted amount to 5860
the court at the end of the year. 5861

Sec. 2305.111. (A) As used in this section: 5862

(1) "Childhood sexual abuse" means any conduct that 5863
constitutes any of the violations identified in division (A)(1) 5864
(a) or (b) of this section and would constitute a criminal 5865
offense under the specified section or division of the Revised 5866
Code, if the victim of the violation is at the time of the 5867
violation a child under eighteen years of age or a child with a 5868
developmental disability or physical impairment under twenty-one 5869
years of age. The court need not find that any person has been 5870
convicted of or pleaded guilty to the offense under the 5871
specified section or division of the Revised Code in order for 5872
the conduct that is the violation constituting the offense to be 5873
childhood sexual abuse for purposes of this division. This 5874
division applies to any of the following violations committed in 5875
the following specified circumstances: 5876

(a) A violation of section 2907.02 or of division (A)(1), 5877

(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 5878
of the Revised Code; 5879

(b) A violation of section 2907.05 or 2907.06 of the 5880
Revised Code if, at the time of the violation, any of the 5881
following apply: 5882

(i) The actor is the victim's natural parent, adoptive 5883
parent, or stepparent or the guardian, custodian, or person in 5884
loco parentis of the victim. 5885

(ii) The victim is in custody of law or a patient in a 5886
hospital or other institution, and the actor has supervisory or 5887
disciplinary authority over the victim. 5888

(iii) The actor is a teacher, administrator, coach, or 5889
other person in authority employed by or serving in a school for 5890
which the ~~state board~~ director of education and workforce 5891
prescribes minimum standards pursuant to division (D) of section 5892
3301.07 of the Revised Code, the victim is enrolled in or 5893
attends that school, and the actor is not enrolled in and does 5894
not attend that school. 5895

(iv) The actor is a teacher, administrator, coach, or 5896
other person in authority employed by or serving in an 5897
institution of higher education, and the victim is enrolled in 5898
or attends that institution. 5899

(v) The actor is the victim's athletic or other type of 5900
coach, is the victim's instructor, is the leader of a scouting 5901
troop of which the victim is a member, or is a person with 5902
temporary or occasional disciplinary control over the victim. 5903

(vi) The actor is a mental health professional, the victim 5904
is a mental health client or patient of the actor, and the actor 5905
induces the victim to submit by falsely representing to the 5906

victim that the sexual contact involved in the violation is 5907
necessary for mental health treatment purposes. 5908

(vii) The victim is confined in a detention facility, and 5909
the actor is an employee of that detention facility. 5910

(viii) The actor is a cleric, and the victim is a member 5911
of, or attends, the church or congregation served by the cleric. 5912

(2) "Cleric" has the same meaning as in section 2317.02 of 5913
the Revised Code. 5914

(3) "Mental health client or patient" has the same meaning 5915
as in section 2305.51 of the Revised Code. 5916

(4) "Mental health professional" has the same meaning as 5917
in section 2305.115 of the Revised Code. 5918

(5) "Sexual contact" has the same meaning as in section 5919
2907.01 of the Revised Code. 5920

(6) "Victim" means, except as provided in division (B) of 5921
this section, a victim of childhood sexual abuse. 5922

(B) Except as provided in section 2305.115 of the Revised 5923
Code and subject to division (C) of this section, an action for 5924
assault or battery shall be brought within one year after the 5925
cause of the action accrues. For purposes of this section, a 5926
cause of action for assault or battery accrues upon the later of 5927
the following: 5928

(1) The date on which the alleged assault or battery 5929
occurred; 5930

(2) If the plaintiff did not know the identity of the 5931
person who allegedly committed the assault or battery on the 5932
date on which it allegedly occurred, the earlier of the 5933

following dates: 5934

(a) The date on which the plaintiff learns the identity of 5935
that person; 5936

(b) The date on which, by the exercise of reasonable 5937
diligence, the plaintiff should have learned the identity of 5938
that person. 5939

(C) An action for assault or battery brought by a victim 5940
of childhood sexual abuse based on childhood sexual abuse, or an 5941
action brought by a victim of childhood sexual abuse asserting 5942
any claim resulting from childhood sexual abuse, shall be 5943
brought within twelve years after the cause of action accrues. 5944
For purposes of this section, a cause of action for assault or 5945
battery based on childhood sexual abuse, or a cause of action 5946
for a claim resulting from childhood sexual abuse, accrues upon 5947
the date on which the victim reaches the age of majority. If the 5948
defendant in an action brought by a victim of childhood sexual 5949
abuse asserting a claim resulting from childhood sexual abuse 5950
that occurs on or after August 3, 2006, has fraudulently 5951
concealed from the plaintiff facts that form the basis of the 5952
claim, the running of the limitations period with regard to that 5953
claim is tolled until the time when the plaintiff discovers or 5954
in the exercise of due diligence should have discovered those 5955
facts. 5956

Sec. 2901.01. (A) As used in the Revised Code: 5957

(1) "Force" means any violence, compulsion, or constraint 5958
physically exerted by any means upon or against a person or 5959
thing. 5960

(2) "Deadly force" means any force that carries a 5961
substantial risk that it will proximately result in the death of 5962

any person.	5963
(3) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.	5964 5965 5966
(4) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.	5967 5968 5969 5970 5971
(5) "Serious physical harm to persons" means any of the following:	5972 5973
(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;	5974 5975 5976
(b) Any physical harm that carries a substantial risk of death;	5977 5978
(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;	5979 5980 5981
(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;	5982 5983 5984
(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.	5985 5986 5987
(6) "Serious physical harm to property" means any physical harm to property that does either of the following:	5988 5989

(a) Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;

(b) Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time.

(7) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.

(8) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.

(9) "Offense of violence" means any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 2923.161, of division (A) (1) of section 2903.34, of division (A) (1), (2), or (3) of section 2911.12, or of division (B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or offense listed in division (A) (9) (a) of this section;

(c) An offense, other than a traffic offense, under an

existing or former municipal ordinance or law of this or any 6019
other state or the United States, committed purposely or 6020
knowingly, and involving physical harm to persons or a risk of 6021
serious physical harm to persons; 6022

(d) A conspiracy or attempt to commit, or complicity in 6023
committing, any offense under division (A) (9) (a), (b), or (c) of 6024
this section. 6025

(10) (a) "Property" means any property, real or personal, 6026
tangible or intangible, and any interest or license in that 6027
property. "Property" includes, but is not limited to, cable 6028
television service, other telecommunications service, 6029
telecommunications devices, information service, computers, 6030
data, computer software, financial instruments associated with 6031
computers, other documents associated with computers, or copies 6032
of the documents, whether in machine or human readable form, 6033
trade secrets, trademarks, copyrights, patents, and property 6034
protected by a trademark, copyright, or patent. "Financial 6035
instruments associated with computers" include, but are not 6036
limited to, checks, drafts, warrants, money orders, notes of 6037
indebtedness, certificates of deposit, letters of credit, bills 6038
of credit or debit cards, financial transaction authorization 6039
mechanisms, marketable securities, or any computer system 6040
representations of any of them. 6041

(b) As used in division (A) (10) of this section, "trade 6042
secret" has the same meaning as in section 1333.61 of the 6043
Revised Code, and "telecommunications service" and "information 6044
service" have the same meanings as in section 2913.01 of the 6045
Revised Code. 6046

(c) As used in divisions (A) (10) and (13) of this section, 6047
"cable television service," "computer," "computer software," 6048

"computer system," "computer network," "data," and 6049
"telecommunications device" have the same meanings as in section 6050
2913.01 of the Revised Code. 6051

(11) "Law enforcement officer" means any of the following: 6052

(a) A sheriff, deputy sheriff, constable, police officer 6053
of a township or joint police district, marshal, deputy marshal, 6054
municipal police officer, member of a police force employed by a 6055
metropolitan housing authority under division (D) of section 6056
3735.31 of the Revised Code, or state highway patrol trooper; 6057

(b) An officer, agent, or employee of the state or any of 6058
its agencies, instrumentalities, or political subdivisions, upon 6059
whom, by statute, a duty to conserve the peace or to enforce all 6060
or certain laws is imposed and the authority to arrest violators 6061
is conferred, within the limits of that statutory duty and 6062
authority; 6063

(c) A mayor, in the mayor's capacity as chief conservator 6064
of the peace within the mayor's municipal corporation; 6065

(d) A member of an auxiliary police force organized by 6066
county, township, or municipal law enforcement authorities, 6067
within the scope of the member's appointment or commission; 6068

(e) A person lawfully called pursuant to section 311.07 of 6069
the Revised Code to aid a sheriff in keeping the peace, for the 6070
purposes and during the time when the person is called; 6071

(f) A person appointed by a mayor pursuant to section 6072
737.01 of the Revised Code as a special patrolling officer 6073
during riot or emergency, for the purposes and during the time 6074
when the person is appointed; 6075

(g) A member of the organized militia of this state or the 6076

armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;

(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;

(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;

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

(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;

(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;

(m) The senate sergeant at arms and an assistant senate sergeant at arms;

(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.

(12) "Privilege" means an immunity, license, or right 6105
conferred by law, bestowed by express or implied grant, arising 6106
out of status, position, office, or relationship, or growing out 6107
of necessity. 6108

(13) "Contraband" means any property that is illegal for a 6109
person to acquire or possess under a statute, ordinance, or 6110
rule, or that a trier of fact lawfully determines to be illegal 6111
to possess by reason of the property's involvement in an 6112
offense. "Contraband" includes, but is not limited to, all of 6113
the following: 6114

(a) Any controlled substance, as defined in section 6115
3719.01 of the Revised Code, or any device or paraphernalia; 6116

(b) Any unlawful gambling device or paraphernalia; 6117

(c) Any dangerous ordnance or obscene material. 6118

(14) A person is "not guilty by reason of insanity" 6119
relative to a charge of an offense only if the person proves, in 6120
the manner specified in section 2901.05 of the Revised Code, 6121
that at the time of the commission of the offense, the person 6122
did not know, as a result of a severe mental disease or defect, 6123
the wrongfulness of the person's acts. 6124

(B) (1) (a) Subject to division (B) (2) of this section, as 6125
used in any section contained in Title XXIX of the Revised Code 6126
that sets forth a criminal offense, "person" includes all of the 6127
following: 6128

(i) An individual, corporation, business trust, estate, 6129
trust, partnership, and association; 6130

(ii) An unborn human who is viable. 6131

(b) As used in any section contained in Title XXIX of the 6132

Revised Code that does not set forth a criminal offense, 6133
"person" includes an individual, corporation, business trust, 6134
estate, trust, partnership, and association. 6135

(c) As used in division (B)(1)(a) of this section: 6136

(i) "Unborn human" means an individual organism of the 6137
species *Homo sapiens* from fertilization until live birth. 6138

(ii) "Viable" means the stage of development of a human 6139
fetus at which there is a realistic possibility of maintaining 6140
and nourishing of a life outside the womb with or without 6141
temporary artificial life-sustaining support. 6142

(2) Notwithstanding division (B)(1)(a) of this section, in 6143
no case shall the portion of the definition of the term "person" 6144
that is set forth in division (B)(1)(a)(ii) of this section be 6145
applied or construed in any section contained in Title XXIX of 6146
the Revised Code that sets forth a criminal offense in any of 6147
the following manners: 6148

(a) Except as otherwise provided in division (B)(2)(a) of 6149
this section, in a manner so that the offense prohibits or is 6150
construed as prohibiting any pregnant woman or her physician 6151
from performing an abortion with the consent of the pregnant 6152
woman, with the consent of the pregnant woman implied by law in 6153
a medical emergency, or with the approval of one otherwise 6154
authorized by law to consent to medical treatment on behalf of 6155
the pregnant woman. An abortion that violates the conditions 6156
described in the immediately preceding sentence may be punished 6157
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 6158
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 6159
2903.21, or 2903.22 of the Revised Code, as applicable. An 6160
abortion that does not violate the conditions described in the 6161

second immediately preceding sentence, but that does violate 6162
section 2919.12, division (B) of section 2919.13, or section 6163
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 6164
be punished as a violation of section 2919.12, division (B) of 6165
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 6166
2919.18 of the Revised Code, as applicable. Consent is 6167
sufficient under this division if it is of the type otherwise 6168
adequate to permit medical treatment to the pregnant woman, even 6169
if it does not comply with section 2919.12 of the Revised Code. 6170

(b) In a manner so that the offense is applied or is 6171
construed as applying to a woman based on an act or omission of 6172
the woman that occurs while she is or was pregnant and that 6173
results in any of the following: 6174

(i) Her delivery of a stillborn baby; 6175

(ii) Her causing, in any other manner, the death in utero 6176
of a viable, unborn human that she is carrying; 6177

(iii) Her causing the death of her child who is born alive 6178
but who dies from one or more injuries that are sustained while 6179
the child is a viable, unborn human; 6180

(iv) Her causing her child who is born alive to sustain 6181
one or more injuries while the child is a viable, unborn human; 6182

(v) Her causing, threatening to cause, or attempting to 6183
cause, in any other manner, an injury, illness, or other 6184
physiological impairment, regardless of its duration or gravity, 6185
or a mental illness or condition, regardless of its duration or 6186
gravity, to a viable, unborn human that she is carrying. 6187

(C) As used in Title XXIX of the Revised Code: 6188

(1) "School safety zone" consists of a school, school 6189

building, school premises, school activity, and school bus. 6190

(2) "School," "school building," and "school premises" 6191
have the same meanings as in section 2925.01 of the Revised 6192
Code. 6193

(3) "School activity" means any activity held under the 6194
auspices of a board of education of a city, local, exempted 6195
village, joint vocational, or cooperative education school 6196
district; a governing authority of a community school 6197
established under Chapter 3314. of the Revised Code; a governing 6198
board of an educational service center, or the governing body of 6199
a school for which the ~~state board~~ director of education and 6200
workforce prescribes minimum standards under section 3301.07 of 6201
the Revised Code. 6202

(4) "School bus" has the same meaning as in section 6203
4511.01 of the Revised Code. 6204

Sec. 2903.13. (A) No person shall knowingly cause or 6205
attempt to cause physical harm to another or to another's 6206
unborn. 6207

(B) No person shall recklessly cause serious physical harm 6208
to another or to another's unborn. 6209

(C) (1) Whoever violates this section is guilty of assault, 6210
and the court shall sentence the offender as provided in this 6211
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 6212
(8), (9), and (10) of this section. Except as otherwise provided 6213
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 6214
section, assault is a misdemeanor of the first degree. 6215

(2) Except as otherwise provided in this division, if the 6216
offense is committed by a caretaker against a functionally 6217
impaired person under the caretaker's care, assault is a felony 6218

of the fourth degree. If the offense is committed by a caretaker 6219
against a functionally impaired person under the caretaker's 6220
care, if the offender previously has been convicted of or 6221
pleaded guilty to a violation of this section or section 2903.11 6222
or 2903.16 of the Revised Code, and if in relation to the 6223
previous conviction the offender was a caretaker and the victim 6224
was a functionally impaired person under the offender's care, 6225
assault is a felony of the third degree. 6226

(3) If the offense occurs in or on the grounds of a state 6227
correctional institution or an institution of the department of 6228
youth services, the victim of the offense is an employee of the 6229
department of rehabilitation and correction or the department of 6230
youth services, and the offense is committed by a person 6231
incarcerated in the state correctional institution or by a 6232
person institutionalized in the department of youth services 6233
institution pursuant to a commitment to the department of youth 6234
services, assault is a felony of the third degree. 6235

(4) If the offense is committed in any of the following 6236
circumstances, assault is a felony of the fifth degree: 6237

(a) The offense occurs in or on the grounds of a local 6238
correctional facility, the victim of the offense is an employee 6239
of the local correctional facility or a probation department or 6240
is on the premises of the facility for business purposes or as a 6241
visitor, and the offense is committed by a person who is under 6242
custody in the facility subsequent to the person's arrest for 6243
any crime or delinquent act, subsequent to the person's being 6244
charged with or convicted of any crime, or subsequent to the 6245
person's being alleged to be or adjudicated a delinquent child. 6246

(b) The offense occurs off the grounds of a state 6247
correctional institution and off the grounds of an institution 6248

of the department of youth services, the victim of the offense 6249
is an employee of the department of rehabilitation and 6250
correction, the department of youth services, or a probation 6251
department, the offense occurs during the employee's official 6252
work hours and while the employee is engaged in official work 6253
responsibilities, and the offense is committed by a person 6254
incarcerated in a state correctional institution or 6255
institutionalized in the department of youth services who 6256
temporarily is outside of the institution for any purpose, by a 6257
parolee, by an offender under transitional control, under a 6258
community control sanction, or on an escorted visit, by a person 6259
under post-release control, or by an offender under any other 6260
type of supervision by a government agency. 6261

(c) The offense occurs off the grounds of a local 6262
correctional facility, the victim of the offense is an employee 6263
of the local correctional facility or a probation department, 6264
the offense occurs during the employee's official work hours and 6265
while the employee is engaged in official work responsibilities, 6266
and the offense is committed by a person who is under custody in 6267
the facility subsequent to the person's arrest for any crime or 6268
delinquent act, subsequent to the person being charged with or 6269
convicted of any crime, or subsequent to the person being 6270
alleged to be or adjudicated a delinquent child and who 6271
temporarily is outside of the facility for any purpose or by a 6272
parolee, by an offender under transitional control, under a 6273
community control sanction, or on an escorted visit, by a person 6274
under post-release control, or by an offender under any other 6275
type of supervision by a government agency. 6276

(d) The victim of the offense is a school teacher or 6277
administrator or a school bus operator, and the offense occurs 6278
in a school, on school premises, in a school building, on a 6279

school bus, or while the victim is outside of school premises or 6280
a school bus and is engaged in duties or official 6281
responsibilities associated with the victim's employment or 6282
position as a school teacher or administrator or a school bus 6283
operator, including, but not limited to, driving, accompanying, 6284
or chaperoning students at or on class or field trips, athletic 6285
events, or other school extracurricular activities or functions 6286
outside of school premises. 6287

(5) If the victim of the offense is a peace officer or an 6288
investigator of the bureau of criminal identification and 6289
investigation, a firefighter, or a person performing emergency 6290
medical service, while in the performance of their official 6291
duties, assault is a felony of the fourth degree. 6292

(6) If the victim of the offense is a peace officer or an 6293
investigator of the bureau of criminal identification and 6294
investigation and if the victim suffered serious physical harm 6295
as a result of the commission of the offense, assault is a 6296
felony of the fourth degree, and the court, pursuant to division 6297
(F) of section 2929.13 of the Revised Code, shall impose as a 6298
mandatory prison term one of the prison terms prescribed for a 6299
felony of the fourth degree that is at least twelve months in 6300
duration. 6301

(7) If the victim of the offense is an officer or employee 6302
of a public children services agency or a private child placing 6303
agency and the offense relates to the officer's or employee's 6304
performance or anticipated performance of official 6305
responsibilities or duties, assault is either a felony of the 6306
fifth degree or, if the offender previously has been convicted 6307
of or pleaded guilty to an offense of violence, the victim of 6308
that prior offense was an officer or employee of a public 6309

children services agency or private child placing agency, and 6310
that prior offense related to the officer's or employee's 6311
performance or anticipated performance of official 6312
responsibilities or duties, a felony of the fourth degree. 6313

(8) If the victim of the offense is a health care 6314
professional of a hospital, a health care worker of a hospital, 6315
or a security officer of a hospital whom the offender knows or 6316
has reasonable cause to know is a health care professional of a 6317
hospital, a health care worker of a hospital, or a security 6318
officer of a hospital, if the victim is engaged in the 6319
performance of the victim's duties, and if the hospital offers 6320
de-escalation or crisis intervention training for such 6321
professionals, workers, or officers, assault is one of the 6322
following: 6323

(a) Except as otherwise provided in division (C) (8) (b) of 6324
this section, assault committed in the specified circumstances 6325
is a misdemeanor of the first degree. Notwithstanding the fine 6326
specified in division (A) (2) (b) of section 2929.28 of the 6327
Revised Code for a misdemeanor of the first degree, in 6328
sentencing the offender under this division and if the court 6329
decides to impose a fine, the court may impose upon the offender 6330
a fine of not more than five thousand dollars. 6331

(b) If the offender previously has been convicted of or 6332
pleaded guilty to one or more assault or homicide offenses 6333
committed against hospital personnel, assault committed in the 6334
specified circumstances is a felony of the fifth degree. 6335

(9) If the victim of the offense is a judge, magistrate, 6336
prosecutor, or court official or employee whom the offender 6337
knows or has reasonable cause to know is a judge, magistrate, 6338
prosecutor, or court official or employee, and if the victim is 6339

engaged in the performance of the victim's duties, assault is 6340
one of the following: 6341

(a) Except as otherwise provided in division (C) (8) (b) of 6342
this section, assault committed in the specified circumstances 6343
is a misdemeanor of the first degree. In sentencing the offender 6344
under this division, if the court decides to impose a fine, 6345
notwithstanding the fine specified in division (A) (2) (b) of 6346
section 2929.28 of the Revised Code for a misdemeanor of the 6347
first degree, the court may impose upon the offender a fine of 6348
not more than five thousand dollars. 6349

(b) If the offender previously has been convicted of or 6350
pleaded guilty to one or more assault or homicide offenses 6351
committed against justice system personnel, assault committed in 6352
the specified circumstances is a felony of the fifth degree. 6353

(10) If an offender who is convicted of or pleads guilty 6354
to assault when it is a misdemeanor also is convicted of or 6355
pleads guilty to a specification as described in section 6356
2941.1423 of the Revised Code that was included in the 6357
indictment, count in the indictment, or information charging the 6358
offense, the court shall sentence the offender to a mandatory 6359
jail term as provided in division (G) of section 2929.24 of the 6360
Revised Code. 6361

If an offender who is convicted of or pleads guilty to 6362
assault when it is a felony also is convicted of or pleads 6363
guilty to a specification as described in section 2941.1423 of 6364
the Revised Code that was included in the indictment, count in 6365
the indictment, or information charging the offense, except as 6366
otherwise provided in division (C) (6) of this section, the court 6367
shall sentence the offender to a mandatory prison term as 6368
provided in division (B) (8) of section 2929.14 of the Revised 6369

Code.	6370
(D) As used in this section:	6371
(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	6372 6373
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	6374 6375
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	6376 6377
(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.	6378 6379 6380 6381 6382 6383 6384 6385 6386
(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.	6387 6388 6389 6390 6391
(6) "School teacher or administrator" means either of the following:	6392 6393
(a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections	6394 6395 6396 6397

3319.22 to 3319.311 of the Revised Code. 6398

(b) A person who is employed by a nonpublic school for 6399
which the ~~state board~~ director of education and workforce 6400
prescribes minimum standards under section 3301.07 of the 6401
Revised Code and who is certificated in accordance with section 6402
3301.071 of the Revised Code. 6403

(7) "Community control sanction" has the same meaning as 6404
in section 2929.01 of the Revised Code. 6405

(8) "Escorted visit" means an escorted visit granted under 6406
section 2967.27 of the Revised Code. 6407

(9) "Post-release control" and "transitional control" have 6408
the same meanings as in section 2967.01 of the Revised Code. 6409

(10) "Investigator of the bureau of criminal 6410
identification and investigation" has the same meaning as in 6411
section 2903.11 of the Revised Code. 6412

(11) "Health care professional" and "health care worker" 6413
have the same meanings as in section 2305.234 of the Revised 6414
Code. 6415

(12) "Assault or homicide offense committed against 6416
hospital personnel" means a violation of this section or of 6417
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 6418
2903.12, or 2903.14 of the Revised Code committed in 6419
circumstances in which all of the following apply: 6420

(a) The victim of the offense was a health care 6421
professional of a hospital, a health care worker of a hospital, 6422
or a security officer of a hospital. 6423

(b) The offender knew or had reasonable cause to know that 6424
the victim was a health care professional of a hospital, a 6425

health care worker of a hospital, or a security officer of a hospital. 6426
6427

(c) The victim was engaged in the performance of the victim's duties. 6428
6429

(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers. 6430
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(13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments. 6433
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(14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties. 6439
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(15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this state or of a United States court located in this state. 6448
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(16) "Judge" means a judge of a court created under the constitution or statutes of this state or of a United States court located in this state. 6451
6452
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(17) "Magistrate" means an individual who is appointed by 6454

a court of record of this state and who has the powers and may 6455
perform the functions specified in Civil Rule 53, Criminal Rule 6456
19, or Juvenile Rule 40, or an individual who is appointed by a 6457
United States court located in this state who has similar powers 6458
and functions. 6459

(18) "Prosecutor" has the same meaning as in section 6460
2935.01 of the Revised Code. 6461

(19) (a) "Hospital" means, subject to division (D) (19) (b) 6462
of this section, an institution classified as a hospital under 6463
section 3701.01 of the Revised Code in which are provided to 6464
patients diagnostic, medical, surgical, obstetrical, 6465
psychiatric, or rehabilitation care or a hospital operated by a 6466
health maintenance organization. 6467

(b) "Hospital" does not include any of the following: 6468

(i) A facility licensed under Chapter 3721. of the Revised 6469
Code, a health care facility operated by the department of 6470
mental health or the department of developmental disabilities, a 6471
health maintenance organization that does not operate a 6472
hospital, or the office of any private, licensed health care 6473
professional, whether organized for individual or group 6474
practice; 6475

(ii) An institution for the sick that is operated 6476
exclusively for patients who use spiritual means for healing and 6477
for whom the acceptance of medical care is inconsistent with 6478
their religious beliefs, accredited by a national accrediting 6479
organization, exempt from federal income taxation under section 6480
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 6481
U.S.C. 1, as amended, and providing twenty-four-hour nursing 6482
care pursuant to the exemption in division (E) of section 6483

4723.32 of the Revised Code from the licensing requirements of 6484
Chapter 4723. of the Revised Code. 6485

(20) "Health maintenance organization" has the same 6486
meaning as in section 3727.01 of the Revised Code. 6487

Sec. 2907.03. (A) No person shall engage in sexual conduct 6488
with another, not the spouse of the offender, when any of the 6489
following apply: 6490

(1) The offender knowingly coerces the other person to 6491
submit by any means that would prevent resistance by a person of 6492
ordinary resolution. 6493

(2) The offender knows that the other person's ability to 6494
appraise the nature of or control the other person's own conduct 6495
is substantially impaired. 6496

(3) The offender knows that the other person submits 6497
because the other person is unaware that the act is being 6498
committed. 6499

(4) The offender knows that the other person submits 6500
because the other person mistakenly identifies the offender as 6501
the other person's spouse. 6502

(5) The offender is the other person's natural or adoptive 6503
parent, or a stepparent, or guardian, custodian, or person in 6504
loco parentis of the other person. 6505

(6) The other person is in custody of law or a patient in 6506
a hospital or other institution, and the offender has 6507
supervisory or disciplinary authority over the other person. 6508

(7) The offender is a teacher, administrator, coach, or 6509
other person in authority employed by or serving in a school for 6510
which the ~~state board~~ director of education and workforce 6511

prescribes minimum standards pursuant to division (D) of section 6512
3301.07 of the Revised Code, the other person is enrolled in or 6513
attends that school, and the offender is not enrolled in and 6514
does not attend that school. 6515

(8) The other person is a minor, the offender is a 6516
teacher, administrator, coach, or other person in authority 6517
employed by or serving in an institution of higher education, 6518
and the other person is enrolled in or attends that institution. 6519

(9) The other person is a minor, and the offender is the 6520
other person's athletic or other type of coach, is the other 6521
person's instructor, is the leader of a scouting troop of which 6522
the other person is a member, or is a person with temporary or 6523
occasional disciplinary control over the other person. 6524

(10) The offender is a mental health professional, the 6525
other person is a mental health client or patient of the 6526
offender, and the offender induces the other person to submit by 6527
falsely representing to the other person that the sexual conduct 6528
is necessary for mental health treatment purposes. 6529

(11) The other person is confined in a detention facility, 6530
and the offender is an employee of that detention facility. 6531

(12) The other person is a minor, the offender is a 6532
cleric, and the other person is a member of, or attends, the 6533
church or congregation served by the cleric. 6534

(13) The other person is a minor, the offender is a peace 6535
officer, and the offender is more than two years older than the 6536
other person. 6537

(B) Whoever violates this section is guilty of sexual 6538
battery. Except as otherwise provided in this division, sexual 6539
battery is a felony of the third degree. If the other person is 6540

less than thirteen years of age, sexual battery is a felony of 6541
the second degree, and the court shall impose upon the offender 6542
a mandatory prison term equal to one of the definite prison 6543
terms prescribed in division (A) (2) (b) of section 2929.14 of the 6544
Revised Code for a felony of the second degree, except that if 6545
the violation is committed on or after ~~the effective date of~~ 6546
~~this amendment~~ March 22, 2019, the court shall impose as the 6547
minimum prison term for the offense a mandatory prison term that 6548
is one of the minimum terms prescribed in division (A) (2) (a) of 6549
that section for a felony of the second degree. 6550

(C) As used in this section: 6551

(1) "Cleric" has the same meaning as in section 2317.02 of 6552
the Revised Code. 6553

(2) "Detention facility" has the same meaning as in 6554
section 2921.01 of the Revised Code. 6555

(3) "Institution of higher education" means a state 6556
institution of higher education defined in section 3345.011 of 6557
the Revised Code, a private nonprofit college or university 6558
located in this state that possesses a certificate of 6559
authorization issued by the ~~Ohio board-chancellor of regents~~ 6560
higher education pursuant to Chapter 1713. of the Revised Code, 6561
or a school certified under Chapter 3332. of the Revised Code. 6562

(4) "Peace officer" has the same meaning as in section 6563
2935.01 of the Revised Code. 6564

Sec. 2917.31. (A) No person shall cause the evacuation of 6565
any public place, or otherwise cause serious public 6566
inconvenience or alarm, by doing any of the following: 6567

(1) Initiating or circulating a report or warning of an 6568
alleged or impending fire, explosion, crime, or other 6569

catastrophe, knowing that such report or warning is false; 6570

(2) Threatening to commit any offense of violence; 6571

(3) Committing any offense, with reckless disregard of the 6572
likelihood that its commission will cause serious public 6573
inconvenience or alarm. 6574

(B) Division (A) (1) of this section does not apply to any 6575
person conducting an authorized fire or emergency drill. 6576

(C) (1) Whoever violates this section is guilty of inducing 6577
panic. 6578

(2) Except as otherwise provided in division (C) (3), (4), 6579
(5), (6), (7), or (8) of this section, inducing panic is a 6580
misdemeanor of the first degree. 6581

(3) Except as otherwise provided in division (C) (4), (5), 6582
(6), (7), or (8) of this section, if a violation of this section 6583
results in physical harm to any person, inducing panic is a 6584
felony of the fourth degree. 6585

(4) Except as otherwise provided in division (C) (5), (6), 6586
(7), or (8) of this section, if a violation of this section 6587
results in economic harm, the penalty shall be determined as 6588
follows: 6589

(a) If the violation results in economic harm of one 6590
thousand dollars or more but less than seven thousand five 6591
hundred dollars and if division (C) (3) of this section does not 6592
apply, inducing panic is a felony of the fifth degree. 6593

(b) If the violation results in economic harm of seven 6594
thousand five hundred dollars or more but less than one hundred 6595
fifty thousand dollars, inducing panic is a felony of the fourth 6596
degree. 6597

(c) If the violation results in economic harm of one 6598
hundred fifty thousand dollars or more, inducing panic is a 6599
felony of the third degree. 6600

(5) If the public place involved in a violation of 6601
division (A) (1) of this section is a school or an institution of 6602
higher education, inducing panic is a felony of the second 6603
degree. 6604

(6) If the violation pertains to a purported, threatened, 6605
or actual use of a weapon of mass destruction, and except as 6606
otherwise provided in division (C) (5), (7), or (8) of this 6607
section, inducing panic is a felony of the fourth degree. 6608

(7) If the violation pertains to a purported, threatened, 6609
or actual use of a weapon of mass destruction, and except as 6610
otherwise provided in division (C) (5) of this section, if a 6611
violation of this section results in physical harm to any 6612
person, inducing panic is a felony of the third degree. 6613

(8) If the violation pertains to a purported, threatened, 6614
or actual use of a weapon of mass destruction, and except as 6615
otherwise provided in division (C) (5) of this section, if a 6616
violation of this section results in economic harm of one 6617
hundred thousand dollars or more, inducing panic is a felony of 6618
the third degree. 6619

(D) (1) It is not a defense to a charge under this section 6620
that pertains to a purported or threatened use of a weapon of 6621
mass destruction that the offender did not possess or have the 6622
ability to use a weapon of mass destruction or that what was 6623
represented to be a weapon of mass destruction was not a weapon 6624
of mass destruction. 6625

(2) Any act that is a violation of this section and any 6626

other section of the Revised Code may be prosecuted under this 6627
section, the other section, or both sections. 6628

(E) As used in this section: 6629

(1) "Economic harm" means any of the following: 6630

(a) All direct, incidental, and consequential pecuniary 6631
harm suffered by a victim as a result of criminal conduct. 6632
"Economic harm" as described in this division includes, but is 6633
not limited to, all of the following: 6634

(i) All wages, salaries, or other compensation lost as a 6635
result of the criminal conduct; 6636

(ii) The cost of all wages, salaries, or other 6637
compensation paid to employees for time those employees are 6638
prevented from working as a result of the criminal conduct; 6639

(iii) The overhead costs incurred for the time that a 6640
business is shut down as a result of the criminal conduct; 6641

(iv) The loss of value to tangible or intangible property 6642
that was damaged as a result of the criminal conduct. 6643

(b) All costs incurred by the state or any political 6644
subdivision as a result of, or in making any response to, the 6645
criminal conduct that constituted the violation of this section 6646
or section 2917.32 of the Revised Code, including, but not 6647
limited to, all costs so incurred by any law enforcement 6648
officers, firefighters, rescue personnel, or emergency medical 6649
services personnel of the state or the political subdivision. 6650

(2) "School" means any school operated by a board of 6651
education or any school for which the ~~state board~~ director of 6652
education and workforce prescribes minimum standards under 6653
section 3301.07 of the Revised Code, whether or not any 6654

instruction, extracurricular activities, or training provided by 6655
the school is being conducted at the time a violation of this 6656
section is committed. 6657

(3) "Weapon of mass destruction" means any of the 6658
following: 6659

(a) Any weapon that is designed or intended to cause death 6660
or serious physical harm through the release, dissemination, or 6661
impact of toxic or poisonous chemicals, or their precursors; 6662

(b) Any weapon involving a disease organism or biological 6663
agent; 6664

(c) Any weapon that is designed to release radiation or 6665
radioactivity at a level dangerous to human life; 6666

(d) Any of the following, except to the extent that the 6667
item or device in question is expressly excepted from the 6668
definition of "destructive device" pursuant to 18 U.S.C. 921(a) 6669
(4) and regulations issued under that section: 6670

(i) Any explosive, incendiary, or poison gas bomb, 6671
grenade, rocket having a propellant charge of more than four 6672
ounces, missile having an explosive or incendiary charge of more 6673
than one-quarter ounce, mine, or similar device; 6674

(ii) Any combination of parts either designed or intended 6675
for use in converting any item or device into any item or device 6676
described in division (E) (3) (d) (i) of this section and from 6677
which an item or device described in that division may be 6678
readily assembled. 6679

(4) "Biological agent" has the same meaning as in section 6680
2917.33 of the Revised Code. 6681

(5) "Emergency medical services personnel" has the same 6682

meaning as in section 2133.21 of the Revised Code. 6683

(6) "Institution of higher education" means any of the 6684
following: 6685

(a) A state university or college as defined in division 6686
(A) (1) of section 3345.12 of the Revised Code, community 6687
college, state community college, university branch, or 6688
technical college; 6689

(b) A private, nonprofit college, university or other 6690
post-secondary institution located in this state that possesses 6691
a certificate of authorization issued by the ~~Ohio board of~~ 6692
~~regents-chancellor of higher education~~ pursuant to Chapter 1713. 6693
of the Revised Code; 6694

(c) A post-secondary institution with a certificate of 6695
registration issued by the state board of career colleges and 6696
schools under Chapter 3332. of the Revised Code. 6697

Sec. 2917.46. (A) No person shall, with intent to identify 6698
a building as a block parent home or building, display the block 6699
parent symbol adopted by the former state board of education 6700
pursuant to former section 3301.076 of the Revised Code prior to 6701
its repeal on July 1, 2007. 6702

(B) No person shall, with intent to identify a building as 6703
a block parent home or building, display a symbol that falsely 6704
gives the appearance of being the block parent symbol adopted by 6705
the former state board of education pursuant to former section 6706
3301.076 of the Revised Code prior to its repeal on July 1, 6707
2007. 6708

(C) No person, with intent to identify a home or building 6709
as a mcgruff house program home or building, shall display the 6710
mcgruff house symbol adopted by the division of criminal justice 6711

services in the state department of public safety pursuant to 6712
section 5502.62 of the Revised Code unless authorized in 6713
accordance with that section, any rule adopted pursuant to that 6714
section, or former section 3313.206 of the Revised Code prior to 6715
its repeal on ~~the effective date of this amendment~~ April 8, 6716
2019. 6717

(D) No person, with intent to identify a home or building 6718
as a mcgruff house program home or building, shall display a 6719
symbol that falsely gives the appearance of being the mcgruff 6720
house symbol adopted by the division of criminal justice 6721
services in the state department of public safety pursuant to 6722
section 5502.62 of the Revised Code or any rule adopted pursuant 6723
to that section. 6724

(E) (1) Whoever violates division (A) or (B) of this 6725
section is guilty of unauthorized use of a block parent symbol, 6726
a minor misdemeanor. 6727

(2) Whoever violates division (C) or (D) of this section 6728
is guilty of unauthorized use of a mcgruff house symbol, a minor 6729
misdemeanor. 6730

Sec. 2923.122. (A) No person shall knowingly convey, or 6731
attempt to convey, a deadly weapon or dangerous ordnance into a 6732
school safety zone. 6733

(B) No person shall knowingly possess a deadly weapon or 6734
dangerous ordnance in a school safety zone. 6735

(C) No person shall knowingly possess an object in a 6736
school safety zone if both of the following apply: 6737

(1) The object is indistinguishable from a firearm, 6738
whether or not the object is capable of being fired. 6739

(2) The person indicates that the person possesses the 6740
object and that it is a firearm, or the person knowingly 6741
displays or brandishes the object and indicates that it is a 6742
firearm. 6743

(D) (1) This section does not apply to any of the 6744
following: 6745

(a) An officer, agent, or employee of this or any other 6746
state or the United States who is authorized to carry deadly 6747
weapons or dangerous ordnance and is acting within the scope of 6748
the officer's, agent's, or employee's duties; 6749

(b) A law enforcement officer who is authorized to carry 6750
deadly weapons or dangerous ordnance; 6751

(c) A security officer employed by a board of education or 6752
governing body of a school during the time that the security 6753
officer is on duty pursuant to that contract of employment; 6754

(d) Any person not described in divisions (D) (1) (a) to (c) 6755
of this section who has written authorization from the board of 6756
education or governing body of a school to convey deadly weapons 6757
or dangerous ordnance into a school safety zone or to possess a 6758
deadly weapon or dangerous ordnance in a school safety zone and 6759
who conveys or possesses the deadly weapon or dangerous ordnance 6760
in accordance with that authorization, provided both of the 6761
following apply: 6762

(i) Either the person has successfully completed the 6763
curriculum, instruction, and training established under section 6764
5502.703 of the Revised Code, or the person has received a 6765
certificate of having satisfactorily completed an approved basic 6766
peace officer training program or is a law enforcement officer; 6767

(ii) The board or governing body has notified the public, 6768

by whatever means the affected school regularly communicates 6769
with the public, that the board or governing body has authorized 6770
one or more persons to go armed within a school operated by the 6771
board or governing authority. 6772

A district board or school governing body that authorizes 6773
a person under division (D) (1) (d) of this section shall require 6774
that person to submit to an annual criminal records check 6775
conducted in the same manner as section 3319.39 or 3319.391 of 6776
the Revised Code. 6777

(e) Any person who is employed in this state, who is 6778
authorized to carry deadly weapons or dangerous ordnance, and 6779
who is subject to and in compliance with the requirements of 6780
section 109.801 of the Revised Code, unless the appointing 6781
authority of the person has expressly specified that the 6782
exemption provided in division (D) (1) (e) of this section does 6783
not apply to the person. 6784

(2) Division (C) of this section does not apply to 6785
premises upon which home schooling is conducted. Division (C) of 6786
this section also does not apply to a school administrator, 6787
teacher, or employee who possesses an object that is 6788
indistinguishable from a firearm for legitimate school purposes 6789
during the course of employment, a student who uses an object 6790
that is indistinguishable from a firearm under the direction of 6791
a school administrator, teacher, or employee, or any other 6792
person who with the express prior approval of a school 6793
administrator possesses an object that is indistinguishable from 6794
a firearm for a legitimate purpose, including the use of the 6795
object in a ceremonial activity, a play, reenactment, or other 6796
dramatic presentation, school safety training, or a ROTC 6797
activity or another similar use of the object. 6798

(3) This section does not apply to a person who conveys or
attempts to convey a handgun into, or possesses a handgun in, a
school safety zone if, at the time of that conveyance, attempted
conveyance, or possession of the handgun, all of the following
apply:

(a) The person does not enter into a school building or
onto school premises and is not at a school activity.

(b) The person has been issued a concealed handgun license
that is valid at the time of the conveyance, attempted
conveyance, or possession or the person is an active duty member
of the armed forces of the United States and is carrying a valid
military identification card and documentation of successful
completion of firearms training that meets or exceeds the
training requirements described in division (G)(1) of section
2923.125 of the Revised Code.

(c) The person is in the school safety zone in accordance
with 18 U.S.C. 922(q)(2)(B).

(d) The person is not knowingly in a place described in
division (B)(1) or (B)(3) to (8) of section 2923.126 of the
Revised Code.

(4) This section does not apply to a person who conveys or
attempts to convey a handgun into, or possesses a handgun in, a
school safety zone if at the time of that conveyance, attempted
conveyance, or possession of the handgun all of the following
apply:

(a) The person has been issued a concealed handgun license
that is valid at the time of the conveyance, attempted
conveyance, or possession or the person is an active duty member
of the armed forces of the United States and is carrying a valid

military identification card and documentation of successful 6828
completion of firearms training that meets or exceeds the 6829
training requirements described in division (G) (1) of section 6830
2923.125 of the Revised Code. 6831

(b) The person leaves the handgun in a motor vehicle. 6832

(c) The handgun does not leave the motor vehicle. 6833

(d) If the person exits the motor vehicle, the person 6834
locks the motor vehicle. 6835

(E) (1) Whoever violates division (A) or (B) of this 6836
section is guilty of illegal conveyance or possession of a 6837
deadly weapon or dangerous ordnance in a school safety zone. 6838
Except as otherwise provided in this division, illegal 6839
conveyance or possession of a deadly weapon or dangerous 6840
ordnance in a school safety zone is a felony of the fifth 6841
degree. If the offender previously has been convicted of a 6842
violation of this section, illegal conveyance or possession of a 6843
deadly weapon or dangerous ordnance in a school safety zone is a 6844
felony of the fourth degree. 6845

(2) Whoever violates division (C) of this section is 6846
guilty of illegal possession of an object indistinguishable from 6847
a firearm in a school safety zone. Except as otherwise provided 6848
in this division, illegal possession of an object 6849
indistinguishable from a firearm in a school safety zone is a 6850
misdemeanor of the first degree. If the offender previously has 6851
been convicted of a violation of this section, illegal 6852
possession of an object indistinguishable from a firearm in a 6853
school safety zone is a felony of the fifth degree. 6854

(F) (1) In addition to any other penalty imposed upon a 6855
person who is convicted of or pleads guilty to a violation of 6856

this section and subject to division (F) (2) of this section, if 6857
the offender has not attained nineteen years of age, regardless 6858
of whether the offender is attending or is enrolled in a school 6859
operated by a board of education or for which the ~~state board~~ 6860
director of education and workforce prescribes minimum standards 6861
under section 3301.07 of the Revised Code, the court shall 6862
impose upon the offender a class four suspension of the 6863
offender's probationary driver's license, restricted license, 6864
driver's license, commercial driver's license, temporary 6865
instruction permit, or probationary commercial driver's license 6866
that then is in effect from the range specified in division (A) 6867
(4) of section 4510.02 of the Revised Code and shall deny the 6868
offender the issuance of any permit or license of that type 6869
during the period of the suspension. 6870

If the offender is not a resident of this state, the court 6871
shall impose a class four suspension of the nonresident 6872
operating privilege of the offender from the range specified in 6873
division (A) (4) of section 4510.02 of the Revised Code. 6874

(2) If the offender shows good cause why the court should 6875
not suspend one of the types of licenses, permits, or privileges 6876
specified in division (F) (1) of this section or deny the 6877
issuance of one of the temporary instruction permits specified 6878
in that division, the court in its discretion may choose not to 6879
impose the suspension, revocation, or denial required in that 6880
division, but the court, in its discretion, instead may require 6881
the offender to perform community service for a number of hours 6882
determined by the court. 6883

(G) As used in this section, "object that is 6884
indistinguishable from a firearm" means an object made, 6885
constructed, or altered so that, to a reasonable person without 6886

specialized training in firearms, the object appears to be a 6887
firearm. 6888

Sec. 2925.01. As used in this chapter: 6889

(A) "Administer," "controlled substance," "controlled 6890
substance analog," "dispense," "distribute," "hypodermic," 6891
"manufacturer," "official written order," "person," 6892
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 6893
"schedule III," "schedule IV," "schedule V," and "wholesaler" 6894
have the same meanings as in section 3719.01 of the Revised 6895
Code. 6896

(B) "Drug dependent person" and "drug of abuse" have the 6897
same meanings as in section 3719.011 of the Revised Code. 6898

(C) "Drug," "dangerous drug," "licensed health 6899
professional authorized to prescribe drugs," and "prescription" 6900
have the same meanings as in section 4729.01 of the Revised 6901
Code. 6902

(D) "Bulk amount" of a controlled substance means any of 6903
the following: 6904

(1) For any compound, mixture, preparation, or substance 6905
included in schedule I, schedule II, or schedule III, with the 6906
exception of any controlled substance analog, marihuana, 6907
cocaine, L.S.D., heroin, any fentanyl-related compound, and 6908
hashish and except as provided in division (D) (2), (5), or (6) 6909
of this section, whichever of the following is applicable: 6910

(a) An amount equal to or exceeding ten grams or twenty- 6911
five unit doses of a compound, mixture, preparation, or 6912
substance that is or contains any amount of a schedule I opiate 6913
or opium derivative; 6914

(b) An amount equal to or exceeding ten grams of a 6915
compound, mixture, preparation, or substance that is or contains 6916
any amount of raw or gum opium; 6917

(c) An amount equal to or exceeding thirty grams or ten 6918
unit doses of a compound, mixture, preparation, or substance 6919
that is or contains any amount of a schedule I hallucinogen 6920
other than tetrahydrocannabinol or lysergic acid amide, or a 6921
schedule I stimulant or depressant; 6922

(d) An amount equal to or exceeding twenty grams or five 6923
times the maximum daily dose in the usual dose range specified 6924
in a standard pharmaceutical reference manual of a compound, 6925
mixture, preparation, or substance that is or contains any 6926
amount of a schedule II opiate or opium derivative; 6927

(e) An amount equal to or exceeding five grams or ten unit 6928
doses of a compound, mixture, preparation, or substance that is 6929
or contains any amount of phencyclidine; 6930

(f) An amount equal to or exceeding one hundred twenty 6931
grams or thirty times the maximum daily dose in the usual dose 6932
range specified in a standard pharmaceutical reference manual of 6933
a compound, mixture, preparation, or substance that is or 6934
contains any amount of a schedule II stimulant that is in a 6935
final dosage form manufactured by a person authorized by the 6936
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 6937
U.S.C.A. 301, as amended, and the federal drug abuse control 6938
laws, as defined in section 3719.01 of the Revised Code, that is 6939
or contains any amount of a schedule II depressant substance or 6940
a schedule II hallucinogenic substance; 6941

(g) An amount equal to or exceeding three grams of a 6942
compound, mixture, preparation, or substance that is or contains 6943

any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code

and the sentencing provisions set forth in divisions (C) (10) (b) 6973
and (C) (11) of that section will not apply regarding the 6974
defendant and the violation, the bulk amount of the controlled 6975
substance for purposes of the violation is the amount specified 6976
in division (D) (1), (2), (3), (4), or (5) of this section for 6977
the other schedule III, IV, or V controlled substance that is 6978
combined with the fentanyl-related compound. 6979

(E) "Unit dose" means an amount or unit of a compound, 6980
mixture, or preparation containing a controlled substance that 6981
is separately identifiable and in a form that indicates that it 6982
is the amount or unit by which the controlled substance is 6983
separately administered to or taken by an individual. 6984

(F) "Cultivate" includes planting, watering, fertilizing, 6985
or tilling. 6986

(G) "Drug abuse offense" means any of the following: 6987

(1) A violation of division (A) of section 2913.02 that 6988
constitutes theft of drugs, or a violation of section 2925.02, 6989
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 6990
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 6991
or 2925.37 of the Revised Code; 6992

(2) A violation of an existing or former law of this or 6993
any other state or of the United States that is substantially 6994
equivalent to any section listed in division (G) (1) of this 6995
section; 6996

(3) An offense under an existing or former law of this or 6997
any other state, or of the United States, of which planting, 6998
cultivating, harvesting, processing, making, manufacturing, 6999
producing, shipping, transporting, delivering, acquiring, 7000
possessing, storing, distributing, dispensing, selling, inducing 7001

another to use, administering to another, using, or otherwise
dealing with a controlled substance is an element; 7002
7003

(4) A conspiracy to commit, attempt to commit, or 7004
complicity in committing or attempting to commit any offense 7005
under division (G) (1), (2), or (3) of this section. 7006

(H) "Felony drug abuse offense" means any drug abuse 7007
offense that would constitute a felony under the laws of this 7008
state, any other state, or the United States. 7009

(I) "Harmful intoxicant" does not include beer or 7010
intoxicating liquor but means any of the following: 7011

(1) Any compound, mixture, preparation, or substance the 7012
gas, fumes, or vapor of which when inhaled can induce 7013
intoxication, excitement, giddiness, irrational behavior, 7014
depression, stupefaction, paralysis, unconsciousness, 7015
asphyxiation, or other harmful physiological effects, and 7016
includes, but is not limited to, any of the following: 7017

(a) Any volatile organic solvent, plastic cement, model 7018
cement, fingernail polish remover, lacquer thinner, cleaning 7019
fluid, gasoline, or other preparation containing a volatile 7020
organic solvent; 7021

(b) Any aerosol propellant; 7022

(c) Any fluorocarbon refrigerant; 7023

(d) Any anesthetic gas. 7024

(2) Gamma Butyrolactone; 7025

(3) 1,4 Butanediol. 7026

(J) "Manufacture" means to plant, cultivate, harvest, 7027
process, make, prepare, or otherwise engage in any part of the 7028

production of a drug, by propagation, extraction, chemical 7029
synthesis, or compounding, or any combination of the same, and 7030
includes packaging, repackaging, labeling, and other activities 7031
incident to production. 7032

(K) "Possess" or "possession" means having control over a 7033
thing or substance, but may not be inferred solely from mere 7034
access to the thing or substance through ownership or occupation 7035
of the premises upon which the thing or substance is found. 7036

(L) "Sample drug" means a drug or pharmaceutical 7037
preparation that would be hazardous to health or safety if used 7038
without the supervision of a licensed health professional 7039
authorized to prescribe drugs, or a drug of abuse, and that, at 7040
one time, had been placed in a container plainly marked as a 7041
sample by a manufacturer. 7042

(M) "Standard pharmaceutical reference manual" means the 7043
current edition, with cumulative changes if any, of references 7044
that are approved by the state board of pharmacy. 7045

(N) "Juvenile" means a person under eighteen years of age. 7046

(O) "Counterfeit controlled substance" means any of the 7047
following: 7048

(1) Any drug that bears, or whose container or label 7049
bears, a trademark, trade name, or other identifying mark used 7050
without authorization of the owner of rights to that trademark, 7051
trade name, or identifying mark; 7052

(2) Any unmarked or unlabeled substance that is 7053
represented to be a controlled substance manufactured, 7054
processed, packed, or distributed by a person other than the 7055
person that manufactured, processed, packed, or distributed it; 7056

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the ~~state board~~ director of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or 7086
leased by a board of education of a school, the governing 7087
authority of a community school established under Chapter 3314. 7088
of the Revised Code, or the governing body of a nonpublic school 7089
for which the ~~state board~~ director of education and workforce 7090
prescribes minimum standards under section 3301.07 of the 7091
Revised Code and on which some of the instruction, 7092
extracurricular activities, or training of the school is 7093
conducted, whether or not any instruction, extracurricular 7094
activities, or training provided by the school is being 7095
conducted on the parcel of real property at the time a criminal 7096
offense is committed. 7097

(S) "School building" means any building in which any of 7098
the instruction, extracurricular activities, or training 7099
provided by a school is conducted, whether or not any 7100
instruction, extracurricular activities, or training provided by 7101
the school is being conducted in the school building at the time 7102
a criminal offense is committed. 7103

(T) "Disciplinary counsel" means the disciplinary counsel 7104
appointed by the board of commissioners on grievances and 7105
discipline of the supreme court under the Rules for the 7106
Government of the Bar of Ohio. 7107

(U) "Certified grievance committee" means a duly 7108
constituted and organized committee of the Ohio state bar 7109
association or of one or more local bar associations of the 7110
state of Ohio that complies with the criteria set forth in Rule 7111
V, section 6 of the Rules for the Government of the Bar of Ohio. 7112

(V) "Professional license" means any license, permit, 7113
certificate, registration, qualification, admission, temporary 7114
license, temporary permit, temporary certificate, or temporary 7115

registration that is described in divisions (W) (1) to (37) of 7116
this section and that qualifies a person as a professionally 7117
licensed person. 7118

(W) "Professionally licensed person" means any of the 7119
following: 7120

(1) A person who has received a certificate or temporary 7121
certificate as a certified public accountant or who has 7122
registered as a public accountant under Chapter 4701. of the 7123
Revised Code and who holds an Ohio permit issued under that 7124
chapter; 7125

(2) A person who holds a certificate of qualification to 7126
practice architecture issued or renewed and registered under 7127
Chapter 4703. of the Revised Code; 7128

(3) A person who is registered as a landscape architect 7129
under Chapter 4703. of the Revised Code or who holds a permit as 7130
a landscape architect issued under that chapter; 7131

(4) A person licensed under Chapter 4707. of the Revised 7132
Code; 7133

(5) A person who has been issued a certificate of 7134
registration as a registered barber under Chapter 4709. of the 7135
Revised Code; 7136

(6) A person licensed and regulated to engage in the 7137
business of a debt pooling company by a legislative authority, 7138
under authority of Chapter 4710. of the Revised Code; 7139

(7) A person who has been issued a cosmetologist's 7140
license, hair designer's license, manicurist's license, 7141
esthetician's license, natural hair stylist's license, advanced 7142
cosmetologist's license, advanced hair designer's license, 7143

advanced manicurist's license, advanced esthetician's license, 7144
advanced natural hair stylist's license, cosmetology 7145
instructor's license, hair design instructor's license, 7146
manicurist instructor's license, esthetics instructor's license, 7147
natural hair style instructor's license, independent 7148
contractor's license, or tanning facility permit under Chapter 7149
4713. of the Revised Code; 7150

(8) A person who has been issued a license to practice 7151
dentistry, a general anesthesia permit, a conscious sedation 7152
permit, a limited resident's license, a limited teaching 7153
license, a dental hygienist's license, or a dental hygienist's 7154
teacher's certificate under Chapter 4715. of the Revised Code; 7155

(9) A person who has been issued an embalmer's license, a 7156
funeral director's license, a funeral home license, or a 7157
crematory license, or who has been registered for an embalmer's 7158
or funeral director's apprenticeship under Chapter 4717. of the 7159
Revised Code; 7160

(10) A person who has been licensed as a registered nurse 7161
or practical nurse, or who has been issued a certificate for the 7162
practice of nurse-midwifery under Chapter 4723. of the Revised 7163
Code; 7164

(11) A person who has been licensed to practice optometry 7165
or to engage in optical dispensing under Chapter 4725. of the 7166
Revised Code; 7167

(12) A person licensed to act as a pawnbroker under 7168
Chapter 4727. of the Revised Code; 7169

(13) A person licensed to act as a precious metals dealer 7170
under Chapter 4728. of the Revised Code; 7171

(14) A person licensed under Chapter 4729. of the Revised 7172

Code as a pharmacist or pharmacy intern or registered under that	7173
chapter as a registered pharmacy technician, certified pharmacy	7174
technician, or pharmacy technician trainee;	7175
(15) A person licensed under Chapter 4729. of the Revised	7176
Code as a manufacturer of dangerous drugs, outsourcing facility,	7177
third-party logistics provider, repackager of dangerous drugs,	7178
wholesale distributor of dangerous drugs, or terminal	7179
distributor of dangerous drugs;	7180
(16) A person who is authorized to practice as a physician	7181
assistant under Chapter 4730. of the Revised Code;	7182
(17) A person who has been issued a license to practice	7183
medicine and surgery, osteopathic medicine and surgery, or	7184
podiatric medicine and surgery under Chapter 4731. of the	7185
Revised Code or has been issued a certificate to practice a	7186
limited branch of medicine under that chapter;	7187
(18) A person licensed as a psychologist or school	7188
psychologist under Chapter 4732. of the Revised Code;	7189
(19) A person registered to practice the profession of	7190
engineering or surveying under Chapter 4733. of the Revised	7191
Code;	7192
(20) A person who has been issued a license to practice	7193
chiropractic under Chapter 4734. of the Revised Code;	7194
(21) A person licensed to act as a real estate broker or	7195
real estate salesperson under Chapter 4735. of the Revised Code;	7196
(22) A person registered as a registered environmental	7197
health specialist under Chapter 4736. of the Revised Code;	7198
(23) A person licensed to operate or maintain a junkyard	7199
under Chapter 4737. of the Revised Code;	7200

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	7201 7202
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	7203 7204
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	7205 7206 7207 7208
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	7209 7210 7211
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	7212 7213 7214
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	7215 7216
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	7217 7218 7219
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	7220 7221 7222
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	7223 7224 7225 7226 7227 7228

- (33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code; 7229
7230
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code; 7231
7232
7233
- (35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; 7234
7235
- (36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code; 7236
7237
- (37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. 7238
7239
7240
- (X) "Cocaine" means any of the following: 7241
- (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 7242
7243
- (2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; 7244
7245
7246
7247
- (3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 7248
7249
7250
7251
7252
7253
- (Y) "L.S.D." means lysergic acid diethylamide. 7254
- (Z) "Hashish" means a resin or a preparation of a resin to 7255

which both of the following apply: 7256

(1) It is contained in or derived from any part of the 7257
plant of the genus cannabis, whether in solid form or in a 7258
liquid concentrate, liquid extract, or liquid distillate form. 7259

(2) It has a delta-9 tetrahydrocannabinol concentration of 7260
more than three-tenths per cent. 7261

"Hashish" does not include a hemp byproduct in the 7262
possession of a licensed hemp processor under Chapter 928. of 7263
the Revised Code, provided that the hemp byproduct is being 7264
produced, stored, and disposed of in accordance with rules 7265
adopted under section 928.03 of the Revised Code. 7266

(AA) "Marihuana" has the same meaning as in section 7267
3719.01 of the Revised Code, except that it does not include 7268
hashish. 7269

(BB) An offense is "committed in the vicinity of a 7270
juvenile" if the offender commits the offense within one hundred 7271
feet of a juvenile or within the view of a juvenile, regardless 7272
of whether the offender knows the age of the juvenile, whether 7273
the offender knows the offense is being committed within one 7274
hundred feet of or within view of the juvenile, or whether the 7275
juvenile actually views the commission of the offense. 7276

(CC) "Presumption for a prison term" or "presumption that 7277
a prison term shall be imposed" means a presumption, as 7278
described in division (D) of section 2929.13 of the Revised 7279
Code, that a prison term is a necessary sanction for a felony in 7280
order to comply with the purposes and principles of sentencing 7281
under section 2929.11 of the Revised Code. 7282

(DD) "Major drug offender" has the same meaning as in 7283
section 2929.01 of the Revised Code. 7284

(EE) "Minor drug possession offense" means either of the following:	7285 7286
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	7287 7288
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	7289 7290 7291
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	7292 7293
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	7294 7295
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	7296 7297 7298
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	7299 7300 7301 7302 7303
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	7304 7305
(KK) "Fentanyl-related compound" means any of the following:	7306 7307
(1) Fentanyl;	7308
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	7309 7310 7311

- (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide); 7312
7313
- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl)-N-phenylpropanamide); 7314
7315
- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide); 7316
7317
7318
- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide); 7319
7320
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 7321
7322
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; 7323
7324
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 7325
7326
- (10) Alfentanil; 7327
- (11) Carfentanil; 7328
- (12) Remifentanil; 7329
- (13) Sufentanil; 7330
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 7331
7332
- (15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as 7333
7334
identified by a report from an established forensic laboratory, 7335
7336
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 7337
7338
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-

fluorofentanyl: 7339

(a) A chemical scaffold consisting of both of the 7340
following: 7341

(i) A five, six, or seven member ring structure containing 7342
a nitrogen, whether or not further substituted; 7343

(ii) An attached nitrogen to the ring, whether or not that 7344
nitrogen is enclosed in a ring structure, including an attached 7345
aromatic ring or other lipophilic group to that nitrogen. 7346

(b) A polar functional group attached to the chemical 7347
scaffold, including but not limited to a hydroxyl, ketone, 7348
amide, or ester; 7349

(c) An alkyl or aryl substitution off the ring nitrogen of 7350
the chemical scaffold; and 7351

(d) The compound has not been approved for medical use by 7352
the United States food and drug administration. 7353

(LL) "First degree felony mandatory prison term" means one 7354
of the definite prison terms prescribed in division (A) (1) (b) of 7355
section 2929.14 of the Revised Code for a felony of the first 7356
degree, except that if the violation for which sentence is being 7357
imposed is committed on or after March 22, 2019, it means one of 7358
the minimum prison terms prescribed in division (A) (1) (a) of 7359
that section for a felony of the first degree. 7360

(MM) "Second degree felony mandatory prison term" means 7361
one of the definite prison terms prescribed in division (A) (2) 7362
(b) of section 2929.14 of the Revised Code for a felony of the 7363
second degree, except that if the violation for which sentence 7364
is being imposed is committed on or after March 22, 2019, it 7365
means one of the minimum prison terms prescribed in division (A) 7366

(2) (a) of that section for a felony of the second degree. 7367

(NN) "Maximum first degree felony mandatory prison term" 7368
means the maximum definite prison term prescribed in division 7369
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 7370
the first degree, except that if the violation for which 7371
sentence is being imposed is committed on or after March 22, 7372
2019, it means the longest minimum prison term prescribed in 7373
division (A) (1) (a) of that section for a felony of the first 7374
degree. 7375

(OO) "Maximum second degree felony mandatory prison term" 7376
means the maximum definite prison term prescribed in division 7377
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 7378
the second degree, except that if the violation for which 7379
sentence is being imposed is committed on or after March 22, 7380
2019, it means the longest minimum prison term prescribed in 7381
division (A) (2) (a) of that section for a felony of the second 7382
degree. 7383

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 7384
as in section 928.01 of the Revised Code. 7385

(QQ) An offense is "committed in the vicinity of a 7386
substance addiction services provider or a recovering addict" if 7387
either of the following apply: 7388

(1) The offender commits the offense on the premises of a 7389
substance addiction services provider's facility, including a 7390
facility licensed prior to June 29, 2019, under section 5119.391 7391
of the Revised Code to provide methadone treatment or an opioid 7392
treatment program licensed on or after that date under section 7393
5119.37 of the Revised Code, or within five hundred feet of the 7394
premises of a substance addiction services provider's facility 7395

and the offender knows or should know that the offense is being 7396
committed within the vicinity of the substance addiction 7397
services provider's facility. 7398

(2) The offender sells, offers to sell, delivers, or 7399
distributes the controlled substance or controlled substance 7400
analog to a person who is receiving treatment at the time of the 7401
commission of the offense, or received treatment within thirty 7402
days prior to the commission of the offense, from a substance 7403
addiction services provider and the offender knows that the 7404
person is receiving or received that treatment. 7405

(RR) "Substance addiction services provider" means an 7406
agency, association, corporation or other legal entity, 7407
individual, or program that provides one or more of the 7408
following at a facility: 7409

(1) Either alcohol addiction services, or drug addiction 7410
services, or both such services that are certified by the 7411
director of mental health and addiction services under section 7412
5119.36 of the Revised Code; 7413

(2) Recovery supports that are related to either alcohol 7414
addiction services, or drug addiction services, or both such 7415
services and paid for with federal, state, or local funds 7416
administered by the department of mental health and addiction 7417
services or a board of alcohol, drug addiction, and mental 7418
health services. 7419

(SS) "Premises of a substance addiction services 7420
provider's facility" means the parcel of real property on which 7421
any substance addiction service provider's facility is situated. 7422

(TT) "Alcohol and drug addiction services" has the same 7423
meaning as in section 5119.01 of the Revised Code. 7424

Sec. 2950.11. (A) Regardless of when the sexually oriented 7425
offense or child-victim oriented offense was committed, if a 7426
person is convicted of, pleads guilty to, has been convicted of, 7427
or has pleaded guilty to a sexually oriented offense or a child- 7428
victim oriented offense or a person is or has been adjudicated a 7429
delinquent child for committing a sexually oriented offense or a 7430
child-victim oriented offense and is classified a juvenile 7431
offender registrant or is an out-of-state juvenile offender 7432
registrant based on that adjudication, and if the offender or 7433
delinquent child is in any category specified in division (F) (1) 7434
(a), (b), or (c) of this section, the sheriff with whom the 7435
offender or delinquent child has most recently registered under 7436
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 7437
the sheriff to whom the offender or delinquent child most 7438
recently sent a notice of intent to reside under section 2950.04 7439
or 2950.041 of the Revised Code, within the period of time 7440
specified in division (C) of this section, shall provide a 7441
written notice containing the information set forth in division 7442
(B) of this section to all of the persons described in divisions 7443
(A) (1) to (10) of this section. If the sheriff has sent a notice 7444
to the persons described in those divisions as a result of 7445
receiving a notice of intent to reside and if the offender or 7446
delinquent child registers a residence address that is the same 7447
residence address described in the notice of intent to reside, 7448
the sheriff is not required to send an additional notice when 7449
the offender or delinquent child registers. The sheriff shall 7450
provide the notice to all of the following persons: 7451

(1) (a) Any occupant of each residential unit that is 7452
located within one thousand feet of the offender's or delinquent 7453
child's residential premises, that is located within the county 7454
served by the sheriff, and that is not located in a multi-unit 7455

building. Division (D) (3) of this section applies regarding 7456
notices required under this division. 7457

(b) If the offender or delinquent child resides in a 7458
multi-unit building, any occupant of each residential unit that 7459
is located in that multi-unit building and that shares a common 7460
hallway with the offender or delinquent child. For purposes of 7461
this division, an occupant's unit shares a common hallway with 7462
the offender or delinquent child if the entrance door into the 7463
occupant's unit is located on the same floor and opens into the 7464
same hallway as the entrance door to the unit the offender or 7465
delinquent child occupies. Division (D) (3) of this section 7466
applies regarding notices required under this division. 7467

(c) The building manager, or the person the building owner 7468
or condominium unit owners association authorizes to exercise 7469
management and control, of each multi-unit building that is 7470
located within one thousand feet of the offender's or delinquent 7471
child's residential premises, including a multi-unit building in 7472
which the offender or delinquent child resides, and that is 7473
located within the county served by the sheriff. In addition to 7474
notifying the building manager or the person authorized to 7475
exercise management and control in the multi-unit building under 7476
this division, the sheriff shall post a copy of the notice 7477
prominently in each common entryway in the building and any 7478
other location in the building the sheriff determines 7479
appropriate. The manager or person exercising management and 7480
control of the building shall permit the sheriff to post copies 7481
of the notice under this division as the sheriff determines 7482
appropriate. In lieu of posting copies of the notice as 7483
described in this division, a sheriff may provide notice to all 7484
occupants of the multi-unit building by mail or personal 7485
contact; if the sheriff so notifies all the occupants, the 7486

sheriff is not required to post copies of the notice in the 7487
common entryways to the building. Division (D)(3) of this 7488
section applies regarding notices required under this division. 7489

(d) All additional persons who are within any category of 7490
neighbors of the offender or delinquent child that the attorney 7491
general by rule adopted under section 2950.13 of the Revised 7492
Code requires to be provided the notice and who reside within 7493
the county served by the sheriff; 7494

(2) The executive director of the public children services 7495
agency that has jurisdiction within the specified geographical 7496
notification area and that is located within the county served 7497
by the sheriff; 7498

(3) (a) The superintendent of each board of education of a 7499
school district that has schools within the specified 7500
geographical notification area and that is located within the 7501
county served by the sheriff; 7502

(b) The principal of the school within the specified 7503
geographical notification area and within the county served by 7504
the sheriff that the delinquent child attends; 7505

(c) If the delinquent child attends a school outside of 7506
the specified geographical notification area or outside of the 7507
school district where the delinquent child resides, the 7508
superintendent of the board of education of a school district 7509
that governs the school that the delinquent child attends and 7510
the principal of the school that the delinquent child attends. 7511

(4) (a) The appointing or hiring officer of each chartered 7512
nonpublic school located within the specified geographical 7513
notification area and within the county served by the sheriff or 7514
of each other school located within the specified geographical 7515

notification area and within the county served by the sheriff 7516
and that is not operated by a board of education described in 7517
division (A) (3) of this section; 7518

(b) Regardless of the location of the school, the 7519
appointing or hiring officer of a chartered nonpublic school 7520
that the delinquent child attends. 7521

(5) The director, head teacher, elementary principal, or 7522
site administrator of each preschool program governed by Chapter 7523
3301. of the Revised Code that is located within the specified 7524
geographical notification area and within the county served by 7525
the sheriff; 7526

(6) The administrator of each child day-care center or 7527
type A family day-care home that is located within the specified 7528
geographical notification area and within the county served by 7529
the sheriff, and each holder of a license to operate a type B 7530
family day-care home that is located within the specified 7531
geographical notification area and within the county served by 7532
the sheriff. As used in this division, "child day-care center," 7533
"type A family day-care home," and "type B family day-care home" 7534
have the same meanings as in section 5104.01 of the Revised 7535
Code. 7536

(7) The president or other chief administrative officer of 7537
each institution of higher education, as defined in section 7538
2907.03 of the Revised Code, that is located within the 7539
specified geographical notification area and within the county 7540
served by the sheriff, and the chief law enforcement officer of 7541
the state university law enforcement agency or campus police 7542
department established under section 3345.04 or 1713.50 of the 7543
Revised Code, if any, that serves that institution; 7544

- (8) The sheriff of each county that includes any portion 7545
of the specified geographical notification area; 7546
- (9) If the offender or delinquent child resides within the 7547
county served by the sheriff, the chief of police, marshal, or 7548
other chief law enforcement officer of the municipal corporation 7549
in which the offender or delinquent child resides or, if the 7550
offender or delinquent child resides in an unincorporated area, 7551
the constable or chief of the police department or police 7552
district police force of the township in which the offender or 7553
delinquent child resides; 7554
- (10) Volunteer organizations in which contact with minors 7555
or other vulnerable individuals might occur or any organization, 7556
company, or individual who requests notification as provided in 7557
division (J) of this section. 7558
- (B) The notice required under division (A) of this section 7559
shall include all of the following information regarding the 7560
subject offender or delinquent child: 7561
- (1) The offender's or delinquent child's name; 7562
- (2) The address or addresses of the offender's or public 7563
registry-qualified juvenile offender registrant's residence, 7564
school, institution of higher education, or place of employment, 7565
as applicable, or the residence address or addresses of a 7566
delinquent child who is not a public registry-qualified juvenile 7567
offender registrant; 7568
- (3) The sexually oriented offense or child-victim oriented 7569
offense of which the offender was convicted, to which the 7570
offender pleaded guilty, or for which the child was adjudicated 7571
a delinquent child; 7572
- (4) A statement that identifies the category specified in 7573

division (F) (1) (a), (b), or (c) of this section that includes 7574
the offender or delinquent child and that subjects the offender 7575
or delinquent child to this section; 7576

(5) The offender's or delinquent child's photograph. 7577

(C) If a sheriff with whom an offender or delinquent child 7578
registers under section 2950.04, 2950.041, or 2950.05 of the 7579
Revised Code or to whom the offender or delinquent child most 7580
recently sent a notice of intent to reside under section 2950.04 7581
or 2950.041 of the Revised Code is required by division (A) of 7582
this section to provide notices regarding an offender or 7583
delinquent child and if, pursuant to that requirement, the 7584
sheriff provides a notice to a sheriff of one or more other 7585
counties in accordance with division (A) (8) of this section, the 7586
sheriff of each of the other counties who is provided notice 7587
under division (A) (8) of this section shall provide the notices 7588
described in divisions (A) (1) to (7) and (A) (9) and (10) of this 7589
section to each person or entity identified within those 7590
divisions that is located within the specified geographical 7591
notification area and within the county served by the sheriff in 7592
question. 7593

(D) (1) A sheriff required by division (A) or (C) of this 7594
section to provide notices regarding an offender or delinquent 7595
child shall provide the notice to the neighbors that are 7596
described in division (A) (1) of this section and the notices to 7597
law enforcement personnel that are described in divisions (A) (8) 7598
and (9) of this section as soon as practicable, but no later 7599
than five days after the offender sends the notice of intent to 7600
reside to the sheriff and again no later than five days after 7601
the offender or delinquent child registers with the sheriff or, 7602
if the sheriff is required by division (C) of this section to 7603

provide the notices, no later than five days after the sheriff 7604
is provided the notice described in division (A) (8) of this 7605
section. 7606

A sheriff required by division (A) or (C) of this section 7607
to provide notices regarding an offender or delinquent child 7608
shall provide the notices to all other specified persons that 7609
are described in divisions (A) (2) to (7) and (A) (10) of this 7610
section as soon as practicable, but not later than seven days 7611
after the offender or delinquent child registers with the 7612
sheriff or, if the sheriff is required by division (C) of this 7613
section to provide the notices, no later than five days after 7614
the sheriff is provided the notice described in division (A) (8) 7615
of this section. 7616

(2) If an offender or delinquent child in relation to whom 7617
division (A) of this section applies verifies the offender's or 7618
delinquent child's current residence, school, institution of 7619
higher education, or place of employment address, as applicable, 7620
with a sheriff pursuant to section 2950.06 of the Revised Code, 7621
the sheriff may provide a written notice containing the 7622
information set forth in division (B) of this section to the 7623
persons identified in divisions (A) (1) to (10) of this section. 7624
If a sheriff provides a notice pursuant to this division to the 7625
sheriff of one or more other counties in accordance with 7626
division (A) (8) of this section, the sheriff of each of the 7627
other counties who is provided the notice under division (A) (8) 7628
of this section may provide, but is not required to provide, a 7629
written notice containing the information set forth in division 7630
(B) of this section to the persons identified in divisions (A) 7631
(1) to (7) and (A) (9) and (10) of this section. 7632

(3) A sheriff may provide notice under division (A) (1) (a) 7633

or (b) of this section, and may provide notice under division 7634
(A) (1) (c) of this section to a building manager or person 7635
authorized to exercise management and control of a building, by 7636
mail, by personal contact, or by leaving the notice at or under 7637
the entry door to a residential unit. For purposes of divisions 7638
(A) (1) (a) and (b) of this section, and the portion of division 7639
(A) (1) (c) of this section relating to the provision of notice to 7640
occupants of a multi-unit building by mail or personal contact, 7641
the provision of one written notice per unit is deemed as 7642
providing notice to all occupants of that unit. 7643

(E) All information that a sheriff possesses regarding an 7644
offender or delinquent child who is in a category specified in 7645
division (F) (1) (a), (b), or (c) of this section that is 7646
described in division (B) of this section and that must be 7647
provided in a notice required under division (A) or (C) of this 7648
section or that may be provided in a notice authorized under 7649
division (D) (2) of this section is a public record that is open 7650
to inspection under section 149.43 of the Revised Code. 7651

The sheriff shall not cause to be publicly disseminated by 7652
means of the internet any of the information described in this 7653
division that is provided by a delinquent child unless that 7654
child is in a category specified in division (F) (1) (a), (b), or 7655
(c) of this section. 7656

(F) (1) Except as provided in division (F) (2) of this 7657
section, the duties to provide the notices described in 7658
divisions (A) and (C) of this section apply regarding any 7659
offender or delinquent child who is in any of the following 7660
categories: 7661

(a) The offender is a tier III sex offender/child-victim 7662
offender, or the delinquent child is a public registry-qualified 7663

juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to January 1, 2008, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after January 1, 2008, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(2) The notification provisions of this section do not apply to a person described in division (F) (1) (a), (b), or (c) of this section if a court finds at a hearing after considering the factors described in this division that the person would not be subject to the notification provisions of this section that

were in the version of this section that existed immediately 7694
prior to January 1, 2008. In making the determination of whether 7695
a person would have been subject to the notification provisions 7696
under prior law as described in this division, the court shall 7697
consider the following factors: 7698

(a) The offender's or delinquent child's age; 7699

(b) The offender's or delinquent child's prior criminal or 7700
delinquency record regarding all offenses, including, but not 7701
limited to, all sexual offenses; 7702

(c) The age of the victim of the sexually oriented offense 7703
for which sentence is to be imposed or the order of disposition 7704
is to be made; 7705

(d) Whether the sexually oriented offense for which 7706
sentence is to be imposed or the order of disposition is to be 7707
made involved multiple victims; 7708

(e) Whether the offender or delinquent child used drugs or 7709
alcohol to impair the victim of the sexually oriented offense or 7710
to prevent the victim from resisting; 7711

(f) If the offender or delinquent child previously has 7712
been convicted of or pleaded guilty to, or been adjudicated a 7713
delinquent child for committing an act that if committed by an 7714
adult would be, a criminal offense, whether the offender or 7715
delinquent child completed any sentence or dispositional order 7716
imposed for the prior offense or act and, if the prior offense 7717
or act was a sex offense or a sexually oriented offense, whether 7718
the offender or delinquent child participated in available 7719
programs for sexual offenders; 7720

(g) Any mental illness or mental disability of the 7721
offender or delinquent child; 7722

(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;

(j) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G) (1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A) (2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education and workforce shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A) (3), (4), or (5) of this section that contains the name of each board of education, school, or

program of that type, the county in which it is located, its 7752
address and telephone number, the name of the superintendent of 7753
the board or of an administrative officer or employee of the 7754
school or program, and, in relation to a board of education, the 7755
county or counties in which each of its schools is located and 7756
the address of each such school. 7757

(3) The ~~Ohio board of regents~~ chancellor of higher 7758
education shall compile, maintain, and update in January and 7759
July of each year, a list of all institutions of a type 7760
described in division (A) (7) of this section that contains the 7761
name of each such institution, the county in which it is 7762
located, its address and telephone number, and the name of its 7763
president or other chief administrative officer. 7764

(4) A sheriff required by division (A) or (C) of this 7765
section, or authorized by division (D) (2) of this section, to 7766
provide notices regarding an offender or delinquent child, or a 7767
designee of a sheriff of that type, may request the department 7768
of job and family services, ~~the~~ department of education, ~~or Ohio~~ 7769
~~board of regents~~ and workforce, or chancellor by telephone, in 7770
person, or by mail, to provide the sheriff or designee with the 7771
names, addresses, and telephone numbers of the appropriate 7772
persons and entities to whom the notices described in divisions 7773
(A) (2) to (7) of this section are to be provided. Upon receipt 7774
of a request, the department ~~or board~~ shall provide the 7775
requesting sheriff or designee with the names, addresses, and 7776
telephone numbers of the appropriate persons and entities to 7777
whom those notices are to be provided. 7778

(H) (1) Upon the motion of the offender or the prosecuting 7779
attorney of the county in which the offender was convicted of or 7780
pleaded guilty to the sexually oriented offense or child-victim 7781

oriented offense for which the offender is subject to community 7782
notification under this section, or upon the motion of the 7783
sentencing judge or that judge's successor in office, the judge 7784
may schedule a hearing to determine whether the interests of 7785
justice would be served by suspending the community notification 7786
requirement under this section in relation to the offender. The 7787
judge may dismiss the motion without a hearing but may not issue 7788
an order suspending the community notification requirement 7789
without a hearing. At the hearing, all parties are entitled to 7790
be heard, and the judge shall consider all of the factors set 7791
forth in division (K) of this section. If, at the conclusion of 7792
the hearing, the judge finds that the offender has proven by 7793
clear and convincing evidence that the offender is unlikely to 7794
commit in the future a sexually oriented offense or a child- 7795
victim oriented offense and if the judge finds that suspending 7796
the community notification requirement is in the interests of 7797
justice, the judge may suspend the application of this section 7798
in relation to the offender. The order shall contain both of 7799
these findings. 7800

The judge promptly shall serve a copy of the order upon 7801
the sheriff with whom the offender most recently registered 7802
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 7803
and upon the bureau of criminal identification and 7804
investigation. 7805

An order suspending the community notification requirement 7806
does not suspend or otherwise alter an offender's duties to 7807
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 7808
the Revised Code and does not suspend the victim notification 7809
requirement under section 2950.10 of the Revised Code. 7810

(2) A prosecuting attorney, a sentencing judge or that 7811

judge's successor in office, and an offender who is subject to 7812
the community notification requirement under this section may 7813
initially make a motion under division (H) (1) of this section 7814
upon the expiration of twenty years after the offender's duty to 7815
comply with division (A) (2), (3), or (4) of section 2950.04, 7816
division (A) (2), (3), or (4) of section 2950.041 and sections 7817
2950.05 and 2950.06 of the Revised Code begins in relation to 7818
the offense for which the offender is subject to community 7819
notification. After the initial making of a motion under 7820
division (H) (1) of this section, thereafter, the prosecutor, 7821
judge, and offender may make a subsequent motion under that 7822
division upon the expiration of five years after the judge has 7823
entered an order denying the initial motion or the most recent 7824
motion made under that division. 7825

(3) The offender and the prosecuting attorney have the 7826
right to appeal an order approving or denying a motion made 7827
under division (H) (1) of this section. 7828

(4) Divisions (H) (1) to (3) of this section do not apply 7829
to any of the following types of offender: 7830

(a) A person who is convicted of or pleads guilty to a 7831
violent sex offense or designated homicide, assault, or 7832
kidnapping offense and who, in relation to that offense, is 7833
adjudicated a sexually violent predator; 7834

(b) A person who is convicted of or pleads guilty to a 7835
sexually oriented offense that is a violation of division (A) (1) 7836
(b) of section 2907.02 of the Revised Code committed on or after 7837
January 2, 2007, and either who is sentenced under section 7838
2971.03 of the Revised Code or upon whom a sentence of life 7839
without parole is imposed under division (B) of section 2907.02 7840
of the Revised Code; 7841

(c) A person who is convicted of or pleads guilty to a sexually oriented offense that is attempted rape committed on or after January 2, 2007, and who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code;

(d) A person who is convicted of or pleads guilty to an offense described in division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and who is sentenced for that offense pursuant to that division;

(e) An offender who is in a category specified in division (F)(1)(a), (b), or (c) of this section and who, subsequent to being subjected to community notification, has pleaded guilty to or been convicted of a sexually oriented offense or child-victim oriented offense.

(I) If a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is not in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (D) of this section, shall provide a written notice containing the information set

forth in division (B) of this section to the executive director 7872
of the public children services agency that has jurisdiction 7873
within the specified geographical notification area and that is 7874
located within the county served by the sheriff. 7875

(J) Each sheriff shall allow a volunteer organization or 7876
other organization, company, or individual who wishes to receive 7877
the notice described in division (A) (10) of this section 7878
regarding a specific offender or delinquent child or notice 7879
regarding all offenders and delinquent children who are located 7880
in the specified geographical notification area to notify the 7881
sheriff by electronic mail or through the sheriff's web site of 7882
this election. The sheriff shall promptly inform the bureau of 7883
criminal identification and investigation of these requests in 7884
accordance with the forwarding procedures adopted by the 7885
attorney general pursuant to section 2950.13 of the Revised 7886
Code. 7887

(K) In making a determination under division (H) (1) of 7888
this section as to whether to suspend the community notification 7889
requirement under this section for an offender, the judge shall 7890
consider all relevant factors, including, but not limited to, 7891
all of the following: 7892

(1) The offender's age; 7893

(2) The offender's prior criminal or delinquency record 7894
regarding all offenses, including, but not limited to, all 7895
sexually oriented offenses or child-victim oriented offenses; 7896

(3) The age of the victim of the sexually oriented offense 7897
or child-victim oriented offense the offender committed; 7898

(4) Whether the sexually oriented offense or child-victim 7899
oriented offense the offender committed involved multiple 7900

victims; 7901

(5) Whether the offender used drugs or alcohol to impair 7902
the victim of the sexually oriented offense or child-victim 7903
oriented offense the offender committed or to prevent the victim 7904
from resisting; 7905

(6) If the offender previously has been convicted of, 7906
pleaded guilty to, or been adjudicated a delinquent child for 7907
committing an act that if committed by an adult would be a 7908
criminal offense, whether the offender completed any sentence or 7909
dispositional order imposed for the prior offense or act and, if 7910
the prior offense or act was a sexually oriented offense or a 7911
child-victim oriented offense, whether the offender or 7912
delinquent child participated in available programs for sex 7913
offenders or child-victim offenders; 7914

(7) Any mental illness or mental disability of the 7915
offender; 7916

(8) The nature of the offender's sexual conduct, sexual 7917
contact, or interaction in a sexual context with the victim of 7918
the sexually oriented offense the offender committed or the 7919
nature of the offender's interaction in a sexual context with 7920
the victim of the child-victim oriented offense the offender 7921
committed, whichever is applicable, and whether the sexual 7922
conduct, sexual contact, or interaction in a sexual context was 7923
part of a demonstrated pattern of abuse; 7924

(9) Whether the offender, during the commission of the 7925
sexually oriented offense or child-victim oriented offense the 7926
offender committed, displayed cruelty or made one or more 7927
threats of cruelty; 7928

(10) Any additional behavioral characteristics that 7929

contribute to the offender's conduct. 7930

(L) As used in this section, "specified geographical 7931
notification area" means the geographic area or areas within 7932
which the attorney general, by rule adopted under section 7933
2950.13 of the Revised Code, requires the notice described in 7934
division (B) of this section to be given to the persons 7935
identified in divisions (A) (2) to (8) of this section. 7936

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 7937
of the Revised Code or as otherwise provided in division ~~(A) (1)~~ 7938
~~(d)~~ (A) (1) (c) of this section, an eligible offender may apply to 7939
the sentencing court if convicted in this state, or to a court 7940
of common pleas if convicted in another state or in a federal 7941
court, for the sealing of the record of the case that pertains 7942
to the conviction, except for convictions listed under section 7943
2953.36 of the Revised Code. Application may be made at one of 7944
the following times: 7945

(a) At the expiration of three years after the offender's 7946
final discharge if convicted of a felony of the third degree, so 7947
long as none of the offenses is a violation of section 2921.43 7948
of the Revised Code; 7949

(b) At the expiration of one year after the offender's 7950
final discharge if convicted of a felony of the fourth or fifth 7951
degree or a misdemeanor, so long as none of the offenses is a 7952
violation of section 2921.43 of the Revised Code; 7953

(c) At the expiration of seven years after the offender's 7954
final discharge if the record includes a conviction of 7955
soliciting improper compensation in violation of section 2921.43 7956
of the Revised Code. 7957

(2) Any person who has been arrested for any misdemeanor 7958

offense and who has effected a bail forfeiture for the offense 7959
charged may apply to the court in which the misdemeanor criminal 7960
case was pending when bail was forfeited for the sealing of the 7961
record of the case that pertains to the charge. Except as 7962
provided in section 2953.61 of the Revised Code, the application 7963
may be filed at any time after the expiration of one year from 7964
the date on which the bail forfeiture was entered upon the 7965
minutes of the court or the journal, whichever entry occurs 7966
first. 7967

(B) Upon the filing of an application under this section, 7968
the court shall set a date for a hearing and shall notify the 7969
prosecutor for the case of the hearing on the application. The 7970
prosecutor may object to the granting of the application by 7971
filing an objection with the court prior to the date set for the 7972
hearing. The prosecutor shall specify in the objection the 7973
reasons for believing a denial of the application is justified. 7974
The court shall direct its regular probation officer, a state 7975
probation officer, or the department of probation of the county 7976
in which the applicant resides to make inquiries and written 7977
reports as the court requires concerning the applicant. The 7978
probation officer or county department of probation that the 7979
court directs to make inquiries concerning the applicant shall 7980
determine whether or not the applicant was fingerprinted at the 7981
time of arrest or under section 109.60 of the Revised Code. If 7982
the applicant was so fingerprinted, the probation officer or 7983
county department of probation shall include with the written 7984
report a record of the applicant's fingerprints. If the 7985
applicant was convicted of or pleaded guilty to a violation of 7986
division (A) (2) or (B) of section 2919.21 of the Revised Code, 7987
the probation officer or county department of probation that the 7988
court directed to make inquiries concerning the applicant shall 7989

contact the child support enforcement agency enforcing the 7990
applicant's obligations under the child support order to inquire 7991
about the offender's compliance with the child support order. 7992

(C) (1) The court shall do each of the following: 7993

(a) Determine whether the applicant is an eligible 7994
offender or whether the forfeiture of bail was agreed to by the 7995
applicant and the prosecutor in the case. If the applicant 7996
applies as an eligible offender pursuant to division (A) (1) of 7997
this section and has two or three convictions that result from 7998
the same indictment, information, or complaint, from the same 7999
plea of guilty, or from the same official proceeding, and result 8000
from related criminal acts that were committed within a three- 8001
month period but do not result from the same act or from 8002
offenses committed at the same time, in making its determination 8003
under this division, the court initially shall determine whether 8004
it is not in the public interest for the two or three 8005
convictions to be counted as one conviction. If the court 8006
determines that it is not in the public interest for the two or 8007
three convictions to be counted as one conviction, the court 8008
shall determine that the applicant is not an eligible offender; 8009
if the court does not make that determination, the court shall 8010
determine that the offender is an eligible offender. 8011

(b) Determine whether criminal proceedings are pending 8012
against the applicant; 8013

(c) If the applicant is an eligible offender who applies 8014
pursuant to division (A) (1) of this section, determine whether 8015
the applicant has been rehabilitated to the satisfaction of the 8016
court; 8017

(d) If the prosecutor has filed an objection in accordance 8018

with division (B) of this section, consider the reasons against 8019
granting the application specified by the prosecutor in the 8020
objection; 8021

(e) Weigh the interests of the applicant in having the 8022
records pertaining to the applicant's conviction or bail 8023
forfeiture sealed against the legitimate needs, if any, of the 8024
government to maintain those records; 8025

(f) If the applicant is an eligible offender of the type 8026
described in division (A) (3) of section 2953.36 of the Revised 8027
Code, determine whether the offender has been rehabilitated to a 8028
satisfactory degree. In making the determination, the court may 8029
consider all of the following: 8030

(i) The age of the offender; 8031

(ii) The facts and circumstances of the offense; 8032

(iii) The cessation or continuation of criminal behavior; 8033

(iv) The education and employment of the offender; 8034

(v) Any other circumstances that may relate to the 8035
offender's rehabilitation. 8036

(2) If the court determines, after complying with division 8037
(C) (1) of this section, that the applicant is an eligible 8038
offender or the subject of a bail forfeiture, that no criminal 8039
proceeding is pending against the applicant, that the interests 8040
of the applicant in having the records pertaining to the 8041
applicant's conviction or bail forfeiture sealed are not 8042
outweighed by any legitimate governmental needs to maintain 8043
those records, and that the rehabilitation of an applicant who 8044
is an eligible offender applying pursuant to division (A) (1) of 8045
this section has been attained to the satisfaction of the court, 8046

the court, except as provided in division (C) (4), (G), (H), or 8047
(I) of this section, shall order all official records of the 8048
case that pertain to the conviction or bail forfeiture sealed 8049
and, except as provided in division (F) of this section, all 8050
index references to the case that pertain to the conviction or 8051
bail forfeiture deleted and, in the case of bail forfeitures, 8052
shall dismiss the charges in the case. The proceedings in the 8053
case that pertain to the conviction or bail forfeiture shall be 8054
considered not to have occurred and the conviction or bail 8055
forfeiture of the person who is the subject of the proceedings 8056
shall be sealed, except that upon conviction of a subsequent 8057
offense, the sealed record of prior conviction or bail 8058
forfeiture may be considered by the court in determining the 8059
sentence or other appropriate disposition, including the relief 8060
provided for in sections 2953.31 to 2953.33 of the Revised Code. 8061

(3) An applicant may request the sealing of the records of 8062
more than one case in a single application under this section. 8063
Upon the filing of an application under this section, the 8064
applicant, unless indigent, shall pay a fee of fifty dollars, 8065
regardless of the number of records the application requests to 8066
have sealed. The court shall pay thirty dollars of the fee into 8067
the state treasury, with fifteen dollars of that amount credited 8068
to the attorney general reimbursement fund created by section 8069
109.11 of the Revised Code. It shall pay twenty dollars of the 8070
fee into the county general revenue fund if the sealed 8071
conviction or bail forfeiture was pursuant to a state statute, 8072
or into the general revenue fund of the municipal corporation 8073
involved if the sealed conviction or bail forfeiture was 8074
pursuant to a municipal ordinance. 8075

(4) If the court orders the official records pertaining to 8076
the case sealed, the court shall do one of the following: 8077

(a) If the applicant was fingerprinted at the time of 8078
arrest or under section 109.60 of the Revised Code and the 8079
record of the applicant's fingerprints was provided to the court 8080
under division (B) of this section, forward a copy of the 8081
sealing order and the record of the applicant's fingerprints to 8082
the bureau of criminal identification and investigation. 8083

(b) If the applicant was not fingerprinted at the time of 8084
arrest or under section 109.60 of the Revised Code, or the 8085
record of the applicant's fingerprints was not provided to the 8086
court under division (B) of this section, but fingerprinting was 8087
required for the offense, order the applicant to appear before a 8088
sheriff to have the applicant's fingerprints taken according to 8089
the fingerprint system of identification on the forms furnished 8090
by the superintendent of the bureau of criminal identification 8091
and investigation. The sheriff shall forward the applicant's 8092
fingerprints to the court. The court shall forward the 8093
applicant's fingerprints and a copy of the sealing order to the 8094
bureau of criminal identification and investigation. 8095

Failure of the court to order fingerprints at the time of 8096
sealing does not constitute a reversible error. 8097

(D) Inspection of the sealed records included in the order 8098
may be made only by the following persons or for the following 8099
purposes: 8100

(1) By a law enforcement officer or prosecutor, or the 8101
assistants of either, to determine whether the nature and 8102
character of the offense with which a person is to be charged 8103
would be affected by virtue of the person's previously having 8104
been convicted of a crime; 8105

(2) By the parole or probation officer of the person who 8106

is the subject of the records, for the exclusive use of the 8107
officer in supervising the person while on parole or under a 8108
community control sanction or a post-release control sanction, 8109
and in making inquiries and written reports as requested by the 8110
court or adult parole authority; 8111

(3) Upon application by the person who is the subject of 8112
the records, by the persons named in the application; 8113

(4) By a law enforcement officer who was involved in the 8114
case, for use in the officer's defense of a civil action arising 8115
out of the officer's involvement in that case; 8116

(5) By a prosecuting attorney or the prosecuting 8117
attorney's assistants, to determine a defendant's eligibility to 8118
enter a pre-trial diversion program established pursuant to 8119
section 2935.36 of the Revised Code; 8120

(6) By any law enforcement agency or any authorized 8121
employee of a law enforcement agency or by the department of 8122
rehabilitation and correction or department of youth services as 8123
part of a background investigation of a person who applies for 8124
employment with the agency or with the department; 8125

(7) By any law enforcement agency or any authorized 8126
employee of a law enforcement agency, for the purposes set forth 8127
in, and in the manner provided in, section 2953.321 of the 8128
Revised Code; 8129

(8) By the bureau of criminal identification and 8130
investigation or any authorized employee of the bureau for the 8131
purpose of providing information to a board or person pursuant 8132
to division (F) or (G) of section 109.57 of the Revised Code; 8133

(9) By the bureau of criminal identification and 8134
investigation or any authorized employee of the bureau for the 8135

purpose of performing a criminal history records check on a 8136
person to whom a certificate as prescribed in section 109.77 of 8137
the Revised Code is to be awarded; 8138

(10) By the bureau of criminal identification and 8139
investigation or any authorized employee of the bureau for the 8140
purpose of conducting a criminal records check of an individual 8141
pursuant to division (B) of section 109.572 of the Revised Code 8142
that was requested pursuant to any of the sections identified in 8143
division (B) (1) of that section; 8144

(11) By the bureau of criminal identification and 8145
investigation, an authorized employee of the bureau, a sheriff, 8146
or an authorized employee of a sheriff in connection with a 8147
criminal records check described in section 311.41 of the 8148
Revised Code; 8149

(12) By the attorney general or an authorized employee of 8150
the attorney general or a court for purposes of determining a 8151
person's classification pursuant to Chapter 2950. of the Revised 8152
Code; 8153

(13) By a court, the registrar of motor vehicles, a 8154
prosecuting attorney or the prosecuting attorney's assistants, 8155
or a law enforcement officer for the purpose of assessing points 8156
against a person under section 4510.036 of the Revised Code or 8157
for taking action with regard to points assessed. 8158

When the nature and character of the offense with which a 8159
person is to be charged would be affected by the information, it 8160
may be used for the purpose of charging the person with an 8161
offense. 8162

(E) In any criminal proceeding, proof of any otherwise 8163
admissible prior conviction may be introduced and proved, 8164

notwithstanding the fact that for any such prior conviction an 8165
order of sealing previously was issued pursuant to sections 8166
2953.31 to 2953.36 of the Revised Code. 8167

(F) The person or governmental agency, office, or 8168
department that maintains sealed records pertaining to 8169
convictions or bail forfeitures that have been sealed pursuant 8170
to this section may maintain a manual or computerized index to 8171
the sealed records. The index shall contain only the name of, 8172
and alphanumeric identifiers that relate to, the persons who are 8173
the subject of the sealed records, the word "sealed," and the 8174
name of the person, agency, office, or department that has 8175
custody of the sealed records, and shall not contain the name of 8176
the crime committed. The index shall be made available by the 8177
person who has custody of the sealed records only for the 8178
purposes set forth in divisions (C), (D), and (E) of this 8179
section. 8180

(G) Notwithstanding any provision of this section or 8181
section 2953.33 of the Revised Code that requires otherwise, a 8182
board of education of a city, local, exempted village, or joint 8183
vocational school district that maintains records of an 8184
individual who has been permanently excluded under sections 8185
3301.121 and 3313.662 of the Revised Code is permitted to 8186
maintain records regarding a conviction that was used as the 8187
basis for the individual's permanent exclusion, regardless of a 8188
court order to seal the record. An order issued under this 8189
section to seal the record of a conviction does not revoke the 8190
adjudication order of the ~~superintendent of public instruction~~ 8191
director of education and workforce to permanently exclude the 8192
individual who is the subject of the sealing order. An order 8193
issued under this section to seal the record of a conviction of 8194
an individual may be presented to a district superintendent as 8195

evidence to support the contention that the superintendent 8196
should recommend that the permanent exclusion of the individual 8197
who is the subject of the sealing order be revoked. Except as 8198
otherwise authorized by this division and sections 3301.121 and 8199
3313.662 of the Revised Code, any school employee in possession 8200
of or having access to the sealed conviction records of an 8201
individual that were the basis of a permanent exclusion of the 8202
individual is subject to section 2953.35 of the Revised Code. 8203

(H) Notwithstanding any provision of this section or 8204
section 2953.33 of the Revised Code that requires otherwise, if 8205
the auditor of state or a prosecutor maintains records, reports, 8206
or audits of an individual who has been forever disqualified 8207
from holding public office, employment, or position of trust in 8208
this state under sections 2921.41 and 2921.43 of the Revised 8209
Code, or has otherwise been convicted of an offense based upon 8210
the records, reports, or audits of the auditor of state, the 8211
auditor of state or prosecutor is permitted to maintain those 8212
records to the extent they were used as the basis for the 8213
individual's disqualification or conviction, and shall not be 8214
compelled by court order to seal those records. 8215

(I) For purposes of sections 2953.31 to 2953.36 of the 8216
Revised Code, DNA records collected in the DNA database and 8217
fingerprints filed for record by the superintendent of the 8218
bureau of criminal identification and investigation shall not be 8219
sealed unless the superintendent receives a certified copy of a 8220
final court order establishing that the offender's conviction 8221
has been overturned. For purposes of this section, a court order 8222
is not "final" if time remains for an appeal or application for 8223
discretionary review with respect to the order. 8224

(J) The sealing of a record under this section does not 8225

affect the assessment of points under section 4510.036 of the Revised Code and does not erase points assessed against a person as a result of the sealed record.

Sec. 3301.01. (A) There is hereby created the state board of education consisting of nineteen members with eleven elected members, one each to be elected in accordance with section 3301.03 of the Revised Code from each of the districts established in accordance with division (B) of this section, and with eight members to be appointed by the governor with the advice and consent of the senate.

In addition to the nineteen elected or appointed members, the chairperson of the committee of the senate that primarily deals with education and the chairperson of the committee of the house of representatives that primarily deals with education shall be nonvoting ex officio members of the board.

(B) (1) The territory of each state board of education district for each elected voting member of the board shall consist of the territory of three contiguous senate districts as established in the most recent apportionment for members of the general assembly, but the territory of no senate district shall be part of the territory of more than one state board of education district. Each state board of education district shall be as compact as practicable. The districts shall include, when practicable, some districts that primarily consist of territory in rural areas and some districts that primarily consist of territory in urban areas.

(2) If, after the apportionment for members of the general assembly is made in any year, the general assembly does not during that year enact legislation establishing state board of education districts in accordance with division (B) (1) of this

section, the governor shall designate the boundaries of the 8256
districts in accordance with division (B) (1) of this section no 8257
later than the thirty-first day of January of the year next 8258
succeeding such apportionment. Upon making such designation, the 8259
governor shall give written notice of the boundaries of the 8260
districts to each member of the state board of education, 8261
including the nonvoting ex officio members; the superintendent 8262
of public instruction; the director of education and workforce; 8263
the president of the senate; the speaker of the house of 8264
representatives; and the board of elections of each county in 8265
each new district. On the first day of February in any year in 8266
which the governor designates the boundaries of state board of 8267
education districts under this section, the state board of 8268
education districts as they existed prior to that date shall 8269
cease to exist and the new districts shall be created. 8270

Sec. 3301.07. ~~The state board~~ director of education and 8271
workforce shall exercise under the acts of the general assembly 8272
general supervision of the system of public education in the 8273
state. In addition to the powers otherwise imposed on the ~~state~~ 8274
~~board~~ director under the provisions of law, the ~~board~~ director 8275
shall have the powers described in this section. 8276

(A) ~~The state board~~ director shall exercise policy 8277
forming, planning, and evaluative functions for the public 8278
schools of the state except as otherwise provided by law. 8279

(B) (1) ~~The state board~~ director shall exercise leadership 8280
in the improvement of public education in this state, and 8281
administer the educational policies of this state relating to 8282
public schools, and relating to instruction and instructional 8283
material, building and equipment, transportation of pupils, 8284
administrative responsibilities of school officials and 8285

personnel, and finance and organization of school districts, 8286
educational service centers, and territory. Consultative and 8287
advisory services in such matters shall be provided by the ~~board~~ 8288
department of education and workforce to school districts and 8289
educational service centers of this state. 8290

(2) The ~~state board~~ director also shall develop a standard 8291
of financial reporting which shall be used by each school 8292
district board of education and each governing board of an 8293
educational service center, each governing authority of a 8294
community school established under Chapter 3314., each governing 8295
body of a STEM school established under Chapter ~~3328.~~ 3326., and 8296
each board of trustees of a college-preparatory boarding school 8297
established under Chapter 3328. of the Revised Code to make its 8298
financial information and annual budgets for each school 8299
building under its control available to the public in a format 8300
understandable by the average citizen. The format shall show, 8301
both at the district and at the school building level, revenue 8302
by source; expenditures for salaries, wages, and benefits of 8303
employees, showing such amounts separately for classroom 8304
teachers, other employees required to hold licenses issued 8305
pursuant to sections 3319.22 to 3319.31 of the Revised Code, and 8306
all other employees; expenditures other than for personnel, by 8307
category, including utilities, textbooks and other educational 8308
materials, equipment, permanent improvements, pupil 8309
transportation, extracurricular athletics, and other 8310
extracurricular activities; and per pupil expenditures. The 8311
format shall also include information on total revenue and 8312
expenditures, per pupil revenue, and expenditures for both 8313
classroom and nonclassroom purposes, as defined by the standards 8314
adopted under section 3302.20 of the Revised Code in the 8315
aggregate and for each subgroup of students, as defined by 8316

section 3317.40 of the Revised Code, that receives services 8317
provided for by state or federal funding. 8318

(3) Each school district board, governing authority, 8319
governing body, or board of trustees, or its respective 8320
designee, shall annually report, to the ~~department of education,~~ 8321
all financial information required by the standards for 8322
financial reporting, as prescribed by division (B)(2) of this 8323
section and adopted by the ~~state board~~ director. The department 8324
shall make all reports submitted pursuant to this division 8325
available in such a way that allows for comparison between 8326
financial information included in these reports and financial 8327
information included in reports produced prior to July 1, 2013. 8328
The department shall post these reports in a prominent location 8329
on its web site and shall notify each school when reports are 8330
made available. 8331

(C) The ~~state board~~ director shall administer and 8332
supervise the allocation and distribution of all state and 8333
federal funds for public school education under the provisions 8334
of law, and may prescribe such systems of accounting as are 8335
necessary and proper to this function. It may require county 8336
auditors and treasurers, boards of education, educational 8337
service center governing boards, treasurers of such boards, 8338
teachers, and other school officers and employees, or other 8339
public officers or employees, to file with it such reports as it 8340
may prescribe relating to such funds, or to the management and 8341
condition of such funds. 8342

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 8343
XLVII, and LI of the Revised Code a reference is made to 8344
standards prescribed under this section or division (D) of this 8345
section, that reference shall be construed to refer to the 8346

standards prescribed under division (D) (2) of this section, 8347
unless the context specifically indicates a different meaning or 8348
intent. 8349

(2) ~~The state board~~ director shall formulate and prescribe 8350
minimum standards to be applied to all elementary and secondary 8351
schools in this state for the purpose of providing children 8352
access to a general education of high quality according to the 8353
learning needs of each individual, including students with 8354
disabilities, economically disadvantaged students, English 8355
learners, and students identified as gifted. Such standards 8356
shall provide adequately for: ~~the licensing of a requirement~~ 8357
that teachers, administrators, and other professional personnel 8358
be licensed by the state board of education and their assignment 8359
assigned according to training and qualifications; efficient and 8360
effective instructional materials and equipment, including 8361
library facilities; the proper organization, administration, and 8362
supervision of each school, including regulations for preparing 8363
all necessary records and reports and the preparation of a 8364
statement of policies and objectives for each school; the 8365
provision of safe buildings, grounds, health and sanitary 8366
facilities and services; admission of pupils, and such 8367
requirements for their promotion from grade to grade as will 8368
assure that they are capable and prepared for the level of study 8369
to which they are certified; requirements for graduation; and 8370
such other factors as ~~the board~~ director finds necessary. 8371

~~The state board~~ director shall base any standards 8372
governing the promotion of students or requirements for 8373
graduation on the ability of students, at any grade level, to 8374
earn credits or advance upon demonstration of mastery of 8375
knowledge and skills through competency-based learning models. 8376
Credits of grade level advancement shall not require a minimum 8377

number of days or hours in a classroom. 8378

~~The state board~~ director shall base any standards 8379
governing the assignment of staff on ensuring each school has a 8380
sufficient number of teachers to ensure a student has an 8381
appropriate level of interaction to meet each student's personal 8382
learning goals. 8383

In the formulation and administration of such standards 8384
for nonpublic schools ~~the board~~ director shall also consider the 8385
particular needs, methods and objectives of those schools, 8386
provided they do not conflict with the provision of a general 8387
education of a high quality and provided that regular procedures 8388
shall be followed for promotion from grade to grade of pupils 8389
who have met the educational requirements prescribed. 8390

(3) In addition to the minimum standards required by 8391
division (D) (2) of this section, ~~the state board~~ director may 8392
formulate and prescribe the following additional minimum 8393
operating standards for school districts: 8394

(a) Standards for the effective and efficient 8395
organization, administration, and supervision of each school 8396
district with a commitment to high expectations for every 8397
student based on the learning needs of each individual, 8398
including students with disabilities, economically disadvantaged 8399
students, English learners, and students identified as gifted, 8400
and commitment to closing the achievement gap without 8401
suppressing the achievement levels of higher achieving students 8402
so that all students achieve core knowledge and skills in 8403
accordance with the statewide academic standards adopted under 8404
section 3301.079 of the Revised Code; 8405

(b) Standards for the establishment of business advisory 8406

councils under section 3313.82 of the Revised Code; 8407

(c) Standards for school district buildings that may 8408
require the effective and efficient organization, 8409
administration, and supervision of each school district building 8410
with a commitment to high expectations for every student based 8411
on the learning needs of each individual, including students 8412
with disabilities, economically disadvantaged students, English 8413
learners, and students identified as gifted, and commitment to 8414
closing the achievement gap without suppressing the achievement 8415
levels of higher achieving students so that all students achieve 8416
core knowledge and skills in accordance with the statewide 8417
academic standards adopted under section 3301.079 of the Revised 8418
Code. 8419

(E) ~~The state board~~ director may require as part of the 8420
health curriculum information developed under section 2108.34 of 8421
the Revised Code promoting the donation of anatomical gifts 8422
pursuant to Chapter 2108. of the Revised Code and may provide 8423
the information to high schools, educational service centers, 8424
and joint vocational school district boards of education; 8425

(F) ~~The state board~~ director shall prepare and submit 8426
annually to the governor and the general assembly a report on 8427
the status, needs, and major problems of the public schools of 8428
the state, with recommendations for necessary legislative action 8429
and a ten-year projection of the state's public and nonpublic 8430
school enrollment, by year and by grade level. 8431

(G) ~~The state board~~ director shall prepare and submit to 8432
the director of budget and management the biennial budgetary 8433
requests of ~~the state board of education, for~~ department and its 8434
agencies divisions and for the public schools of the state. 8435

(H) The ~~state board~~ director shall cooperate with federal, 8436
state, and local agencies concerned with the health and welfare 8437
of children and youth of the state. 8438

(I) The ~~state board~~ director shall require such reports 8439
from school districts and educational service centers, school 8440
officers, and employees as are necessary and desirable. The 8441
superintendents and treasurers of school districts and 8442
educational service centers shall certify as to the accuracy of 8443
all reports required by statutory law or ~~state board or state~~ 8444
~~department of education~~ director's rules to be submitted by the 8445
district or educational service center and which contain 8446
information necessary for calculation of state funding. Any 8447
superintendent who knowingly falsifies such report shall be 8448
subject to license revocation pursuant to section 3319.31 of the 8449
Revised Code. 8450

(J) In accordance with Chapter 119. of the Revised Code, 8451
the ~~state board~~ director shall adopt procedures, standards, and 8452
guidelines for the education of children with disabilities 8453
pursuant to Chapter 3323. of the Revised Code, including 8454
procedures, standards, and guidelines governing programs and 8455
services operated by county boards of developmental disabilities 8456
pursuant to section 3323.09 of the Revised Code. 8457

(K) For the purpose of encouraging the development of 8458
special programs of education for academically gifted children, 8459
the ~~state board~~ director shall employ competent persons to 8460
analyze and publish data, promote research, advise and counsel 8461
with boards of education, and encourage the training of teachers 8462
in the special instruction of gifted children. The ~~board~~ 8463
director may provide financial assistance out of any funds 8464
appropriated for this purpose to boards of education and 8465

educational service center governing boards for developing and 8466
conducting programs of education for academically gifted 8467
children. 8468

(L) ~~The state board~~ director shall require that all public 8469
schools emphasize and encourage, within existing units of study, 8470
the teaching of energy and resource conservation as recommended 8471
to each district board of education by leading business persons 8472
involved in energy production and conservation, beginning in the 8473
primary grades. 8474

(M) ~~The state board~~ director shall formulate and prescribe 8475
minimum standards requiring the use of phonics as a technique in 8476
the teaching of reading in grades kindergarten through three. In 8477
addition, ~~the state board~~ director shall provide in-service 8478
training programs for teachers on the use of phonics as a 8479
technique in the teaching of reading in grades kindergarten 8480
through three. 8481

(N) ~~The state board~~ director may adopt rules necessary for 8482
carrying out any function imposed on ~~it~~ the director by law, and 8483
may provide rules as are necessary for ~~its government~~ and the 8484
government of the department and its employees, and may delegate 8485
~~to the superintendent of public instruction~~ any deputy director 8486
the management and administration of any function imposed on ~~it~~ 8487
the director by law. ~~It may provide for the appointment of board~~ 8488
~~members to serve on temporary committees established by the~~ 8489
~~board for such purposes as are necessary. Permanent or standing~~ 8490
~~committees shall not be created.~~ 8491

(O) Upon application from the board of education of a 8492
school district, ~~the superintendent of public instruction~~ 8493
director may issue a waiver exempting the district from 8494
compliance with the standards adopted under divisions (B) (2) and 8495

(D) of this section, as they relate to the operation of a school 8496
operated by the district. The ~~state board~~ director shall adopt 8497
standards for the approval or disapproval of waivers under this 8498
division. The ~~state superintendent~~ director shall consider every 8499
application for a waiver, and shall determine whether to grant 8500
or deny a waiver in accordance with the ~~state board's~~ those 8501
standards. For each waiver granted, the ~~state superintendent~~ 8502
director shall specify the period of time during which the 8503
waiver is in effect, which shall not exceed five years. A 8504
district board may apply to renew a waiver. 8505

Sec. 3301.071. (A) (1) In the case of nontax-supported 8506
schools, standards for teacher certification prescribed under 8507
section 3301.07 of the Revised Code shall provide for 8508
certification, without further educational requirements, of any 8509
administrator, supervisor, or teacher who has attended and 8510
received a bachelor's degree from a college or university 8511
accredited by a national or regional association in the United 8512
States except that, at the discretion of the state board of 8513
education, this requirement may be met by having an equivalent 8514
degree from a foreign college or university of comparable 8515
standing. 8516

(2) In the case of nonchartered, nontax-supported schools, 8517
the standards for teacher certification prescribed under section 8518
3301.07 of the Revised Code shall provide for certification, 8519
without further educational requirements, of any administrator, 8520
supervisor, or teacher who has attended and received a diploma 8521
from a "bible college" or "bible institute" described in 8522
division (E) of section 1713.02 of the Revised Code. 8523

(3) A certificate issued under division (A) (3) of this 8524
section shall be valid only for teaching foreign language, 8525

music, religion, computer technology, or fine arts. 8526

Notwithstanding division (A)(1) of this section, the 8527
standards for teacher certification prescribed under section 8528
3301.07 of the Revised Code shall provide for certification of a 8529
person as a teacher upon receipt by the state board of an 8530
affidavit signed by the chief administrative officer of a 8531
chartered nonpublic school seeking to employ the person, stating 8532
that the person meets one of the following conditions: 8533

(a) The person has specialized knowledge, skills, or 8534
expertise that qualifies the person to provide instruction. 8535

(b) The person has provided to the chief administrative 8536
officer evidence of at least three years of teaching experience 8537
in a public or nonpublic school. 8538

(c) The person has provided to the chief administrative 8539
officer evidence of completion of a teacher training program 8540
named in the affidavit. 8541

(B) Each person applying for a certificate under this 8542
section for purposes of serving in a nonpublic school chartered 8543
by the ~~state board~~ director of education and workforce under 8544
section 3301.16 of the Revised Code shall pay a fee in the 8545
amount established under division (A) of section 3319.51 of the 8546
Revised Code. Any fees received under this division shall be 8547
paid into the state treasury to the credit of the state board of 8548
education certification fund established under division (B) of 8549
section 3319.51 of the Revised Code. 8550

(C) A person applying for or holding any certificate 8551
pursuant to this section for purposes of serving in a nonpublic 8552
school chartered by the ~~state board~~ director is subject to 8553
sections 3123.41 to 3123.50 of the Revised Code and any 8554

applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code. 8555
8556

(D) Divisions (B) and (C) of this section and sections 3319.291, 3319.31, and 3319.311 of the Revised Code do not apply to any administrators, supervisors, or teachers in nonchartered, nontax-supported schools. 8557
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Sec. 3301.072. ~~The state board~~ department of education and workforce shall establish continuing programs of in-service training in school district budget and finance for superintendents of schools or their designees, business managers, members of boards of education, and treasurers of boards of education for the purpose of enhancing their background and working knowledge of government accounting, state and federal laws relating to school district budgeting and financing, financial report preparation, rules of the auditor of state, and budget and accounting management. 8561
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The manner and content of each training program shall be determined and provided by ~~the state board of education~~ department after consultation with the department of taxation and the auditor of state. ~~The state board~~ department may enter into contracts with the department of taxation and the auditor of state to supply, at cost, any assistance required to enable ~~the board~~ department of education and workforce to perform its duties under this section. 8571
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Each school district superintendent or ~~his~~ designee of a superintendent, treasurer or treasurer pro tempore, and business manager shall attend one training program provided under this section each year. 8579
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Sec. 3301.075. ~~The state board~~ director of education and 8583

workforce shall adopt rules governing the purchasing and leasing 8584
of data processing services and equipment for all local, 8585
exempted village, city, and joint vocational school districts 8586
and all educational service centers. Such rules shall include 8587
provisions for the establishment of an Ohio education computer 8588
network under procedures, guidelines, and specifications of the 8589
department of education and workforce. 8590

The department shall administer funds appropriated for the 8591
Ohio education computer network to ensure its efficient and 8592
economical operation and shall approve no more than twenty-seven 8593
information technology centers to operate concurrently. Such 8594
centers shall be approved for funding in accordance with rules 8595
~~of the state board~~ adopted under this section that shall ~~provide~~ 8596
~~for the superintendent of public instruction to~~ require the 8597
membership of each information technology center to be composed 8598
of combinations of school districts and educational service 8599
centers having sufficient students to support an efficient, 8600
economical comprehensive program of computer services to member 8601
districts and educational service centers. However, no such rule 8602
shall prohibit a school district or educational service center 8603
from receiving computer services from any information technology 8604
center established under this section or from any other public 8605
or private vendor. Each information technology center shall be 8606
organized in accordance with section 3313.92 or Chapter 167. of 8607
the Revised Code. 8608

The department may approve and administer funding for 8609
programs to provide technical support, maintenance, consulting, 8610
and group purchasing services for information technology 8611
centers, school districts, educational service centers, and 8612
other client entities or governmental entities served in 8613
accordance with rules adopted by the department or as otherwise 8614

authorized by law, and to deliver to schools programs operated 8615
by the infOhio network and the technology solutions group of the 8616
management council of the Ohio education computer network. 8617

Sec. 3301.076. No information technology center 8618
established under section 3301.075 of the Revised Code shall be 8619
required to maintain an operating reserve account or fund or 8620
minimum cash balance. This section does not affect any sinking 8621
fund or other capital improvement fund the center may be 8622
required to maintain as a condition by law or contract relative 8623
to the issuance of securities. Any rule ~~of the state board of~~ 8624
~~education~~ or other regulation or guideline of the department of 8625
education and workforce that conflicts with this section is 8626
void. 8627

Sec. 3301.078. (A) No official or board of this state, 8628
whether appointed or elected, shall enter into any agreement or 8629
memorandum of understanding with any federal or private entity 8630
that would require the state to cede any measure of control over 8631
the development, adoption, or revision of academic content 8632
standards. 8633

(B) No funds appropriated from the general revenue fund 8634
shall be used to purchase an assessment developed by the 8635
partnership for assessment of readiness for college and careers 8636
for use as the assessments prescribed under sections 3301.0710 8637
and 3301.0712 of the Revised Code. 8638

(C) The department of education and workforce shall 8639
request that each assessment vendor contracted by the department 8640
provide an analysis explaining how questions on each of the 8641
assessments prescribed under section 3301.0710 of the Revised 8642
Code and the end-of-course examinations prescribed under 8643
division (B) (2) of section 3301.0712 of the Revised Code 8644

developed by that vendor are aligned to the academic content 8645
standards adopted under section 3301.079 of the Revised Code. 8646
The analysis shall be provided annually to all school districts 8647
and schools for all grade levels for which assessments are 8648
prescribed under sections 3301.0710 and 3301.0712 of the Revised 8649
Code. ~~The analysis shall be produced beginning with the 2019-~~ 8650
~~2020 school year and for each school year thereafter.~~ 8651

(D) The department shall request that each assessment 8652
vendor described in division (C) of this section provide 8653
information and materials to school districts and schools for 8654
assistance with the state achievement assessments. The 8655
information and materials shall include practice assessments and 8656
other preparatory materials. The information and materials shall 8657
be distributed annually to districts and schools ~~beginning with-~~ 8658
~~the 2019-2020 school year and for each school year thereafter.~~ 8659

Sec. 3301.079. (A) (1) The ~~state board~~ department of 8660
education and workforce periodically shall adopt statewide 8661
academic standards with emphasis on coherence, focus, and 8662
essential knowledge and that are more challenging and demanding 8663
when compared to international standards for each of grades 8664
kindergarten through twelve in English language arts, 8665
mathematics, science, and social studies. 8666

(a) The ~~state board~~ department shall ensure that the 8667
standards do all of the following: 8668

(i) Include the essential academic content and skills that 8669
students are expected to know and be able to do at each grade 8670
level that will allow each student to be prepared for 8671
postsecondary instruction and the workplace for success in the 8672
twenty-first century; 8673

- (ii) Include the development of skill sets that promote information, media, and technological literacy; 8674
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- (iii) Include interdisciplinary, project-based, real-world learning opportunities; 8676
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- (iv) Instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career-technical education; 8678
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- (v) Be clearly written, transparent, and understandable by parents, educators, and the general public. 8682
8683
- (b) ~~Not later than July 1, 2012, the state board~~ The 8684
department shall incorporate into the social studies standards 8685
for grades four to twelve academic content regarding the 8686
original texts of the Declaration of Independence, the Northwest 8687
Ordinance, the Constitution of the United States and its 8688
amendments, with emphasis on the Bill of Rights, and the Ohio 8689
Constitution, and their original context. The ~~state board~~ 8690
department shall revise the model curricula and achievement 8691
assessments adopted under divisions (B) and (C) of this section 8692
as necessary to reflect the additional American history and 8693
American government content. The ~~state board~~ department shall 8694
make available a list of suggested grade-appropriate 8695
supplemental readings that place the documents prescribed by 8696
this division in their historical context, which teachers may 8697
use as a resource to assist students in reading the documents 8698
within that context. 8699
- (c) When the ~~state board~~ department adopts or revises 8700
academic content standards in social studies, American history, 8701
American government, or science under division (A) (1) of this 8702

section, ~~the state board~~ it shall develop such standards 8703
independently and not as part of a multistate consortium. 8704

(2) After completing the standards required by division 8705
(A) (1) of this section, the ~~state board~~ department shall adopt 8706
standards and model curricula for instruction in technology, 8707
financial literacy and entrepreneurship, fine arts, and foreign 8708
language for grades kindergarten through twelve. The standards 8709
shall meet the same requirements prescribed in division (A) (1) 8710
(a) of this section. 8711

(3) The ~~state board~~ department shall adopt the most recent 8712
standards developed by the national association for sport and 8713
physical education for physical education in grades kindergarten 8714
through twelve or shall adopt its own standards for physical 8715
education in those grades and revise and update them 8716
periodically. 8717

The department ~~of education~~ shall employ a full-time 8718
physical education coordinator to provide guidance and technical 8719
assistance to districts, community schools, and STEM schools in 8720
implementing the physical education standards adopted under this 8721
division. The ~~superintendent~~ director of public instruction 8722
education and workforce shall determine that the person employed 8723
as coordinator is qualified for the position, as demonstrated by 8724
possessing an adequate combination of education, license, and 8725
experience. 8726

(4) ~~Not later than September 30, 2022, the state board~~ The 8727
department shall update the standards and model curriculum for 8728
instruction in computer science in grades kindergarten through 8729
twelve, which shall include standards for introductory and 8730
advanced computer science courses in grades nine through twelve. 8731
When developing the standards and curriculum, the ~~state board~~ 8732

department shall consider recommendations from computer science 8733
education stakeholder groups, including teachers and 8734
representatives from higher education, industry, computer 8735
science organizations in Ohio, and national computer science 8736
organizations. 8737

Any district or school may utilize the computer science 8738
standards or model curriculum or any part thereof adopted 8739
pursuant to division (A) (4) of this section. However, no 8740
district or school shall be required to utilize all or any part 8741
of the standards or curriculum. 8742

(5) When academic standards have been completed for any 8743
subject area required by this section, the ~~state board~~ 8744
department shall inform all school districts, all community 8745
schools established under Chapter 3314. of the Revised Code, all 8746
STEM schools established under Chapter 3326. of the Revised 8747
Code, and all nonpublic schools required to administer the 8748
assessments prescribed by sections 3301.0710 and 3301.0712 of 8749
the Revised Code of the content of those standards. 8750
Additionally, upon completion of any academic standards under 8751
this section, the department shall post those standards on the 8752
department's web site. 8753

(B) (1) The ~~state board~~ department shall adopt a model 8754
curriculum for instruction in each subject area for which 8755
updated academic standards are required by division (A) (1) of 8756
this section and for each of grades kindergarten through twelve 8757
that is sufficient to meet the needs of students in every 8758
community. The model curriculum shall be aligned with the 8759
standards, to ensure that the academic content and skills 8760
specified for each grade level are taught to students, and shall 8761
demonstrate vertical articulation and emphasize coherence, 8762

focus, and rigor. When any model curriculum has been completed, 8763
the ~~state board~~ department shall inform all school districts, 8764
community schools, and STEM schools of the content of that model 8765
curriculum. 8766

(2) ~~Not later than June 30, 2013, the state board, in~~ 8767
~~consultation with any office housed in the governor's office~~ 8768
~~that deals with workforce development, The department, in~~ 8769
consultation with the governor's office of workforce 8770
transformation, shall adopt model curricula for grades 8771
kindergarten through twelve that embed career connection 8772
learning strategies into regular classroom instruction. 8773

(3) All school districts, community schools, and STEM 8774
schools may utilize the state standards and the model curriculum 8775
established by the ~~state board~~ department, together with other 8776
relevant resources, examples, or models to ensure that students 8777
have the opportunity to attain the academic standards. Upon 8778
request, the department shall provide technical assistance to 8779
any district, community school, or STEM school in implementing 8780
the model curriculum. 8781

Nothing in this section requires any school district to 8782
utilize all or any part of a model curriculum developed under 8783
this section. 8784

(C) The ~~state board~~ department shall develop achievement 8785
assessments aligned with the academic standards and model 8786
curriculum for each of the subject areas and grade levels 8787
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 8788
the Revised Code. 8789

When any achievement assessment has been completed, the 8790
~~state board~~ department shall inform all school districts, 8791

community schools, STEM schools, and nonpublic schools required 8792
to administer the assessment of its completion, and the 8793
department shall make the achievement assessment available to 8794
the districts and schools. 8795

(D) (1) The ~~state board~~ department shall adopt a diagnostic 8796
assessment aligned with the academic standards and model 8797
curriculum for each of grades kindergarten through two in 8798
reading, writing, and mathematics and for grade three in reading 8799
and writing. The diagnostic assessment shall be designed to 8800
measure student comprehension of academic content and mastery of 8801
related skills for the relevant subject area and grade level. 8802
Any diagnostic assessment shall not include components to 8803
identify gifted students. Blank copies of diagnostic assessments 8804
shall be public records. 8805

(2) When each diagnostic assessment has been completed, 8806
the ~~state board~~ department shall inform all school districts of 8807
its completion and ~~the department~~ shall make the diagnostic 8808
assessment available to the districts at no cost to the 8809
district. 8810

(3) School districts shall administer the diagnostic 8811
assessment pursuant to section 3301.0715 of the Revised Code 8812
beginning the first school year following the development of the 8813
assessment. 8814

However, beginning with the 2017-2018 school year, both of 8815
the following shall apply: 8816

(a) In the case of the diagnostic assessments for grades 8817
one or two in writing or mathematics or for grade three in 8818
writing, a school district shall not be required to administer 8819
any such assessment, but may do so at the discretion of the 8820

district board; 8821

(b) In the case of any diagnostic assessment that is not 8822
for the grade levels and subject areas specified in division (D) 8823
(3) (a) of this section, each school district shall administer 8824
the assessment in the manner prescribed by section 3301.0715 of 8825
the Revised Code. 8826

(E) The ~~state board~~ department shall not adopt a 8827
diagnostic or achievement assessment for any grade level or 8828
subject area other than those specified in this section. 8829

(F) Whenever the ~~state board or the~~ department consults 8830
with persons for the purpose of drafting or reviewing any 8831
standards, diagnostic assessments, achievement assessments, or 8832
model curriculum required under this section, the ~~state board or~~ 8833
~~the~~ department shall first consult with parents of students in 8834
kindergarten through twelfth grade and with active Ohio 8835
classroom teachers, other school personnel, and administrators 8836
with expertise in the appropriate subject area. Whenever 8837
practicable, the ~~state board and~~ department shall consult with 8838
teachers recognized as outstanding in their fields. 8839

If the department contracts with more than one outside 8840
entity for the development of the achievement assessments 8841
required by this section, the department shall ensure the 8842
interchangeability of those assessments. 8843

(G) Whenever the ~~state board~~ department adopts standards 8844
or model curricula under this section, the department also shall 8845
provide information on the use of blended, online, or digital 8846
learning in the delivery of the standards or curricula to 8847
students in accordance with division (A) (5) of this section. 8848

(H) The fairness sensitivity review committee, ~~established~~ 8849

~~by rule of the state board of education, of the department shall~~ 8850
not allow any question on any achievement or diagnostic 8851
assessment developed under this section or any proficiency test 8852
prescribed by former section 3301.0710 of the Revised Code, as 8853
it existed prior to September 11, 2001, to include, be written 8854
to promote, or inquire as to individual moral or social values 8855
or beliefs. The decision of the committee shall be final. This 8856
section does not create a private cause of action. 8857

(I) Not later than sixty days prior to the adoption ~~by the~~ 8858
~~state board~~ of updated academic standards under division (A) (1) 8859
of this section or updated model curricula under division (B) (1) 8860
of this section, the ~~superintendent~~ director of ~~public~~ 8861
~~instruction~~ education and workforce shall present the academic 8862
standards or model curricula, as applicable, in person at a 8863
public hearing of the respective committees of the house of 8864
representatives and senate that consider education legislation. 8865

(J) As used in this section: 8866

(1) "Blended learning" means the delivery of instruction 8867
in a combination of time primarily in a supervised physical 8868
location away from home and online delivery whereby the student 8869
has some element of control over time, place, path, or pace of 8870
learning and includes noncomputer-based learning opportunities. 8871

(2) "Online learning" means students work primarily from 8872
their residences on assignments delivered via an internet- or 8873
other computer-based instructional method. 8874

(3) "Coherence" means a reflection of the structure of the 8875
discipline being taught. 8876

(4) "Digital learning" means learning facilitated by 8877
technology that gives students some element of control over 8878

time, place, path, or pace of learning. 8879

(5) "Focus" means limiting the number of items included in 8880
a curriculum to allow for deeper exploration of the subject 8881
matter. 8882

(6) "Vertical articulation" means key academic concepts 8883
and skills associated with mastery in particular content areas 8884
should be articulated and reinforced in a developmentally 8885
appropriate manner at each grade level so that over time 8886
students acquire a depth of knowledge and understanding in the 8887
core academic disciplines. 8888

Sec. 3301.0710. ~~The state board~~ department of education 8889
and workforce shall adopt rules establishing a statewide program 8890
to assess student achievement. ~~The state board~~ department shall 8891
ensure that all assessments administered under the program are 8892
aligned with the academic standards and model curricula adopted 8893
by the ~~state board~~ department and are created with input from 8894
Ohio parents, Ohio classroom teachers, Ohio school 8895
administrators, and other Ohio school personnel pursuant to 8896
section 3301.079 of the Revised Code. 8897

The assessment program shall be designed to ensure that 8898
students who receive a highschool diploma demonstrate at least 8899
high school levels of achievement in English language arts, 8900
mathematics, science, and social studies. 8901

(A) (1) ~~The state board~~ department shall prescribe all of 8902
the following: 8903

(a) Two statewide achievement assessments, one each 8904
designed to measure the level of English language arts and 8905
mathematics skill expected at the end of third grade; 8906

(b) Two statewide achievement assessments, one each 8907

designed to measure the level of English language arts and	8908
mathematics skill expected at the end of fourth grade;	8909
(c) Three statewide achievement assessments, one each	8910
designed to measure the level of English language arts,	8911
mathematics, and science skill expected at the end of fifth	8912
grade;	8913
(d) Two statewide achievement assessments, one each	8914
designed to measure the level of English language arts and	8915
mathematics skill expected at the end of sixth grade;	8916
(e) Two statewide achievement assessments, one each	8917
designed to measure the level of English language arts and	8918
mathematics skill expected at the end of seventh grade;	8919
(f) Three statewide achievement assessments, one each	8920
designed to measure the level of English language arts,	8921
mathematics, and science skill expected at the end of eighth	8922
grade.	8923
(2) The state board <u>department</u> shall determine and	8924
designate at least five ranges of scores on each of the	8925
achievement assessments described in divisions (A) (1) and (B) (1)	8926
of this section. Each range of scores shall be deemed to	8927
demonstrate a level of achievement so that any student attaining	8928
a score within such range has achieved one of the following:	8929
(a) An advanced level of skill;	8930
(b) An accomplished level of skill;	8931
(c) A proficient level of skill;	8932
(d) A basic level of skill;	8933
(e) A limited level of skill.	8934

(3) For the purpose of implementing division (A) of 8935
section 3313.608 of the Revised Code, the ~~state board~~ department 8936
shall determine and designate a level of achievement, not lower 8937
than the level designated in division (A) (2) (e) of this section, 8938
on the third grade English language arts assessment for a 8939
student to be promoted to the fourth grade. The ~~state board~~ 8940
department shall review and adjust upward the level of 8941
achievement designated under this division each year the test is 8942
administered until the level is set equal to the level 8943
designated in division (A) (2) (c) of this section. The level of 8944
achievement designated under this division shall be equal to the 8945
level designated in division (A) (2) (c) of this section not later 8946
than July 1, 2024. 8947

(4) Each school district or school shall teach and assess 8948
social studies in at least the fourth and sixth grades. Any 8949
assessment in such area shall be determined by the district or 8950
school and may be formative or summative in nature. The results 8951
of such assessment shall not be reported to the ~~department of~~ 8952
~~education~~. 8953

(B) (1) The assessments prescribed under division (B) (1) of 8954
this section shall collectively be known as the Ohio graduation 8955
tests. ~~The state board shall prescribe~~ Those tests shall consist 8956
of five statewide high school achievement assessments, one each 8957
designed to measure the level of reading, writing, mathematics, 8958
science, and social studies skill expected at the end of tenth 8959
grade. The ~~state board~~ department shall designate a score in at 8960
least the range designated under division (A) (2) (c) of this 8961
section on each such assessment that shall be deemed to be a 8962
passing score on the assessment as a condition toward granting 8963
high school diplomas under sections 3313.61, 3313.611, 3313.612, 8964
and 3325.08 of the Revised Code until the assessment system 8965

prescribed by section 3301.0712 of the Revised Code is 8966
implemented in accordance with division (B) (2) of this section. 8967

(2) ~~The state board~~ department shall prescribe an 8968
assessment system in accordance with section 3301.0712 of the 8969
Revised Code that shall replace the Ohio graduation tests 8970
beginning with students who enter the ninth grade for the first 8971
time on or after July 1, 2014. 8972

(3) ~~The state board~~ department may enter into a reciprocal 8973
agreement with the appropriate body or agency of any other state 8974
that has similar statewide achievement assessment requirements 8975
for receiving high school diplomas, under which any student who 8976
has met an achievement assessment requirement of one state is 8977
recognized as having met the similar requirement of the other 8978
state for purposes of receiving a high school diploma. For 8979
purposes of this section and sections 3301.0711 and 3313.61 of 8980
the Revised Code, any student enrolled in any public high school 8981
in this state who has met an achievement assessment requirement 8982
specified in a reciprocal agreement entered into under this 8983
division shall be deemed to have attained at least the 8984
applicable score designated under this division on each 8985
assessment required by division (B) (1) or (2) of this section 8986
that is specified in the agreement. 8987

(C) ~~The superintendent of public instruction~~ director of 8988
education and workforce shall designate dates and times for the 8989
administration of the assessments prescribed by divisions (A) 8990
and (B) of this section. 8991

In prescribing administration dates pursuant to this 8992
division, ~~the superintendent~~ director shall designate the dates 8993
in such a way as to allow a reasonable length of time between 8994
the administration of assessments prescribed under this section 8995

and any administration of the national assessment of educational 8996
progress given to students in the same grade level pursuant to 8997
section 3301.27 of the Revised Code or federal law. 8998

(D) The ~~state board~~ department shall prescribe a practice 8999
version of each Ohio graduation test described in division (B) 9000
(1) of this section that is of comparable length to the actual 9001
test. 9002

(E) Any committee established by the department ~~of~~ 9003
~~education~~ for the purpose of making recommendations ~~to the state~~ 9004
~~board~~ regarding the ~~state board's~~ designation of scores on the 9005
assessments described by this section shall inform the ~~state~~ 9006
~~board~~ department of the probable percentage of students who 9007
would score in each of the ranges established under division (A) 9008
(2) of this section on the assessments if the committee's 9009
recommendations are adopted by the ~~state board~~ department. To 9010
the extent possible, these percentages shall be disaggregated by 9011
gender, major racial and ethnic groups, English learners, 9012
economically disadvantaged students, students with disabilities, 9013
and migrant students. 9014

Sec. 3301.0711. (A) The department of education and 9015
workforce shall: 9016

(1) Annually furnish to, grade, and score all assessments 9017
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 9018
the Revised Code to be administered by city, local, exempted 9019
village, and joint vocational school districts, except that each 9020
district shall score any assessment administered pursuant to 9021
division (B)(10) of this section. Each assessment so furnished 9022
shall include the data verification code of the student to whom 9023
the assessment will be administered, as assigned pursuant to 9024
division (D)(2) of section 3301.0714 of the Revised Code. In 9025

furnishing the practice versions of Ohio graduation tests 9026
prescribed by division (D) of section 3301.0710 of the Revised 9027
Code, the department shall make the tests available on its web 9028
site for reproduction by districts. In awarding contracts for 9029
grading assessments, the department shall give preference to 9030
Ohio-based entities employing Ohio residents. 9031

(2) Adopt rules for the ethical use of assessments and 9032
prescribing the manner in which the assessments prescribed by 9033
section 3301.0710 of the Revised Code shall be administered to 9034
students. 9035

(B) Except as provided in divisions (C) and (J) of this 9036
section, the board of education of each city, local, and 9037
exempted village school district shall, in accordance with rules 9038
adopted under division (A) of this section: 9039

(1) Administer the English language arts assessments 9040
prescribed under division (A)(1)(a) of section 3301.0710 of the 9041
Revised Code twice annually to all students in the third grade 9042
who have not attained the score designated for that assessment 9043
under division (A)(2)(c) of section 3301.0710 of the Revised 9044
Code. 9045

(2) Administer the mathematics assessment prescribed under 9046
division (A)(1)(a) of section 3301.0710 of the Revised Code at 9047
least once annually to all students in the third grade. 9048

(3) Administer the assessments prescribed under division 9049
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 9050
annually to all students in the fourth grade. 9051

(4) Administer the assessments prescribed under division 9052
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 9053
annually to all students in the fifth grade. 9054

(5) Administer the assessments prescribed under division	9055
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	9056
annually to all students in the sixth grade.	9057
(6) Administer the assessments prescribed under division	9058
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	9059
annually to all students in the seventh grade.	9060
(7) Administer the assessments prescribed under division	9061
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	9062
annually to all students in the eighth grade.	9063
(8) Except as provided in division (B) (9) of this section,	9064
administer any assessment prescribed under division (B) (1) of	9065
section 3301.0710 of the Revised Code as follows:	9066
(a) At least once annually to all tenth grade students and	9067
at least twice annually to all students in eleventh or twelfth	9068
grade who have not yet attained the score on that assessment	9069
designated under that division;	9070
(b) To any person who has successfully completed the	9071
curriculum in any high school or the individualized education	9072
program developed for the person by any high school pursuant to	9073
section 3323.08 of the Revised Code but has not received a high	9074
school diploma and who requests to take such assessment, at any	9075
time such assessment is administered in the district.	9076
(9) In lieu of the board of education of any city, local,	9077
or exempted village school district in which the student is also	9078
enrolled, the board of a joint vocational school district shall	9079
administer any assessment prescribed under division (B) (1) of	9080
section 3301.0710 of the Revised Code at least twice annually to	9081
any student enrolled in the joint vocational school district who	9082
has not yet attained the score on that assessment designated	9083

under that division. A board of a joint vocational school 9084
district may also administer such an assessment to any student 9085
described in division (B) (8) (b) of this section. 9086

(10) If the district has a three-year average graduation 9087
rate of not more than seventy-five per cent, administer each 9088
assessment prescribed by division (D) of section 3301.0710 of 9089
the Revised Code in September to all ninth grade students who 9090
entered ninth grade prior to July 1, 2014. 9091

Except as provided in section 3313.614 of the Revised Code 9092
for administration of an assessment to a person who has 9093
fulfilled the curriculum requirement for a high school diploma 9094
but has not passed one or more of the required assessments, the 9095
assessments prescribed under division (B) (1) of section 9096
3301.0710 of the Revised Code shall not be administered after 9097
the date specified in the rules adopted ~~by the state board of~~ 9098
~~education~~ under division (D) (1) of section 3301.0712 of the 9099
Revised Code. 9100

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 9101
of this section, administer the assessments prescribed by 9102
division (B) (2) of section 3301.0710 and section 3301.0712 of 9103
the Revised Code in accordance with the timeline and plan for 9104
implementation of those assessments prescribed by rule ~~of the~~ 9105
~~state board~~ adopted under division (D) (1) of section 3301.0712 9106
of the Revised Code; 9107

(b) A student who has presented evidence to the district 9108
or school of having satisfied the condition prescribed by 9109
division (A) (1) of section 3313.618 of the Revised Code to 9110
qualify for a high school diploma prior to the date of the 9111
administration of the assessment prescribed under division (B) 9112
(1) of section 3301.0712 of the Revised Code shall not be 9113

required to take that assessment. However, no board shall 9114
prohibit a student who is not required to take such assessment 9115
from taking the assessment. 9116

(c) A student shall not be required to retake the Algebra 9117
I end-of-course examination or the English language arts II end- 9118
of-course examination prescribed under division (B) (2) of 9119
section 3301.0712 of the Revised Code in grades nine through 9120
twelve if the student demonstrates at least a proficient level 9121
of skill, as prescribed under division (B) (5) (a) of that 9122
section, or achieves a competency score, as prescribed under 9123
division (B) (10) of that section, in an administration of the 9124
examination prior to grade nine. 9125

(C) (1) (a) In the case of a student receiving special 9126
education services under Chapter 3323. of the Revised Code, the 9127
individualized education program developed for the student under 9128
that chapter shall specify the manner in which the student will 9129
participate in the assessments administered under this section, 9130
except that a student with significant cognitive disabilities to 9131
whom an alternate assessment is administered in accordance with 9132
division (C) (1) of this section and a student determined to have 9133
a disability that includes an intellectual disability as 9134
outlined in guidance issued by the department shall not be 9135
required to take the assessment prescribed under division (B) (1) 9136
of section 3301.0712 of the Revised Code. The individualized 9137
education program may excuse the student from taking any 9138
particular assessment required to be administered under this 9139
section if it instead specifies an alternate assessment method 9140
approved by the department ~~of education~~ as conforming to 9141
requirements of federal law for receipt of federal funds for 9142
disadvantaged pupils. To the extent possible, the individualized 9143
education program shall not excuse the student from taking an 9144

assessment unless no reasonable accommodation can be made to 9145
enable the student to take the assessment. No board shall 9146
prohibit a student who is not required to take an assessment 9147
under division (C) (1) of this section from taking the 9148
assessment. 9149

(b) Any alternate assessment approved by the department 9150
for a student under this division shall produce measurable 9151
results comparable to those produced by the assessment it 9152
replaces in order to allow for the student's results to be 9153
included in the data compiled for a school district or building 9154
under section 3302.03 of the Revised Code. 9155

(c) (i) Any student enrolled in a chartered nonpublic 9156
school who has been identified, based on an evaluation conducted 9157
in accordance with section 3323.03 of the Revised Code or 9158
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 9159
29 U.S.C.A. 794, as amended, as a child with a disability shall 9160
be excused from taking any particular assessment required to be 9161
administered under this section if either of the following 9162
apply: 9163

(I) A plan developed for the student pursuant to rules 9164
adopted by the ~~state board~~ department excuses the student from 9165
taking that assessment. 9166

(II) The chartered nonpublic school develops a written 9167
plan in which the school, in consultation with the student's 9168
parents, determines that an assessment or alternative assessment 9169
with accommodations does not accurately assess the student's 9170
academic performance. The plan shall include an academic profile 9171
of the student's academic performance and shall be reviewed 9172
annually to determine if the student's needs continue to require 9173
excusal from taking the assessment. 9174

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

(iii) In the case of any student so excused from taking an assessment under division (C)(1)(c) of this section, the chartered nonpublic school shall not prohibit the student from taking the assessment.

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

(3) As used in this division, "English learner" has the same meaning as in 20 U.S.C. 7801.

No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except as follows:

(a) Any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the

assessment prescribed under division (B) (1) of section 3301.0712 9204
of the Revised Code. 9205

(b) Any English learner who has been enrolled in United 9206
States schools for less than one full school year shall not be 9207
required to take any reading, writing, or English language arts 9208
assessment. 9209

However, no board shall prohibit an English learner who is 9210
not required to take an assessment under division (C) (3) of this 9211
section from taking the assessment. A board may permit any 9212
English learner to take an assessment required to be 9213
administered under this section with appropriate accommodations, 9214
as determined by the department. For each English learner, each 9215
school district shall annually assess that student's progress in 9216
learning English, in accordance with procedures approved by the 9217
department. 9218

(4) (a) The governing authority of a chartered nonpublic 9219
school may excuse an English learner from taking any assessment 9220
administered under this section. 9221

(b) No governing authority shall require an English 9222
learner who has been enrolled in United States schools for less 9223
than two years and for whom no appropriate accommodations are 9224
available based on guidance issued by the department to take the 9225
assessment prescribed under division (B) (1) of section 3301.0712 9226
of the Revised Code. 9227

(c) No governing authority shall prohibit an English 9228
learner from taking an assessment from which the student was 9229
excused under division (C) (4) of this section. 9230

(D) (1) In the school year next succeeding the school year 9231
in which the assessments prescribed by division (A) (1) or (B) (1) 9232

of section 3301.0710 of the Revised Code or former division (A) 9233
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 9234
it existed prior to September 11, 2001, are administered to any 9235
student, the board of education of any school district in which 9236
the student is enrolled in that year shall provide to the 9237
student intervention services commensurate with the student's 9238
performance, including any intensive intervention required under 9239
section 3313.608 of the Revised Code, in any skill in which the 9240
student failed to demonstrate at least a score at the proficient 9241
level on the assessment. 9242

(2) Following any administration of the assessments 9243
prescribed by division (D) of section 3301.0710 of the Revised 9244
Code to ninth grade students, each school district that has a 9245
three-year average graduation rate of not more than seventy-five 9246
per cent shall determine for each high school in the district 9247
whether the school shall be required to provide intervention 9248
services to any students who took the assessments. In 9249
determining which high schools shall provide intervention 9250
services based on the resources available, the district shall 9251
consider each school's graduation rate and scores on the 9252
practice assessments. The district also shall consider the 9253
scores received by ninth grade students on the English language 9254
arts and mathematics assessments prescribed under division (A) 9255
(1) (f) of section 3301.0710 of the Revised Code in the eighth 9256
grade in determining which high schools shall provide 9257
intervention services. 9258

Each high school selected to provide intervention services 9259
under this division shall provide intervention services to any 9260
student whose results indicate that the student is failing to 9261
make satisfactory progress toward being able to attain scores at 9262
the proficient level on the Ohio graduation tests. Intervention 9263

services shall be provided in any skill in which a student 9264
demonstrates unsatisfactory progress and shall be commensurate 9265
with the student's performance. Schools shall provide the 9266
intervention services prior to the end of the school year, 9267
during the summer following the ninth grade, in the next 9268
succeeding school year, or at any combination of those times. 9269

(E) Except as provided in section 3313.608 of the Revised 9270
Code and division (N) of this section, no school district board 9271
of education shall utilize any student's failure to attain a 9272
specified score on an assessment administered under this section 9273
as a factor in any decision to deny the student promotion to a 9274
higher grade level. However, a district board may choose not to 9275
promote to the next grade level any student who does not take an 9276
assessment administered under this section or make up an 9277
assessment as provided by division (C) (2) of this section and 9278
who is not exempt from the requirement to take the assessment 9279
under division (C) (3) of this section. 9280

(F) No person shall be charged a fee for taking any 9281
assessment administered under this section. 9282

(G) (1) Each school district board shall designate one 9283
location for the collection of assessments administered in the 9284
spring under division (B) (1) of this section and those 9285
administered under divisions (B) (2) to (7) of this section. Each 9286
district board shall submit the assessments to the entity with 9287
which the department contracts for the scoring of the 9288
assessments as follows: 9289

(a) If the district's total enrollment in grades 9290
kindergarten through twelve during the first full school week of 9291
October was less than two thousand five hundred, not later than 9292
the Friday after all of the assessments have been administered; 9293

(b) If the district's total enrollment in grades 9294
kindergarten through twelve during the first full school week of 9295
October was two thousand five hundred or more, but less than 9296
seven thousand, not later than the Monday after all of the 9297
assessments have been administered; 9298

(c) If the district's total enrollment in grades 9299
kindergarten through twelve during the first full school week of 9300
October was seven thousand or more, not later than the Tuesday 9301
after all of the assessments have been administered. 9302

However, any assessment that a student takes during the 9303
make-up period described in division (C) (2) of this section 9304
shall be submitted not later than the Friday following the day 9305
the student takes the assessment. 9306

(2) The department or an entity with which the department 9307
contracts for the scoring of the assessment shall send to each 9308
school district board a list of the individual scores of all 9309
persons taking a state achievement assessment as follows: 9310

(a) Except as provided in division (G) (2) (b) or (c) of 9311
this section, within forty-five days after the administration of 9312
the assessments prescribed by sections 3301.0710 and 3301.0712 9313
of the Revised Code, but in no case shall the scores be returned 9314
later than the thirtieth day of June following the 9315
administration; 9316

(b) In the case of the third-grade English language arts 9317
assessment, within forty-five days after the administration of 9318
that assessment, but in no case shall the scores be returned 9319
later than the fifteenth day of June following the 9320
administration; 9321

(c) In the case of the writing component of an assessment 9322

or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration.

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

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

(H) Individual scores on any assessments administered 9353
under this section shall be released by a district board only in 9354
accordance with section 3319.321 of the Revised Code and the 9355
rules adopted under division (A) of this section. No district 9356
board or its employees shall utilize individual or aggregate 9357
results in any manner that conflicts with rules for the ethical 9358
use of assessments adopted pursuant to division (A) of this 9359
section. 9360

(I) Except as provided in division (G) of this section, 9361
the department or an entity with which the department contracts 9362
for the scoring of the assessment shall not release any 9363
individual scores on any assessment administered under this 9364
section. ~~The state board~~ department shall adopt rules to ensure 9365
the protection of student confidentiality at all times. The 9366
rules may require the use of the data verification codes 9367
assigned to students pursuant to division (D) (2) of section 9368
3301.0714 of the Revised Code to protect the confidentiality of 9369
student scores. 9370

(J) Notwithstanding division (D) of section 3311.52 of the 9371
Revised Code, this section does not apply to the board of 9372
education of any cooperative education school district except as 9373
provided under rules adopted pursuant to this division. 9374

(1) In accordance with rules that ~~the state board~~ 9375
department shall adopt, the board of education of any city, 9376
exempted village, or local school district with territory in a 9377
cooperative education school district established pursuant to 9378
divisions (A) to (C) of section 3311.52 of the Revised Code may 9379
enter into an agreement with the board of education of the 9380
cooperative education school district for administering any 9381
assessment prescribed under this section to students of the 9382

city, exempted village, or local school district who are 9383
attending school in the cooperative education school district. 9384

(2) In accordance with rules that the ~~state board~~ 9385
department shall adopt, the board of education of any city, 9386
exempted village, or local school district with territory in a 9387
cooperative education school district established pursuant to 9388
section 3311.521 of the Revised Code shall enter into an 9389
agreement with the cooperative district that provides for the 9390
administration of any assessment prescribed under this section 9391
to both of the following: 9392

(a) Students who are attending school in the cooperative 9393
district and who, if the cooperative district were not 9394
established, would be entitled to attend school in the city, 9395
local, or exempted village school district pursuant to section 9396
3313.64 or 3313.65 of the Revised Code; 9397

(b) Persons described in division (B) (8) (b) of this 9398
section. 9399

Any assessment of students pursuant to such an agreement 9400
shall be in lieu of any assessment of such students or persons 9401
pursuant to this section. 9402

(K) (1) (a) Except as otherwise provided in division (K) (1) 9403
or (2) of this section, each chartered nonpublic school for 9404
which at least sixty-five per cent of its total enrollment is 9405
made up of students who are participating in state scholarship 9406
programs shall administer the assessments prescribed by division 9407
(A) of section 3301.0710 of the Revised Code or an alternative 9408
standardized assessment determined by the department. In 9409
accordance with procedures and deadlines prescribed by the 9410
department, the parent or guardian of a student enrolled in the 9411

school who is not participating in a state scholarship program 9412
may submit notice to the chief administrative officer of the 9413
school that the parent or guardian does not wish to have the 9414
student take the assessments prescribed for the student's grade 9415
level under division (A) of section 3301.0710 of the Revised 9416
Code. If a parent or guardian submits an opt-out notice, the 9417
school shall not administer the assessments to that student. 9418
This option does not apply to any assessment required for a high 9419
school diploma under section 3313.612 of the Revised Code. 9420

(b) Any chartered nonpublic school that enrolls students 9421
who are participating in state scholarship programs may 9422
administer an alternative standardized assessment determined by 9423
the department instead of the assessments prescribed by division 9424
(A) of section 3301.0710 of the Revised Code. 9425

Each chartered nonpublic school subject to division (K) (1) 9426
(a) or (b) of this section shall report the results of each 9427
assessment administered under those divisions to the department. 9428

(2) A chartered nonpublic school may submit to the 9429
~~superintendent of public instruction~~ director of education and 9430
workforce a request for a waiver from administering the 9431
elementary assessments prescribed by division (A) of section 9432
3301.0710 of the Revised Code. ~~The state superintendent~~ director 9433
shall approve or disapprove a request for a waiver submitted 9434
under division (K) (2) of this section. ~~No waiver shall be~~ 9435
~~approved for any school year prior to the 2015-2016 school year.~~ 9436

To be eligible to submit a request for a waiver, a 9437
chartered nonpublic school shall meet the following conditions: 9438

(a) At least ninety-five per cent of the students enrolled 9439
in the school are children with disabilities, as defined under 9440

section 3323.01 of the Revised Code, or have received a 9441
diagnosis by a school district or from a physician, including a 9442
neuropsychiatrist or psychiatrist, or a psychologist who is 9443
authorized to practice in this or another state as having a 9444
condition that impairs academic performance, such as dyslexia, 9445
dyscalculia, attention deficit hyperactivity disorder, or 9446
Asperger's syndrome. 9447

(b) The school has solely served a student population 9448
described in division (K)(1)(a) of this section for at least ten 9449
years. 9450

(c) The school provides to the department at least five 9451
years of records of internal testing conducted by the school 9452
that affords the department data required for accountability 9453
purposes, including diagnostic assessments and nationally 9454
standardized norm-referenced achievement assessments that 9455
measure reading and math skills. 9456

(3) Any chartered nonpublic school that is not subject to 9457
division (K)(1) of this section may participate in the 9458
assessment program by administering any of the assessments 9459
prescribed by division (A) of section 3301.0710 of the Revised 9460
Code. The chief administrator of the school shall specify which 9461
assessments the school will administer. Such specification shall 9462
be made in writing to the ~~superintendent of public instruction~~ 9463
director prior to the first day of August of any school year in 9464
which assessments are administered and shall include a pledge 9465
that the nonpublic school will administer the specified 9466
assessments in the same manner as public schools are required to 9467
do under this section and rules adopted by the department. 9468

(4) The department ~~of education~~ shall furnish the 9469
assessments prescribed by section 3301.0710 of the Revised Code 9470

to each chartered nonpublic school that is subject to division 9471
(K) (1) of this section or participates under division (K) (3) of 9472
this section. 9473

(L) If a chartered nonpublic school is educating students 9474
in grades nine through twelve, the following shall apply: 9475

(1) Except as provided in division (L) (4) of this section, 9476
for a student who is enrolled in a chartered nonpublic school 9477
that is accredited through the independent schools association 9478
of the central states and who is attending the school under a 9479
state scholarship program, the student shall either take all of 9480
the assessments prescribed by division (B) of section 3301.0712 9481
of the Revised Code or take an alternative assessment approved 9482
by the department under section 3313.619 of the Revised Code. 9483
However, a student who is excused from taking an assessment 9484
under division (C) of this section or has presented evidence to 9485
the chartered nonpublic school of having satisfied the condition 9486
prescribed by division (A) (1) of section 3313.618 of the Revised 9487
Code to qualify for a high school diploma prior to the date of 9488
the administration of the assessment prescribed under division 9489
(B) (1) of section 3301.0712 of the Revised Code shall not be 9490
required to take that assessment. No governing authority of a 9491
chartered nonpublic school shall prohibit a student who is not 9492
required to take such assessment from taking the assessment. 9493

(2) For a student who is enrolled in a chartered nonpublic 9494
school that is accredited through the independent schools 9495
association of the central states, and who is not attending the 9496
school under a state scholarship program, the student shall not 9497
be required to take any assessment prescribed under section 9498
3301.0712 or 3313.619 of the Revised Code. 9499

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 9500

of this section, for a student who is enrolled in a chartered 9501
nonpublic school that is not accredited through the independent 9502
schools association of the central states, regardless of whether 9503
the student is attending or is not attending the school under a 9504
state scholarship program, the student shall do one of the 9505
following: 9506

(i) Take all of the assessments prescribed by division (B) 9507
of section 3301.0712 of the Revised Code; 9508

(ii) Take only the assessment prescribed by division (B) 9509
(1) of section 3301.0712 of the Revised Code, provided that the 9510
student's school publishes the results of that assessment for 9511
each graduating class. The published results of that assessment 9512
shall include the overall composite scores, mean scores, twenty- 9513
fifth percentile scores, and seventy-fifth percentile scores for 9514
each subject area of the assessment. 9515

(iii) Take an alternative assessment approved by the 9516
department under section 3313.619 of the Revised Code. 9517

(b) A student who is excused from taking an assessment 9518
under division (C) of this section or has presented evidence to 9519
the chartered nonpublic school of having satisfied the condition 9520
prescribed by division (A) (1) of section 3313.618 of the Revised 9521
Code to qualify for a high school diploma prior to the date of 9522
the administration of the assessment prescribed under division 9523
(B) (1) of section 3301.0712 of the Revised Code shall not be 9524
required to take that assessment. No governing authority of a 9525
chartered nonpublic school shall prohibit a student who is not 9526
required to take such assessment from taking the assessment. 9527

(4) The assessments prescribed by sections 3301.0712 and 9528
3313.619 of the Revised Code shall not be administered to any 9529

student attending the school, if the school meets all of the 9530
following conditions: 9531

(a) At least ninety-five per cent of the students enrolled 9532
in the school are children with disabilities, as defined under 9533
section 3323.01 of the Revised Code, or have received a 9534
diagnosis by a school district or from a physician, including a 9535
neuropsychologist or psychiatrist, or a psychologist who is 9536
authorized to practice in this or another state as having a 9537
condition that impairs academic performance, such as dyslexia, 9538
dyscalculia, attention deficit hyperactivity disorder, or 9539
Asperger's syndrome. 9540

(b) The school has solely served a student population 9541
described in division (L) (4) (a) of this section for at least ten 9542
years. 9543

(c) The school makes available to the department at least 9544
five years of records of internal testing conducted by the 9545
school that affords the department data required for 9546
accountability purposes, including growth in student achievement 9547
in reading or mathematics, or both, as measured by nationally 9548
norm-referenced assessments that have developed appropriate 9549
standards for students. 9550

Division (L) (4) of this section applies to any student 9551
attending such school regardless of whether the student receives 9552
special education or related services and regardless of whether 9553
the student is attending the school under a state scholarship 9554
program. 9555

(M) (1) The superintendent of the state school for the 9556
blind and the superintendent of the state school for the deaf 9557
shall administer the assessments described by sections 3301.0710 9558

and 3301.0712 of the Revised Code. Each superintendent shall 9559
administer the assessments in the same manner as district boards 9560
are required to do under this section and rules adopted by the 9561
department ~~of education~~ and in conformity with division (C) (1) 9562
(a) of this section. 9563

(2) The department ~~of education~~ shall furnish the 9564
assessments described by sections 3301.0710 and 3301.0712 of the 9565
Revised Code to each superintendent. 9566

(N) Notwithstanding division (E) of this section, a school 9567
district may use a student's failure to attain a score in at 9568
least the proficient range on the mathematics assessment 9569
described by division (A) (1) (a) of section 3301.0710 of the 9570
Revised Code or on an assessment described by division (A) (1) 9571
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 9572
Code as a factor in retaining that student in the current grade 9573
level. 9574

(O) (1) In the manner specified in divisions (O) (3), (4), 9575
(6), and (7) of this section, the assessments required by 9576
division (A) (1) of section 3301.0710 of the Revised Code shall 9577
become public records pursuant to section 149.43 of the Revised 9578
Code on the thirty-first day of July following the school year 9579
that the assessments were administered. 9580

(2) The department may field test proposed questions with 9581
samples of students to determine the validity, reliability, or 9582
appropriateness of questions for possible inclusion in a future 9583
year's assessment. The department also may use anchor questions 9584
on assessments to ensure that different versions of the same 9585
assessment are of comparable difficulty. 9586

Field test questions and anchor questions shall not be 9587

considered in computing scores for individual students. Field 9588
test questions and anchor questions may be included as part of 9589
the administration of any assessment required by division (A) (1) 9590
or (B) of section 3301.0710 and division (B) of section 9591
3301.0712 of the Revised Code. 9592

(3) Any field test question or anchor question 9593
administered under division (O) (2) of this section shall not be 9594
a public record. Such field test questions and anchor questions 9595
shall be redacted from any assessments which are released as a 9596
public record pursuant to division (O) (1) of this section. 9597

(4) This division applies to the assessments prescribed by 9598
division (A) of section 3301.0710 of the Revised Code. 9599

(a) The first administration of each assessment, as 9600
specified in former section 3301.0712 of the Revised Code, shall 9601
be a public record. 9602

(b) For subsequent administrations of each assessment 9603
prior to the 2011-2012 school year, not less than forty per cent 9604
of the questions on the assessment that are used to compute a 9605
student's score shall be a public record. The department shall 9606
determine which questions will be needed for reuse on a future 9607
assessment and those questions shall not be public records and 9608
shall be redacted from the assessment prior to its release as a 9609
public record. However, for each redacted question, the 9610
department shall inform each city, local, and exempted village 9611
school district of the statewide academic standard adopted ~~by~~ 9612
~~the state board~~ under section 3301.079 of the Revised Code and 9613
the corresponding benchmark to which the question relates. The 9614
preceding sentence does not apply to field test questions that 9615
are redacted under division (O) (3) of this section. 9616

(c) The administrations of each assessment in the 2011- 9617
2012, 2012-2013, and 2013-2014 school years shall not be a 9618
public record. 9619

(5) Each assessment prescribed by division (B) (1) of 9620
section 3301.0710 of the Revised Code shall not be a public 9621
record. 9622

(6) (a) Except as provided in division (O) (6) (b) of this 9623
section, for the administrations in the 2014-2015, 2015-2016, 9624
and 2016-2017 school years, questions on the assessments 9625
prescribed under division (A) of section 3301.0710 and division 9626
(B) (2) of section 3301.0712 of the Revised Code and the 9627
corresponding preferred answers that are used to compute a 9628
student's score shall become a public record as follows: 9629

(i) Forty per cent of the questions and preferred answers 9630
on the assessments on the thirty-first day of July following the 9631
administration of the assessment; 9632

(ii) Twenty per cent of the questions and preferred 9633
answers on the assessment on the thirty-first day of July one 9634
year after the administration of the assessment; 9635

(iii) The remaining forty per cent of the questions and 9636
preferred answers on the assessment on the thirty-first day of 9637
July two years after the administration of the assessment. 9638

The entire content of an assessment shall become a public 9639
record within three years of its administration. 9640

The department shall make the questions that become a 9641
public record under this division readily accessible to the 9642
public on the department's web site. Questions on the spring 9643
administration of each assessment shall be released on an annual 9644
basis, in accordance with this division. 9645

(b) No questions and corresponding preferred answers shall 9646
become a public record under division (O) (6) of this section 9647
after July 31, 2017. 9648

(7) Division (O) (7) of this section applies to the 9649
assessments prescribed by division (A) of section 3301.0710 and 9650
division (B) (2) of section 3301.0712 of the Revised Code. 9651

Beginning with the assessments administered in the spring 9652
of the 2017-2018 school year, not less than forty per cent of 9653
the questions on each assessment that are used to compute a 9654
student's score shall be a public record. The department shall 9655
determine which questions will be needed for reuse on a future 9656
assessment and those questions shall not be public records and 9657
shall be redacted from the assessment prior to its release as a 9658
public record. However, for each redacted question, the 9659
department shall inform each city, local, and exempted village 9660
school district of the corresponding statewide academic standard 9661
~~adopted by the state board~~ under section 3301.079 of the Revised 9662
Code and the corresponding benchmark to which the question 9663
relates. The department is not required to provide corresponding 9664
standards and benchmarks to field test questions that are 9665
redacted under division (O) (3) of this section. 9666

(P) As used in this section: 9667

(1) "Three-year average" means the average of the most 9668
recent consecutive three school years of data. 9669

(2) "Dropout" means a student who withdraws from school 9670
before completing course requirements for graduation and who is 9671
not enrolled in an education program approved by the ~~state board~~ 9672
~~of education~~ department or an education program outside the 9673
state. "Dropout" does not include a student who has departed the 9674

country. 9675

(3) "Graduation rate" means the ratio of students 9676
receiving a diploma to the number of students who entered ninth 9677
grade four years earlier. Students who transfer into the 9678
district are added to the calculation. Students who transfer out 9679
of the district for reasons other than dropout are subtracted 9680
from the calculation. If a student who was a dropout in any 9681
previous year returns to the same school district, that student 9682
shall be entered into the calculation as if the student had 9683
entered ninth grade four years before the graduation year of the 9684
graduating class that the student joins. 9685

(4) "State scholarship programs" means the educational 9686
choice scholarship pilot program established under sections 9687
3310.01 to 3310.17 of the Revised Code, the autism scholarship 9688
program established under section 3310.41 of the Revised Code, 9689
the Jon Peterson special needs scholarship program established 9690
under sections 3310.51 to 3310.64 of the Revised Code, and the 9691
pilot project scholarship program established under sections 9692
3313.974 to 3313.979 of the Revised Code. 9693

(5) "Other public school" means a community school 9694
established under Chapter 3314., a STEM school established under 9695
Chapter 3326., or a college-preparatory boarding school 9696
established under Chapter 3328. of the Revised Code. 9697

Sec. 3301.0712. (A) ~~The state board of education, the~~ 9698
~~superintendent of public instruction, department of education~~ 9699
and workforce and the chancellor of higher education shall 9700
develop a system of college and work ready assessments as 9701
described in division (B) of this section to assess whether each 9702
student upon graduating from high school is ready to enter 9703
college or the workforce. Beginning with students who enter the 9704

ninth grade for the first time on or after July 1, 2014, the system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and one determinant of eligibility for a high school diploma in the manner prescribed by rule ~~of the state board~~ adopted under division (D) of this section.

(B) The college and work ready assessment system shall consist of the following:

(1)(a) Except as provided in division (B)(1)(b) of this section, nationally standardized assessments that measure college and career readiness and are used for college admission. The assessments shall be selected jointly by the ~~state superintendent~~ department and the chancellor, and one of which shall be selected by each school district or school to administer to its students. The assessments prescribed under division (B)(1) of this section shall be administered to all eleventh-grade students in the spring of the school year.

(b) Beginning with students who enter the ninth grade for the first time on or after ~~the first day of July immediately following the effective date of this amendment~~ 1, 2022, the parent or guardian of a student may elect not to have a nationally standardized assessment administered to that student. In that event, the student's school district or school shall not administer the nationally standardized assessment to that student.

(2)(a) Except as provided in division (B)(2)(b) of this section, seven end-of-course examinations, one in each of the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American

government. The end-of-course examinations shall be selected 9735
jointly by the ~~state superintendent department~~ and the 9736
chancellor in consultation with faculty in the appropriate 9737
subject areas at institutions of higher education of the 9738
university system of Ohio. Advanced placement examinations and 9739
international baccalaureate examinations, as prescribed under 9740
section 3313.6013 of the Revised Code, in the areas of science, 9741
American history, and American government may be used as end-of- 9742
course examinations in accordance with division (B) (4) (a) (i) of 9743
this section. Final course grades for courses taken under any 9744
other advanced standing program, as prescribed under section 9745
3313.6013 of the Revised Code, in the areas of science, American 9746
history, and American government may be used in lieu of end-of- 9747
course examinations in accordance with division (B) (4) (a) (ii) of 9748
this section. 9749

(b) Beginning with students who enter ninth grade for the 9750
first time on or after July 1, 2019, five end-of-course 9751
examinations, one in each areas of English language arts II, 9752
science, Algebra I, American history, and American government. 9753
However, only the end-of-course examinations in English language 9754
arts II and Algebra I shall be required for graduation. 9755

The ~~department of education~~ shall, as necessary to 9756
implement division (B) (2) (b) of this section, seek a waiver from 9757
the United States secretary of education for testing 9758
requirements prescribed under federal law to allow for the use 9759
and implementation of Algebra I as the primary assessment of 9760
high school mathematics. If the department does not receive a 9761
waiver under this division, the end-of-course examinations for 9762
students described in division (B) (2) (b) of this section also 9763
shall include an end-of-course examination in the area of 9764
geometry. However, the geometry end-of-course examination shall 9765

not be required for graduation. 9766

~~(3) (a) Not later than July 1, 2013, each school district board of education shall adopt interim end-of-course examinations that comply with the requirements of divisions (B) (3) (b) (i) and (ii) of this section to assess mastery of American history and American government standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high school of the district shall use the interim examinations until the state superintendent and chancellor select end-of-course examinations in American history and American government under division (B) (2) of this section.~~ 9767
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~~(b) Not later than July 1, 2014, the state superintendent and the chancellor shall select the end-of-course examinations in American history and American government.~~ 9778
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~~(i) (3)~~ The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. 9781
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~~(ii)~~ At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code. 9787
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(4) (a) Notwithstanding anything to the contrary in this section, ~~beginning with the 2014-2015 school year,~~ both of the following shall apply: 9791
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(i) If a student is enrolled in an appropriate advanced 9794

placement or international baccalaureate course, that student 9795
shall take the advanced placement or international baccalaureate 9796
examination in lieu of the science, American history, or 9797
American government end-of-course examinations prescribed under 9798
division (B) (2) of this section. The ~~state board~~ department 9799
shall specify the score levels for each advanced placement 9800
examination and international baccalaureate examination for 9801
purposes of calculating the minimum cumulative performance score 9802
that demonstrates the level of academic achievement necessary to 9803
earn a high school diploma. 9804

(ii) If a student is enrolled in an appropriate course 9805
under any other advanced standing program, as described in 9806
section 3313.6013 of the Revised Code, that student shall not be 9807
required to take the science, American history, or American 9808
government end-of-course examination, whichever is applicable, 9809
prescribed under division (B) (2) of this section. Instead, that 9810
student's final course grade shall be used in lieu of the 9811
applicable end-of-course examination prescribed under that 9812
section. The ~~state superintendent~~ department, in consultation 9813
with the chancellor, shall adopt guidelines for purposes of 9814
calculating the corresponding final course grades that 9815
demonstrate the level of academic achievement necessary to earn 9816
a high school diploma. 9817

Division (B) (4) (a) (ii) of this section shall apply only to 9818
courses for which students receive transcribed credit, as 9819
defined in section 3365.01 of the Revised Code. It shall not 9820
apply to remedial or developmental courses. 9821

(b) No student shall take a substitute examination or 9822
examination prescribed under division (B) (4) (a) of this section 9823
in place of the end-of-course examinations in English language 9824

arts I, English language arts II, Algebra I, or geometry 9825
prescribed under division (B) (2) of this section. 9826

(c) ~~The state board~~ department shall consider additional 9827
assessments that may be used, ~~beginning with the 2016-2017~~ 9828
~~school year,~~ as substitute examinations in lieu of the end-of- 9829
course examinations prescribed under division (B) (2) of this 9830
section. 9831

(5) ~~The state board~~ department shall do all of the 9832
following: 9833

(a) Determine and designate at least five ranges of scores 9834
on each of the end-of-course examinations prescribed under 9835
division (B) (2) of this section, and substitute examinations 9836
prescribed under division (B) (4) of this section. Not later than 9837
sixty days after the designation of ranges of scores, ~~the state~~ 9838
~~superintendent, or the state superintendent's designee,~~ director 9839
of education and workforce shall conduct a public presentation 9840
before the standing committees of the house of representatives 9841
and the senate that consider primary and secondary education 9842
legislation regarding the designated range of scores. Each range 9843
of scores shall be considered to demonstrate a level of 9844
achievement so that any student attaining a score within such 9845
range has achieved one of the following: 9846

(i) An advanced level of skill; 9847

(ii) An accomplished level of skill; 9848

(iii) A proficient level of skill; 9849

(iv) A basic level of skill; 9850

(v) A limited level of skill. 9851

(b) Determine a method by which to calculate a cumulative 9852

performance score based on the results of a student's end-of- 9853
course examinations or substitute examinations; 9854

(c) Determine the minimum cumulative performance score 9855
that demonstrates the level of academic achievement necessary to 9856
earn a high school diploma under division (A) (2) of section 9857
3313.618 of the Revised Code. However, ~~the state board shall not~~ 9858
~~determine a~~ no new minimum cumulative performance score shall be 9859
determined after October 17, 2019. 9860

(d) Develop a table of corresponding score equivalents for 9861
the end-of-course examinations and substitute examinations in 9862
order to calculate student performance consistently across the 9863
different examinations. 9864

A score of two on an advanced placement examination or a 9865
score of two or three on an international baccalaureate 9866
examination shall be considered equivalent to a proficient level 9867
of skill as specified under division (B) (5) (a) (iii) of this 9868
section. 9869

(6) (a) A student who meets both of the following 9870
conditions shall not be required to take an end-of-course 9871
examination: 9872

(i) The student received high school credit prior to July 9873
1, 2015, for a course for which the end-of-course examination is 9874
prescribed. 9875

(ii) The examination was not available for administration 9876
prior to July 1, 2015. 9877

Receipt of credit for the course described in division (B) 9878
(6) (a) (i) of this section shall satisfy the requirement to take 9879
the end-of-course examination. A student exempted under division 9880
(B) (6) (a) of this section may take the applicable end-of-course 9881

examination at a later date. 9882

(b) For purposes of determining whether a student who is 9883
exempt from taking an end-of-course examination under division 9884
(B) (6) (a) of this section has attained the cumulative score 9885
prescribed by division (B) (5) (c) of this section, such student 9886
shall select either of the following: 9887

(i) The student is considered to have attained a 9888
proficient score on the end-of-course examination from which the 9889
student is exempt; 9890

(ii) The student's final course grade shall be used in 9891
lieu of a score on the end-of-course examination from which the 9892
student is exempt. 9893

~~The state superintendent department,~~ in consultation with 9894
the chancellor, shall adopt guidelines for purposes of 9895
calculating the corresponding final course grades and the 9896
minimum cumulative performance score that demonstrates the level 9897
of academic achievement necessary to earn a high school diploma. 9898

(7) (a) Notwithstanding anything to the contrary in this 9899
section, ~~the state board department~~ may replace the algebra I 9900
end-of-course examination prescribed under division (B) (2) of 9901
this section with an algebra II end-of-course examination, 9902
beginning with the 2016-2017 school year for students who enter 9903
ninth grade on or after July 1, 2016. 9904

(b) If ~~the state board department~~ replaces the algebra I 9905
end-of-course examination with an algebra II end-of-course 9906
examination as authorized under division (B) (7) (a) of this 9907
section, both of the following shall apply: 9908

(i) A student who is enrolled in an advanced placement or 9909
international baccalaureate course in algebra II shall take the 9910

advanced placement or international baccalaureate examination in 9911
lieu of the algebra II end-of-course examination. 9912

(ii) A student who is enrolled in an algebra II course 9913
under any other advanced standing program, as described in 9914
section 3313.6013 of the Revised Code, shall not be required to 9915
take the algebra II end-of-course examination. Instead, that 9916
student's final course grade shall be used in lieu of the 9917
examination. 9918

(c) If a school district or school utilizes an integrated 9919
approach to mathematics instruction, the district or school may 9920
do either or both of the following: 9921

(i) Administer an integrated mathematics I end-of-course 9922
examination in lieu of the prescribed algebra I end-of-course 9923
examination; 9924

(ii) Administer an integrated mathematics II end-of-course 9925
examination in lieu of the prescribed geometry end-of-course 9926
examination. 9927

(8) (a) For students entering the ninth grade for the first 9928
time on or after July 1, 2014, but prior to July 1, 2015, the 9929
assessment in the area of science shall be physical science or 9930
biology. For students entering the ninth grade for the first 9931
time on or after July 1, 2015, the assessment in the area of 9932
science shall be biology. 9933

(b) Until July 1, 2019, the department shall make 9934
available the end-of-course examination in physical science for 9935
students who entered the ninth grade for the first time on or 9936
after July 1, 2014, but prior to July 1, 2015, and who wish to 9937
retake the examination. 9938

(c) ~~Not later than July 1, 2016, the state board The~~ 9939

department shall adopt rules prescribing the requirements for 9940
the end-of-course examination in science for students who 9941
entered the ninth grade for the first time on or after July 1, 9942
2014, but prior to July 1, 2015, and who have not met the 9943
requirement prescribed by section 3313.618 of the Revised Code 9944
by July 1, 2019, due to a student's failure to satisfy division 9945
(A) (2) of section 3313.618 of the Revised Code. 9946

(9) ~~Neither the state board nor the~~ The department of 9947
~~education~~ shall not develop or administer an end-of-course 9948
examination in the area of world history. 9949

(10) ~~Not later than March 1, 2020, the~~ The department, in 9950
consultation with the chancellor and the governor's office of 9951
workforce transformation, shall determine a competency score for 9952
both of the Algebra I and English language arts II end-of-course 9953
examinations for the purpose of graduation eligibility. 9954

(C) ~~The state board~~ department shall convene a group of 9955
national experts, state experts, and local practitioners to 9956
provide advice, guidance, and recommendations for the alignment 9957
of standards and model curricula to the assessments and in the 9958
design of the end-of-course examinations prescribed by this 9959
section. 9960

(D) Upon completion of the development of the assessment 9961
system, ~~the state board~~ department shall adopt rules prescribing 9962
all of the following: 9963

(1) A timeline and plan for implementation of the 9964
assessment system, including a phased implementation if the 9965
~~state board~~ department determines such a phase-in is warranted; 9966

(2) The date after which a person shall meet the 9967
requirements of the entire assessment system as a prerequisite 9968

for a diploma of adult education under section 3313.611 of the Revised Code; 9969
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(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B) (3) of section 3313.612 of the Revised Code; 9971
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(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code; 9976
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(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code. 9983
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~~(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation.~~ 9987
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~~(F) (1)~~ (E) (1) Any person enrolled in a nonchartered nonpublic school or any person who has been excused from attendance at school for the purpose of home instruction under 9995
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section 3321.04 of the Revised Code may choose to participate in 9998
the system of assessments administered under divisions (B) (1) 9999
and (2) of this section. However, no such person shall be 10000
required to participate in the system of assessments. 10001

(2) The department shall adopt rules for the 10002
administration and scoring of any assessments under division ~~(F)~~ 10003
~~(1)~~ (E) (1) of this section. 10004

~~(G) Not later than December 31, 2014, the state board (F)~~ 10005
The department shall select at least one nationally recognized 10006
job skills assessment. Each school district shall administer 10007
that assessment to those students who opt to take it. ~~The state~~ 10008
department shall reimburse a school district for the costs of 10009
administering that assessment. ~~The state board~~ department shall 10010
establish the minimum score a student must attain on the job 10011
skills assessment in order to demonstrate a student's workforce 10012
readiness and employability. The administration of the job 10013
skills assessment to a student under this division shall not 10014
exempt a school district from administering the assessments 10015
prescribed in division (B) of this section to that student. 10016

Sec. 3301.0713. The department of education and workforce 10017
shall establish an education management information system 10018
advisory council. The council shall make recommendations to the 10019
~~superintendent of public instruction~~ department to improve the 10020
operation of the education management information system 10021
established under section 3301.0714 of the Revised Code and 10022
shall provide a forum for communication and collaboration 10023
between the department and parties affected by the collection, 10024
reporting, and use of the system's data. Members of the council 10025
shall include department staff and representatives of school 10026
districts and other entities that regularly interact with data 10027

from the education management information system. 10028

Sec. 3301.0714. (A) The ~~state board~~ department of 10029
education and workforce shall adopt rules for a statewide 10030
education management information system. The rules shall require 10031
the ~~state board~~ department to establish guidelines for the 10032
establishment and maintenance of the system in accordance with 10033
this section and the rules adopted under this section. The 10034
guidelines shall include: 10035

(1) Standards identifying and defining the types of data 10036
in the system in accordance with divisions (B) and (C) of this 10037
section; 10038

(2) Procedures for annually collecting and reporting the 10039
data to the ~~state board~~ department in accordance with division 10040
(D) of this section; 10041

(3) Procedures for annually compiling the data in 10042
accordance with division (G) of this section; 10043

(4) Procedures for annually reporting the data to the 10044
public in accordance with division (H) of this section; 10045

(5) Standards to provide strict safeguards to protect the 10046
confidentiality of personally identifiable student data. 10047

(B) The guidelines adopted under this section shall 10048
require the data maintained in the education management 10049
information system to include at least the following: 10050

(1) Student participation and performance data, for each 10051
grade in each school district as a whole and for each grade in 10052
each school building in each school district, that includes: 10053

(a) The numbers of students receiving each category of 10054
instructional service offered by the school district, such as 10055

regular education instruction, vocational education instruction, 10056
specialized instruction programs or enrichment instruction that 10057
is part of the educational curriculum, instruction for gifted 10058
students, instruction for students with disabilities, and 10059
remedial instruction. The guidelines shall require instructional 10060
services under this division to be divided into discrete 10061
categories if an instructional service is limited to a specific 10062
subject, a specific type of student, or both, such as regular 10063
instructional services in mathematics, remedial reading 10064
instructional services, instructional services specifically for 10065
students gifted in mathematics or some other subject area, or 10066
instructional services for students with a specific type of 10067
disability. The categories of instructional services required by 10068
the guidelines under this division shall be the same as the 10069
categories of instructional services used in determining cost 10070
units pursuant to division (C) (3) of this section. 10071

(b) The numbers of students receiving support or 10072
extracurricular services for each of the support services or 10073
extracurricular programs offered by the school district, such as 10074
counseling services, health services, and extracurricular sports 10075
and fine arts programs. The categories of services required by 10076
the guidelines under this division shall be the same as the 10077
categories of services used in determining cost units pursuant 10078
to division (C) (4) (a) of this section. 10079

(c) Average student grades in each subject in grades nine 10080
through twelve; 10081

(d) Academic achievement levels as assessed under sections 10082
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 10083

(e) The number of students designated as having a 10084
disabling condition pursuant to division (C) (1) of section 10085

3301.0711 of the Revised Code;	10086
(f) The numbers of students reported to the state board-	10087
department pursuant to division (C) (2) of section 3301.0711 of	10088
the Revised Code;	10089
(g) Attendance rates and the average daily attendance for	10090
the year. For purposes of this division, a student shall be	10091
counted as present for any field trip that is approved by the	10092
school administration.	10093
(h) Expulsion rates;	10094
(i) Suspension rates;	10095
(j) Dropout rates;	10096
(k) Rates of retention in grade;	10097
(l) For pupils in grades nine through twelve, the average	10098
number of carnegie units, as calculated in accordance with state-	10099
board of education- <u>the director's</u> rules;	10100
(m) Graduation rates, to be calculated in a manner	10101
specified by the department of education- that reflects the rate	10102
at which students who were in the ninth grade three years prior	10103
to the current year complete school and that is consistent with	10104
nationally accepted reporting requirements;	10105
(n) Results of diagnostic assessments administered to	10106
kindergarten students as required under section 3301.0715 of the	10107
Revised Code to permit a comparison of the academic readiness of	10108
kindergarten students. However, no district shall be required to	10109
report to the department the results of any diagnostic	10110
assessment administered to a kindergarten student, except for	10111
the language and reading assessment described in division (A) (2)	10112
of section 3301.0715 of the Revised Code, if the parent of that	10113

student requests the district not to report those results.	10114
(o) Beginning on July 1, 2018, for each disciplinary	10115
action which is required to be reported under division (B) (4) of	10116
this section, districts and schools also shall include an	10117
identification of the person or persons, if any, at whom the	10118
student's violent behavior that resulted in discipline was	10119
directed. The person or persons shall be identified by the	10120
respective classification at the district or school, such as	10121
student, teacher, or nonteaching employee, but shall not be	10122
identified by name.	10123
Division (B) (1) (o) of this section does not apply after	10124
the date that is two years following the submission of the	10125
report required by Section 733.13 of H.B. 49 of the 132nd	10126
general assembly.	10127
(p) The number of students earning each state diploma seal	10128
included in the system prescribed under division (A) of section	10129
3313.6114 of the Revised Code;	10130
(q) The number of students demonstrating competency for	10131
graduation using each option described in divisions (B) (1) (a) to	10132
(d) of section 3313.618 of the Revised Code;	10133
(r) The number of students completing each foundational	10134
and supporting option as part of the demonstration of competency	10135
for graduation pursuant to division (B) (1) (b) of section	10136
3313.618 of the Revised Code;	10137
(s) The number of students enrolled in all-day	10138
kindergarten, as defined in section 3321.05 of the Revised Code.	10139
(2) Personnel and classroom enrollment data for each	10140
school district, including:	10141

(a) The total numbers of licensed employees and 10142
nonlicensed employees and the numbers of full-time equivalent 10143
licensed employees and nonlicensed employees providing each 10144
category of instructional service, instructional support 10145
service, and administrative support service used pursuant to 10146
division (C) (3) of this section. The guidelines adopted under 10147
this section shall require these categories of data to be 10148
maintained for the school district as a whole and, wherever 10149
applicable, for each grade in the school district as a whole, 10150
for each school building as a whole, and for each grade in each 10151
school building. 10152

(b) The total number of employees and the number of full- 10153
time equivalent employees providing each category of service 10154
used pursuant to divisions (C) (4) (a) and (b) of this section, 10155
and the total numbers of licensed employees and nonlicensed 10156
employees and the numbers of full-time equivalent licensed 10157
employees and nonlicensed employees providing each category used 10158
pursuant to division (C) (4) (c) of this section. The guidelines 10159
adopted under this section shall require these categories of 10160
data to be maintained for the school district as a whole and, 10161
wherever applicable, for each grade in the school district as a 10162
whole, for each school building as a whole, and for each grade 10163
in each school building. 10164

(c) The total number of regular classroom teachers 10165
teaching classes of regular education and the average number of 10166
pupils enrolled in each such class, in each of grades 10167
kindergarten through five in the district as a whole and in each 10168
school building in the school district. 10169

(d) The number of lead teachers employed by each school 10170
district and each school building. 10171

(3) (a) Student demographic data for each school district, 10172
including information regarding the gender ratio of the school 10173
district's pupils, the racial make-up of the school district's 10174
pupils, the number of English learners in the district, and an 10175
appropriate measure of the number of the school district's 10176
pupils who reside in economically disadvantaged households. The 10177
demographic data shall be collected in a manner to allow 10178
correlation with data collected under division (B) (1) of this 10179
section. Categories for data collected pursuant to division (B) 10180
(3) of this section shall conform, where appropriate, to 10181
standard practices of agencies of the federal government. 10182

(b) With respect to each student entering kindergarten, 10183
whether the student previously participated in a public 10184
preschool program, a private preschool program, or a head start 10185
program, and the number of years the student participated in 10186
each of these programs. 10187

(4) Any data required to be collected pursuant to federal 10188
law. 10189

(C) The education management information system shall 10190
include cost accounting data for each district as a whole and 10191
for each school building in each school district. The guidelines 10192
adopted under this section shall require the cost data for each 10193
school district to be maintained in a system of mutually 10194
exclusive cost units and shall require all of the costs of each 10195
school district to be divided among the cost units. The 10196
guidelines shall require the system of mutually exclusive cost 10197
units to include at least the following: 10198

(1) Administrative costs for the school district as a 10199
whole. The guidelines shall require the cost units under this 10200
division (C) (1) to be designed so that each of them may be 10201

compiled and reported in terms of average expenditure per pupil 10202
in enrolled ADM in the school district, as determined pursuant 10203
to section 3317.03 of the Revised Code. 10204

(2) Administrative costs for each school building in the 10205
school district. The guidelines shall require the cost units 10206
under this division (C) (2) to be designed so that each of them 10207
may be compiled and reported in terms of average expenditure per 10208
full-time equivalent pupil receiving instructional or support 10209
services in each building. 10210

(3) Instructional services costs for each category of 10211
instructional service provided directly to students and required 10212
by guidelines adopted pursuant to division (B) (1) (a) of this 10213
section. The guidelines shall require the cost units under 10214
division (C) (3) of this section to be designed so that each of 10215
them may be compiled and reported in terms of average 10216
expenditure per pupil receiving the service in the school 10217
district as a whole and average expenditure per pupil receiving 10218
the service in each building in the school district and in terms 10219
of a total cost for each category of service and, as a breakdown 10220
of the total cost, a cost for each of the following components: 10221

(a) The cost of each instructional services category 10222
required by guidelines adopted under division (B) (1) (a) of this 10223
section that is provided directly to students by a classroom 10224
teacher; 10225

(b) The cost of the instructional support services, such 10226
as services provided by a speech-language pathologist, classroom 10227
aide, multimedia aide, or librarian, provided directly to 10228
students in conjunction with each instructional services 10229
category; 10230

(c) The cost of the administrative support services 10231
related to each instructional services category, such as the 10232
cost of personnel that develop the curriculum for the 10233
instructional services category and the cost of personnel 10234
supervising or coordinating the delivery of the instructional 10235
services category. 10236

(4) Support or extracurricular services costs for each 10237
category of service directly provided to students and required 10238
by guidelines adopted pursuant to division (B) (1) (b) of this 10239
section. The guidelines shall require the cost units under 10240
division (C) (4) of this section to be designed so that each of 10241
them may be compiled and reported in terms of average 10242
expenditure per pupil receiving the service in the school 10243
district as a whole and average expenditure per pupil receiving 10244
the service in each building in the school district and in terms 10245
of a total cost for each category of service and, as a breakdown 10246
of the total cost, a cost for each of the following components: 10247

(a) The cost of each support or extracurricular services 10248
category required by guidelines adopted under division (B) (1) (b) 10249
of this section that is provided directly to students by a 10250
licensed employee, such as services provided by a guidance 10251
counselor or any services provided by a licensed employee under 10252
a supplemental contract; 10253

(b) The cost of each such services category provided 10254
directly to students by a nonlicensed employee, such as 10255
janitorial services, cafeteria services, or services of a sports 10256
trainer; 10257

(c) The cost of the administrative services related to 10258
each services category in division (C) (4) (a) or (b) of this 10259
section, such as the cost of any licensed or nonlicensed 10260

employees that develop, supervise, coordinate, or otherwise are 10261
involved in administering or aiding the delivery of each 10262
services category. 10263

(D) (1) The guidelines adopted under this section shall 10264
require school districts to collect information about individual 10265
students, staff members, or both in connection with any data 10266
required by division (B) or (C) of this section or other 10267
reporting requirements established in the Revised Code. The 10268
guidelines may also require school districts to report 10269
information about individual staff members in connection with 10270
any data required by division (B) or (C) of this section or 10271
other reporting requirements established in the Revised Code. 10272
The guidelines shall not authorize school districts to request 10273
social security numbers of individual students. The guidelines 10274
shall prohibit the reporting under this section of a student's 10275
name, address, and social security number to ~~the state board of~~ 10276
~~education or the department of education~~. The guidelines shall 10277
also prohibit the reporting under this section of any personally 10278
identifiable information about any student, except for the 10279
purpose of assigning the data verification code required by 10280
division (D) (2) of this section, to any other person unless such 10281
person is employed by the school district or the information 10282
technology center operated under section 3301.075 of the Revised 10283
Code and is authorized by the district or technology center to 10284
have access to such information or is employed by an entity with 10285
which the department contracts for the scoring or the 10286
development of state assessments. The guidelines may require 10287
school districts to provide the social security numbers of 10288
individual staff members and the county of residence for a 10289
student. Nothing in this section prohibits the ~~state board of~~ 10290
~~education or department of education~~ from providing a student's 10291

county of residence to the department of taxation to facilitate 10292
the distribution of tax revenue. 10293

(2) (a) The guidelines shall provide for each school 10294
district or community school to assign a data verification code 10295
that is unique on a statewide basis over time to each student 10296
whose initial Ohio enrollment is in that district or school and 10297
to report all required individual student data for that student 10298
utilizing such code. The guidelines shall also provide for 10299
assigning data verification codes to all students enrolled in 10300
districts or community schools on the effective date of the 10301
guidelines established under this section. The assignment of 10302
data verification codes for other entities, as described in 10303
division (D) (2) (d) of this section, the use of those codes, and 10304
the reporting and use of associated individual student data 10305
shall be coordinated by the department of education and 10306
workforce in accordance with state and federal law. 10307

School districts shall report individual student data to 10308
the department through the information technology centers 10309
utilizing the code. The entities described in division (D) (2) (d) 10310
of this section shall report individual student data to the 10311
department in the manner prescribed by the department. 10312

(b) (i) Except as provided in sections 3301.941, 3310.11, 10313
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 10314
Code, and in division (D) (2) (b) (ii) of this section, at no time 10315
shall the ~~state board or the~~ department have access to 10316
information that would enable any data verification code to be 10317
matched to personally identifiable student data. 10318

(ii) For the purpose of making per-pupil payments to 10319
community schools under section 3317.022 of the Revised Code, 10320
the department shall have access to information that would 10321

enable any data verification code to be matched to personally 10322
identifiable student data. 10323

(c) Each school district and community school shall ensure 10324
that the data verification code is included in the student's 10325
records reported to any subsequent school district, community 10326
school, or state institution of higher education, as defined in 10327
section 3345.011 of the Revised Code, in which the student 10328
enrolls. Any such subsequent district or school shall utilize 10329
the same identifier in its reporting of data under this section. 10330

(d) The director of any state agency that administers a 10331
publicly funded program providing services to children who are 10332
younger than compulsory school age, as defined in section 10333
3321.01 of the Revised Code, including the directors of health, 10334
job and family services, mental health and addiction services, 10335
and developmental disabilities, shall request and receive, 10336
pursuant to sections 3301.0723 and 5123.0423 of the Revised 10337
Code, a data verification code for a child who is receiving 10338
those services. 10339

(E) The guidelines adopted under this section may require 10340
school districts to collect and report data, information, or 10341
reports other than that described in divisions (A), (B), and (C) 10342
of this section for the purpose of complying with other 10343
reporting requirements established in the Revised Code. The 10344
other data, information, or reports may be maintained in the 10345
education management information system but are not required to 10346
be compiled as part of the profile formats required under 10347
division (G) of this section or the annual statewide report 10348
required under division (H) of this section. 10349

(F) ~~Beginning with the school year that begins July 1,~~ 10350
~~1991, the~~ The board of education of each school district shall 10351

annually collect and report to the ~~state board~~ department, in 10352
accordance with the guidelines established by the ~~board~~ 10353
department, the data required pursuant to this section. A school 10354
district may collect and report these data notwithstanding 10355
section 2151.357 or 3319.321 of the Revised Code. 10356

(G) The ~~state board~~ department shall, in accordance with 10357
the procedures it adopts, annually compile the data reported by 10358
each school district pursuant to division (D) of this section. 10359
The ~~state board~~ department shall design formats for profiling 10360
each school district as a whole and each school building within 10361
each district and shall compile the data in accordance with 10362
these formats. These profile formats shall: 10363

(1) Include all of the data gathered under this section in 10364
a manner that facilitates comparison among school districts and 10365
among school buildings within each school district; 10366

(2) Present the data on academic achievement levels as 10367
assessed by the testing of student achievement maintained 10368
pursuant to division (B)(1)(d) of this section. 10369

(H)(1) The ~~state board~~ department shall, in accordance 10370
with the procedures it adopts, annually prepare a statewide 10371
report for all school districts and the general public that 10372
includes the profile of each of the school districts developed 10373
pursuant to division (G) of this section. Copies of the report 10374
shall be sent to each school district. 10375

(2) The ~~state board~~ department shall, in accordance with 10376
the procedures it adopts, annually prepare an individual report 10377
for each school district and the general public that includes 10378
the profiles of each of the school buildings in that school 10379
district developed pursuant to division (G) of this section. 10380

Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education. 10381
10382

(3) Copies of the reports ~~received from the state board~~ 10383
~~under prescribed in divisions~~ (H) (1) and (2) of this section 10384
shall be made available to the general public at each school 10385
district's offices. Each district board of education shall make 10386
copies of each report available to any person upon request and 10387
payment of a reasonable fee for the cost of reproducing the 10388
report. The board shall annually publish in a newspaper of 10389
general circulation in the school district, at least twice 10390
during the two weeks prior to the week in which the reports will 10391
first be available, a notice containing the address where the 10392
reports are available and the date on which the reports will be 10393
available. 10394

(I) Any data that is collected or maintained pursuant to 10395
this section and that identifies an individual pupil is not a 10396
public record for the purposes of section 149.43 of the Revised 10397
Code. 10398

(J) As used in this section: 10399

(1) "School district" means any city, local, exempted 10400
village, or joint vocational school district and, in accordance 10401
with section 3314.17 of the Revised Code, any community school. 10402
As used in division (L) of this section, "school district" also 10403
includes any educational service center or other educational 10404
entity required to submit data using the system established 10405
under this section. 10406

(2) "Cost" means any expenditure for operating expenses 10407
made by a school district excluding any expenditures for debt 10408
retirement except for payments made to any commercial lending 10409

institution for any loan approved pursuant to section 3313.483 10410
of the Revised Code. 10411

(K) Any person who removes data from the information 10412
system established under this section for the purpose of 10413
releasing it to any person not entitled under law to have access 10414
to such information is subject to section 2913.42 of the Revised 10415
Code prohibiting tampering with data. 10416

(L) (1) In accordance with division (L) (2) of this section 10417
and the rules adopted under division (L) (10) of this section, 10418
the department ~~of education~~ may sanction any school district 10419
that reports incomplete or inaccurate data, reports data that 10420
does not conform to data requirements and descriptions published 10421
by the department, fails to report data in a timely manner, or 10422
otherwise does not make a good faith effort to report data as 10423
required by this section. 10424

(2) If the department decides to sanction a school 10425
district under this division, the department shall take the 10426
following sequential actions: 10427

(a) Notify the district in writing that the department has 10428
determined that data has not been reported as required under 10429
this section and require the district to review its data 10430
submission and submit corrected data by a deadline established 10431
by the department. The department also may require the district 10432
to develop a corrective action plan, which shall include 10433
provisions for the district to provide mandatory staff training 10434
on data reporting procedures. 10435

(b) Withhold up to ten per cent of the total amount of 10436
state funds due to the district for the current fiscal year and, 10437
if not previously required under division (L) (2) (a) of this 10438

section, require the district to develop a corrective action 10439
plan in accordance with that division; 10440

(c) Withhold an additional amount of up to twenty per cent 10441
of the total amount of state funds due to the district for the 10442
current fiscal year; 10443

(d) Direct department staff or an outside entity to 10444
investigate the district's data reporting practices and make 10445
recommendations for subsequent actions. The recommendations may 10446
include one or more of the following actions: 10447

(i) Arrange for an audit of the district's data reporting 10448
practices by department staff or an outside entity; 10449

(ii) Conduct a site visit and evaluation of the district; 10450

(iii) Withhold an additional amount of up to thirty per 10451
cent of the total amount of state funds due to the district for 10452
the current fiscal year; 10453

(iv) Continue monitoring the district's data reporting; 10454

(v) Assign department staff to supervise the district's 10455
data management system; 10456

(vi) Conduct an investigation to determine whether to 10457
suspend or revoke the license of any district employee in 10458
accordance with division (N) of this section; 10459

(vii) If the district is issued a report card under 10460
section 3302.03 of the Revised Code, indicate on the report card 10461
that the district has been sanctioned for failing to report data 10462
as required by this section; 10463

(viii) If the district is issued a report card under 10464
section 3302.03 of the Revised Code and incomplete or inaccurate 10465

data submitted by the district likely caused the district to 10466
receive a higher performance rating than it deserved under that 10467
section, issue a revised report card for the district; 10468

(ix) Any other action designed to correct the district's 10469
data reporting problems. 10470

(3) Any time the department takes an action against a 10471
school district under division (L)(2) of this section, the 10472
department shall make a report of the circumstances that 10473
prompted the action. The department shall send a copy of the 10474
report to the district superintendent or chief administrator and 10475
maintain a copy of the report in its files. 10476

(4) If any action taken under division (L)(2) of this 10477
section resolves a school district's data reporting problems to 10478
the department's satisfaction, the department shall not take any 10479
further actions described by that division. If the department 10480
withheld funds from the district under that division, the 10481
department may release those funds to the district, except that 10482
if the department withheld funding under division (L)(2)(c) of 10483
this section, the department shall not release the funds 10484
withheld under division (L)(2)(b) of this section and, if the 10485
department withheld funding under division (L)(2)(d) of this 10486
section, the department shall not release the funds withheld 10487
under division (L)(2)(b) or (c) of this section. 10488

(5) Notwithstanding anything in this section to the 10489
contrary, the department may use its own staff or an outside 10490
entity to conduct an audit of a school district's data reporting 10491
practices any time the department has reason to believe the 10492
district has not made a good faith effort to report data as 10493
required by this section. If any audit conducted by an outside 10494
entity under division (L)(2)(d)(i) or (5) of this section 10495

confirms that a district has not made a good faith effort to 10496
report data as required by this section, the district shall 10497
reimburse the department for the full cost of the audit. The 10498
department may withhold state funds due to the district for this 10499
purpose. 10500

(6) Prior to issuing a revised report card for a school 10501
district under division (L)(2)(d)(viii) of this section, the 10502
department may hold a hearing to provide the district with an 10503
opportunity to demonstrate that it made a good faith effort to 10504
report data as required by this section. The hearing shall be 10505
conducted by a referee appointed by the department. Based on the 10506
information provided in the hearing, the referee shall recommend 10507
whether the department should issue a revised report card for 10508
the district. If the referee affirms the department's contention 10509
that the district did not make a good faith effort to report 10510
data as required by this section, the district shall bear the 10511
full cost of conducting the hearing and of issuing any revised 10512
report card. 10513

(7) If the department determines that any inaccurate data 10514
reported under this section caused a school district to receive 10515
excess state funds in any fiscal year, the district shall 10516
reimburse the department an amount equal to the excess funds, in 10517
accordance with a payment schedule determined by the department. 10518
The department may withhold state funds due to the district for 10519
this purpose. 10520

(8) Any school district that has funds withheld under 10521
division (L)(2) of this section may appeal the withholding in 10522
accordance with Chapter 119. of the Revised Code. 10523

(9) In all cases of a disagreement between the department 10524
and a school district regarding the appropriateness of an action 10525

taken under division (L) (2) of this section, the burden of proof 10526
shall be on the district to demonstrate that it made a good 10527
faith effort to report data as required by this section. 10528

(10) The ~~state board~~ director of education and workforce 10529
shall adopt rules under Chapter 119. of the Revised Code to 10530
implement division (L) of this section. 10531

(M) No information technology center or school district 10532
shall acquire, change, or update its student administration 10533
software package to manage and report data required to be 10534
reported to the department unless it converts to a student 10535
software package that is certified by the department. 10536

(N) The state board of education, in accordance with 10537
sections 3319.31 and 3319.311 of the Revised Code, may suspend 10538
or revoke a license as defined under division (A) of section 10539
3319.31 of the Revised Code that has been issued to any school 10540
district employee found to have willfully reported erroneous, 10541
inaccurate, or incomplete data to the education management 10542
information system. 10543

(O) No person shall release or maintain any information 10544
about any student in violation of this section. Whoever violates 10545
this division is guilty of a misdemeanor of the fourth degree. 10546

(P) The department shall disaggregate the data collected 10547
under division (B) (1) (n) of this section according to the race 10548
and socioeconomic status of the students assessed. 10549

(Q) If the department cannot compile any of the 10550
information required by division (I) of section 3302.03 of the 10551
Revised Code based upon the data collected under this section, 10552
the department shall develop a plan and a reasonable timeline 10553
for the collection of any data necessary to comply with that 10554

division. 10555

Sec. 3301.0715. (A) Except as required under division (B) 10556
(1) of section 3313.608 or as specified in division (D) (3) of 10557
section 3301.079 of the Revised Code, the board of education of 10558
each city, local, and exempted village school district shall 10559
administer each applicable diagnostic assessment developed and 10560
provided to the district in accordance with section 3301.079 of 10561
the Revised Code to the following: 10562

(1) Any student who transfers into the district or to a 10563
different school within the district if each applicable 10564
diagnostic assessment was not administered by the district or 10565
school the student previously attended in the current school 10566
year, within thirty days after the date of transfer. If the 10567
district or school into which the student transfers cannot 10568
determine whether the student has taken any applicable 10569
diagnostic assessment in the current school year, the district 10570
or school may administer the diagnostic assessment to the 10571
student. However, if a student transfers into the district prior 10572
to the administration of the diagnostic assessments to all 10573
students under division (B) of this section, the district may 10574
administer the diagnostic assessments to that student on the 10575
date or dates determined under that division. 10576

(2) Each kindergarten student, not earlier than the first 10577
day of July of the school year and not later than the twentieth 10578
day of instruction of that school year. 10579

For the purpose of division (A) (2) of this section, the 10580
district shall administer the kindergarten readiness assessment 10581
provided by the department of education and workforce. In no 10582
case shall the results of the readiness assessment be used to 10583
prohibit a student from enrolling in kindergarten. 10584

(3) Each student enrolled in first, second, or third grade. 10585
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Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department of education. 10587
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(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year. 10590
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(C) A district may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A) (3) of this section if the district meets either of the following conditions for the immediately preceding school year: 10599
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(1) The district received a grade of "A" or "B" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (C) (1) (e) of that section. 10604
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(2) The district received a performance rating of four stars or higher for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code or for progress under division (D) (3) (c) of that section. 10608
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(D) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this 10612
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section in accordance with rules established by the department. 10614
After the administration of any diagnostic assessment, each 10615
district shall provide a student's completed diagnostic 10616
assessment, the results of such assessment, and any other 10617
accompanying documents used during the administration of the 10618
assessment to the parent of that student, and shall include all 10619
such documents and information in any plan developed for the 10620
student under division (C) of section 3313.608 of the Revised 10621
Code. Each district shall submit to the department, in the 10622
manner the department prescribes, the results of the diagnostic 10623
assessments administered under this section, regardless of the 10624
type of assessment used under section 3313.608 of the Revised 10625
Code. The department may issue reports with respect to the data 10626
collected. The department may report school and district level 10627
kindergarten diagnostic assessment data and use diagnostic 10628
assessment data to calculate the measures prescribed by 10629
divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of section 3302.03 10630
of the Revised Code and the data reported under division (D) (2) 10631
(e) of that section. 10632

(E) Each district board shall provide intervention 10633
services to students whose diagnostic assessments show that they 10634
are failing to make satisfactory progress toward attaining the 10635
academic standards for their grade level. 10636

(F) ~~Beginning in the 2018-2019 school year, any~~ Any 10637
chartered nonpublic school may elect to administer the 10638
kindergarten readiness assessment to all kindergarten students 10639
enrolled in the school. If the school so elects, the chief 10640
administrator of the school shall notify the ~~superintendent of~~ 10641
~~public instruction~~ department not later than the thirty-first 10642
day of March prior to any school year in which the school will 10643
administer the assessment. The department shall furnish the 10644

assessment to the school at no cost to the school. In 10645
administering the assessment, the school shall do all of the 10646
following: 10647

(1) Enter into a written agreement with the department 10648
specifying that the school will share each participating 10649
student's assessment data with the department and, that for the 10650
purpose of reporting the data to the department, each 10651
participating student will be assigned a data verification code 10652
as described in division (D) (2) of section 3301.0714 of the 10653
Revised Code; 10654

(2) Require the assessment to be administered by a teacher 10655
certified under section 3301.071 of the Revised Code who either 10656
has completed training on administering the kindergarten 10657
readiness assessment provided by the department or has been 10658
trained by another person who has completed such training; 10659

(3) Administer the assessment in the same manner as school 10660
districts are required to do under this section and the rules 10661
established under division (D) of this section. 10662

~~(G) Beginning in the 2019-2020 school year, a A school~~ 10663
district in which less than eighty per cent of its students 10664
score at the proficient level or higher on the third-grade 10665
English language arts assessment prescribed under section 10666
3301.0710 of the Revised Code shall establish a reading 10667
improvement plan supported by reading specialists. Prior to 10668
implementation, the plan shall be approved by the school 10669
district board of education. 10670

Sec. 3301.0716. Notwithstanding division (D) of section 10671
3301.0714 of the Revised Code, the department of education and 10672
workforce may have access to personally identifiable information 10673

about any student under the following circumstances: 10674

(A) An entity with which the department contracts for the 10675
scoring of assessments administered under section 3301.0711 or 10676
3301.0712 of the Revised Code has notified the department that 10677
the student's written response to a question on an assessment 10678
included threats or descriptions of harm to another person or 10679
the student's self and the information is necessary to enable 10680
the department to identify the student for purposes of notifying 10681
the school district or school in which the student is enrolled 10682
of the potential for harm. 10683

(B) The department requests the information to respond to 10684
an appeal from a school district or school for verification of 10685
the accuracy of the student's score on an assessment 10686
administered under section 3301.0711 or 3301.0712 of the Revised 10687
Code. 10688

(C) The department requests the information to determine 10689
whether the student satisfies the alternative conditions for a 10690
high school diploma prescribed in section 3313.615 of the 10691
Revised Code. 10692

Sec. 3301.0717. In addition to the duties imposed on it by 10693
law, the ~~state board~~ department of education and workforce shall 10694
establish and submit to the governor and the general assembly a 10695
clear and measurable set of goals with specific timetables for 10696
their achievement. The goals shall be established for programs 10697
designed to accomplish: 10698

(A) A reduction in rates of retention in grade; 10699

(B) Reductions in the need for remedial courses; 10700

(C) Reductions in the student dropout rate; 10701

(D) Improvements in scores on standardized tests;	10702
(E) Increases in satisfactory completion of high school achievement tests;	10703 10704
(F) Increases in American college test scores;	10705
(G) Increases in the rate of college entry;	10706
(H) Reductions in the need for remedial courses for first-year college students.	10707 10708
In July of each odd-numbered year, the state board of <u>education department</u> shall submit a report on progress made toward these goals to the governor and the general assembly.	10709 10710 10711
Sec. 3301.0718. The state board <u>department</u> of education <u>and workforce</u> shall not adopt or revise any standards or curriculum in the area of health unless, by concurrent resolution, the standards, curriculum, or revisions are approved by both houses of the general assembly. Before the house of representatives or senate votes on a concurrent resolution approving health standards, curriculum, or revisions, its standing committee having jurisdiction over education legislation shall conduct at least one public hearing on the standards, curriculum, or revisions.	10712 10713 10714 10715 10716 10717 10718 10719 10720 10721
Sec. 3301.0719. (A) As used in this section, "business education" includes, but is not limited to, accounting, career development, economics and personal finance, entrepreneurship, information technology, management, and marketing.	10722 10723 10724 10725
(B) the state board <u>The department of education and workforce</u> shall adopt standards for business education in grades seven through twelve. The standards shall incorporate existing business education standards as appropriate to help guide	10726 10727 10728 10729

instruction in the state's schools. The department shall provide 10730
the standards, and any revisions of the standards, to all school 10731
districts, community schools established under Chapter 3314. of 10732
the Revised Code, and STEM schools established under Chapter 10733
3326. of the Revised Code. Any school district, community school 10734
or STEM school may utilize the standards. Standards adopted 10735
under this division shall supplement, and not supersede, 10736
academic content standards adopted under section 3301.079 of the 10737
Revised Code. 10738

Sec. 3301.0720. ~~The state board~~ department of education 10739
and workforce shall recommend all of the following to school 10740
districts in connection with the teaching of secondary school 10741
sciences: 10742

(A) A suggested curriculum for the teaching of chemistry, 10743
physics, biology, and whatever additional sciences the ~~state~~ 10744
~~board~~ department may select; 10745

(B) Lists of minimum supplies and equipment necessary for 10746
the teaching of each science for which a curriculum is suggested 10747
under division (A) of this section, with special emphasis on 10748
recommended safety equipment; 10749

(C) Acquisition and replacement schedules for the supplies 10750
and equipment listed under division (B) of this section. The 10751
schedules shall ensure availability of at least minimum 10752
inventories in every high school. 10753

(D) Suggested safety procedures, including all of the 10754
following: 10755

(1) Training for students and teachers in the safe 10756
handling and use of hazardous and potentially hazardous 10757
materials and equipment; 10758

(2) Methods of safely storing and disposing of hazardous 10759
and potentially hazardous materials; 10760

(3) Provisions for a biennial assessment of each high 10761
school's safety equipment and procedures by someone other than 10762
the school personnel directly responsible for them, and 10763
recommended procedures for making the results of any assessment 10764
available to the public. 10765

Sec. 3301.0721. (A) ~~The superintendent of public~~ 10766
~~instruction~~ department of education and workforce shall develop 10767
a model curriculum for instruction in college and career 10768
readiness and financial literacy. The curriculum shall focus on 10769
grades seven through twelve, but ~~the superintendent~~ may include 10770
other grade levels. When the model curriculum has been 10771
developed, the ~~department of education~~ shall notify all school 10772
districts, community schools established under Chapter 3314. of 10773
the Revised Code, and STEM schools established under Chapter 10774
3326. of the Revised Code of the content of the curriculum. Any 10775
district or school may utilize the model curriculum. 10776

(B) ~~The state board of education~~ director of education and 10777
workforce, in collaboration with the director of public safety, 10778
shall develop a model curriculum for instruction in grades nine 10779
through twelve on proper interactions with peace officers during 10780
traffic stops and other in-person encounters with peace 10781
officers. In developing the curriculum under division (B) of 10782
this section, ~~the state board and the director~~ directors may 10783
consult with any interested party, including a volunteer work 10784
group convened for the purpose of making recommendations 10785
regarding the instruction. Before finalizing any curriculum 10786
under division (B) of this section, ~~the state board and the~~ 10787
~~director~~ directors shall provide a reasonable period for public 10788

comment. The curriculum shall include both of the following: 10789

(1) Information regarding all of the following: 10790

(a) A person's rights during an interaction with a peace officer; 10791
10792

(b) Proper actions for interacting with a peace officer; 10793

(c) Which individuals are considered peace officers, and their duties and responsibilities; 10794
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(d) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws. 10796
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(2) Demonstrations and role-play activities in a classroom setting that allow students to better understand how interactions between civilians and peace officers can and should unfold. 10800
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As used in this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code. 10804
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Sec. 3301.0723. (A) The independent contractor engaged by the department of education and workforce to create and maintain for school districts and community schools the student data verification codes required by division (D) (2) of section 3301.0714 of the Revised Code, upon request of the director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall assign a data verification code to a child 10806
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who is receiving such services and shall provide that code to 10817
the director. The contractor also shall provide that code to the 10818
department of education and workforce. 10819

(B) The director of a state agency that receives a child's 10820
data verification code under division (A) of this section shall 10821
use that code to submit information for that child to the 10822
department of education and workforce in accordance with 10823
section 3301.0714 of the Revised Code. 10824

(C) A public school that receives from the independent 10825
contractor the data verification code for a child assigned under 10826
division (A) of this section shall not request or assign to that 10827
child another data verification code under division (D) (2) of 10828
section 3301.0714 of the Revised Code. That school and any other 10829
public school in which the child subsequently enrolls shall use 10830
the data verification code assigned under division (A) of this 10831
section to report data relative to that student required under 10832
section 3301.0714 of the Revised Code. 10833

Sec. 3301.0725. A school district may employ certificated 10834
instructional personnel for hours outside of the normal school 10835
day for the purpose of providing extended programming. Extended 10836
programming, as defined by rule of the ~~state board~~ department of 10837
education and workforce, shall be based upon learner needs and, 10838
if applicable, business and industry validated standards and 10839
competencies and shall enhance student learning opportunities. 10840
Extended programming shall be subject to the requirements of 10841
sections 3313.6018 and 3313.6019 of the Revised Code. 10842

No rule of the ~~state board~~ department shall require 10843
extended programming employment of certificated instructional 10844
personnel as a condition of eligibility for funding under any 10845
other section of the Revised Code. 10846

Sec. 3301.0726. (A) The department of education and 10847
workforce shall develop a packet of high school instructional 10848
materials on personal financial responsibility, including 10849
instructional materials on the avoidance of credit card abuse, 10850
and shall distribute that packet to all school districts. The 10851
board of education of any school district may adopt part or all 10852
of the materials included in the packet for incorporation into 10853
the district's curriculum. 10854

(B) The department ~~of education~~ shall include supplemental 10855
instructional materials on the development of handwriting as a 10856
universal skill in the English language arts model curriculum 10857
under division (B) of section 3301.079 of the Revised Code for 10858
grades kindergarten through five. The instructional materials 10859
shall be designed to enable students to print letters and words 10860
legibly by grade three and create readable documents using 10861
legible cursive handwriting by the end of grade five. The 10862
instructional materials shall be included in the model 10863
curriculum not later than ~~the first day of July that next~~ 10864
~~succeeds the effective date of this amendment~~ July 1, 2019, and, 10865
thereafter, shall periodically be updated. 10866

Sec. 3301.0728. Notwithstanding anything in the Revised 10867
Code to the contrary, a student may retake any end-of-course 10868
examination prescribed under division (B) (2) of section 10869
3301.0712 of the Revised Code during the student's academic 10870
career at a time designated by the department of education and 10871
workforce. If, for any reason, a student does not take an end- 10872
of-course examination on the scheduled administration date, the 10873
department ~~of education~~ shall make available to the student the 10874
examination for which the student was absent, or a substantially 10875
similar examination as determined by the department, so that the 10876
student may take the examination or a substantially similar 10877

examination at a later time in the student's academic career. 10878
~~The state board of education~~ department shall adopt rules in 10879
accordance with Chapter 119. of the Revised Code to implement 10880
the provisions of this section. 10881

Sec. 3301.0730. (A) As used in this section: 10882

(1) "Education management information system" means the 10883
integrated system of statewide data collecting, reporting, and 10884
compiling for school districts and schools prescribed under 10885
section 3301.0714 of the Revised Code. 10886

(2) "EMIS guidelines" means any guidance issued by the 10887
department of education and workforce containing the student, 10888
staff, and financial information to be collected and reported, 10889
along with data-element definitions, procedures, and guidelines 10890
necessary to implement the education management information 10891
system. 10892

(B) ~~Not later than June 1, 2021, the~~ The department shall 10893
develop a procedure that permits users of the education 10894
management information system to review and provide comment on 10895
new or updated EMIS guidelines. The procedure shall satisfy all 10896
of the following conditions: 10897

(1) The department shall post a copy of the proposed new 10898
or updated EMIS guidelines on the department's web site. The 10899
department shall solicit comment from EMIS users on the proposed 10900
guidelines for thirty consecutive days. 10901

(2) The department shall respond to comments provided by 10902
users and may revise the proposed new or updated EMIS guidelines 10903
based on comments provided by users within thirty consecutive 10904
days after the comment period closes. 10905

(3) The department shall post the final new or updated 10906

EMIS guidelines on its web site at the end of the response 10907
period for thirty consecutive days for a final review by EMIS 10908
users. The new or updated guidelines shall take effect after 10909
that period ends. 10910

(C) Except as provided in division (D) of this section, if 10911
the department develops new or updated EMIS guidelines to 10912
implement a program, initiative, or policy, the department shall 10913
use the procedures prescribed under division (B) of this 10914
section. ~~For any such new or updated guidelines proposed to be~~ 10915
~~effective for the 2021-2022 school year, the department shall~~ 10916
~~initiate the procedures not later than June 15, 2021. For any~~ 10917
~~such new or updated guidelines proposed to be effective for a~~ 10918
~~subsequent school year, the~~ The department shall initiate the 10919
procedures not later than the fifteenth day of May immediately 10920
prior to the beginning of ~~that the~~ school year for which the new 10921
or updated EMIS guidelines will be effective. 10922

(D) On and after June 1, 2021, the department shall use 10923
the procedure prescribed under division (B) of this section for 10924
any new or updated EMIS guidelines developed by the department 10925
for the purposes of implementing any of the following: 10926

(1) A newly enacted state or federal law; 10927

(2) A new or updated federal rule; 10928

(3) ~~A rule or resolution adopted by the state board of~~ 10929
education department. 10930

(E) The department shall not be required to use the 10931
procedure prescribed under division (B) of this section when 10932
issuing any of the following: 10933

(1) Updated EMIS guidelines to address issues that are not 10934
substantive, such as correcting grammatical errors; 10935

(2) Updated EMIS guidelines to address unforeseen technical errors;	10936 10937
(3) Supplemental documents regarding EMIS guidelines and the education management information system, including documents that do any of the following:	10938 10939 10940
(a) Clarify the implementation of EMIS guidelines;	10941
(b) Answer questions submitted by users of the education management system;	10942 10943
(c) Provide training regarding the education management information system.	10944 10945
(F) Additionally, the department shall establish both of the following:	10946 10947
(1) Uniform guidance for career-technical planning districts and information technology centers established under section 3301.075 of the Revised Code regarding the education management information system and EMIS guidelines for career-technical planning districts;	10948 10949 10950 10951 10952
(2) Uniform training programs for all personnel employed by the department to administer the education management information system.	10953 10954 10955
Sec. 3301.10. The superintendent of public instruction <u>director of education and workforce</u> shall be a member of the board of trustees of the Ohio history connection, in addition to the members constituting such board.	10956 10957 10958 10959
Sec. 3301.11. The superintendent of public instruction shall be the executive and administrative officer of the state board of education in its administration of all educational matters and functions placed under its management and control.	10960 10961 10962 10963

~~He~~ The superintendent shall execute, under the direction of the 10964
state board of education, the educational policies, orders, 10965
directives, and administrative functions of the board, ~~and shall~~ 10966
~~direct, under rules and regulations adopted by the board, the~~ 10967
~~work of all persons employed in the state department of~~ 10968
~~education.~~ 10969

Upon the request of the state board of education, the 10970
superintendent of public instruction shall report to the board 10971
on any matter. 10972

Sec. 3301.111. (A) The state board of education is 10973
responsible for the adoption of requirements for educator 10974
licensure, licensee disciplinary actions, school district 10975
territory transfer determinations, and such other powers and 10976
duties expressly prescribed for the state board under the law, 10977
including in sections 3301.071, 3301.074, 3301.28, 3302.151, 10978
3314.40, 3326.24, 3328.19, and Chapters 3311. and 3319. of the 10979
Revised Code. In exercising any of its powers or duties, 10980
including adopting rules prescribing license requirements, the 10981
state board is subject to Chapter 119. of the Revised Code. 10982

(B) The state board shall make recommendations to the 10983
director of education and workforce regarding priorities for 10984
primary and secondary education. The state board may request the 10985
assistance of the department of education and workforce in 10986
exercising the state board's powers and duties. To the extent 10987
the director determines such assistance necessary and 10988
practicable, the department shall provide the requested 10989
assistance. 10990

(C) The state board shall appoint the superintendent of 10991
public instruction in accordance with Ohio Constitution, Article 10992
VI, Section 4 and section 3301.08 of the Revised Code. The state 10993

superintendent shall be the secretary of the state board and its 10994
executive officer in accordance with sections 3301.09 and 10995
3301.11 of the Revised Code. The state superintendent shall 10996
serve as an advisor to the director. 10997

(D) The state board shall employ such personnel as it 10998
determines necessary to carry out its duties and powers. Subject 10999
to the state board's policies, rules, and regulations, the state 11000
superintendent shall exercise general supervision of the state 11001
board's employees, as prescribed in section 3301.11 of the 11002
Revised Code, and may appoint, fix the salary, and terminate the 11003
employment of such employees. 11004

(E) The state board is subject to all provisions of law 11005
pertaining to departments, offices, or institutions established 11006
for the exercise of any function of the state government, except 11007
that it is not one of the departments provided for under 11008
division (A) of section 121.01 of the Revised Code. 11009

(F) The headquarters of the state board shall be at the 11010
seat of government, where office space suitable and adequate for 11011
the work of the state board shall be provided by the appropriate 11012
state agency. There the state board shall meet and transact its 11013
business, unless the state board chooses to meet elsewhere in 11014
Ohio as provided by section 3301.04 of the Revised Code. There 11015
the records of the state board and the records, papers, and 11016
documents belonging to the state board shall be kept in charge 11017
of the state superintendent. 11018

Sec. 3301.12. (A) The ~~superintendent of public instruction~~ 11019
director of education and workforce, in addition to the 11020
authority otherwise imposed on the ~~superintendent~~ director, 11021
shall perform the following duties: 11022

(1) ~~The superintendent shall provide~~ Provide technical and 11023
professional assistance and advice to all school districts in 11024
reference to all aspects of education, including finance, 11025
buildings and equipment, administration, organization of school 11026
districts, curriculum and instruction, transportation of pupils, 11027
personnel problems, and the interpretation of school laws and 11028
state regulations. 11029

(2) ~~The superintendent shall prescribe~~ Prescribe and 11030
require the preparation and filing of such financial and other 11031
reports from school districts, officers, and employees as are 11032
necessary or proper. ~~The superintendent~~ director shall prescribe 11033
and require the installation by school districts of such 11034
standardized reporting forms and accounting procedures as are 11035
essential to the businesslike operations of the public schools 11036
of the state. 11037

(3) ~~The superintendent shall conduct~~ Conduct such studies 11038
and research projects as are necessary or desirable for the 11039
improvement of public school education in Ohio, ~~and such as may~~ 11040
~~be assigned to the superintendent by the state board of~~ 11041
~~education~~. Such studies and projects may include analysis of 11042
data contained in the education management information system 11043
established under section 3301.0714 of the Revised Code. For any 11044
study or project that requires the analysis of individual 11045
student data, the department of education and workforce or any 11046
entity with which the ~~superintendent~~ director or department 11047
contracts to conduct the study or project shall maintain the 11048
confidentiality of student data at all times. For this purpose, 11049
the department or contracting entity shall use the data 11050
verification code assigned pursuant to division (D) (2) of 11051
section 3301.0714 of the Revised Code for each student whose 11052
data is analyzed. Except as otherwise provided in division (D) 11053

(1) of section 3301.0714 of the Revised Code, at no time shall 11054
the ~~superintendent~~director, the department, the state board of 11055
education, or any entity conducting a study or research project 11056
on the ~~superintendent's~~director's behalf have access to a 11057
student's name, address, or social security number while 11058
analyzing individual student data. 11059

(4)~~The superintendent shall prepare~~ Prepare and submit 11060
annually ~~to the state board of education~~ a report of the 11061
activities of the department ~~of education~~ and the status, 11062
problems, and needs of education in the state ~~of Ohio.~~; 11063

(5)~~The superintendent shall supervise~~ Supervise all 11064
agencies over which the ~~board~~ department exercises 11065
administrative control, including schools for education of 11066
persons with disabilities. 11067

(6) In accordance with section 3333.048 of the Revised 11068
Code, the ~~superintendent,~~ director, jointly with the chancellor 11069
of ~~the Ohio board of regents,~~ higher education, shall establish 11070
metrics and courses of study for institutions of higher 11071
education that prepare educators and other school personnel and 11072
shall provide for inspection of those institutions. 11073

(B) ~~The superintendent of public instruction~~ director may 11074
annually inspect and analyze the expenditures of each school 11075
district and make a determination as to the efficiency of each 11076
district's costs, relative to other school districts in the 11077
state, for instructional, administrative, and student support 11078
services. ~~The superintendent~~ director shall notify each school 11079
district as to the nature of, and reasons for, the 11080
determination. ~~The state board of education~~ director shall adopt 11081
rules in accordance with Chapter 119. of the Revised Code 11082
setting forth the procedures and standards for the performance 11083

of the inspection and analysis. 11084

Sec. 3301.121. (A) In addition to the duties and 11085
responsibilities of the ~~superintendent of public instruction~~ 11086
director of education and workforce set forth in section 3301.12 11087
of the Revised Code, the ~~superintendent~~ director, in accordance 11088
with this section and section 3313.662 of the Revised Code, 11089
shall conduct an adjudication procedure to determine whether to 11090
permanently exclude from attending any of the public schools of 11091
this state any pupil who is the subject of a resolution 11092
forwarded to the ~~superintendent~~ director by a board of education 11093
pursuant to division (D) of section 3313.662 of the Revised 11094
Code. 11095

(B) (1) Except as provided in division (B) (3) of this 11096
section, within fourteen days after receipt of a resolution 11097
forwarded by a board of education pursuant to division (D) of 11098
section 3313.662 of the Revised Code, the ~~superintendent of~~ 11099
~~public instruction~~ director or the ~~superintendent's~~ director's 11100
designee shall provide the pupil who is the subject of the 11101
resolution and that pupil's parent, guardian, or custodian with 11102
a notice of an opportunity for an adjudication hearing on the 11103
proposed permanent exclusion of the pupil from attending any of 11104
the public schools of this state. The notice shall include all 11105
of the following: 11106

(a) The date, time, and place of the permanent exclusion 11107
adjudication hearing; 11108

(b) A statement informing the pupil and the pupil's 11109
parent, guardian, or custodian that the pupil may attend the 11110
adjudication hearing at the date, time, and place set forth in 11111
the notice, that the failure of the pupil or the pupil's parent, 11112
guardian, or custodian to attend the adjudication hearing will 11113

result in a waiver of the pupil's right to present evidence, 11114
testimony, and factors in mitigation of the pupil's permanent 11115
exclusion at an adjudication hearing on the proposed permanent 11116
exclusion, and that the pupil shall be accorded all of the 11117
following rights: 11118

(i) The right to testify, to present evidence and the 11119
testimony of witnesses, and to confront, cross-examine, and 11120
compel the attendance of witnesses; 11121

(ii) The right to a record of the hearing; 11122

(iii) The right to written findings. 11123

(c) A statement informing the pupil and the pupil's 11124
parent, guardian, or custodian that the pupil has the right to 11125
be represented by counsel at the adjudication hearing. 11126

(d) A statement informing the pupil and the pupil's 11127
parent, guardian, or custodian that, if the pupil by failing to 11128
attend the hearing waives the pupil's right to present evidence, 11129
testimony, and factors in mitigation of the pupil's permanent 11130
exclusion at an adjudication hearing on the proposed permanent 11131
exclusion, the ~~superintendent~~ director is required to review the 11132
information relevant to the permanent exclusion that is 11133
available to the ~~superintendent~~ director and is permitted to 11134
enter an order requiring the pupil's permanent exclusion from 11135
attending any of the public schools of this state at any time 11136
within seven days after the conclusion of the adjudication 11137
hearing. 11138

(2) The ~~superintendent~~ director or the ~~superintendent's~~ 11139
director's designee shall provide the notice required by 11140
division (B)(1) of this section to the pupil and to the pupil's 11141
parent, guardian, or custodian by certified mail or personal 11142

service. 11143

(3) (a) If a pupil who is the subject of a resolution 11144
forwarded to the ~~superintendent of public instruction~~ director 11145
by a board of education pursuant to section 3313.662 of the 11146
Revised Code is in the custody of the department of youth 11147
services pursuant to a disposition under any provision of 11148
Chapter 2152. of the Revised Code, other than division (A) (1) (a) 11149
of section 2152.16 of the Revised Code, at the time the 11150
resolution is forwarded, the department shall notify in writing 11151
the ~~superintendent of public instruction~~ director and the board 11152
of education that forwarded the resolution of that fact. Upon 11153
receipt of the notice, the ~~superintendent~~ director shall delay 11154
providing the notice required by division (B) (1) of this section 11155
and the adjudication of the request for permanent exclusion 11156
until the ~~superintendent~~ director receives further notice from 11157
the department pursuant to division (B) (3) (b) of this section. 11158

(b) At least sixty days before a pupil described in 11159
division (B) (3) (a) of this section will be released from 11160
institutionalization or institutionalization in a secure 11161
facility by the department of youth services, the department 11162
shall notify in writing the ~~superintendent of public instruction~~ 11163
director and the board of education that forwarded the 11164
resolution pursuant to section 3313.662 of the Revised Code of 11165
the impending release and shall provide in that notice 11166
information regarding the extent of the education the pupil 11167
received while in the custody of the department, including 11168
whether the pupil has obtained a certificate of high school 11169
equivalence. 11170

If the pupil has not obtained a certificate of high school 11171
equivalence while in the custody of the department of youth 11172

services, the ~~superintendent of public instruction~~ director 11173
shall provide the notice required by division (B) (1) of this 11174
section and, at least thirty days before the pupil is to be 11175
released from institutionalization or institutionalization in a 11176
secure facility, conduct an adjudication procedure to determine 11177
whether to permanently exclude the pupil from attending the 11178
public schools of this state in accordance with this section. If 11179
the pupil has obtained a certificate of high school equivalence 11180
while in the custody of the department, the ~~superintendent~~ 11181
director, in the ~~superintendent's~~ director's discretion, may 11182
conduct the adjudication. 11183

(C) (1) Except as provided in division (B) (3) of this 11184
section, the date of the adjudication hearing set forth in the 11185
notice required by division (B) (1) of this section shall be a 11186
date no less than fourteen days nor more than twenty-one days 11187
from the date the ~~superintendent~~ director sends the notice by 11188
certified mail or initiates personal service of the notice. 11189

(2) The ~~superintendent~~ director, for good cause shown on 11190
the written request of the pupil or the pupil's parent, 11191
guardian, or custodian, or on the ~~superintendent's~~ director's 11192
own motion, may grant reasonable continuances of any 11193
adjudication hearing held under this section but shall not grant 11194
either party total continuances in excess of ten days. 11195

(3) If a pupil or the pupil's parent, guardian, or 11196
custodian does not appear at the adjudication hearing on a 11197
proposed permanent exclusion, the ~~superintendent~~ director or the 11198
referee appointed by the ~~superintendent~~ director shall proceed 11199
to conduct an adjudication hearing on the proposed permanent 11200
exclusion on the date for the adjudication hearing that is set 11201
forth in the notice provided pursuant to division (B) (1) of this 11202

section or on the date to which the hearing was continued 11203
pursuant to division (C) (2) of this section. 11204

(D) (1) The ~~superintendent~~ director or a referee appointed 11205
by the ~~superintendent~~ director may conduct an adjudication 11206
hearing to determine whether to permanently exclude a pupil in 11207
one of the following counties: 11208

(a) The county in which the ~~superintendent~~ director holds 11209
the ~~superintendent's~~ director's office; 11210

(b) Upon the request of the pupil or the pupil's parent, 11211
guardian, custodian, or attorney, in the county in which the 11212
board of education that forwarded the resolution requesting the 11213
permanent exclusion is located if the ~~superintendent~~ director, 11214
in the ~~superintendent's~~ director's discretion and upon 11215
consideration of evidence of hardship presented on behalf of the 11216
requesting pupil, determines that the hearing should be 11217
conducted in that county. 11218

(2) The ~~superintendent of public instruction~~ director or a 11219
referee appointed by the ~~superintendent~~ director shall conduct 11220
an adjudication hearing on a proposed permanent exclusion of a 11221
pupil. The referee may be an attorney admitted to the practice 11222
of law in this state but shall not be an attorney that 11223
represents the board of education that forwarded the resolution 11224
requesting the permanent exclusion. 11225

(3) The ~~superintendent~~ director or referee who conducts an 11226
adjudication hearing under this section may administer oaths, 11227
issue subpoenas to compel the attendance of witnesses and 11228
evidence, and enforce the subpoenas by a contempt proceeding in 11229
the court of common pleas as provided by law. The ~~superintendent~~ 11230
director or referee may require the separation of witnesses and 11231

may bar from the proceedings any person whose presence is not 11232
essential to the proceedings. 11233

(4) ~~The superintendent of public instruction~~ director 11234
shall request the department of rehabilitation and correction, 11235
the sheriff, the department of youth services, or any publicly 11236
funded out-of-home care entity that has legal custody of a pupil 11237
who is the subject of an adjudication hearing held pursuant to 11238
this section to transport the pupil to the place of the 11239
adjudication hearing at the time and date set for the hearing. 11240
The department, sheriff, or publicly funded out-of-home care 11241
entity that receives the request shall provide transportation 11242
for the pupil who is the subject of the adjudication hearing to 11243
the place of the hearing at the time and date set for the 11244
hearing. The department, sheriff, or entity shall pay the cost 11245
of transporting the pupil to and from the hearing. 11246

(E) (1) An adjudication hearing held pursuant to this 11247
section shall be adversary in nature, shall be conducted fairly 11248
and impartially, and may be conducted without the formalities of 11249
a criminal proceeding. A pupil whose permanent exclusion is 11250
being adjudicated has the right to be represented by counsel at 11251
the adjudication hearing. If the pupil has the financial 11252
capacity to retain counsel, ~~the superintendent~~ director or the 11253
referee is not required to provide counsel for the pupil. At the 11254
adjudication hearing, the pupil also has the right to cross- 11255
examine witnesses against the pupil, to testify, to present 11256
evidence and the testimony of witnesses on the pupil's behalf, 11257
and to raise factors in mitigation of the pupil's being 11258
permanently excluded. 11259

(2) In an adjudication hearing held pursuant to this 11260
section and section 3313.662 of the Revised Code, a 11261

representative of the school district of the board of education 11262
that adopted and forwarded the resolution requesting the 11263
permanent exclusion of the pupil shall present the case for 11264
permanent exclusion to the ~~superintendent~~ director or the 11265
referee. The representative of the school district may be an 11266
attorney admitted to the practice of law in this state. At the 11267
adjudication hearing, the representative of the school district 11268
shall present evidence in support of the requested permanent 11269
exclusion. The ~~superintendent~~ director or the ~~superintendent's~~ 11270
director's designee shall consider the entire school record of 11271
the pupil who is the subject of the adjudication and shall 11272
consider any of the following information that is available: 11273

(a) The academic record of the pupil and a record of any 11274
extracurricular activities in which the pupil previously was 11275
involved; 11276

(b) The disciplinary record of the pupil and any available 11277
records of the pupil's prior behavioral problems other than the 11278
behavioral problems contained in the disciplinary record; 11279

(c) The social history of the pupil; 11280

(d) The pupil's response to the imposition of prior 11281
discipline and sanctions imposed for behavioral problems; 11282

(e) Evidence regarding the seriousness of and any 11283
aggravating factors related to the offense that is the basis of 11284
the resolution seeking permanent exclusion; 11285

(f) Any mitigating circumstances surrounding the offense 11286
that gave rise to the request for permanent exclusion; 11287

(g) Evidence regarding the probable danger posed to the 11288
health and safety of other pupils or of school employees by the 11289
continued presence of the pupil in a public school setting; 11290

(h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting;

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

(3) In any adjudication hearing conducted pursuant to this section and section 3313.662 of the Revised Code, a court order that proves the adjudication or conviction that is the basis for the resolution of the board of education seeking permanent exclusion is sufficient evidence to prove that the pupil committed a violation as specified in division (F) (1) of this section.

(4) The ~~superintendent~~ director or the referee shall make or cause to be made a record of any adjudication hearing conducted pursuant to this section.

(5) A referee who conducts an adjudication hearing pursuant to this section shall promptly report the referee's findings in writing to the ~~superintendent~~ director at the conclusion of the adjudication hearing.

(F) If an adjudication hearing is conducted or a determination is made pursuant to this section and section 3313.662 of the Revised Code, the ~~superintendent~~ director shall review and consider the evidence presented, the entire school record of the pupil, and any available information described in

divisions (E) (2) (a) to (i) of this section and shall not enter 11320
an order of permanent exclusion unless the ~~superintendent~~ 11321
director or the ~~superintendent's~~ appointed referee finds, by a 11322
preponderance of the evidence, both of the following: 11323

(1) That the pupil was convicted of or adjudicated a 11324
delinquent child for committing a violation listed in division 11325
(A) of section 3313.662 of the Revised Code and that the 11326
violation was committed when the child was sixteen years of age 11327
or older; 11328

(2) That the pupil's continued attendance in the public 11329
school system may endanger the health and safety of other pupils 11330
or school employees. 11331

(G) (1) Within seven days after the conclusion of an 11332
adjudication hearing that is conducted pursuant to this section, 11333
the ~~superintendent of public instruction~~ director shall enter an 11334
order in relation to the permanent exclusion of the pupil who is 11335
the subject of the hearing or determination. 11336

(2) If the ~~superintendent~~ director or a referee makes the 11337
findings described in divisions (F) (1) and (2) of this section, 11338
the ~~superintendent~~ director shall issue a written order that 11339
permanently excludes the pupil from attending any of the public 11340
schools of this state and immediately shall send a written 11341
notice of the order to the board of education that forwarded the 11342
resolution, to the pupil who was the subject of the resolution, 11343
to that pupil's parent, guardian, or custodian, and to that 11344
pupil's attorney, that includes all of the following: 11345

(a) A copy of the order of permanent exclusion; 11346

(b) A statement informing the pupil and the pupil's 11347
parent, guardian, or custodian of the pupil's right to appeal 11348

the order of permanent exclusion pursuant to division (H) of 11349
this section and of the possible revocation of the permanent 11350
exclusion pursuant to division (I) of this section if a final 11351
judicial determination reverses the conviction or adjudication 11352
that was the basis for the permanent exclusion; 11353

(c) A statement informing the pupil and the pupil's 11354
parent, guardian, or custodian of the provisions of divisions 11355
(F), (G), and (H) of section 3313.662 of the Revised Code. 11356

(3) If the ~~superintendent~~ director or a referee does not 11357
make the findings described in divisions (F)(1) and (2) of this 11358
section, the ~~superintendent~~ director shall issue a written order 11359
that rejects the resolution of the board of education and 11360
immediately shall send written notice of that fact to the board 11361
of education that forwarded the resolution, to the pupil who was 11362
the subject of the proposed resolution, and to that pupil's 11363
parent, guardian, or custodian. 11364

(H) A pupil may appeal an order of permanent exclusion 11365
made by the ~~superintendent of public instruction~~ director 11366
pursuant to this section and section 3313.662 of the Revised 11367
Code to the court of common pleas of the county in which the 11368
board of education that forwarded the resolution requesting the 11369
permanent exclusion is located. The appeal shall be conducted in 11370
accordance with Chapter 2505. of the Revised Code. 11371

(I) If a final judicial determination reverses the 11372
conviction or adjudication that is the basis of a permanent 11373
exclusion ordered under this section, the ~~superintendent of~~ 11374
~~public instruction~~ director, upon receipt of a certified copy of 11375
an order reflecting that final determination from the pupil or 11376
that pupil's parent, guardian, custodian, or attorney, shall 11377
revoke the order of permanent exclusion. 11378

(J) As used in this section:	11379
(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.	11380 11381
(2) "Out-of-home care" and "legal custody" have the same meanings as in section 2151.011 of the Revised Code.	11382 11383
(3) "Certificate of high school equivalence" has the same meaning as in section 4109.06 of the Revised Code.	11384 11385
<u>Sec. 3301.13. (A) The department of education and workforce is hereby created. The department shall be headed by the director of education and workforce, who shall be appointed by the governor with the advice and consent of the senate.</u>	11386 11387 11388 11389
<u>(B) The department consists of the following divisions:</u>	11390
<u>(1) The division of primary and secondary education, which shall be headed by a deputy director;</u>	11391 11392
<u>(2) The division of career-technical education, which shall be headed by a deputy director.</u>	11393 11394
<u>(C) All powers and duties regarding primary, secondary, special, and career-technical education granted to the state board, the state superintendent, or the former department of education, as prescribed by law in effect prior to the effective date of this section, except those prescribed for the state board of education as described in section 3301.111 of the Revised Code, are transferred to the director of education and workforce, who may delegate those duties and powers to the division of primary and secondary education or the division of career-technical education as the director determines appropriate.</u>	11395 11396 11397 11398 11399 11400 11401 11402 11403 11404 11405
<u>(D) The department of education and workforce is subject</u>	11406

to all provisions of law pertaining to departments, offices, or 11407
institutions established for the exercise of any function of the 11408
state government and is subject to Chapter 119. of the Revised 11409
Code. The headquarters of the department of education and 11410
workforce is at the seat of government, where office space 11411
suitable and adequate for the work of the department shall be 11412
provided by the appropriate state agency. 11413

(E) The director is responsible for administrative rules 11414
adopted by the department for the implementation of the powers 11415
and duties of the department. 11416

(F) The director shall employ such personnel as the 11417
director determines necessary to carry out the duties and powers 11418
of the department of education and workforce. 11419

Sec. 3301.131. The department of education and workforce 11420
shall encourage, seek out, and publicize to the general public 11421
and the school districts of this state, innovative and exemplary 11422
school-parent and school-business partnerships. The board of 11423
education of a district involved in such a partnership shall 11424
cooperate with the department by providing information about the 11425
partnership. As used in this section: 11426

(A) "School-parent partnership" means a program that 11427
actively involves parents of students in the decision-making 11428
process of the school district or individual schools within the 11429
district; 11430

(B) "School-business partnership" means a program in this 11431
state in which businesses, labor organizations, associations, 11432
foundations, or other persons, assist local schools in preparing 11433
children for employment or higher education, and may include 11434
programs involving work experience, mentoring, tutoring, 11435

incentive grants, or the use of corporate facilities and 11436
equipment. 11437

Sec. 3301.133. As used in this section, "form" means any 11438
report, document, paper, computer software program, or other 11439
instrument used in the management information system created by 11440
section 3301.0714 of the Revised Code or used to gather required 11441
or requested education data under division (I) of section 11442
3301.07 of the Revised Code or any other provision of state or 11443
federal statute or rule. 11444

(A) The organization of the department of education and 11445
workforce shall include an identifiable organizational unit that 11446
deals with the management of any education data that the 11447
department gathers, processes, uses, or reports. The 11448
~~superintendent of public instruction~~ director of education and 11449
workforce shall assign employees to this unit or employ persons 11450
for this unit who are trained and experienced in data management 11451
and the design of forms and who understand the data needs of the 11452
department ~~of education~~. The ~~superintendent~~ director shall 11453
provide a sufficient number of such employees for the unit to 11454
perform its duties in an effective and timely manner. 11455

(B) The unit established pursuant to division (A) of this 11456
section shall: 11457

(1) Review each new form or modification of any existing 11458
form that the ~~state board, the superintendent of public~~ 11459
~~instruction, or the department of education~~ proposes to put into 11460
use ~~on or after July 1, 1992~~. In conducting the review of any 11461
form, the unit shall evaluate it utilizing at least the criteria 11462
specified under division (C) of this section. The unit shall 11463
report in writing to the ~~superintendent of public instruction~~ 11464
director whether the form satisfies the criteria specified under 11465

division (C) of this section, and if not, the reasons why it 11466
does not. Each report shall include recommendations regarding 11467
the simplification, consolidation, or elimination of the 11468
proposed form or any other forms related to the proposed form 11469
that would enable all the criteria specified under division (C) 11470
of this section to be met. 11471

(2) Regularly contact and seek to work with other state 11472
and federal agencies that collect and use education data for the 11473
purpose of increasing the efficiency and coordination of data 11474
collection; 11475

(3) Perform any other duties assigned by the 11476
~~superintendent of public instruction~~ director. 11477

(C) In conducting the review of any form pursuant to 11478
division (B)(1) of this section, the unit established under 11479
division (A) of this section shall determine whether the 11480
following criteria are satisfied: 11481

(1) Each data item on the form does not duplicate data 11482
already submitted to the ~~state board, superintendent of public~~ 11483
~~instruction, or department of education~~. 11484

(2) The form cannot be consolidated with any other form 11485
required by the ~~state board, superintendent, or~~ department. 11486

(3) The form is required to be submitted no more often 11487
than necessary and no sooner than reasonably necessary prior to 11488
the date on which the data reported on the form will be 11489
initially used. 11490

(4) The stated purpose of the form cannot be met as part 11491
of any other procedure, such as a verification or certification 11492
procedure or other reporting procedure. 11493

(5) If the form or any data item on the form is attributed 11494
to any requirement of state statute, federal statute or rule, or 11495
any court, the form or data item is limited to the data that the 11496
statute, rule, or court requires. 11497

(6) If the form or any data item on the form is attributed 11498
to the requirements of any research or of any process of 11499
auditing school districts for compliance with any requirement, 11500
the research is planned or currently taking place or the 11501
compliance is currently required. 11502

(7) The form is designed in a way that minimizes the cost 11503
of completing it. 11504

(8) The form includes instructions that clearly explain 11505
how to complete it, who will use the data reported on it, and 11506
whom to contact with questions about completing the form or the 11507
use of the data reported on it. 11508

Sec. 3301.134. (A) In each fiscal year the department of 11509
education and workforce, in accordance with appropriations made 11510
by the general assembly, may issue awards of equal amounts up to 11511
fifteen thousand dollars to those fifty public schools that are 11512
determined by the department to have implemented in the 11513
immediately preceding fiscal year innovative and exemplary 11514
parental involvement programs that have enhanced parental 11515
involvement in such schools according to criteria established by 11516
the department. 11517

(B) The department ~~of education~~ shall collect and retain 11518
information on the innovative and exemplary parental involvement 11519
programs of all schools that have received awards under division 11520
(A) of this section. In each fiscal year the department shall 11521
publicize to every school district a description of each of the 11522

innovative and exemplary parental involvement programs of the 11523
schools that have received awards in the immediately preceding 11524
fiscal year. 11525

(C) Any school that receives an award under division (A) 11526
of this section may expend the money on any lawful purpose. 11527

Sec. 3301.135. The department of education and workforce 11528
annually shall compile a list of organizations and companies 11529
that offer free and reduced cost epinephrine autoinjectors to 11530
qualifying school districts, other public schools, and chartered 11531
nonpublic schools. The department shall make this information 11532
readily available on their web site and send a copy of the list 11533
by mail or electronically to each school district, other public 11534
school, and chartered nonpublic school. 11535

As used in this section, "other public school" has the 11536
same meaning as in section 3301.0711 of the Revised Code. 11537

Sec. 3301.136. The department of education and workforce 11538
shall compile a list of tutoring programs that it considers to 11539
be of high quality and have the potential to accelerate learning 11540
for students in the areas of English language arts, mathematics, 11541
science, and social studies. For this purpose, the department 11542
shall request the qualifications of public and private entities 11543
that provide tutoring programs for students. The department 11544
shall establish a rubric to evaluate the programs and determine 11545
a minimum score for a tutoring program to be included on the 11546
department's list. 11547

In compiling the list, the department may designate 11548
individual tutoring programs as more appropriate for certain 11549
grade levels, populations of students, or subject areas. 11550

The department may establish multiple application periods 11551

in any school year for entities to submit their qualifications 11552
for consideration to be included on the list. However, the 11553
department shall post the initial list of tutoring programs on 11554
the department's web site not later than October 1, 2022. No 11555
school district or school shall be required to use a tutoring 11556
program on the list. 11557

Sec. 3301.14. ~~Each year the state board of education~~ The 11558
department of education and workforce shall require ~~a~~ an annual 11559
report of the president, manager, or principal of each seminary, 11560
academy, parochial, or private school. The report shall be made 11561
upon forms furnished by the ~~board~~ department and shall contain a 11562
statement of such facts as it requests. The president, manager, 11563
or principal shall complete and return such forms within a time 11564
fixed by the ~~state board of education~~ department. 11565

Sec. 3301.15. ~~The state board of education~~ department of 11566
education and workforce or its authorized representatives may 11567
inspect all institutions under the control of the department of 11568
job and family services, the department of mental health and 11569
addiction services, the department of developmental 11570
disabilities, and the department of rehabilitation and 11571
correction which employ teachers, and may make a report on the 11572
teaching, discipline, and school equipment in these institutions 11573
to the director of job and family services, the director of 11574
mental health and addiction services, the director of 11575
developmental disabilities, the director of rehabilitation and 11576
correction, and the governor. 11577

Sec. 3301.16. Pursuant to standards prescribed by the 11578
~~state board of education~~ director of education and workforce as 11579
provided in division (D) of section 3301.07 of the Revised Code, 11580
the ~~state board~~ director shall classify and charter school 11581

districts and individual schools within each district except 11582
that no charter shall be granted to a nonpublic school unless 11583
the school complies with divisions (K) (1) and (L) of section 11584
3301.0711, as applicable, and sections 3301.164 and 3313.612 of 11585
the Revised Code. 11586

In the course of considering the charter of a new school 11587
district created under section 3311.26 or 3311.38 of the Revised 11588
Code, the ~~state board~~ director shall require the party proposing 11589
creation of the district to submit to the board a map, certified 11590
by the county auditor of the county in which the proposed new 11591
district is located, showing the boundaries of the proposed new 11592
district. In the case of a proposed new district located in more 11593
than one county, the map shall be certified by the county 11594
auditor of each county in which the proposed district is 11595
located. 11596

The ~~state board~~ director shall revoke the charter of any 11597
school district or school which fails to meet the standards for 11598
elementary and high schools as prescribed by the ~~board~~ director. 11599
The ~~state board~~ director shall also revoke the charter of any 11600
nonpublic school that does not comply with divisions (K) (1) and 11601
(L) of section 3301.0711, if applicable, and sections 3301.164 11602
and 3313.612 of the Revised Code. 11603

In the issuance and revocation of school district or 11604
school charters, the ~~state board~~ director shall be governed by 11605
the provisions of Chapter 119. of the Revised Code. 11606

No school district, or individual school operated by a 11607
school district, shall operate without a charter issued ~~by the~~ 11608
~~state board~~ under this section. 11609

In case a school district charter is revoked pursuant to 11610

this section, the state board of education may dissolve the 11611
school district and transfer its territory to one or more 11612
adjacent districts. An equitable division of the funds, 11613
property, and indebtedness of the school district shall be made 11614
by the state board among the receiving districts. The board of 11615
education of a receiving district shall accept such territory 11616
pursuant to the order of the state board. Prior to dissolving 11617
the school district, the state board shall notify the 11618
appropriate educational service center governing board and all 11619
adjacent school district boards of education of its intention to 11620
do so. Boards so notified may make recommendations to the state 11621
board regarding the proposed dissolution and subsequent transfer 11622
of territory. Except as provided in section 3301.161 of the 11623
Revised Code, the transfer ordered by the state board shall 11624
become effective on the date specified by the state board, but 11625
the date shall be at least thirty days following the date of 11626
issuance of the order. 11627

A high school is one of higher grade than an elementary 11628
school, in which instruction and training are given in 11629
accordance with sections 3301.07 and 3313.60 of the Revised Code 11630
and which also offers other subjects of study more advanced than 11631
those taught in the elementary schools and such other subjects 11632
as may be approved by the ~~state board of education~~ director. 11633

An elementary school is one in which instruction and 11634
training are given in accordance with sections 3301.07 and 11635
3313.60 of the Revised Code and which offers such other subjects 11636
as may be approved by the ~~state board of education~~ director. In 11637
districts wherein a junior high school is maintained, the 11638
elementary schools in that district may be considered to include 11639
only the work of the first six school years inclusive, plus the 11640
kindergarten year. 11641

Sec. 3301.162. (A) If the governing authority of a 11642
chartered nonpublic school intends to close the school, the 11643
governing authority shall notify all of the following of that 11644
intent prior to closing the school: 11645

(1) The department of education and workforce; 11646

(2) The school district that receives auxiliary services 11647
funding under division (E) of section 3317.024 of the Revised 11648
Code on behalf of the students enrolled in the school; 11649

(3) The accrediting association that most recently 11650
accredited the school for purposes of chartering the school in 11651
accordance with the rules of the ~~state board of education~~ 11652
department, if applicable; 11653

(4) If the school has been designated as a STEM school 11654
equivalent under section 3326.032 of the Revised Code, the STEM 11655
committee established under section 3326.02 of the Revised Code. 11656

The notice shall include the school year and, if possible, 11657
the actual date the school will close. 11658

(B) The chief administrator of each chartered nonpublic 11659
school that closes shall deposit the school's records with 11660
either: 11661

(1) The accrediting association that most recently 11662
accredited the school for purposes of chartering the school in 11663
accordance with the rules of the ~~state board~~ department, if 11664
applicable; 11665

(2) The school district that received auxiliary services 11666
funding under division (E) of section 3317.024 of the Revised 11667
Code on behalf of the students enrolled in the school. 11668

The school district that receives the records may charge 11669

for and receive a one-time reimbursement from auxiliary services 11670
funding under division (E) of section 3317.024 of the Revised 11671
Code for costs the district incurred to store the records. 11672

Sec. 3301.163. (A) ~~Beginning July 1, 2015, any~~ Any third- 11673
grade student who attends a chartered nonpublic school with a 11674
scholarship awarded under either the educational choice 11675
scholarship pilot program, prescribed in sections 3310.01 to 11676
3310.17, or the pilot project scholarship program prescribed in 11677
sections 3313.974 to 3313.979 of the Revised Code, shall be 11678
subject to the third-grade reading guarantee retention 11679
provisions under division (A) (2) of section 3313.608 of the 11680
Revised Code, including the exemptions prescribed by that 11681
division. For purposes of determining if a child with a 11682
disability is exempt from retention under this section, an 11683
individual services plan created for the child that has been 11684
reviewed by either the student's school district of residence or 11685
the school district in which the chartered nonpublic school is 11686
located and that specifies that the student is not subject to 11687
retention shall be considered in the same manner as an 11688
individualized education program or plan under section 504 of 11689
the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, 11690
as amended, as prescribed by division (A) (2) of section 3313.608 11691
of the Revised Code. 11692

As used in this section, "child with a disability" and 11693
"school district of residence" have the same meanings as in 11694
section 3323.01 of the Revised Code. 11695

(B) (1) Each chartered nonpublic school that enrolls 11696
students in any of grades kindergarten through three and that 11697
accepts students under the educational choice scholarship pilot 11698
program or the pilot project scholarship program shall adopt 11699

policies and procedures for the annual assessment of the reading 11700
skills of those students. Each school may use the diagnostic 11701
assessment to measure reading ability for the appropriate grade 11702
level prescribed in division (D) of section 3301.079 of the 11703
Revised Code. If the school uses such assessments, the 11704
department of education and workforce shall furnish them to the 11705
chartered nonpublic school. 11706

(2) For each student identified as having reading skills 11707
below grade level, the school shall do both of the following: 11708

(a) Provide to the student's parent or guardian, in 11709
writing, all of the following: 11710

(i) Notification that the student has been identified as 11711
having a substantial deficiency in reading; 11712

(ii) Notification that if the student attains a score in 11713
the range designated under division (A) (3) of section 3301.0710 11714
of the Revised Code on the assessment prescribed under that 11715
section to measure skill in English language arts expected at 11716
the end of third grade, the student shall be retained unless the 11717
student is exempt under division (A) (1) of section 3313.608 of 11718
the Revised Code. 11719

(b) Provide intensive reading instruction services, as 11720
determined appropriate by the school, to each student identified 11721
under this section. 11722

(C) Each chartered nonpublic school subject to this 11723
section annually shall report to the department the number of 11724
students identified as reading at grade level and the number of 11725
students identified as reading below grade level. 11726

Sec. 3301.18. The department of education and workforce 11727
shall: 11728

(A) Administer grants under section 3301.19 of the Revised Code in support of voluntary desegregation within school districts; 11729
11730
11731

(B) Provide technical assistance to school districts developing voluntary plans for desegregation or plans to reduce or eliminate racial isolation; 11732
11733
11734

(C) Develop desegregation plans as required by court order and provide technical assistance to school districts required to develop plans under court order; 11735
11736
11737

(D) Report to the general assembly annually on expenditures made by the state to reduce or eliminate racial isolation and enumerate anticipated expenses for desegregation resulting from court action or action taken by the federal government. 11738
11739
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11742

Sec. 3301.19. The department of education and workforce shall administer a program to support school boards that voluntarily adopt and implement plans of student transfers to desegregate schools within their districts. To be eligible for such support, both of the following must apply: 11743
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11745
11746
11747

(A) The district must have a minority enrollment of between twenty-five and seventy-five per cent, according to the most recent racial and ethnic census of the district prepared by the department; 11748
11749
11750
11751

(B) The school board must adopt and submit to the department, not later than the first day of October, a plan for reducing racial isolation through the transfer of not fewer than fifty students in the district. The plan must provide for any or all of the following: 11752
11753
11754
11755
11756

(1) The transfer of minority students from a school with 11757

greater than the average minority composition of the district to 11758
a school with less than the average minority composition of the 11759
district; 11760

(2) The transfer of majority students from a school with 11761
less than the average minority composition of the district to a 11762
school with more than the average minority composition of the 11763
district; 11764

(3) The transfer of minority or majority students to 11765
designated schools if the transfers cause the racial composition 11766
of the designated schools to more closely approximate the 11767
student racial composition of the entire district taken as a 11768
whole. 11769

~~The department of education~~ shall pay the school district 11770
an amount equal to four hundred dollars per student transferred, 11771
except that if all payments required to be made under this 11772
section during the fiscal year exceed the appropriation for the 11773
purpose, the payment to each school district shall be 11774
proportionately reduced. The school board may spend the amount 11775
received only on activities other than transportation that 11776
support the reduction of racial isolation. In the case of a 11777
transfer from a school that is being permanently closed or that 11778
results from a permanent change in the boundary of a school 11779
attendance zone, payment shall be made only for the initial year 11780
the transfer is made. In the case of any other kind of transfer, 11781
payment shall be made for each fiscal year the transfer occurs. 11782

Sec. 3301.22. ~~The state board of education department of~~ 11783
education and workforce shall develop a model policy to prohibit 11784
harassment, intimidation, or bullying in order to assist school 11785
districts in developing their own policies under section 11786
3313.666 of the Revised Code. ~~The board shall issue the model-~~ 11787

~~policy within six months after the effective date of this~~ 11788
~~section.~~ 11789

Sec. 3301.221. (A) As used in this section and section 11790
3313.60 of the Revised Code, "evidence-based" means a program or 11791
practice that does either of the following: 11792

(1) Demonstrates a rationale based on high-quality 11793
research findings or positive evaluation that such a program or 11794
practice is likely to improve relevant outcomes and includes 11795
ongoing efforts to examine the effects of the program or 11796
practice; 11797

(2) Has a statistically significant effect on relevant 11798
outcomes based on: 11799

(a) Strong evidence from at least one well-designed and 11800
well-implemented experimental study; 11801

(b) Moderate evidence from at least one well-designed and 11802
well-implemented quasi-experimental study; or 11803

(c) Promising evidence from at least one well-designed and 11804
well-implemented correlation study with statistical controls for 11805
selection bias. 11806

(B) The department of education and workforce, in 11807
consultation with the department of public safety and the 11808
department of mental health and addiction services, shall 11809
maintain a list of approved training programs, to be posted on 11810
the department of ~~education's~~ education and workforce's web 11811
site, for instruction in suicide awareness and prevention and 11812
violence prevention as prescribed under division (A) (5) (h) of 11813
section 3313.60 and division (D) of section 3319.073 of the 11814
Revised Code. The list of approved training programs shall 11815
include at least one option that is free or of no cost to 11816

schools. The approved training programs shall be evidence-based 11817
and include the following: 11818

(1) How to instruct school personnel to identify the signs 11819
and symptoms of depression, suicide, and self-harm in students; 11820

(2) How to instruct students to identify the signs and 11821
symptoms of depression, suicide, and self-harm in their peers; 11822

(3) How to identify appropriate mental health services 11823
within schools and within larger communities, and when and how 11824
to refer youth and their families to those services; 11825

(4) How to teach students about mental health and 11826
depression, warning signs of suicide, and the importance of and 11827
processes for seeking help on behalf of self and peers and 11828
reporting of these behaviors; 11829

(5) How to identify observable warning signs and signals 11830
of individuals who may be a threat to themselves or others; 11831

(6) The importance of taking threats seriously and seeking 11832
help; 11833

(7) How students can report dangerous, violent, 11834
threatening, harmful, or potentially harmful activity, including 11835
the use of the district's chosen anonymous reporting program. 11836

(C) The department of education and workforce, in 11837
consultation with the department of mental health and addiction 11838
services, shall maintain a list of approved training programs, 11839
to be posted on the department of ~~education's~~ education and 11840
workforce's web site, for instruction in social inclusion as 11841
prescribed by division (A) (5) (i) of section 3313.60 of the 11842
Revised Code. The list of approved training programs shall 11843
include at least one option that is free or of no cost to 11844

schools. The approved training programs shall be evidence-based	11845
and include the following:	11846
(1) What social isolation is and how to identify it in	11847
others;	11848
(2) What social inclusion is and the importance of	11849
establishing connections with peers;	11850
(3) When and how to seek help for peers who may be	11851
socially isolated;	11852
(4) How to utilize strategies for more social inclusion in	11853
classrooms and the school community.	11854
Sec. 3301.23. (A) Not later than thirty days after the	11855
effective date of this section, the <u>The</u> department of education	11856
<u>and workforce</u> , in consultation with the chancellor of higher	11857
education, shall establish a committee to develop a state plan	11858
for computer science education for the purposes of primary and	11859
secondary education.	11860
(B) When developing the plan, the committee established	11861
under this section shall consider the following:	11862
(1) Best practices and challenges associated with the	11863
implementation of primary and secondary computer science	11864
curriculum in this state;	11865
(2) Demographic data for students who receive instruction	11866
in computer science;	11867
(3) Benchmarks to create a sustainable supply of teachers	11868
certified to provide instruction in computer science;	11869
(4) Best practices to form public and private partnerships	11870
for funding, mentoring, and internships for teachers providing	11871

instruction in computer science;	11872
(5) Requiring all students to complete a computer science course prior to high school graduation;	11873 11874
(6) Establishing a work-based learning pilot program that includes high schools, universities, and local industry and permits the department and the chancellor to develop pathways to align computer science education in the state with the state's workforce needs;	11875 11876 11877 11878 11879
(7) Any other topic determined appropriate by the committee.	11880 11881
(C) The committee established under this section shall consist of all of the following:	11882 11883
(1) The superintendent of public instruction <u>director of education and workforce</u> , or designee;	11884 11885
(2) The chancellor, or designee;	11886
(3) Representatives of computer science education stakeholders appointed by the state superintendent <u>director</u> , in consultation with the chancellor. Computer science education stakeholders represented on the committee shall include all of the following:	11887 11888 11889 11890 11891
(a) Career-technical education;	11892
(b) Teachers;	11893
(c) Institutions of higher education;	11894
(d) Businesses;	11895
(e) State and national computer science organizations.	11896
(D) Within the plan, the committee established under this	11897

section shall include all of the following: 11898

(1) An examination of the challenges that prevent school 11899
districts from offering computer science courses; 11900

(2) A requirement that the department ~~of education~~ collect 11901
any data regarding computer science courses offered by school 11902
districts and school buildings operated by school districts, 11903
including the names of the courses and whether the courses were 11904
developed using the standards and model curriculum adopted under 11905
division (A) (4) of section 3301.079 of the Revised Code, and 11906
post the collected data on its web site. 11907

(3) A requirement that the committee determine the best 11908
ways to compile data on computer science courses, teachers, and 11909
undergraduate students studying computer science in 11910
universities. 11911

(4) Any findings the committee determines appropriate 11912
based on its consideration of the topics described in division 11913
(B) of this section. 11914

(E) The committee shall complete the plan not later than 11915
~~one year after the effective date of this section September 30,~~ 11916
2022, and the department shall post the completed plan in a 11917
prominent location on its web site. 11918

Sec. 3301.27. The department of education and workforce 11919
shall conduct research on the factors that improve education 11920
effectiveness in school districts and for this purpose may 11921
require school districts to administer tests in addition to 11922
those otherwise required by law, such as the national assessment 11923
of education progress. The department shall make the results of 11924
any research conducted under this section available to all 11925
school districts. 11926

Sec. 3301.28. (A) As used in this section: 11927

(1) "Coordinating service center" means the educational 11928
service center of central Ohio or its successor organization. 11929

(2) "Public school" means a school building operated by a 11930
school district or other public school, as defined in section 11931
3301.0711 of the Revised Code, or a building operated by an 11932
educational service center. 11933

(B) ~~The superintendent of public instruction department of~~ 11934
~~education and workforce~~ shall establish a program to provide 11935
tutoring and remedial education services in reading and English 11936
language arts, mathematics, science, and social studies to 11937
students at public and chartered nonpublic schools that elect to 11938
participate in the program. Tutors shall not be considered 11939
employees of the public or chartered nonpublic school in which 11940
they provide tutoring services. Rather, the tutors shall be 11941
either employed or engaged as a volunteer by the coordinating 11942
service center. The coordinating service center shall be 11943
responsible for compensating each individual it employs as a 11944
tutor using funds transferred from the school at which the 11945
individual works as a tutor. The coordinating service center may 11946
coordinate placement of tutors with the sixteen regional 11947
educational service centers, selected under division (C) (4) of 11948
this section, and other service centers as determined necessary 11949
by the coordinating service center. 11950

Individuals who wish to participate in the program as 11951
tutors shall submit an application to the coordinating service 11952
center. ~~Not later than sixty days after the effective date of~~ 11953
~~this section, the~~ The coordinating service center shall 11954
establish application procedures for individuals who wish to 11955
participate in the program as tutors. 11956

To be eligible to participate as a tutor under the program, an individual shall be either of the following:

(1) A retired teacher or substitute teacher, regardless of whether the teacher holds a valid educator license, certificate, or permit issued under Chapter 3319. or section 3301.071 of the Revised Code, provided that the teacher has not had an educator license, certificate, or permit denied, suspended, or revoked by the state board of education under section 3319.31 of the Revised Code or entered into a consent agreement pursuant to division (E) of section 3319.311 of the Revised Code;

(2) An individual, not described in division (A) (1) of this section, who is determined to be eligible by the coordinating service center in accordance with standards established by the ~~state superintendent~~ department.

(C) The ~~state superintendent~~ department, with assistance from participating educational service centers, and in consultation with public and chartered nonpublic schools, shall administer and implement the program as follows:

(1) ~~Not later than sixty days after the effective date of this section, the state superintendent~~ The department shall establish standards for determining the eligibility of tutors under division (B) (2) of this section.

(2) ~~Not later than sixty days after the effective date of this section, the~~ The coordinating service center, in consultation with the ~~state superintendent~~ department, shall create a training course for tutors described in division (B) of this section who do not hold valid educator licenses, certificates, or permits issued under Chapter 3319. or section 3301.071 of the Revised Code. The coordinating service center

and ~~state superintendent department~~ may establish additional 11986
training requirements for tutors who provide tutoring services 11987
to students with special needs or students with an 11988
individualized education program, as that term is defined in 11989
section 3323.01 of the Revised Code. In addition, the 11990
coordinating service center and ~~state superintendent department~~ 11991
may continue to provide training to tutors after their placement 11992
in schools. 11993

(3) The department ~~of education~~ shall serve as the fiscal 11994
agent for the program. The department shall provide for 11995
administrative and implementation costs, costs of developing the 11996
training course described in division (C)(2) of this section, 11997
and provide technical assistance at the request of the 11998
coordinating service center. 11999

The department shall not compensate tutors under the 12000
program. 12001

The ~~department~~ state board shall not charge any 12002
registration fee to individuals who wish to participate in the 12003
program as tutors. 12004

(4) Educational service centers from each educational 12005
regional service system described in section 3312.02 of the 12006
Revised Code may select one educational service center to 12007
administer the training program for their region in conjunction 12008
with the coordinating service center. The educational service 12009
center selected for each region may cooperate with individual 12010
educational service centers to implement the training program. 12011

(5) Each educational service center may coordinate the 12012
placement of tutors at the participating public and chartered 12013
nonpublic schools within its service territory. 12014

(6) The coordinating service center shall require an individual employed or engaged as a volunteer as a tutor under this section to apply for and receive a registration from the department.

As a condition of registration under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.39 or 3319.391 of the Revised Code, as appropriate. The individual shall request the criminal records check through the coordinating service center and shall submit the criminal records check to the ~~department of education state board~~ in a manner determined by the ~~department state board~~. The ~~department state board~~ shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.

If the ~~department state board~~ receives notification of the arrest or conviction of an individual registered under division (C) (6) of this section, the ~~department state board~~ shall promptly notify the coordinating service center and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that the department considers appropriate. The ~~department state board~~ shall not accept the application of any individual under this section if the ~~department state board~~ learns that the individual has pleaded guilty to, has been found guilty by a jury or court of, or has been convicted of any of the offenses listed in division (C) of section 3319.31 of the Revised Code.

The department shall reimburse the coordinating service center for both of the following:

(a) Any costs incurred by the coordinating service center 12045
when assisting with the registration of tutors with the 12046
department; 12047

(b) The cost of the criminal records check required under 12048
this section. 12049

(7) Participation by public and chartered nonpublic 12050
schools is voluntary. Public and chartered nonpublic schools 12051
that wish to participate in the tutoring and remedial education 12052
program shall notify the coordinating service center of their 12053
intention to do so. 12054

Each participating school shall have the ultimate 12055
authority over how best to incorporate tutors into the school 12056
setting, but such determinations shall be made in cooperation 12057
with the educational service center. Program activities may take 12058
place before, during, or after school as well as during breaks 12059
from school such as weekends, holidays, or summer vacation. 12060
Program activities may take place on an online platform or in 12061
person, including on school premises, at community-based youth 12062
development organizations, or in another public location the 12063
school's governing body and educational service center determine 12064
to be appropriate. 12065

A participating school shall provide necessary materials, 12066
space, and equipment for tutors placed in the school. A 12067
participating school shall transfer funds to the coordinating 12068
service center to assist the service center in making payments 12069
to tutors placed in the school and paying the cost of other 12070
benefits for the tutors. The state superintendent department, in 12071
consultation with the chancellor of higher education, shall 12072
create a list of benefits which a participant may receive. 12073

Participating schools shall use their own funds to pay 12074
costs incurred from participating in the program. 12075

(D) Upon the completion of each of the 2022-2023, 2023- 12076
2024, and 2024-2025 school years, the department shall conduct a 12077
review of the program's effectiveness in providing tutoring and 12078
remedial education to students. Based on each of those reviews, 12079
the department shall issue a report of its findings. The report 12080
also shall include the number of participating public and 12081
chartered nonpublic schools, tutors, and students, as well as 12082
whether tutoring in a particular school was provided on an 12083
online platform or in-person. The department may request and 12084
collect data from public or chartered nonpublic schools and from 12085
educational service centers for the report. The department 12086
shall, in accordance with section 101.68 of the Revised Code, 12087
submit those reports to the general assembly, as follows: 12088

(1) The report for the 2022-2023 school year shall be 12089
submitted not later than September 30, 2023. 12090

(2) The report for the 2023-2024 school year shall be 12091
submitted not later than September 30, 2024. 12092

(3) The report for the 2024-2025 school year shall be 12093
submitted not later than September 30, 2025. 12094

(E) Nothing in this section shall be construed as 12095
prohibiting a public or chartered nonpublic school from 12096
contracting or partnering with another entity to provide 12097
tutoring services to the school's students. 12098

Sec. 3301.30. The department of education and workforce 12099
shall: 12100

(A) Actively encourage, assist, and support boards of 12101
education in applying for moneys for programs for pre-school 12102

children of migrant agricultural laborers under Title I of the 12103
"Elementary and Secondary Education Act of 1965," 79 Stat. 27, 12104
20 U.S.C.A. 236, as amended; 12105

(B) Establish an official relationship with the Texas 12106
education agency and the Florida department of education to 12107
cooperate and exchange information with those states concerning 12108
education for children of migrant ~~agricultural~~ agricultural 12109
laborers, and coordinate its activities and services for such 12110
children with those states and any other states that provide 12111
education for such children; 12112

(C) Take all necessary steps to compensate for the lack of 12113
continuity in instructional curriculum experienced by children 12114
of migrant agricultural laborers as a result of their parents' 12115
occupation by assuring that: 12116

(1) Coordinated interstate and intrastate programs are 12117
provided at all levels, including coordinated programs leading 12118
to credit accrual; 12119

(2) Parents are given information about the availability 12120
of interstate and intrastate programs. 12121

(D) Take a more active role in encouraging boards of 12122
education to offer, in accordance with section 3313.641 of the 12123
Revised Code, alternative evening and tutorial programs for 12124
children of migrant agricultural laborers and their families 12125
during late spring, summer, and early fall. 12126

Sec. 3301.311. (A) As used in this section, ~~"preschool:~~ 12127

(1) "Department of education" or "department" means the 12128
former department of education as it existed prior to the 12129
effective date of this amendment for all actions required under 12130
this section prior to that date, and means the department of 12131

education and workforce for all actions required under this 12132
section on or after to that date. 12133

(2) "Preschool program" has the same meaning as in section 12134
3301.52 of the Revised Code. 12135

(B) Subject to divisions (C) and (D) of this section, 12136
beginning in fiscal year 2006, no preschool program, and no 12137
early childhood education program or early learning program as 12138
defined by the department of education shall receive any funds 12139
from the state unless fifty per cent of the staff members 12140
employed by that program as teachers are working toward an 12141
associate degree of a type approved by the department. 12142

(C) (1) Subject to division (C) (2) of this section, 12143
beginning in fiscal year 2010, no preschool program, and no 12144
early childhood education program or early learning program as 12145
defined by the department, existing prior to fiscal year 2007, 12146
shall receive any funds from the state unless every staff member 12147
employed by that program as a teacher has attained an associate 12148
degree of a type approved by the department. 12149

(2) Beginning in fiscal year 2011, no preschool program, 12150
and no early childhood education program or early learning 12151
program as defined by the department, existing prior to fiscal 12152
year 2007, shall receive any funds from the state unless fifty 12153
per cent of the staff members employed by the program as 12154
teachers have attained a bachelor's degree of a type approved by 12155
the department. 12156

(D) (1) Subject to division (D) (2) of this section, 12157
beginning in fiscal year 2012, no preschool program, and no 12158
early childhood education program or early learning program as 12159
defined by the department, established during or after fiscal 12160

year 2007, shall receive any funds from the state unless every 12161
staff member employed by that program as a teacher has attained 12162
an associate degree of a type approved by the department. 12163

(2) Beginning in fiscal year 2013, no preschool program, 12164
and no early childhood education program or early learning 12165
program as defined by the department, established during or 12166
after fiscal year 2007, shall receive any funds from the state 12167
unless fifty per cent of the staff members employed by the 12168
program as teachers have attained a bachelor's degree of a type 12169
approved by the department. 12170

Sec. 3301.40. (A) As used in this section, "adult 12171
education" has the meaning as established under the "adult 12172
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as 12173
amended. 12174

(B) ~~Beginning July 1, 1996, the~~ The department of 12175
education and workforce may distribute state funds to 12176
organizations that ~~quality~~ qualify for federal funds under the 12177
"Adult Education Act," 102 Stat. 302 (1988), 20 1201 to 1213d, 12178
as amended. The funds shall be used by qualifying organizations 12179
to provide adult education services. State funds distributed 12180
pursuant to this section shall be distributed in accordance with 12181
the rules adopted ~~by the state board of education pursuant to~~ 12182
under division (C) of this section. 12183

Each organization that receives funds under this section 12184
shall file program performance reports with the department. ~~The~~ 12185
~~reports shall be filed at times required by state board of~~ 12186
~~education rule and contain assessments~~ shall include the 12187
following: 12188

(1) Assessments of individual students as they enter, 12189

progress through, and exit the adult education program; records	12190
<u>(2) Records</u> regarding individual student program	12191
participation time; reports	12192
<u>(3) Reports</u> of individual student retention rates; and any	12193
<u>(4) Any</u> other information required by rule.	12194
(C) The state board of education <u>department</u> shall adopt	12195
rules for the distribution of funds under this section. The	12196
rules shall include the following:	12197
(1) Requirements for program performance reports.	12198
(2) Indicators of adult education program quality,	12199
including indicators of learner achievement, program	12200
environment, program planning, curriculum and instruction, staff	12201
development, support services, and recruitment and retention.	12202
(3) A formula for the distribution of funds under this	12203
section. The formula shall include as a factor an organization's	12204
quantifiable success in meeting the indicators of program	12205
quality established pursuant to division (C) (2) of this section.	12206
(4) Standards and procedures for reducing or discontinuing	12207
funding to organizations that fail to meet the requirements of	12208
this section.	12209
(5) Any other requirements or standards considered	12210
appropriate by the board.	12211
Sec. 3301.45. (A) Not later than the thirtieth day of	12212
September of each year, the department of education <u>and</u>	12213
<u>workforce</u> shall distribute to all public high schools the	12214
information provided by the director of job and family services	12215
on the online education and career planning tool developed under	12216

section 6301.15 of the Revised Code. 12217

(B) Annually, the department ~~of education~~ shall survey 12218
high school administrators and guidance counselors regarding 12219
their use of the online planning tool and provide the results of 12220
the survey to the director of job and family services to support 12221
future refinements and improvements to the online planning tool. 12222

As used in this section, "public high school" means a 12223
school that serves students in any of grades nine through twelve 12224
and is operated by a school district or a community school 12225
established under Chapter 3314. of the Revised Code, a STEM 12226
school established under Chapter 3326. of the Revised Code, or a 12227
college-preparatory boarding school established under Chapter 12228
3328. of the Revised Code. 12229

Sec. 3301.49. Pursuant to paragraph A of Article III of 12230
the educational compact enacted in section 3301.48 of the 12231
Revised Code, there shall be seven members to the educational 12232
commission of the states who shall serve from this state, one of 12233
such members shall be the governor; one member shall be a member 12234
of the senate appointed by the president; one member shall be a 12235
member of the house of representatives appointed by the speaker 12236
of the house of representatives; and four members shall be 12237
appointed by and serve at the pleasure of the governor. Two of 12238
the members appointed by the governor shall be professional 12239
educators associated with either public or private educational 12240
systems and may be an officer of the state, any college or 12241
university in the state or any officer or administrator of any 12242
public school district. Two of the members appointed by the 12243
governor shall be ~~laymen~~ laypersons. 12244

The state shall pay the actual expenses of members of the 12245
Ohio commission while attending to any business of the 12246

commission. The governor shall appoint a ~~chairman~~ chairperson of 12247
the Ohio members of the educational commission of the states and 12248
such membership shall meet on the call of its ~~chairman~~ 12249
chairperson or at the request of a majority of its members. In 12250
any event, the membership shall meet not less often than three 12251
times annually. The membership may consider any and all matters 12252
relating to recommendations of the educational commission of the 12253
states and the activities of the members in representing this 12254
state thereon. 12255

Pursuant to paragraph (I) of Article III of the compact 12256
the educational commission of the states shall file a copy of 12257
its bylaws and any amendment thereto with the ~~superintendent of~~ 12258
public instruction director of education and workforce. 12259

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of 12260
the Revised Code: 12261

(A) "Preschool program" means either of the following: 12262

(1) A child care program for preschool children that is 12263
operated by a school district board of education or an eligible 12264
nonpublic school. 12265

(2) A child care program for preschool children age three 12266
or older that is operated by a county board of developmental 12267
disabilities or a community school. 12268

(B) "Preschool child" or "child" means a child who has not 12269
entered kindergarten and is not of compulsory school age. 12270

(C) "Parent, guardian, or custodian" means the person or 12271
government agency that is or will be responsible for a child's 12272
school attendance under section 3321.01 of the Revised Code. 12273

(D) "Superintendent" means the superintendent of a school 12274

district or the chief administrative officer of a community 12275
school or an eligible nonpublic school. 12276

(E) "Director" means the director, head teacher, 12277
elementary principal, or site administrator who is the 12278
individual on site and responsible for supervision of a 12279
preschool program. 12280

(F) "Preschool staff member" means a preschool employee 12281
whose primary responsibility is care, teaching, or supervision 12282
of preschool children. 12283

(G) "Nonteaching employee" means a preschool program or 12284
school child program employee whose primary responsibilities are 12285
duties other than care, teaching, and supervision of preschool 12286
children or school children. 12287

(H) "Eligible nonpublic school" means a nonpublic school 12288
chartered as described in division (B) (7) of section 5104.02 of 12289
the Revised Code or chartered by the ~~state board of education~~ 12290
department of education and workforce for any combination of 12291
grades one through twelve, regardless of whether it also offers 12292
kindergarten. 12293

(I) "School child program" means a child care program for 12294
only school children that is operated by a school district board 12295
of education, county board of developmental disabilities, 12296
community school, or eligible nonpublic school. 12297

(J) "School child" means a child who is enrolled in or is 12298
eligible to be enrolled in a grade of kindergarten or above but 12299
is less than fifteen years old. 12300

(K) "School child program staff member" means an employee 12301
whose primary responsibility is the care, teaching, or 12302
supervision of children in a school child program. 12303

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

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

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

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

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

(a) If the school offers any of grade levels four through twelve, either of the following:

(i) A grade of "C" or better for the overall value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code and for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and progress under division (D) (3) (c) of that section.

(b) If the school does not offer a grade level higher than three, either of the following:

(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C) (1) (g) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for early literacy under division (D) (3) (e) of that section.

Sec. 3301.521. Sections 3301.53 to 3301.59 of the Revised Code do not apply to child care provided exclusively for participants of an adult education program that receives funds under the department of ~~education's~~ education and workforce's state plan for implementing the "Adult Education Act of 1966," 80 Stat. 1216, 20 U.S.C. 1201, as amended, or an adult education program operated under section 3313.52, 3313.531, 3313.641, or 3313.644 of the Revised Code, if the child care is provided on a part-time basis, is provided on the same premises as and during the hours of operation of the adult education program, and at least one parent, custodian, or guardian of each child is on the premises and readily accessible at all times.

Sec. 3301.53. (A) ~~The state board of education~~ director of education and workforce, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the

Revised Code;	12362
(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;	12363 12364 12365
(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided in-service <u>in-service</u> education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;	12366 12367 12368 12369 12370 12371 12372 12373
(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool program prior to establishing the program;	12374 12375 12376
(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board <u>director of education and workforce</u> to prevent the spread of communicable disease;	12377 12378 12379 12380
(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.	12381 12382 12383
(B) The state board of education <u>director of education and workforce,</u> in consultation with the director of job and family services, shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child day-care centers that serve preschool children. The state board and the director	12384 12385 12386 12387 12388 12389 12390

~~of job and family services directors~~ shall review all such rules 12391
at least once every five years. 12392

(C) ~~The state board of education~~ director of education and 12393
workforce, in consultation with the director of job and family 12394
services, shall adopt rules for school child programs that are 12395
consistent with and meet or exceed the requirements of the rules 12396
adopted for child day-care centers that serve school-age 12397
children under Chapter 5104. of the Revised Code. 12398

Sec. 3301.54. (A) (1) Each preschool program shall be 12399
directed and supervised by a director, a head teacher, an 12400
elementary principal, or a site administrator who is on site and 12401
responsible for supervision of the program. Except as otherwise 12402
provided in division (A) (2) or (3) of this section, this person 12403
shall hold a valid educator license designated as appropriate 12404
for teaching or being an administrator in a preschool setting 12405
issued pursuant to section 3319.22 of the Revised Code and have 12406
completed at least four courses in child development or early 12407
childhood education from an accredited college, university, or 12408
technical college. 12409

(2) If the person was employed prior to July 1, 1988, by a 12410
school district board of education or an eligible nonpublic 12411
school to direct a preschool program, the person shall be 12412
considered to meet the requirements of this section if the 12413
person holds a valid kindergarten-primary certificate described 12414
under former division (A) of section 3319.22 of the Revised Code 12415
as it existed on January 1, 1996. 12416

(3) If the person is employed to direct a preschool 12417
program operated by an eligible, nontax-supported, nonpublic 12418
school, the person shall be considered to meet the requirements 12419
of this section if the person holds a valid teaching certificate 12420

issued in accordance with section 3301.071 of the Revised Code. 12421

(B) Each preschool staff member shall be at least eighteen 12422
years of age and have a high school diploma or a certificate of 12423
high school equivalence issued by the department of education 12424
and workforce or a primary-secondary education or higher 12425
education agency of another state, except that a staff member 12426
may be less than eighteen years of age if the staff member is a 12427
graduate of a two-year vocational child-care training program 12428
approved by the ~~state board of education~~ department, or is a 12429
student enrolled in the second year of such a program that leads 12430
to high school graduation, provided that the student performs 12431
duties in the preschool program under the continuous supervision 12432
of an experienced preschool staff member and receives periodic 12433
supervision from the vocational child-care training program 12434
teacher-coordinator in the student's high school. 12435

A preschool staff member shall annually complete fifteen 12436
hours of ~~inservice~~ in-service training in child development or 12437
early childhood education, child abuse recognition and 12438
prevention, and first aid, and in the prevention, recognition, 12439
and management of communicable diseases, until a total of forty- 12440
five hours has been completed, unless the staff member holds an 12441
associate or higher degree in child development or early 12442
childhood education from an accredited college, university, or 12443
technical college, or any type of educator license designated as 12444
appropriate for teaching in an associate teaching position in a 12445
preschool setting issued by the state board of education 12446
pursuant to section 3319.22 of the Revised Code. 12447

Sec. 3301.541. (A) (1) The director, head teacher, 12448
elementary principal, or site administrator of a preschool 12449
program shall request the superintendent of the bureau of 12450

criminal identification and investigation to conduct a criminal 12451
records check with respect to any applicant who has applied to 12452
the preschool program for employment as a person responsible for 12453
the care, custody, or control of a child. If the applicant does 12454
not present proof that the applicant has been a resident of this 12455
state for the five-year period immediately prior to the date 12456
upon which the criminal records check is requested or does not 12457
provide evidence that within that five-year period the 12458
superintendent has requested information about the applicant 12459
from the federal bureau of investigation in a criminal records 12460
check, the director, head teacher, or elementary principal shall 12461
request that the superintendent obtain information from the 12462
federal bureau of investigation as a part of the criminal 12463
records check for the applicant. If the applicant presents proof 12464
that the applicant has been a resident of this state for that 12465
five-year period, the director, head teacher, or elementary 12466
principal may request that the superintendent include 12467
information from the federal bureau of investigation in the 12468
criminal records check. 12469

(2) Any director, head teacher, elementary principal, or 12470
site administrator required by division (A)(1) of this section 12471
to request a criminal records check shall provide to each 12472
applicant a copy of the form prescribed pursuant to division (C) 12473
(1) of section 109.572 of the Revised Code, provide to each 12474
applicant a standard impression sheet to obtain fingerprint 12475
impressions prescribed pursuant to division (C)(2) of section 12476
109.572 of the Revised Code, obtain the completed form and 12477
impression sheet from each applicant, and forward the completed 12478
form and impression sheet to the superintendent of the bureau of 12479
criminal identification and investigation at the time the person 12480
requests a criminal records check pursuant to division (A)(1) of 12481

this section. 12482

(3) Any applicant who receives pursuant to division (A) (2) 12483
of this section a copy of the form prescribed pursuant to 12484
division (C) (1) of section 109.572 of the Revised Code and a 12485
copy of an impression sheet prescribed pursuant to division (C) 12486
(2) of that section and who is requested to complete the form 12487
and provide a set of fingerprint impressions shall complete the 12488
form or provide all the information necessary to complete the 12489
form and provide the impression sheet with the impressions of 12490
the applicant's fingerprints. If an applicant, upon request, 12491
fails to provide the information necessary to complete the form 12492
or fails to provide impressions of the applicant's fingerprints, 12493
the preschool program shall not employ that applicant for any 12494
position for which a criminal records check is required by 12495
division (A) (1) of this section. 12496

(B) (1) Except as provided in rules adopted by the 12497
department of education and workforce in accordance with 12498
division (E) of this section, no preschool program shall employ 12499
a person as a person responsible for the care, custody, or 12500
control of a child if the person previously has been convicted 12501
of or pleaded guilty to any of the following: 12502

(a) A violation of section 2903.01, 2903.02, 2903.03, 12503
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12504
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 12505
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 12506
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 12507
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 12508
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 12509
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 12510
section 2905.04 of the Revised Code as it existed prior to July 12511

1, 1996, a violation of section 2919.23 of the Revised Code that 12512
would have been a violation of section 2905.04 of the Revised 12513
Code as it existed prior to July 1, 1996, had the violation 12514
occurred prior to that date, a violation of section 2925.11 of 12515
the Revised Code that is not a minor drug possession offense, or 12516
felonious sexual penetration in violation of former section 12517
2907.12 of the Revised Code; 12518

(b) A violation of an existing or former law of this 12519
state, any other state, or the United States that is 12520
substantially equivalent to any of the offenses or violations 12521
described in division (B) (1) (a) of this section. 12522

(2) A preschool program may employ an applicant 12523
conditionally until the criminal records check required by this 12524
section is completed and the preschool program receives the 12525
results of the criminal records check. If the results of the 12526
criminal records check indicate that, pursuant to division (B) 12527
(1) of this section, the applicant does not qualify for 12528
employment, the preschool program shall release the applicant 12529
from employment. 12530

(C) (1) Each preschool program shall pay to the bureau of 12531
criminal identification and investigation the fee prescribed 12532
pursuant to division (C) (3) of section 109.572 of the Revised 12533
Code for each criminal records check conducted in accordance 12534
with that section upon the request pursuant to division (A) (1) 12535
of this section of the director, head teacher, elementary 12536
principal, or site administrator of the preschool program. 12537

(2) A preschool program may charge an applicant a fee for 12538
the costs it incurs in obtaining a criminal records check under 12539
this section. A fee charged under this division shall not exceed 12540
the amount of fees the preschool program pays under division (C) 12541

(1) of this section. If a fee is charged under this division, 12542
the preschool program shall notify the applicant at the time of 12543
the applicant's initial application for employment of the amount 12544
of the fee and that, unless the fee is paid, the applicant will 12545
not be considered for employment. 12546

(D) The report of any criminal records check conducted by 12547
the bureau of criminal identification and investigation in 12548
accordance with section 109.572 of the Revised Code and pursuant 12549
to a request under division (A) (1) of this section is not a 12550
public record for the purposes of section 149.43 of the Revised 12551
Code and shall not be made available to any person other than 12552
the applicant who is the subject of the criminal records check 12553
or the applicant's representative, the preschool program 12554
requesting the criminal records check or its representative, and 12555
any court, hearing officer, or other necessary individual in a 12556
case dealing with the denial of employment to the applicant. 12557

(E) The department of education and workforce shall adopt 12558
rules pursuant to Chapter 119. of the Revised Code to implement 12559
this section, including rules specifying circumstances under 12560
which a preschool program may hire a person who has been 12561
convicted of an offense listed in division (B) (1) of this 12562
section but who meets standards in regard to rehabilitation set 12563
by the department. 12564

(F) Any person required by division (A) (1) of this section 12565
to request a criminal records check shall inform each person, at 12566
the time of the person's initial application for employment, 12567
that the person is required to provide a set of impressions of 12568
the person's fingerprints and that a criminal records check is 12569
required to be conducted and satisfactorily completed in 12570
accordance with section 109.572 of the Revised Code if the 12571

person comes under final consideration for appointment or 12572
employment as a precondition to employment for that position. 12573

(G) As used in this section: 12574

(1) "Applicant" means a person who is under final 12575
consideration for appointment or employment in a position with a 12576
preschool program as a person responsible for the care, custody, 12577
or control of a child, except that "applicant" does not include 12578
a person already employed by a board of education, community 12579
school, or chartered nonpublic school in a position of care, 12580
custody, or control of a child who is under consideration for a 12581
different position with such board or school. 12582

(2) "Criminal records check" has the same meaning as in 12583
section 109.572 of the Revised Code. 12584

(3) "Minor drug possession offense" has the same meaning 12585
as in section 2925.01 of the Revised Code. 12586

(H) If the board of education of a local school district 12587
adopts a resolution requesting the assistance of the educational 12588
service center in which the local district has territory in 12589
conducting criminal records checks of substitute teachers under 12590
this section, the appointing or hiring officer of such 12591
educational service center governing board shall serve for 12592
purposes of this section as the appointing or hiring officer of 12593
the local board in the case of hiring substitute teachers for 12594
employment in the local district. 12595

Sec. 3301.55. (A) A school district, county board of 12596
developmental disabilities, community school, or eligible 12597
nonpublic school operating a preschool program shall house the 12598
program in buildings that meet the following requirements: 12599

(1) The building is operated by the district, county board 12600

of developmental disabilities, community school, or eligible 12601
nonpublic school and has been approved by the division of 12602
industrial compliance in the department of commerce or a 12603
certified municipal, township, or county building department for 12604
the purpose of operating a program for preschool children. Any 12605
such structure shall be constructed, equipped, repaired, 12606
altered, and maintained in accordance with applicable provisions 12607
of Chapters 3781. and 3791. and with rules adopted by the board 12608
of building standards under Chapter 3781. of the Revised Code 12609
for the safety and sanitation of structures erected for this 12610
purpose. 12611

(2) The building is in compliance with fire and safety 12612
laws and regulations as evidenced by reports of annual school 12613
fire and safety inspections as conducted by appropriate local 12614
authorities. 12615

(3) The school is in compliance with rules established by 12616
~~the state board~~ department of education and workforce regarding 12617
school food services. 12618

(4) The facility includes not less than thirty-five square 12619
feet of indoor space for each child in the program. Safe play 12620
space, including both indoor and outdoor play space, totaling 12621
not less than sixty square feet for each child using the space 12622
at any one time, shall be regularly available and scheduled for 12623
use. 12624

(5) First aid facilities and space for temporary placement 12625
or isolation of injured or ill children are provided. 12626

(B) Each school district, county board of developmental 12627
disabilities, community school, or eligible nonpublic school 12628
that operates, or proposes to operate, a preschool program shall 12629

submit to the department a building plan including all 12630
information specified by the ~~state board of education to the~~ 12631
~~board~~ department not later than the first day of September of 12632
the school year in which the program is to be initiated. The 12633
~~board~~ department shall determine whether the buildings meet the 12634
requirements of this section and section 3301.53 of the Revised 12635
Code, ~~and notify the superintendent of its determination.~~ If the 12636
~~board~~ department determines, on the basis of the building plan 12637
or any other information, that the buildings do not meet those 12638
requirements, it shall ~~cause inspect~~ inspect the buildings ~~to be~~ 12639
~~inspected by the department of education.~~ The department shall 12640
~~make submit~~ a report to the ~~superintendent~~ director of education 12641
and workforce specifying any aspects of the building that are 12642
not in compliance with the requirements of this section and 12643
section 3301.53 of the Revised Code and the time period that 12644
will be allowed the district, county board of developmental 12645
disabilities, or school to meet the requirements. 12646

Sec. 3301.56. (A) The director, head teacher, elementary 12647
principal, or site administrator who is on site and responsible 12648
for supervision of each preschool program shall be responsible 12649
for the following: 12650

(1) Ensuring that the health and safety of the children 12651
are safeguarded by an organized program of school health 12652
services designed to identify child health problems and to 12653
coordinate school and community health resources for children, 12654
as evidenced by but not limited to: 12655

(a) Requiring immunization and compliance with emergency 12656
medical authorization requirements in accordance with rules 12657
adopted by the ~~state board~~ department of education and workforce 12658
under section 3301.53 of the Revised Code; 12659

(b) Providing procedures for emergency situations,	12660
including fire drills, rapid dismissals, tornado drills, and	12661
school safety drills in accordance with section 3737.73 of the	12662
Revised Code, and keeping records of such drills or dismissals;	12663
(c) Posting emergency procedures in preschool rooms and	12664
making them available to school personnel, children, and	12665
parents;	12666
(d) Posting emergency numbers by each telephone;	12667
(e) Supervising grounds, play areas, and other facilities	12668
when scheduled for use by children;	12669
(f) Providing first-aid facilities and materials.	12670
(2) Maintaining cumulative records for each child;	12671
(3) Supervising each child's admission, placement, and	12672
withdrawal according to established procedures;	12673
(4) Preparing at least once annually for each group of	12674
children in the program a roster of names and telephone numbers	12675
of parents, guardians, and custodians of children in the group	12676
and, on request, furnishing the roster for each group to the	12677
parents, guardians, and custodians of children in that group.	12678
The director may prepare a similar roster of all children in the	12679
program and, on request, make it available to the parents,	12680
guardians, and custodians, of children in the program. The	12681
director shall not include in either roster the name or	12682
telephone number of any parent, guardian, or custodian who	12683
requests that the parent's, guardian's, or custodian's name or	12684
number not be included, and shall not furnish any roster to any	12685
person other than a parent, guardian, or custodian of a child in	12686
the program.	12687

(5) Ensuring that clerical and custodial services are provided for the program;	12688
	12689
(6) Supervising the instructional program and the daily operation of the program;	12690
	12691
(7) Supervising and evaluating preschool staff members according to a planned sequence of observations and evaluation conferences, and supervising nonteaching employees.	12692
	12693
	12694
(B) (1) In each program the maximum number of children per preschool staff member and the maximum group size by age category of children shall be as follows:	12695
	12696
	12697
	12698

	1	2	3
A	Age Group	Maximum Group Size	Staff Member/Child Ratio
B	Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room
C	12 months to less than 18 months	12	1:6
D	18 months to less than 30 months	14	1:7
E	30 months to less than 3 years	16	1:8
F	3-year-olds	24	1:12
G	4- and 5-year-olds not in school	28	1:14

(2) When age groups are combined, the maximum number of children per preschool staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives child care in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age group established under division (B)(1) of this section shall apply.

(3) In a room where children are napping, if all the children are at least eighteen months of age, the maximum number of children per preschool staff member shall, for a period not to exceed one and one-half hours in any twenty-four hour day, be twice the maximum number of children per preschool staff member established under division (B)(1) of this section if all the following criteria are met:

(a) At least one preschool staff member is present in the room;

(b) Sufficient preschool staff members are present on the preschool program premises to comply with division (B)(1) of this section;

(c) Naptime preparations have been completed and the children are resting or napping.

(4) Any accredited program that uses the Montessori method endorsed by the American Montessori society or the association Montessori internationale as its primary method of instruction and is licensed as a preschool program under section 3301.58 of the Revised Code may combine preschool children of ages three to five years old with children enrolled in kindergarten.

Notwithstanding anything to the contrary in division (B) (2) of 12728
this section, when such age groups are combined, the maximum 12729
number of children per preschool staff member shall be twelve 12730
and the maximum group size shall be twenty-four children. 12731

(C) In each building in which a preschool program is 12732
operated there shall be on the premises, and readily available 12733
at all times, at least one employee who has completed a course 12734
in first aid and in the prevention, recognition, and management 12735
of communicable diseases which is approved by the state 12736
department of health, and an employee who has completed a course 12737
in child abuse recognition and prevention. 12738

(D) Any parent, guardian, or custodian of a child enrolled 12739
in a preschool program shall be permitted unlimited access to 12740
the school during its hours of operation to contact the 12741
parent's, guardian's, or custodian's child, evaluate the care 12742
provided by the program, or evaluate the premises, or for other 12743
purposes approved by the director. Upon entering the premises, 12744
the parent, guardian, or custodian shall report to the school 12745
office. 12746

Sec. 3301.57. (A) For the purpose of improving programs, 12747
facilities, and implementation of the standards promulgated ~~by~~ 12748
~~the state board of education~~ under section 3301.53 of the 12749
Revised Code, the ~~state~~ department of education and workforce 12750
shall provide consultation and technical assistance to school 12751
districts, county boards of developmental disabilities, 12752
community schools, and eligible nonpublic schools operating 12753
preschool programs or school child programs, and ~~in-service~~ in- 12754
service training to preschool staff members, school child 12755
program staff members, and nonteaching employees. 12756

(B) The department and the school district board of 12757

education, county board of developmental disabilities, community 12758
school, or eligible nonpublic school shall jointly monitor each 12759
preschool program and each school child program. 12760

If the program receives any grant or other funding from 12761
the state or federal government, the department annually shall 12762
monitor all reports on attendance, financial support, and 12763
expenditures according to provisions for use of the funds. 12764

(C) The department ~~of education~~, at least once during 12765
every twelve-month period of operation of a preschool program or 12766
a licensed school child program, shall inspect the program and 12767
provide a written inspection report to the superintendent of the 12768
school district, county board of developmental disabilities, 12769
community school, or eligible nonpublic school. The department 12770
may inspect any program more than once, as considered necessary 12771
by the department, during any twelve-month period of operation. 12772
All inspections may be unannounced. No person shall interfere 12773
with any inspection conducted pursuant to this division or to 12774
the rules adopted pursuant to sections 3301.52 to 3301.59 of the 12775
Revised Code. 12776

Upon receipt of any complaint that a preschool program or 12777
a licensed school child program is out of compliance with the 12778
requirements in sections 3301.52 to 3301.59 of the Revised Code 12779
or the rules adopted under those sections, the department shall 12780
investigate and may inspect the program. 12781

(D) If a preschool program or a licensed school child 12782
program is determined to be out of compliance with the 12783
requirements of sections 3301.52 to 3301.59 of the Revised Code 12784
or the rules adopted under those sections, the department ~~of~~ 12785
~~education~~ shall notify the appropriate superintendent, county 12786
board of developmental disabilities, community school, or 12787

eligible nonpublic school in writing regarding the nature of the 12788
violation, what must be done to correct the violation, and by 12789
what date the correction must be made. If the correction is not 12790
made by the date established by the department, it may commence 12791
action under Chapter 119. of the Revised Code to close the 12792
program or to revoke the license of the program. If a program 12793
does not comply with an order to cease operation issued in 12794
accordance with Chapter 119. of the Revised Code, the department 12795
shall notify the attorney general, the prosecuting attorney of 12796
the county in which the program is located, or the city 12797
attorney, village solicitor, or other chief legal officer of the 12798
municipal corporation in which the program is located that the 12799
program is operating in violation of sections 3301.52 to 3301.59 12800
of the Revised Code or the rules adopted under those sections 12801
and in violation of an order to cease operation issued in 12802
accordance with Chapter 119. of the Revised Code. Upon receipt 12803
of the notification, the attorney general, prosecuting attorney, 12804
city attorney, village solicitor, or other chief legal officer 12805
shall file a complaint in the court of common pleas of the 12806
county in which the program is located requesting the court to 12807
issue an order enjoining the program from operating. The court 12808
shall grant the requested injunctive relief upon a showing that 12809
the program named in the complaint is operating in violation of 12810
sections 3301.52 to 3301.59 of the Revised Code or the rules 12811
adopted under those sections and in violation of an order to 12812
cease operation issued in accordance with Chapter 119. of the 12813
Revised Code. 12814

(E) The department ~~of education~~ shall prepare an annual 12815
report on inspections conducted under this section. The report 12816
shall include the number of inspections conducted, the number 12817
and types of violations found, and the steps taken to address 12818

the violations. The department shall file the report with the 12819
governor, the president and minority leader of the senate, and 12820
the speaker and minority leader of the house of representatives 12821
on or before the first day of January of each year, ~~beginning in~~ 12822
~~1999~~. 12823

Sec. 3301.58. (A) The department of education and 12824
workforce is responsible for the licensing of preschool programs 12825
and school child programs and for the enforcement of sections 12826
3301.52 to 3301.59 of the Revised Code and of any rules adopted 12827
under those sections. No school district board of education, 12828
county board of developmental disabilities, community school, or 12829
eligible nonpublic school shall operate, establish, manage, 12830
conduct, or maintain a preschool program without a license 12831
issued under this section. A school district board of education, 12832
county board of developmental disabilities, community school, or 12833
eligible nonpublic school may obtain a license under this 12834
section for a school child program. The school district board of 12835
education, county board of developmental disabilities, community 12836
school, or eligible nonpublic school shall post the license for 12837
each preschool program and licensed school child program it 12838
operates, establishes, manages, conducts, or maintains in a 12839
conspicuous place in the preschool program or licensed school 12840
child program that is accessible to parents, custodians, or 12841
guardians and employees and staff members of the program at all 12842
times when the program is in operation. 12843

(B) Any school district board of education, county board 12844
of developmental disabilities, community school, or eligible 12845
nonpublic school that desires to operate, establish, manage, 12846
conduct, or maintain a preschool program shall apply to the 12847
~~department of education~~ for a license on a form that the 12848
department shall prescribe by rule. Any school district board of 12849

education, county board of developmental disabilities, community 12850
school, or eligible nonpublic school that desires to obtain a 12851
license for a school child program shall apply to the department 12852
for a license on a form that the department shall prescribe by 12853
rule. The department shall provide at no charge to each 12854
applicant for a license under this section a copy of the 12855
requirements under sections 3301.52 to 3301.59 of the Revised 12856
Code and any rules adopted under those sections. The department 12857
may establish application fees by rule adopted under Chapter 12858
119. of the Revised Code, and all applicants for a license shall 12859
pay any fee established by the department at the time of making 12860
an application for a license. All fees collected pursuant to 12861
this section shall be paid into the state treasury to the credit 12862
of the general revenue fund. 12863

(C) Upon the filing of an application for a license, the 12864
~~department of education~~ shall investigate and inspect the 12865
preschool program or school child program to determine the 12866
license capacity for each age category of children of the 12867
program and to determine whether the program complies with 12868
sections 3301.52 to 3301.59 of the Revised Code and any rules 12869
adopted under those sections. When, after investigation and 12870
inspection, the ~~department of education~~ is satisfied that 12871
sections 3301.52 to 3301.59 of the Revised Code and any rules 12872
adopted under those sections are complied with by the applicant, 12873
the ~~department of education~~ shall issue the program a 12874
provisional license as soon as practicable in the form and 12875
manner prescribed by the rules of the department. The 12876
provisional license shall be valid for one year from the date of 12877
issuance unless revoked. 12878

(D) The ~~department of education~~ shall investigate and 12879
inspect a preschool program or school child program that has 12880

been issued a provisional license at least once during operation 12881
under the provisional license. If, after the investigation and 12882
inspection, the department~~of education~~ determines that the 12883
requirements of sections 3301.52 to 3301.59 of the Revised Code 12884
and any rules adopted under those sections are met by the 12885
provisional licensee, the department~~of education~~ shall issue 12886
the program a license. The license shall remain valid unless 12887
revoked or the program ceases operations. 12888

(E) The department~~of education~~ annually shall investigate 12889
and inspect each preschool program or school child program 12890
licensed under division (D) of this section to determine if the 12891
requirements of sections 3301.52 to 3301.59 of the Revised Code 12892
and any rules adopted under those sections are met by the 12893
program, and shall notify the program of the results. 12894

(F) The license or provisional license shall state the 12895
name of the school district board of education, county board of 12896
developmental disabilities, community school, or eligible 12897
nonpublic school that operates the preschool program or school 12898
child program and the license capacity of the program. 12899

(G) The department~~of education~~ may revoke the license of 12900
any preschool program or school child program that is not in 12901
compliance with the requirements of sections 3301.52 to 3301.59 12902
of the Revised Code and any rules adopted under those sections. 12903

(H) If the department~~of education~~ revokes a license, the 12904
department shall not issue a license to the program within two 12905
years from the date of the revocation. All actions of the 12906
department with respect to licensing preschool programs and 12907
school child programs shall be in accordance with Chapter 119. 12908
of the Revised Code. 12909

Sec. 3301.59. ~~(A)~~ No school child program may receive any state or federal funds specifically allocated for school child programs unless the school child program is licensed by the department of education and workforce pursuant to sections 3301.52 to 3301.59 of the Revised Code or by the department of job and family services pursuant to Chapter 5104. of the Revised Code.

~~(B) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the Revised Code, the eligible nonpublic school shall do one of the following:~~

~~(1) On or before the expiration date of the license, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a renewal of the license;~~

~~(2) On or before the expiration date of the license, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~

~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~

~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~

~~(C) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or~~

~~school child program on July 22, 1991, and if the eligible
nonpublic school previously has not obtained a license for the
program from the department of job and family services pursuant
to Chapter 5104. of the Revised Code, the eligible nonpublic
school shall do one of the following:~~

~~(1) On July 22, 1991, apply pursuant to Chapter 5104. of
the Revised Code to the department of job and family services
for a license for the program;~~

~~(2) On July 22, 1991, apply pursuant to sections 3301.52
to 3301.59 of the Revised Code to the department of education
for a license for the program;~~

~~(3) If the program is a preschool program, cease to
operate, manage, conduct, or maintain the program;~~

~~(4) If the program is a school child program, not accept
any state or federal funds specifically allocated for school
child programs and not accept any state or federal funds for
publicly funded child care pursuant to Chapter 5104. of the
Revised Code.~~

~~(D)(1) If an eligible nonpublic school that operates,
manages, conducts, or maintains a preschool program or a school
child program elects pursuant to division (B)(1) of this section
to renew a license for the program that was issued by the
department of job and family services or elects pursuant to
division (C)(1) of this section to apply to the department of
job and family services for a license for the program, that
preschool program or school child program is subject to Chapter
5104. of the Revised Code and to licensure under that chapter
until the eligible nonpublic school ceases to operate, manage,
conduct, or maintain the program.~~

~~(2) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school-child program elects pursuant to division (B) (2) or (C) (2) of this section to apply to the department of education for a license for the program, that preschool program or school child program is subject to sections 3301.52 to 3301.59 of the Revised Code and to licensure under those sections until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~

~~(E) Not later than July 22, 1992, the departments of job and family services and education shall each prepare a list of the preschool programs and school child programs that are licensed by the respective departments.~~

Sec. 3301.61. (A) The state council on educational opportunity for military children is hereby established within the department of education and workforce. The council shall consist of the following members:

(1) The ~~superintendent of public instruction~~ director of education and workforce or the ~~superintendent's~~ director's designee;

(2) The director of veterans services or the director's designee;

(3) The superintendent of a school district that has a high concentration of children of military families, appointed by the governor;

(4) A representative of a military installation located in this state, appointed by the governor;

(5) A representative of the governor's office, appointed by the governor;

(6) Four members of the general assembly, appointed as follows:	12997 12998
(a) One member of the house of representatives appointed by the speaker of the house of representatives;	12999 13000
(b) One member of the house of representatives appointed by the minority leader of the house of representatives;	13001 13002
(c) One member of the senate appointed by the president of the senate;	13003 13004
(d) One member of the senate appointed by the minority leader of the senate.	13005 13006
(7) The compact commissioner appointed under section 3301.62 of the Revised Code;	13007 13008
(8) The military family education liaison appointed under section 3301.63 of the Revised Code;	13009 13010
(9) Other members appointed in the manner prescribed by and seated at the discretion of the voting members of the council.	13011 13012 13013
The members of the council shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the manner of the initial appointments.	13014 13015 13016
The members appointed under divisions (A) (6) to (9) of this section shall be nonvoting members of the council.	13017 13018
The members of the council shall serve without compensation.	13019 13020
(B) The council shall oversee and provide coordination for the state's participation in and compliance with the interstate compact on educational opportunity for military children, as	13021 13022 13023

ratified by section 3301.60 of the Revised Code. 13024

(C) The department of education and workforce shall 13025
provide staff support for the council. 13026

(D) Sections 101.82 to 101.87 of the Revised Code do not 13027
apply to the council. 13028

(E) As used in this section, "children of military 13029
families" and "military installation" have the same meanings as 13030
in Article II of the interstate compact on educational 13031
opportunity for military children. 13032

Sec. 3301.62. The governor shall appoint a compact 13033
commissioner who shall be responsible for administering the 13034
state's participation in the interstate compact on educational 13035
opportunity for military children, as ratified by section 13036
3301.60 of the Revised Code. The compact commissioner shall be a 13037
state officer within the department of education and workforce 13038
and shall serve at the pleasure of the governor. 13039

Sec. 3301.63. The state council on educational opportunity 13040
for military children, established under section 3301.61 of the 13041
Revised Code, shall appoint a military family education liaison 13042
to assist families and the state in implementing the interstate 13043
compact on educational opportunity for military children, as 13044
ratified by section 3301.60 of the Revised Code. The department 13045
of education and workforce shall provide staff support for the 13046
military family education liaison. 13047

Sec. 3301.64. The annual assessment charged to the state 13048
for participating in the interstate compact on educational 13049
opportunity for military children shall be divided equally 13050
between the department of education and workforce and the 13051
department of veterans services. 13052

Sec. 3301.68. (A) The department of education and 13053
workforce shall establish a consolidated school mandate report 13054
for school districts. The report shall be distributed and 13055
monitored by the department. Each district or school shall 13056
complete and file the report not later than the thirtieth day of 13057
November each year. The report shall require each district or 13058
school to denote "yes" to indicate compliance or "no" to 13059
indicate noncompliance with the items prescribed under division 13060
(B) of this section, and to provide any other information that 13061
the department requests regarding those items. If a district or 13062
school denotes "no" on any item, it shall provide, within thirty 13063
days, to its board of education a written explanation for why 13064
that item was not completed and a written plan of action for 13065
accurately and efficiently addressing the problem. 13066

(B) The report shall contain the following items: 13067

(1) Training on the use of physical restraint or seclusion 13068
on students pursuant to section 3319.46 of the Revised Code; 13069

(2) Training on harassment, intimidation, or bullying 13070
pursuant to sections 3313.666, 3313.667, and 3319.073 of the 13071
Revised Code; 13072

(3) Training on the use of cardiopulmonary resuscitation 13073
and an automated external defibrillator under sections 3313.60, 13074
3313.6023, 3313.717, and 3314.16 of the Revised Code; 13075

(4) The reporting of a district's or school's compliance 13076
with nutritional standards prescribed under section 3313.814 of 13077
the Revised Code; 13078

(5) Screening of pupils for hearing, vision, speech and 13079
communications, and health or medical problems and for any 13080
developmental disorders pursuant to section 3313.673 of the 13081

Revised Code; 13082

(6) Compliance with intradistrict and interdistrict open 13083
enrollment provisions in sections 3313.97 and 3313.98 of the 13084
Revised Code. 13085

(C) Except as provided in division (D) of section 3313.814 13086
of the Revised Code, the department shall not require a separate 13087
report for any of the items listed in division (B) of this 13088
section. 13089

Sec. 3301.70. (A) The ~~state board~~ department of education 13090
and workforce is the designated state agency responsible for the 13091
coordination and administration of sections 110 to 118 of the 13092
"National and Community Service Act of 1990," 104 Stat. 3127 13093
(1990), 42 U.S.C. 12401 to 12431, as amended. With the 13094
assistance of the Ohio commission on service and volunteerism 13095
created in section 121.40 of the Revised Code, the ~~state board~~ 13096
department shall coordinate with other state agencies to apply 13097
for funding under the act when appropriate. 13098

(B) With the assistance of the Ohio commission on service 13099
and volunteerism, the ~~state board of education~~ department shall 13100
develop a plan to assist school districts in the implementation 13101
of section 3313.605 of the Revised Code and other community 13102
service activities of school districts. The ~~state board~~ 13103
department shall encourage the development of school district 13104
programs meeting the requirements for funding under the National 13105
and Community Service Act of 1990. The plan shall include the 13106
investigation of funding from all available sources for school 13107
community service education programs, including funds available 13108
under the National and Community Service Act of 1990, and the 13109
provision of technical assistance to school districts for the 13110
implementation of community service education programs. The plan 13111

shall also provide for technical assistance to be given to 13112
school boards to assist in obtaining funds for community service 13113
education programs from any source. 13114

(C) With the assistance of the Ohio commission on service 13115
and volunteerism, the ~~state board of education department~~ shall 13116
do all of the following: 13117

(1) Disseminate information about school district 13118
community service education programs to other school districts 13119
and to statewide organizations involved with or promoting 13120
volunteerism; 13121

(2) Recruit additional school districts to develop 13122
community service education programs; 13123

(3) Identify or develop model community service programs, 13124
teacher training courses, and community service curricula and 13125
teaching materials for possible use by school districts in their 13126
programs. 13127

Sec. 3301.80. (A) The department of education and 13128
workforce shall award a certificate of high school equivalence 13129
to each person who achieves the equivalent of a high school 13130
education, as measured by scores obtained on a high school 13131
equivalency test approved by the department pursuant to division 13132
(B) of this section. Each certificate awarded under this section 13133
shall be signed by the ~~superintendent of public instruction and~~ 13134
~~the president of the state board~~ director of education and 13135
workforce. 13136

Notwithstanding anything to the contrary in the Revised 13137
Code, a person who seeks to obtain a certificate of high school 13138
equivalence shall be subject to the requirements of section 13139
3301.81 of the Revised Code. 13140

(B) The department shall approve at least two nationally 13141
recognized high school equivalency tests for the purpose of 13142
awarding certificates of high school equivalence under this 13143
section. For each test approved pursuant to division (B) of this 13144
section, the department shall ensure that the scores required 13145
for passage are equivalent to the scores required for passage on 13146
the other approved equivalency tests. 13147

(C) All of the following shall be considered the 13148
equivalent of a certificate of high school equivalence awarded 13149
by the department under this section: 13150

(1) A high school equivalence diploma or a certificate of 13151
high school equivalence awarded by the state board of education 13152
~~prior to the effective date of this section~~ September 14, 2016; 13153

(2) A certificate of high school equivalence issued prior 13154
to January 1, 1994, attesting to the achievement of the 13155
equivalent of a high school education as measured by scores 13156
obtained on tests of general educational development; 13157

(3) A statement issued by a primary-secondary education or 13158
higher education agency of another state that indicates that its 13159
holder has achieved the equivalent of a high school education as 13160
measured by scores obtained on a similar nationally recognized 13161
high school equivalency test. 13162

(D) ~~The state board~~ department, in consultation with the 13163
chancellor of higher education, shall adopt rules to administer 13164
this section and section 3301.81 of the Revised Code. 13165

Sec. 3301.81. (A) A person who meets all of the following 13166
criteria shall be permitted to take a high school equivalency 13167
test approved by the department of education and workforce 13168
pursuant to division (B) of section 3301.80 of the Revised Code: 13169

(1) The person is at least eighteen years of age.	13170
(2) The person is officially withdrawn from school.	13171
(3) The person has not received a high school diploma or honors diploma awarded under section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code.	13172 13173 13174
(B) A person who is at least sixteen years of age but less than eighteen years of age may apply to the department to take an approved equivalency test, so long as the person meets all of the following criteria:	13175 13176 13177 13178
(1) The person has not received a high school diploma or honors diploma awarded under section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code.	13179 13180 13181
(2) The person is officially withdrawn from school.	13182
(3) The person submits, along with the application, written approval from the person's parent or guardian or a court official.	13183 13184 13185
(C) For the purpose of calculating graduation rates for the school district and building report cards under section 3302.03 of the Revised Code, the department shall count any person who officially withdraws from school to take an approved equivalency test under this section as a dropout from the district or school in which the person was last enrolled.	13186 13187 13188 13189 13190 13191
(D) If a person takes an approved equivalency test and fails to attain the scores required to earn a certificate of high school equivalence, as defined in section 5107.40 of the Revised Code, on the entire battery of tests, that person shall be required to retake only the specific test on which the person did not attain a passing score in order to earn a certificate of	13192 13193 13194 13195 13196 13197

high school equivalence. If a person retakes a specific test, 13198
that person shall be responsible only for the cost of that test 13199
and not for the cost of the entire battery of tests, unless that 13200
person is retaking the entire battery. 13201

Sec. 3301.923. The department of education and workforce 13202
shall establish a clearinghouse of best practices that schools 13203
may use to promote student health. The department shall update 13204
the clearinghouse as necessary. 13205

Sec. 3301.94. ~~Upon approval of the state board of~~ 13206
~~education, the superintendent of public instruction and the~~ 13207
~~chancellor of the Ohio board of regents~~ The department of 13208
education and workforce and the chancellor of higher education 13209
may enter into a memorandum of understanding under which the 13210
department ~~of education~~, on behalf of the chancellor, will 13211
receive and maintain copies of data records containing student 13212
information reported to the chancellor for the purpose of 13213
combining those records with the data reported to the education 13214
management information system, established under section 13215
3301.0714 of the Revised Code, to establish an education data 13216
repository that may be used to conduct longitudinal research and 13217
evaluation. The memorandum of understanding shall specify the 13218
following: 13219

(A) That, prior to establishing the repository, the 13220
~~superintendent~~ department and chancellor shall develop a 13221
strategic plan for the repository that outlines the goals to be 13222
achieved from its implementation and use. A copy of the 13223
strategic plan shall be provided to the governor, the president 13224
of the senate, and the speaker of the house of representatives. 13225

(B) That the chancellor shall submit all student data to 13226
be included in the repository to the independent contractor 13227

engaged by the department to create and maintain the student 13228
data verification codes required by division (D) (2) of section 13229
3301.0714 of the Revised Code. For each student included in the 13230
data submitted by the chancellor, the independent contractor 13231
shall determine whether a data verification code has been 13232
assigned to that student. In the case of a student to whom a 13233
data verification code has been assigned, the independent 13234
contractor shall add the code to the student's data record and 13235
remove from the data record any information that would enable 13236
the data verification code to be matched to personally 13237
identifiable student data. In the case of a student to whom a 13238
data verification code has not been assigned, the independent 13239
contractor shall assign a data verification code to the student, 13240
add the data verification code to the student's data record, and 13241
remove from the data record any information that would enable 13242
the data verification code to be matched to personally 13243
identifiable student data. After making the modifications 13244
described in this division, the independent contractor shall 13245
transmit the data to the department and the chancellor. 13246

(C) That the ~~superintendent~~ department and the chancellor 13247
jointly shall develop procedures for the maintenance of the data 13248
in the repository and shall designate the types of research that 13249
may be conducted using that data. Permitted uses of the data 13250
shall include, but are not limited to, the following: 13251

(1) Assisting the department, ~~superintendent, or state~~ 13252
~~board~~ in performing audit and evaluation functions concerning 13253
preschool, elementary, and secondary education as required or 13254
authorized by any provision of law, including division (C) of 13255
section 3301.07 and sections 3301.12, 3301.16, 3301.53, 3301.57, 13256
3301.58, and 3302.03 of the Revised Code; 13257

(2) Assisting the department and the chancellor in 13258
performing audit and evaluation functions concerning higher 13259
education as required or authorized by any provision of law, 13260
including sections 3333.04, 3333.041, 3333.047, 3333.122, 13261
3333.123, 3333.16, 3333.161, 3333.374, 3333.72, and 3333.82 of 13262
the Revised Code. 13263

(D) That the ~~superintendent~~ department and the chancellor, 13264
from time to time, jointly may enter into written agreements 13265
with entities for the use of data in the repository to conduct 13266
research and analysis designed to evaluate the effectiveness of 13267
programs or services, to measure progress against specific 13268
strategic planning goals, or for any other purpose permitted by 13269
law that the ~~superintendent~~ department and chancellor consider 13270
necessary for the performance of their duties under the Revised 13271
Code. The agreements may permit the disclosure of personally 13272
identifiable student information to the entity named in the 13273
agreement, provided that disclosure complies with the "Family 13274
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 13275
U.S.C. 1232g, as amended, and regulations promulgated under that 13276
act prescribing requirements for such agreements. ~~The~~ 13277
~~superintendent shall notify the state board of each agreement~~ 13278
~~entered into under this division.~~ 13279

(E) That the data in the repository submitted by the 13280
department shall remain under the direct control of the 13281
department and that the data in the repository submitted by the 13282
chancellor shall remain under the direct control of the 13283
chancellor; 13284

(F) That the data in the repository shall be managed in a 13285
manner that complies with the "Family Educational Rights and 13286
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended; 13287

(G) That all costs related to the initial establishment 13288
and ongoing maintenance of the repository shall be paid from 13289
funds received from state incentive grants awarded under 13290
division (A), Title XIV, section 14006 of the American Recovery 13291
and Reinvestment Act of 2009, other federal grant programs, or 13292
existing appropriations of the department or chancellor that are 13293
designated for a purpose consistent with this section; 13294

(H) That the department annually shall report to ~~the state~~ 13295
~~board~~ and the chancellor all requests for access to or use of 13296
the data in the repository and all costs related to the initial 13297
establishment and ongoing maintenance of the repository. 13298

Sec. 3301.941. As used in this section, "early childhood 13299
program" means any publicly funded program providing services to 13300
children younger than compulsory school age, as defined in 13301
section 3321.01 of the Revised Code. 13302

Student level data records collected and maintained for 13303
purposes of administering early childhood programs shall be 13304
assigned a unique student data verification code in accordance 13305
with division (D)(2) of section 3301.0714 of the Revised Code 13306
and shall be included in the combined data repository authorized 13307
by section 3301.94 of the Revised Code. The department of 13308
education and workforce may require certain personally 13309
identifiable student data, including student names, to be 13310
reported to the department for purposes of administering early 13311
childhood programs but not be included in the combined data 13312
repository. The department and each school or center providing 13313
services through an early childhood program that receives a 13314
student level data record, a data verification code, or other 13315
personally identifiable information shall not release that 13316
record, code, or other information to any person except as 13317

provided by section 3319.321 of the Revised Code or the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g. Any document relative to an early childhood program that the department holds in its files that contains a student's name, data verification code, or other personally identifiable information shall not be a public record under section 149.43 of the Revised Code.

Any state agency that administers an early childhood program may use student data contained in the combined data repository to conduct research and analysis designed to evaluate the effectiveness of and investments in that program, in compliance with the Family Educational Rights and Privacy Act and regulations promulgated under that act.

Sec. 3301.948. Notwithstanding anything in the Revised Code to the contrary, the department of education and workforce, any school district, any school, or any third party under contract with the state, a school district, or a school shall not provide student names and addresses to any multi-state consortium that offers summative assessments.

Sec. 3302.01. As used in this chapter:

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

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

science. 13347

(2) For the assessments prescribed by division (B) (1) of 13348
section 3301.0710 and division (B) (2) of section 3301.0712 of 13349
the Revised Code, the average for each of the subject areas of 13350
English language arts, mathematics, science, American history, 13351
and American government. The average also shall include any 13352
substitute examinations approved under division (B) (4) of 13353
section 3301.0712 of the Revised Code in the subject areas of 13354
science, American history, and American government. 13355

The department of education and workforce shall assign 13356
weights such that students who do not take an assessment receive 13357
a weight of zero and students who take an assessment receive 13358
progressively larger weights dependent upon the level of skill 13359
attained on the assessment. The department shall assign 13360
additional weights to students who have been permitted to pass 13361
over a subject in accordance with a student acceleration policy 13362
adopted under section 3324.10 of the Revised Code. If such a 13363
student attains the proficient score prescribed under division 13364
(A) (2) (c) of section 3301.0710 of the Revised Code or higher on 13365
an assessment, the department shall assign the student the 13366
weight prescribed for the next higher scoring level. If such a 13367
student attains the advanced score, prescribed under division 13368
(A) (2) (a) of section 3301.0710 of the Revised Code, on an 13369
assessment, the department shall assign to the student an 13370
additional proportional weight, ~~as approved by the state board.~~ 13371
For each school year that such a student's score is included in 13372
the performance index score and the student attains the 13373
proficient score on an assessment, that additional weight shall 13374
be assigned to the student on a subject-by-subject basis. 13375

Students shall be included in the "performance index 13376

score" in accordance with division (L) (2) of section 3302.03 of the Revised Code. 13377
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(B) "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following: 13379
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(1) Major racial and ethnic groups; 13382

(2) Students with disabilities; 13383

(3) Economically disadvantaged students; 13384

(4) English learners; 13385

(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field. 13386
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(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education. 13394
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(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001." 13400
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(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other 13403
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educational enrichment activities, that is conducted outside of 13405
the regular school day by a provider approved by the department 13406
in accordance with the "No Child Left Behind Act of 2001." 13407

(F) "Value-added progress dimension" means a measure of 13408
academic gain for a student or group of students over a specific 13409
period of time that is calculated by applying a statistical 13410
methodology to individual student achievement data derived from 13411
the achievement assessments prescribed by section 3301.0710 of 13412
the Revised Code. The "value-added progress dimension" shall be 13413
developed and implemented in accordance with section 3302.021 of 13414
the Revised Code. 13415

(G) (1) "Four-year adjusted cohort graduation rate" means 13416
the number of students who graduate in four years or less with a 13417
regular high school diploma divided by the number of students 13418
who form the adjusted cohort for the graduating class. 13419

(2) "Five-year adjusted cohort graduation rate" means the 13420
number of students who graduate in five years with a regular 13421
high school diploma divided by the number of students who form 13422
the adjusted cohort for the four-year graduation rate. 13423

(H) "State institution of higher education" has the same 13424
meaning as in section 3345.011 of the Revised Code. 13425

(I) "Annual measurable objectives" means a measure of 13426
student progress determined in accordance with an agreement 13427
between the department of education and workforce and the United 13428
States department of education. 13429

(J) "Community school" means a community school 13430
established under Chapter 3314. of the Revised Code. 13431

(K) "STEM school" means a science, technology, 13432
engineering, and mathematics school established under Chapter 13433

3326. of the Revised Code. 13434

(L) "Entitled to attend school in the district" means 13435
entitled to attend school in a school district under section 13436
3313.64 or 3313.65 of the Revised Code. 13437

Sec. 3302.02. (A) Not later than one year after the 13438
adoption of rules under division (D) of section 3301.0712 of the 13439
Revised Code and at least every sixth year thereafter, ~~upon~~ 13440
~~recommendations of the superintendent of public instruction, the~~ 13441
~~state board department of education and workforce shall~~ 13442
establish all of the following: 13443

(1) A set of performance indicators that considered as a 13444
unit will be used as one of the performance categories for the 13445
report cards required by section 3302.03 of the Revised Code. In 13446
establishing these indicators, the ~~superintendent department~~ 13447
shall consider inclusion of student performance on assessments 13448
prescribed under section 3301.0710 or 3301.0712 of the Revised 13449
Code, rates of student improvement on such assessments, the 13450
breadth of coursework available within the district, and other 13451
indicators of student success. 13452

Beginning with the report card issued under section 13453
3302.03 of the Revised Code for the 2021-2022 school year, the 13454
performance indicators prescribed under division (A)(1) of this 13455
section regarding student performance on state assessments shall 13456
not require a school district or building to attain a 13457
proficiency percentage to meet an indicator. Rather, the 13458
performance indicators only shall report proficiency 13459
percentages, trends, and comparisons. 13460

(2) A performance indicator that reflects the level of 13461
identification and services provided to, and the performance of, 13462

students identified as gifted under Chapter 3324. of the Revised 13463
Code. The indicator shall be prescribed by rules adopted under 13464
Chapter 119. of the Revised Code by the ~~state board~~ department. 13465
The ~~state board~~ department shall consult with the gifted 13466
advisory council regarding all rules adopted under this section. 13467
Consultation with the state gifted advisory council shall occur 13468
not less than every three years. 13469

The gifted performance indicator shall include: 13470

(a) The performance of students on state assessments, as 13471
measured by a performance index score, disaggregated for 13472
students identified as gifted; 13473

(b) Value-added growth measure under section 3302.021 of 13474
the Revised Code, disaggregated for students identified as 13475
gifted; 13476

(c) The level of identification as measured by the 13477
percentage of students in each grade level identified as gifted 13478
and disaggregated by traditionally underrepresented and 13479
economically disadvantaged students; 13480

(d) The level of services provided to students as measured 13481
by the percentage of students provided services in each grade 13482
level and disaggregated by traditionally underrepresented and 13483
economically disadvantaged students. 13484

(3) A performance indicator that measures chronic 13485
absenteeism, as determined by the ~~department of education~~, in a 13486
school district or school building. 13487

Beginning with the report card issued under section 13488
3302.03 of the Revised Code for the 2021-2022 school year, the 13489
performance indicators prescribed in divisions (A) (2) and (3) of 13490
this section shall not be part of the performance indicator unit 13491

under division (A) (1) of this section. 13492

(B) For the 2013-2014 school year, except as otherwise 13493
provided in this section, for any indicator based on the 13494
percentage of students attaining a proficient score on the 13495
assessments prescribed by divisions (A) and (B) (1) of section 13496
3301.0710 of the Revised Code, a school district or building 13497
shall be considered to have met the indicator if at least eighty 13498
per cent of the tested students attain a score of proficient or 13499
higher on the assessment. A school district or building shall be 13500
considered to have met the indicator for the assessments 13501
prescribed by division (B) (1) of section 3301.0710 of the 13502
Revised Code and only as administered to eleventh grade 13503
students, if at least eighty-five per cent of the tested 13504
students attain a score of proficient or higher on the 13505
assessment. 13506

The ~~state board~~ department shall adopt rules, under 13507
Chapter 119. of the Revised Code, to establish proficiency 13508
percentages to meet each indicator that is based on a state 13509
assessment, prescribed under section 3301.0710 or 3301.0712 of 13510
the Revised Code, for the 2014-2015, 2015-2016, 2016-2017, 2017- 13511
2018, 2018-2019, 2019-2020, and 2020-2021 school years by the 13512
following dates: 13513

(1) Not later than December 31, 2015, for the 2014-2015 13514
school year; 13515

(2) Not later than July 1, 2016, for the 2015-2016 school 13516
year; 13517

(3) Not later than July 1, 2017, for the 2016-2017, 2017- 13518
2018, 2018-2019, 2019-2020, and 2020-2021 school years. 13519

Sec. 3302.021. (A) ~~Not earlier than July 1, 2005, and not~~ 13520

~~later than July 1, 2007, the~~ The department of education and 13521
workforce shall implement a value-added progress dimension for 13522
school districts and buildings and shall incorporate the value- 13523
added progress dimension into the report cards and performance 13524
ratings issued for districts and buildings under section 3302.03 13525
of the Revised Code. 13526

The ~~state board of education department~~ shall adopt rules, 13527
pursuant to Chapter 119. of the Revised Code, for the 13528
implementation of the value-added progress dimension. The rules 13529
adopted under this division shall specify both of the following: 13530

(1) A scale for describing the levels of academic progress 13531
in reading and mathematics relative to a standard year of 13532
academic growth in those subjects for each of grades three 13533
through eight; 13534

(2) That the department shall maintain the confidentiality 13535
of individual student test scores and individual student reports 13536
in accordance with sections 3301.0711, 3301.0714, and 3319.321 13537
of the Revised Code and federal law. The department may require 13538
school districts to use a unique identifier for each student for 13539
this purpose. Individual student test scores and individual 13540
student reports shall be made available only to a student's 13541
classroom teacher and other appropriate educational personnel 13542
and to the student's parent or guardian. 13543

(B) The department shall explore the feasibility of using 13544
the value-added gain index and effect size to improve 13545
differentiation and interpretation of the measure. If the 13546
department determines that it is feasible, ~~the state board it~~ 13547
may update the rules adopted under division (A) of this section 13548
to implement the use of gain index and effect size. If rules are 13549
adopted under division (A) of this section that use the gain 13550

index and effect size, any prior method used to calculate letter 13551
grades or performance ratings under section 3302.03 of the 13552
Revised Code shall no longer apply. Rather, the ~~state board~~ 13553
department shall update its rules to determine how letter grades 13554
or performance ratings for each level of performance are 13555
calculated under section 3302.03 of the Revised Code using gain 13556
index and effect size. 13557

(C) The department shall use a system designed for 13558
collecting necessary data, calculating the value-added progress 13559
dimension, analyzing data, and generating reports, which system 13560
has been used previously by a nonprofit organization led by the 13561
Ohio business community for at least one year in the operation 13562
of a pilot program in cooperation with school districts to 13563
collect and report student achievement data via electronic means 13564
and to provide information to the districts regarding the 13565
academic performance of individual students, grade levels, 13566
school buildings, and the districts as a whole. 13567

(D) The department shall not pay more than two dollars per 13568
student for data analysis and reporting to implement the value- 13569
added progress dimension in the same manner and with the same 13570
services as under the pilot program described by division (B) of 13571
this section. However, nothing in this section shall preclude 13572
the department or any school district from entering into a 13573
contract for the provision of more services at a higher fee per 13574
student. Any data analysis conducted under this section by an 13575
entity under contract with the department shall be completed in 13576
accordance with timelines established by the ~~superintendent of~~ 13577
public instructiondirector of education and workforce. 13578

(E) The department shall share any aggregate student data 13579
and any calculation, analysis, or report utilizing aggregate 13580

student data that is generated under this section with the 13581
chancellor of ~~the Ohio board of regents~~higher education. The 13582
department shall not share individual student test scores and 13583
individual student reports with the chancellor. 13584

Sec. 3302.03. Not later than the thirty-first day of July 13585
of each year, the department of education and workforce shall 13586
submit preliminary report card data for overall academic 13587
performance and for each separate performance measure for each 13588
school district, and each school building, in accordance with 13589
this section. 13590

Annually, not later than the fifteenth day of September or 13591
the preceding Friday when that day falls on a Saturday or 13592
Sunday, the department shall assign a letter grade or 13593
performance rating for overall academic performance and for each 13594
separate performance measure for each school district, and each 13595
school building in a district, in accordance with this section. 13596
The ~~state board of education department~~ shall adopt rules 13597
pursuant to Chapter 119. of the Revised Code to implement this 13598
section. The ~~state board's department's~~ rules shall establish 13599
performance criteria for each letter grade or performance rating 13600
and prescribe a method by which the department assigns each 13601
letter grade or performance rating. For a school building to 13602
which any of the performance measures do not apply, due to grade 13603
levels served by the building, the department shall designate 13604
the performance measures that are applicable to the building and 13605
that must be calculated separately and used to calculate the 13606
building's overall grade or performance rating. The department 13607
shall issue annual report cards reflecting the performance of 13608
each school district, each building within each district, and 13609
for the state as a whole using the performance measures and 13610
letter grade or performance rating system described in this 13611

section. The department shall include on the report card for 13612
each district and each building within each district the most 13613
recent two-year trend data in student achievement for each 13614
subject and each grade. 13615

(A) (1) For the 2012-2013 school year, the department shall 13616
issue grades as described in division (F) of this section for 13617
each of the following performance measures: 13618

(a) Annual measurable objectives; 13619

(b) Performance index score for a school district or 13620
building. Grades shall be awarded as a percentage of the total 13621
possible points on the performance index system as adopted by 13622
the ~~state board~~ department. In adopting benchmarks for assigning 13623
letter grades under division (A) (1) (b) of this section, the 13624
~~state board~~ department shall designate ninety per cent or higher 13625
for an "A," at least seventy per cent but not more than eighty 13626
per cent for a "C," and less than fifty per cent for an "F." 13627

(c) The extent to which the school district or building 13628
meets each of the applicable performance indicators established 13629
by the ~~state board~~ department under section 3302.02 of the 13630
Revised Code and the percentage of applicable performance 13631
indicators that have been achieved. In adopting benchmarks for 13632
assigning letter grades under division (A) (1) (c) of this 13633
section, the ~~state board~~ department shall designate ninety per 13634
cent or higher for an "A." 13635

(d) The four- and five-year adjusted cohort graduation 13636
rates. 13637

In adopting benchmarks for assigning letter grades under 13638
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 13639
department shall designate a four-year adjusted cohort 13640

graduation rate of ninety-three per cent or higher for an "A" 13641
and a five-year cohort graduation rate of ninety-five per cent 13642
or higher for an "A." 13643

(e) The overall score under the value-added progress 13644
dimension of a school district or building, for which the 13645
department shall use up to three years of value-added data as 13646
available. The letter grade assigned for this growth measure 13647
shall be as follows: 13648

(i) A score that is at least one standard error of measure 13649
above the mean score shall be designated as an "A." 13650

(ii) A score that is less than one standard error of 13651
measure above but greater than one standard error of measure 13652
below the mean score shall be designated as a "B." 13653

(iii) A score that is less than or equal to one standard 13654
error of measure below the mean score but greater than two 13655
standard errors of measure below the mean score shall be 13656
designated as a "C." 13657

(iv) A score that is less than or equal to two standard 13658
errors of measure below the mean score but is greater than three 13659
standard errors of measure below the mean score shall be 13660
designated as a "D." 13661

(v) A score that is less than or equal to three standard 13662
errors of measure below the mean score shall be designated as an 13663
"F." 13664

Whenever the value-added progress dimension is used as a 13665
graded performance measure in this division and divisions (B) 13666
and (C) of this section, whether as an overall measure or as a 13667
measure of separate subgroups, the grades for the measure shall 13668
be calculated in the same manner as prescribed in division (A) 13669

(1) (e) of this section. 13670

(f) The value-added progress dimension score for a school 13671
district or building disaggregated for each of the following 13672
subgroups: students identified as gifted, students with 13673
disabilities, and students whose performance places them in the 13674
lowest quintile for achievement on a statewide basis. Each 13675
subgroup shall be a separate graded measure. 13676

(2) ~~Not later than April 30, 2013, the state board of~~ 13677
~~education~~ The department shall adopt a resolution describing the 13678
performance measures, benchmarks, and grading system for the 13679
2012-2013 school year and, ~~not later than June 30, 2013,~~ shall 13680
adopt rules in accordance with Chapter 119. of the Revised Code 13681
that prescribe the methods by which the performance measures 13682
under division (A) (1) of this section shall be assessed and 13683
assigned a letter grade, including performance benchmarks for 13684
each letter grade. 13685

At least forty-five days prior to the ~~state board's~~ 13686
department's adoption of rules to prescribe the methods by which 13687
the performance measures under division (A) (1) of this section 13688
shall be assessed and assigned a letter grade, the department 13689
shall conduct a public presentation before the standing 13690
committees of the house of representatives and the senate that 13691
consider education legislation describing such methods, 13692
including performance benchmarks. 13693

(3) There shall not be an overall letter grade for a 13694
school district or building for the 2012-2013 school year. 13695

(B) (1) For the 2013-2014 school year, the department shall 13696
issue grades as described in division (F) of this section for 13697
each of the following performance measures: 13698

(a) Annual measurable objectives;	13699
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B) (1) (b) of this section, the state board <u>department</u> shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	13700 13701 13702 13703 13704 13705 13706 13707
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board <u>department</u> under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B) (1) (c) of this section, the state board <u>department</u> shall designate ninety per cent or higher for an "A."	13708 13709 13710 13711 13712 13713 13714 13715
(d) The four- and five-year adjusted cohort graduation rates;	13716 13717
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.	13718 13719 13720 13721
(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for	13722 13723 13724 13725 13726 13727

achievement on a statewide basis. Each subgroup shall be a 13728
separate graded measure. 13729

(g) Whether a school district or building is making 13730
progress in improving literacy in grades kindergarten through 13731
three, as determined using a method prescribed by the ~~state-~~ 13732
~~board~~department. The ~~state board~~ department shall adopt rules to 13733
prescribe benchmarks and standards for assigning grades to 13734
districts and buildings for purposes of division (B) (1) (g) of 13735
this section. In adopting benchmarks for assigning letter grades 13736
under divisions (B) (1) (g) and (C) (1) (g) of this section, the 13737
~~state board~~ department shall determine progress made based on 13738
the reduction in the total percentage of students scoring below 13739
grade level, or below proficient, compared from year to year on 13740
the reading and writing diagnostic assessments administered 13741
under section 3301.0715 of the Revised Code and the third grade 13742
English language arts assessment under section 3301.0710 of the 13743
Revised Code, as applicable. The ~~state board~~ department shall 13744
designate for a "C" grade a value that is not lower than the 13745
statewide average value for this measure. No grade shall be 13746
issued under divisions (B) (1) (g) and (C) (1) (g) of this section 13747
for a district or building in which less than five per cent of 13748
students have scored below grade level on the diagnostic 13749
assessment administered to students in kindergarten under 13750
division (B) (1) of section 3313.608 of the Revised Code. 13751

(h) For a high mobility school district or building, an 13752
additional value-added progress dimension score. For this 13753
measure, the department shall use value-added data from the most 13754
recent school year available and shall use assessment scores for 13755
only those students to whom the district or building has 13756
administered the assessments prescribed by section 3301.0710 of 13757
the Revised Code for each of the two most recent consecutive 13758

school years. 13759

As used in this division, "high mobility school district
or building" means a school district or building where at least
twenty-five per cent of its total enrollment is made up of
students who have attended that school district or building for
less than one year. 13760
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(2) In addition to the graded measures in division (B) (1)
of this section, the department shall include on a school
district's or building's report card all of the following
without an assigned letter grade: 13765
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(a) The percentage of students enrolled in a district or
building participating in advanced placement classes and the
percentage of those students who received a score of three or
better on advanced placement examinations; 13769
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(b) The number of a district's or building's students who
have earned at least three college credits through dual
enrollment or advanced standing programs, such as the post-
secondary enrollment options program under Chapter 3365. of the
Revised Code and state-approved career-technical courses offered
through dual enrollment or statewide articulation, that appear
on a student's transcript or other official document, either of
which is issued by the institution of higher education from
which the student earned the college credit. The credits earned
that are reported under divisions (B) (2) (b) and (C) (2) (c) of
this section shall not include any that are remedial or
developmental and shall include those that count toward the
curriculum requirements established for completion of a degree. 13773
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(c) The percentage of students enrolled in a district or
building who have taken a national standardized test used for 13786
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college admission determinations and the percentage of those 13788
students who are determined to be remediation-free in accordance 13789
with standards adopted under division (F) of section 3345.061 of 13790
the Revised Code; 13791

(d) The percentage of the district's or the building's 13792
students who receive industry-recognized credentials as approved 13793
under section 3313.6113 of the Revised Code. 13794

(e) The percentage of students enrolled in a district or 13795
building who are participating in an international baccalaureate 13796
program and the percentage of those students who receive a score 13797
of four or better on the international baccalaureate 13798
examinations. 13799

(f) The percentage of the district's or building's 13800
students who receive an honors diploma under division (B) of 13801
section 3313.61 of the Revised Code. 13802

(3) ~~Not later than December 31, 2013, the state board~~ The 13803
department shall adopt rules in accordance with Chapter 119. of 13804
the Revised Code that prescribe the methods by which the 13805
performance measures under divisions (B) (1) (f) and (B) (1) (g) of 13806
this section will be assessed and assigned a letter grade, 13807
including performance benchmarks for each grade. 13808

At least forty-five days prior to the ~~state board's~~ 13809
department's adoption of rules to prescribe the methods by which 13810
the performance measures under division (B) (1) of this section 13811
shall be assessed and assigned a letter grade, the department 13812
shall conduct a public presentation before the standing 13813
committees of the house of representatives and the senate that 13814
consider education legislation describing such methods, 13815
including performance benchmarks. 13816

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

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the department shall issue grades as described in division (F) of this section for each of the performance measures prescribed in division (C) (1) of this section. The graded measures are as follows:

(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen students.

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

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the ~~state board~~ department under section 3302.03 of the Revised Code and the percentage of applicable performance

indicators that have been achieved. In adopting benchmarks for 13847
assigning letter grades under division (C) (1) (c) of this 13848
section, the ~~state board~~ department shall designate ninety per 13849
cent or higher for an "A." 13850

(d) The four- and five-year adjusted cohort graduation 13851
rates; 13852

(e) The overall score under the value-added progress 13853
dimension, or another measure of student academic progress if 13854
adopted by the ~~state board~~ department, of a school district or 13855
building, for which the department shall use up to three years 13856
of value-added data as available. 13857

In adopting benchmarks for assigning letter grades for 13858
overall score on value-added progress dimension under division 13859
(C) (1) (e) of this section, the ~~state board~~ department shall 13860
prohibit the assigning of a grade of "A" for that measure unless 13861
the district's or building's grade assigned for value-added 13862
progress dimension for all subgroups under division (C) (1) (f) of 13863
this section is a "C" or higher. 13864

For the metric prescribed by division (C) (1) (e) of this 13865
section, the ~~state board~~ department may adopt a student academic 13866
progress measure to be used instead of the value-added progress 13867
dimension. If the ~~state board~~ department adopts such a measure, 13868
it also shall prescribe a method for assigning letter grades for 13869
the new measure that is comparable to the method prescribed in 13870
division (A) (1) (e) of this section. 13871

(f) The value-added progress dimension score of a school 13872
district or building disaggregated for each of the following 13873
subgroups: students identified as gifted in superior cognitive 13874
ability and specific academic ability fields under Chapter 3324. 13875

of the Revised Code, students with disabilities, and students 13876
whose performance places them in the lowest quintile for 13877
achievement on a statewide basis, as determined by a method 13878
prescribed by the ~~state board~~department. Each subgroup shall be 13879
a separate graded measure. 13880

The ~~state board~~department may adopt student academic 13881
progress measures to be used instead of the value-added progress 13882
dimension. If the ~~state board~~department adopts such measures, 13883
it also shall prescribe a method for assigning letter grades for 13884
the new measures that is comparable to the method prescribed in 13885
division (A) (1) (e) of this section. 13886

(g) Whether a school district or building is making 13887
progress in improving literacy in grades kindergarten through 13888
three, as determined using a method prescribed by the ~~state~~
~~board~~department. The ~~state board~~department shall adopt rules to 13889
prescribe benchmarks and standards for assigning grades to a 13890
district or building for purposes of division (C) (1) (g) of this 13891
section. The ~~state board~~department shall designate for a "C" 13892
grade a value that is not lower than the statewide average value 13893
for this measure. No grade shall be issued under division (C) (1) 13894
(g) of this section for a district or building in which less 13895
than five per cent of students have scored below grade level on 13896
the kindergarten diagnostic assessment under division (B) (1) of 13897
section 3313.608 of the Revised Code. 13898
13899

(h) For a high mobility school district or building, an 13900
additional value-added progress dimension score. For this 13901
measure, the department shall use value-added data from the most 13902
recent school year available and shall use assessment scores for 13903
only those students to whom the district or building has 13904
administered the assessments prescribed by section 3301.0710 of 13905

the Revised Code for each of the two most recent consecutive 13906
school years. 13907

As used in this division, "high mobility school district 13908
or building" means a school district or building where at least 13909
twenty-five per cent of its total enrollment is made up of 13910
students who have attended that school district or building for 13911
less than one year. 13912

(2) In addition to the graded measures in division (C) (1) 13913
of this section, the department shall include on a school 13914
district's or building's report card all of the following 13915
without an assigned letter grade: 13916

(a) The percentage of students enrolled in a district or 13917
building who have taken a national standardized test used for 13918
college admission determinations and the percentage of those 13919
students who are determined to be remediation-free in accordance 13920
with the standards adopted under division (F) of section 13921
3345.061 of the Revised Code; 13922

(b) The percentage of students enrolled in a district or 13923
building participating in advanced placement classes and the 13924
percentage of those students who received a score of three or 13925
better on advanced placement examinations; 13926

(c) The percentage of a district's or building's students 13927
who have earned at least three college credits through advanced 13928
standing programs, such as the college credit plus program under 13929
Chapter 3365. of the Revised Code and state-approved career- 13930
technical courses offered through dual enrollment or statewide 13931
articulation, that appear on a student's college transcript 13932
issued by the institution of higher education from which the 13933
student earned the college credit. The credits earned that are 13934

reported under divisions (B) (2) (b) and (C) (2) (c) of this section 13935
shall not include any that are remedial or developmental and 13936
shall include those that count toward the curriculum 13937
requirements established for completion of a degree. 13938

(d) The percentage of the district's or building's 13939
students who receive an honor's diploma under division (B) of 13940
section 3313.61 of the Revised Code; 13941

(e) The percentage of the district's or building's 13942
students who receive industry-recognized credentials as approved 13943
under section 3313.6113 of the Revised Code; 13944

(f) The percentage of students enrolled in a district or 13945
building who are participating in an international baccalaureate 13946
program and the percentage of those students who receive a score 13947
of four or better on the international baccalaureate 13948
examinations; 13949

(g) The results of the college and career-ready 13950
assessments administered under division (B) (1) of section 13951
3301.0712 of the Revised Code; 13952

(h) Whether the school district or building has 13953
implemented a positive behavior intervention and supports 13954
framework in compliance with the requirements of section 3319.46 13955
of the Revised Code, notated as a "yes" or "no" answer. 13956

(3) The ~~state board~~ department shall adopt rules pursuant 13957
to Chapter 119. of the Revised Code that establish a method to 13958
assign an overall grade for a school district or school building 13959
for the 2017-2018 school year and each school year thereafter. 13960
The rules shall group the performance measures in divisions (C) 13961
(1) and (2) of this section into the following components: 13962

(a) Gap closing, which shall include the performance 13963

measure in division (C) (1) (a) of this section; 13964

(b) Achievement, which shall include the performance 13965
measures in divisions (C) (1) (b) and (c) of this section; 13966

(c) Progress, which shall include the performance measures 13967
in divisions (C) (1) (e) and (f) of this section; 13968

(d) Graduation, which shall include the performance 13969
measure in division (C) (1) (d) of this section; 13970

(e) Kindergarten through third-grade literacy, which shall 13971
include the performance measure in division (C) (1) (g) of this 13972
section; 13973

(f) Prepared for success, which shall include the 13974
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 13975
and (f) of this section. The ~~state board~~ department shall 13976
develop a method to determine a grade for the component in 13977
division (C) (3) (f) of this section using the performance 13978
measures in divisions (C) (2) (a), (b), (c), (d), (e), and (f) of 13979
this section. When available, the ~~state board~~ department may 13980
incorporate the performance measure under division (C) (2) (g) of 13981
this section into the component under division (C) (3) (f) of this 13982
section. When determining the overall grade for the prepared for 13983
success component prescribed by division (C) (3) (f) of this 13984
section, no individual student shall be counted in more than one 13985
performance measure. However, if a student qualifies for more 13986
than one performance measure in the component, the ~~state board~~ 13987
department may, in its method to determine a grade for the 13988
component, specify an additional weight for such a student that 13989
is not greater than or equal to 1.0. In determining the overall 13990
score under division (C) (3) (f) of this section, the ~~state board~~ 13991
department shall ensure that the pool of students included in 13992

the performance measures aggregated under that division are all 13993
of the students included in the four- and five-year adjusted 13994
graduation cohort. 13995

In the rules adopted under division (C)(3) of this 13996
section, the ~~state board department~~ shall adopt a method for 13997
determining a grade for each component in divisions (C)(3)(a) to 13998
(f) of this section. The ~~state board department~~ also shall 13999
establish a method to assign an overall grade of "A," "B," "C," 14000
"D," or "F" using the grades assigned for each component. The 14001
method the ~~state board department~~ adopts for assigning an 14002
overall grade shall give equal weight to the components in 14003
divisions (C)(3)(b) and (c) of this section. 14004

At least forty-five days prior to the ~~state board's~~ 14005
~~department's~~ adoption of rules to prescribe the methods for 14006
calculating the overall grade for the report card, as required 14007
by this division, the department shall conduct a public 14008
presentation before the standing committees of the house of 14009
representatives and the senate that consider education 14010
legislation describing the format for the report card, weights 14011
that will be assigned to the components of the overall grade, 14012
and the method for calculating the overall grade. 14013

(D) For the 2021-2022 school year and each school year 14014
thereafter, all of the following apply: 14015

(1) The department shall include on a school district's or 14016
building's report card all of the following performance measures 14017
without an assigned performance rating: 14018

(a) Whether the district or building meets the gifted 14019
performance indicator under division (A)(2) of section 3302.02 14020
of the Revised Code and the extent to which the district or 14021

building meets gifted indicator performance benchmarks; 14022

(b) The extent to which the district or building meets the 14023
chronic absenteeism indicator under division (A) (3) of section 14024
3302.02 of the Revised Code; 14025

(c) Performance index score percentage for a district or 14026
building, which shall be calculated by dividing the district's 14027
or building's performance index score according to the 14028
performance index system created by the department by the 14029
maximum performance index score for a district or building. The 14030
maximum performance index score shall be as follows: 14031

(i) For a building, the average of the highest two per 14032
cent of performance index scores achieved by a building for the 14033
school year for which a report card is issued; 14034

(ii) For a district, the average of the highest two per 14035
cent of performance index scores achieved by a district for the 14036
school year for which a report card is issued. 14037

(d) The overall score under the value-added progress 14038
dimension of a district or building, for which the department 14039
shall use three consecutive years of value-added data. In using 14040
three years of value-added data to calculate the measure 14041
prescribed under division (D) (1) (d) of this section, the 14042
department shall assign a weight of fifty per cent to the most 14043
recent year's data and a weight of twenty-five per cent to the 14044
data of each of the other years. However, if three consecutive 14045
years of value-added data is not available, the department shall 14046
use prior years of value-added data to calculate the measure, as 14047
follows: 14048

(i) If two consecutive years of value-added data is not 14049
available, the department shall use one year of value-added data 14050

to calculate the measure. 14051

(ii) If two consecutive years of value-added data is 14052
available, the department shall use two consecutive years of 14053
value-added data to calculate the measure. In using two years of 14054
value-added data to calculate the measure, the department shall 14055
assign a weight of sixty-seven per cent to the most recent 14056
year's data and a weight of thirty-three per cent to the data of 14057
the other year. 14058

(e) The four-year adjusted cohort graduation rate. 14059

(f) The five-year adjusted cohort graduation rate. 14060

(g) The percentage of students in the district or building 14061
who score proficient or higher on the reading segment of the 14062
third grade English language arts assessment under section 14063
3301.0710 of the Revised Code. 14064

To the extent possible, the department shall include the 14065
results of the summer administration of the third grade reading 14066
assessment under section 3301.0710 of the Revised Code in the 14067
performance measures prescribed under divisions (D) (1) (g) and 14068
(h) of this section. 14069

(h) Whether a district or building is making progress in 14070
improving literacy in grades kindergarten through three, as 14071
determined using a method prescribed by the department. The 14072
method shall determine progress made based on the reduction in 14073
the total percentage of students scoring below grade level, or 14074
below proficient, compared from year to year on the reading 14075
segments of the diagnostic assessments administered under 14076
section 3301.0715 of the Revised Code, including the 14077
kindergarten readiness assessment, and the third grade English 14078
language arts assessment under section 3301.0710 of the Revised 14079

Code, as applicable. The method shall not include a deduction 14080
for students who did not pass the third grade English language 14081
arts assessment under section 3301.0710 of the Revised Code and 14082
were not on a reading improvement and monitoring plan. 14083

The performance measure prescribed under division (D) (1) 14084
(h) of this section shall not be included on the report card of 14085
a district or building in which less than ten per cent of 14086
students have scored below grade level on the diagnostic 14087
assessment administered to students in kindergarten under 14088
division (B) (1) of section 3313.608 of the Revised Code. 14089

(i) The percentage of students in a district or building 14090
who are promoted to the fourth grade and not subject to 14091
retention under division (A) (2) of section 3313.608 of the 14092
Revised Code; 14093

(j) A post-secondary readiness measure. This measure shall 14094
be calculated by dividing the number of students included in the 14095
four-year adjusted graduation rate cohort who demonstrate post- 14096
secondary readiness by the total number of students included in 14097
the denominator of the four-year adjusted graduation rate 14098
cohort. Demonstration of post-secondary readiness shall include 14099
a student doing any of the following: 14100

(i) Attaining a remediation-free score, in accordance with 14101
standards adopted under division (F) of section 3345.061 of the 14102
Revised Code, on a nationally standardized assessment prescribed 14103
under division (B) (1) of section 3301.0712 of the Revised Code; 14104

(ii) Attaining required scores on three or more advanced 14105
placement or international baccalaureate examinations. The 14106
required score for an advanced placement examination shall be a 14107
three or better. The required score for an international 14108

baccalaureate examination shall be a four or better. A student 14109
may satisfy this condition with any combination of advanced 14110
placement or international baccalaureate examinations. 14111

(iii) Earning at least twelve college credits through 14112
advanced standing programs, such as the college credit plus 14113
program under Chapter 3365. of the Revised Code, an early 14114
college high school program under section 3313.6013 of the 14115
Revised Code, and state-approved career-technical courses 14116
offered through dual enrollment or statewide articulation, that 14117
appear on a student's college transcript issued by the 14118
institution of higher education from which the student earned 14119
the college credit. Earned credits reported under division (D) 14120
(1)(j)(iii) of this section shall include credits that count 14121
toward the curriculum requirements established for completion of 14122
a degree, but shall not include any remedial or developmental 14123
credits. 14124

(iv) Meeting the additional criteria for an honors diploma 14125
under division (B) of section 3313.61 of the Revised Code; 14126

(v) Earning an industry-recognized credential or license 14127
issued by a state agency or board for practice in a vocation 14128
that requires an examination for issuance of that license 14129
approved under section 3313.6113 of the Revised Code; 14130

(vi) Satisfying any of the following conditions: 14131

(I) Completing a pre-apprenticeship aligned with options 14132
established under section 3313.904 of the Revised Code in the 14133
student's chosen career field; 14134

(II) Completing an apprenticeship registered with the 14135
apprenticeship council established under section 4139.02 of the 14136
Revised Code in the student's chosen career field; 14137

(III) Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older.	14138 14139 14140
(vii) Earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway;	14141 14142 14143
(viii) Earning an OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code and completing two hundred fifty hours of an internship or other work-based learning experience that is either:	14144 14145 14146 14147
(I) Approved by the business advisory council established under section 3313.82 of the Revised Code that represents the student's district; or	14148 14149 14150
(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.	14151 14152
(ix) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.	14153 14154 14155
A student who satisfies more than one of the conditions prescribed under this division shall be counted as one student for the purposes of calculating the measure prescribed under division (D) (1) (j) of this section.	14156 14157 14158 14159
(2) In addition to the performance measures under division (D) (1) of this section, the department shall report on a district's or building's report card all of the following data without an assigned performance rating:	14160 14161 14162 14163
(a) The applicable performance indicators established by the state board <u>department</u> under division (A) (1) of section	14164 14165

3302.02 of the Revised Code;	14166
(b) The overall score under the value-added progress dimension of a district or building for the most recent school year;	14167 14168 14169
(c) A composite of the overall scores under the value-added progress dimension of a district or building for the previous three school years or, if only two years of value-added data are available, for the previous two years;	14170 14171 14172 14173
(d) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the following categories:	14174 14175 14176 14177 14178 14179
(i) Students who are still enrolled in the district or building and receiving general education services;	14180 14181
(ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services;	14182 14183 14184 14185 14186
(iii) Students with an individualized education program who have not yet satisfied conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code and who are still receiving education services;	14187 14188 14189 14190
(iv) Students who are no longer enrolled in any district or building;	14191 14192
(v) Students who, upon enrollment in the district or	14193

building for the first time, had completed fewer units of high 14194
school instruction required under section 3313.603 of the 14195
Revised Code than other students in the four- or five-year 14196
adjusted cohort graduation rate. 14197

The department may disaggregate the data prescribed under 14198
division (D) (2) (d) of this section according to other categories 14199
that the department determines are appropriate. 14200

(e) The results of the kindergarten diagnostic assessment 14201
prescribed under division (D) of section 3301.079 of the Revised 14202
Code; 14203

(f) Post-graduate outcomes for students who were enrolled 14204
in a district or building and received a high school diploma 14205
under section 3313.61 or 3325.08 of the Revised Code in the 14206
school year prior to the school year for which the report card 14207
is issued, including the percentage of students who: 14208

(i) Enrolled in a post-secondary educational institution. 14209
To the extent possible, the department shall disaggregate that 14210
data according to whether the student enrolled in a four-year 14211
institution of higher education, a two-year institution of 14212
higher education, an Ohio technical center that provides adult 14213
technical education services and is recognized by the chancellor 14214
of higher education, or another type of post-secondary 14215
educational institution. 14216

(ii) Entered an apprenticeship program registered with the 14217
apprenticeship council established under Chapter 4139. of the 14218
Revised Code. The department may include other job training 14219
programs with similar rigor and outcomes. 14220

(iii) Attained gainful employment, as determined by the 14221
department; 14222

(iv) Enlisted in a branch of the armed forces of the United States, as defined in section 5910.01 of the Revised Code.	14223 14224 14225
(g) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated with a "yes" or "no";	14226 14227 14228 14229
(h) The number and percentage of high school seniors in each school year who completed the free application for federal student aid;	14230 14231 14232
(i) Beginning with the report card issued under this section for the 2022-2023 school year, a student opportunity profile measure that reports data regarding the opportunities provided to students by a district or building. To the extent possible, and when appropriate, the data shall be disaggregated by grade level and subgroup. The measure also shall include data regarding the statewide average, the average for similar school districts, and, for a building, the average for the district in which the building is located. The measure shall include all of the following data for the district or building:	14233 14234 14235 14236 14237 14238 14239 14240 14241 14242
(i) The average ratio of teachers of record to students in each grade level in a district or building;	14243 14244
(ii) The average ratio of school counselors to students in a district or building;	14245 14246
(iii) The average ratio of nurses to students in a district or building;	14247 14248
(iv) The average ratio of licensed librarians and library media specialists to students in a district or building;	14249 14250

(v) The average ratio of social workers to students in a district or building;	14251 14252
(vi) The average ratio of mental health professionals to students in a district or building;	14253 14254
(vii) The average ratio of paraprofessionals to students in a district or building;	14255 14256
(viii) The percentage of teachers with fewer than three years of experience teaching in any school;	14257 14258
(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	14259 14260
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	14261 14262
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	14263 14264 14265
(xii) The percentage of students enrolled in a performing or visual arts course;	14266 14267
(xiii) The percentage of students enrolled in a physical education or wellness course;	14268 14269
(xiv) The percentage of students enrolled in a world language course;	14270 14271
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	14272 14273
(xvi) The percentage of students participating in one or more cocurricular activities;	14274 14275
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors	14276 14277

courses, or courses offered through the college credit plus	14278
program established under Chapter 3365. of the Revised Code;	14279
(xviii) The percentage of students identified as gifted in	14280
superior cognitive ability and specific academic ability fields	14281
under Chapter 3324. of the Revised Code and receiving gifted	14282
services pursuant to that chapter;	14283
(xix) The percentage of students participating in	14284
enrichment or support programs offered by the district or	14285
building outside of the normal school day;	14286
(xx) The percentage of eligible students participating	14287
each school day in school breakfast programs offered by the	14288
district or building in accordance with section 3313.813 or	14289
3313.818 of the Revised Code;	14290
(xxi) The percentage of students who are transported by a	14291
school bus each school day;	14292
(xxii) The ratio of portable technology devices that	14293
students may take home to the number of students.	14294
The department shall include only opportunity measures at	14295
the building level for which data for buildings is available, as	14296
determined by a school district.	14297
(j) (i) The percentage of students included in the four-	14298
and five-year adjusted cohort graduation rates of the district	14299
or building who completed all of grades nine through twelve	14300
while enrolled in the district or building;	14301
(ii) The four-year adjusted cohort graduation rate for	14302
only those students who were continuously enrolled in the same	14303
district or building for grades nine through twelve.	14304
(k) The percentage of students in the district or building	14305

to whom both of the following apply: 14306

(i) The students are promoted to fourth grade and not 14307
subject to retention under division (A) (2) of section 3313.608 14308
of the Revised Code. 14309

(ii) The students completed all of the grade levels 14310
offered prior to the fourth grade in the district or building. 14311

(3) Except as provided in division (D) (3) (f) of this 14312
section, the department shall use the ~~state board's~~ method 14313
prescribed under rules adopted under division (D) (4) of this 14314
section to assign performance ratings of "one star," "two 14315
stars," "three stars," "four stars," or "five stars," as 14316
described in division (F) of this section, for a district or 14317
building for the individual components prescribed under division 14318
(D) (3) of this section. The department also shall assign an 14319
overall performance rating for a district or building in 14320
accordance with division (D) (3) (g) of this section. The method 14321
shall use the performance measures prescribed under division (D) 14322
(1) of this section to calculate performance ratings for 14323
components. The method may report data under division (D) (2) of 14324
this section with corresponding components, but shall not use 14325
the data to calculate performance ratings for that component. 14326
The performance measures and reported data shall be grouped 14327
together into components as follows: 14328

(a) Gap closing. In addition to other criteria determined 14329
appropriate by the department, performance ratings for the gap 14330
closing component shall reflect whether each of the following 14331
performance measures are met or not met: 14332

(i) The gifted performance indicator as described in 14333
division (D) (1) (a) of this section; 14334

(ii) The chronic absenteeism indicator as described in	14335
division (D) (1) (b) of this section;	14336
(iii) For English learners, an English language	14337
proficiency improvement indicator established by the department;	14338
(iv) The subgroup graduation targets;	14339
(v) The subgroup achievement targets in both mathematics	14340
and English language arts;	14341
(vi) The subgroup progress targets in both mathematics and	14342
English language arts.	14343
Achievement and progress targets under division (D) (3) (a)	14344
of this section shall be calculated individually, and districts	14345
and buildings shall receive a status of met or not met on each	14346
measure. The department shall not require a subgroup of a	14347
district or building to meet both the achievement and progress	14348
targets at the same time to receive a status of met.	14349
The department shall not include any subgroup data in this	14350
measure that includes data from fewer than fifteen students. Any	14351
penalty for failing to meet the required assessment	14352
participation rate must be partially in proportion to how close	14353
the district or building was to meeting the rate requirement.	14354
(b) Achievement, which shall include the performance	14355
measure in division (D) (1) (c) of this section and the reported	14356
data in division (D) (2) (a) of this section. Performance ratings	14357
for the achievement component shall be awarded as a percentage	14358
of the maximum performance index score described in division (D)	14359
(1) (c) of this section.	14360
(c) Progress, which shall include the performance measure	14361
in division (D) (1) (d) of this section and the reported data in	14362

divisions (D) (2) (b) and (c) of this section; 14363

(d) Graduation, which shall include the performance 14364
measures in divisions (D) (1) (e) and (f) of this section and the 14365
reported data in divisions (D) (2) (d) and (j) of this section. 14366
The four-year adjusted cohort graduation rate shall be assigned 14367
a weight of sixty per cent and the five-year adjusted cohort 14368
graduation rate shall be assigned a weight of forty per cent; 14369

(e) Early literacy, which shall include the performance 14370
measures in divisions (D) (1) (g), (h), and (i) of this section 14371
and the reported data in divisions (D) (2) (e) and (k) of this 14372
section. 14373

If the measure prescribed under division (D) (1) (h) of this 14374
section is included in a report card, performance ratings for 14375
the early literacy component shall give a weight of forty per 14376
cent to the measure prescribed under division (D) (1) (g) of this 14377
section, a weight of thirty-five per cent to the measure 14378
prescribed under division (D) (1) (i) of this section, and a 14379
weight of twenty-five per cent to the measure prescribed under 14380
division (D) (1) (h) of this section. 14381

If the measure prescribed under division (D) (1) (h) of this 14382
section is not included in a report card of a district or 14383
building, performance ratings for the early literacy component 14384
shall give a weight of sixty per cent to the measure prescribed 14385
under division (D) (1) (g) of this section and a weight of forty 14386
per cent to the measure prescribed under division (D) (1) (i) of 14387
this section. 14388

(f) College, career, workforce, and military readiness, 14389
which shall include the performance measure in division (D) (1) 14390
(j) of this section and the reported data in division (D) (2) (f) 14391

of this section. 14392

For the 2021-2022, 2022-2023, and 2023-2024 school years, 14393
the department only shall report the data for, and not assign a 14394
performance rating to, the college, career, workforce, and 14395
military readiness component. The reported data shall include 14396
the percentage of students who demonstrate post-secondary 14397
readiness using any of the options described in division (D)(1) 14398
(j) of this section. 14399

The department shall analyze the data included in the 14400
performance measure prescribed in division (D)(1)(j) of this 14401
section for the 2021-2022, 2022-2023, and 2023-2024 school 14402
years. Using that data, the department shall develop and propose 14403
rules for a method to assign a performance rating to the 14404
college, career, workforce, and military readiness component 14405
based on that measure. The method to assign a performance rating 14406
shall not include a tiered structure or per student bonuses. The 14407
rules shall specify that a district or building shall not 14408
receive lower than a performance rating of three stars for the 14409
component if the district's or building's performance on the 14410
component meets or exceeds a level of improvement set by the 14411
department. Notwithstanding division (D)(4)(b) of this section, 14412
more than half of the total districts and buildings may earn a 14413
performance rating of three stars on this component to account 14414
for the districts and buildings that earned a performance rating 14415
of three stars because they met or exceeded the level of 14416
improvement set by the department. 14417

The department shall submit the rules to the joint 14418
committee on agency rule review. The committee shall conduct at 14419
least one public hearing on the proposed rules and approve or 14420
disapprove the rules. If the committee approves the rules, the 14421

~~state board department~~ shall adopt the rules in accordance with 14422
Chapter 119. of the Revised Code. If the rules are adopted, the 14423
department shall assign a performance rating to the college, 14424
career, workforce, and military readiness component under the 14425
rules beginning with the 2024-2025 school year, and for each 14426
school year thereafter. If the committee disapproves the rules, 14427
the component shall be included in the report card only as 14428
reported data for the 2024-2025 school year, and each school 14429
year thereafter. 14430

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 14431
this section, beginning with the 2022-2023 school year, under 14432
the ~~state board's~~ method prescribed under rules adopted in 14433
division (D) (4) of this section, the department shall use the 14434
performance ratings assigned for the components prescribed in 14435
divisions (D) (3) (a) to (e) of this section to determine and 14436
assign an overall performance rating of "one star," "one and 14437
one-half stars," "two stars," "two and one-half stars," "three 14438
stars," "three and one-half stars," "four stars," "four and one- 14439
half stars," or "five stars" for a district or building. The 14440
method shall give equal weight to the components in divisions 14441
(D) (3) (b) and (c) of this section. The method shall give equal 14442
weight to the components in divisions (D) (3) (a), (d), and (e) of 14443
this section. The individual weights of each of the components 14444
prescribed in divisions (D) (3) (a), (d), and (e) of this section 14445
shall be equal to one-half of the weight given to the component 14446
prescribed in division (D) (3) (b) of this section. 14447

(ii) If the joint committee on agency rule review approves 14448
the department's rules regarding the college, career, workforce, 14449
and military readiness component as described in division (D) (3) 14450
(f) of this section, for the 2024-2025 school year, and each 14451
school year thereafter, the ~~state board's department's~~ method 14452

shall use the components in divisions (D) (3) (a), (b), (c), (d), (e), and (f) of this section to calculate the overall performance rating. The method shall give equal weight to the components in divisions (D) (3) (b) and (c) of this section. The method shall give equal weight to the components prescribed in divisions (D) (3) (a), (d), (e), and (f) of this section. The individual weights of each of the components prescribed in divisions (D) (3) (a), (d), (e), and (f) of this section shall be equal to one-half the weight given to the component prescribed in division (D) (3) (b) of this section.

If the joint committee on agency rule review disapproves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, division (D) (3) (g) (ii) of this section does not apply.

(4) (a) The ~~state board~~ department shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the performance criteria, benchmarks, and rating system necessary to implement divisions (D) and (F) of this section, including the method for the department to assign performance ratings under division (D) (3) of this section.

(b) In establishing the performance criteria, benchmarks, and rating system, the ~~state board~~ department shall consult with stakeholder groups and advocates that represent parents, community members, students, business leaders, and educators from different school typology regions. The ~~state board~~ department shall use data from prior school years and simulations to ensure that there is meaningful differentiation among districts and buildings across all performance ratings and that, except as permitted in division (D) (3) (f) of this section,

more than half of all districts or buildings do not earn the 14483
same performance rating in any component or overall performance 14484
rating. 14485

(c) The ~~state board~~department shall adopt the rules 14486
prescribed by division (D)(4) of this section not later than 14487
March 31, 2022. However, the department shall notify districts 14488
and buildings of the changes to the report card prescribed in 14489
law not later than one week after the effective date of this 14490
amendment September 30, 2021. 14491

(d) Prior to adopting or updating rules under division (D) 14492
(4) of this section, the ~~president~~director of the ~~state board~~
education and workforce and the department shall conduct a 14493
public presentation before the standing committees of the house 14494
of representatives and the senate that consider primary and 14495
secondary education legislation describing the format for the 14496
report card and the performance criteria, benchmarks, and rating 14497
system, including the method to assign performance ratings under 14498
division (D)(3) of this section. 14499
14500

(E) ~~On or after July 1, 2015, the state board~~The 14501
department may develop a measure of student academic progress 14502
for high school students using only data from assessments in 14503
English language arts and mathematics. If the ~~state board~~
department develops this measure, each school district and 14504
applicable school building shall be assigned a separate letter 14505
grade for it not sooner than the 2017-2018 school year. The 14506
district's or building's grade for that measure shall not be 14507
included in determining the district's or building's overall 14508
letter grade. 14509
14510

(F)(1) The letter grades assigned to a school district or 14511
building under this section shall be as follows: 14512

(a) "A" for a district or school making excellent progress;	14513 14514
(b) "B" for a district or school making above average progress;	14515 14516
(c) "C" for a district or school making average progress;	14517
(d) "D" for a district or school making below average progress;	14518 14519
(e) "F" for a district or school failing to meet minimum progress.	14520 14521
(2) For the overall performance rating under division (D)	14522
(3) of this section, the department shall include a descriptor for each performance rating as follows:	14523 14524
(a) "Significantly exceeds state standards" for a performance rating of five stars;	14525 14526
(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars;	14527 14528
(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;	14529 14530
(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars;	14531 14532
(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars.	14533 14534
(3) For performance ratings for each component under divisions (D) (3) (a) to (f) of this section, the state board <u>department</u> shall include a description of each component and performance rating. The description shall include component-specific context to each performance rating earned, estimated	14535 14536 14537 14538 14539

comparisons to other school districts and buildings if 14540
appropriate, and any other information determined by the ~~state-~~ 14541
~~board~~department. The descriptions shall be not longer than 14542
twenty-five words in length when possible. In addition to such 14543
descriptions, the ~~state board~~department shall include the 14544
descriptors in division (F) (2) of this section for component 14545
performance ratings. 14546

(4) Each report card issued under this section shall 14547
include all of the following: 14548

(a) A graphic that depicts the performance ratings of a 14549
district or school on a color scale. The color associated with a 14550
performance rating of three stars shall be green and the color 14551
associated with a performance rating of one star shall be red. 14552

(b) An arrow graphic that shows data trends for 14553
performance ratings for school districts or buildings. The ~~state-~~ 14554
~~board~~department shall determine the data to be used for this 14555
graphic, which shall include at least the three most recent 14556
years of data. 14557

(c) A description regarding the weights that are assigned 14558
to each component and used to determine an overall performance 14559
rating, as prescribed under division (D) (3) (g) of this section, 14560
which shall be included in the presentation of the overall 14561
performance rating on each report card. 14562

(G) When reporting data on student achievement and 14563
progress, the department shall disaggregate that data according 14564
to the following categories: 14565

(1) Performance of students by grade-level; 14566

(2) Performance of students by race and ethnic group; 14567

(3) Performance of students by gender;	14568
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	14569 14570
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	14571 14572 14573
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	14574 14575
(7) Performance of students grouped by those who are economically disadvantaged;	14576 14577
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	14578 14579 14580
(9) Performance of students grouped by those who are classified as English learners;	14581 14582
(10) Performance of students grouped by those who have disabilities;	14583 14584
(11) Performance of students grouped by those who are classified as migrants;	14585 14586
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	14587 14588 14589 14590 14591 14592 14593 14594 14595

(13) Performance of students grouped by those who perform 14596
in the lowest quintile for achievement on a statewide basis, as 14597
determined by a method prescribed by the ~~state board~~department. 14598

The department may disaggregate data on student 14599
performance according to other categories that the department 14600
determines are appropriate. To the extent possible, the 14601
department shall disaggregate data on student performance 14602
according to any combinations of two or more of the categories 14603
listed in divisions (G) (1) to (13) of this section that it deems 14604
relevant. 14605

In reporting data pursuant to division (G) of this 14606
section, the department shall not include in the report cards 14607
any data statistical in nature that is statistically unreliable 14608
or that could result in the identification of individual 14609
students. For this purpose, the department shall not report 14610
student performance data for any group identified in division 14611
(G) of this section that contains less than ten students. If the 14612
department does not report student performance data for a group 14613
because it contains less than ten students, the department shall 14614
indicate on the report card that is why data was not reported. 14615

(H) The department may include with the report cards any 14616
additional education and fiscal performance data it deems 14617
valuable. 14618

(I) The department shall include on each report card a 14619
list of additional information collected by the department that 14620
is available regarding the district or building for which the 14621
report card is issued. When available, such additional 14622
information shall include student mobility data disaggregated by 14623
race and socioeconomic status, college enrollment data, and the 14624
reports prepared under section 3302.031 of the Revised Code. 14625

The department shall maintain a site on the world wide 14626
web. The report card shall include the address of the site and 14627
shall specify that such additional information is available to 14628
the public at that site. The department shall also provide a 14629
copy of each item on the list to the superintendent of each 14630
school district. The district superintendent shall provide a 14631
copy of any item on the list to anyone who requests it. 14632

(J) (1) (a) Except as provided in division (J) (1) (b) of this 14633
section, for any district that sponsors a conversion community 14634
school under Chapter 3314. of the Revised Code, the department 14635
shall combine data regarding the academic performance of 14636
students enrolled in the community school with comparable data 14637
from the schools of the district for the purpose of determining 14638
the performance of the district as a whole on the report card 14639
issued for the district under this section or section 3302.033 14640
of the Revised Code. 14641

(b) The department shall not combine data from any 14642
conversion community school that a district sponsors if a 14643
majority of the students enrolled in the conversion community 14644
school are enrolled in a dropout prevention and recovery program 14645
that is operated by the school, as described in division (A) (4) 14646
(a) of section 3314.35 of the Revised Code. The department shall 14647
include as an addendum to the district's report card the ratings 14648
and performance measures that are required under section 14649
3314.017 of the Revised Code for any community school to which 14650
division (J) (1) (b) of this section applies. This addendum shall 14651
include, at a minimum, the data specified in divisions (C) (1) 14652
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 14653

(2) Any district that leases a building to a community 14654
school located in the district or that enters into an agreement 14655

with a community school located in the district whereby the 14656
district and the school endorse each other's programs may elect 14657
to have data regarding the academic performance of students 14658
enrolled in the community school combined with comparable data 14659
from the schools of the district for the purpose of determining 14660
the performance of the district as a whole on the district 14661
report card. Any district that so elects shall annually file a 14662
copy of the lease or agreement with the department. 14663

(3) Any municipal school district, as defined in section 14664
3311.71 of the Revised Code, that sponsors a community school 14665
located within the district's territory, or that enters into an 14666
agreement with a community school located within the district's 14667
territory whereby the district and the community school endorse 14668
each other's programs, may exercise either or both of the 14669
following elections: 14670

(a) To have data regarding the academic performance of 14671
students enrolled in that community school combined with 14672
comparable data from the schools of the district for the purpose 14673
of determining the performance of the district as a whole on the 14674
district's report card; 14675

(b) To have the number of students attending that 14676
community school noted separately on the district's report card. 14677

The election authorized under division (J) (3) (a) of this 14678
section is subject to approval by the governing authority of the 14679
community school. 14680

Any municipal school district that exercises an election 14681
to combine or include data under division (J) (3) of this 14682
section, by the first day of October of each year, shall file 14683
with the department documentation indicating eligibility for 14684

that election, as required by the department. 14685

(K) The department shall include on each report card the 14686
percentage of teachers in the district or building who are 14687
properly certified or licensed teachers, as defined in section 14688
3319.074 of the Revised Code, and a comparison of that 14689
percentage with the percentages of such teachers in similar 14690
districts and buildings. 14691

(L) (1) In calculating English language arts, mathematics, 14692
science, American history, or American government assessment 14693
passage rates used to determine school district or building 14694
performance under this section, the department shall include all 14695
students taking an assessment with accommodation or to whom an 14696
alternate assessment is administered pursuant to division (C) (1) 14697
or (3) of section 3301.0711 of the Revised Code and all students 14698
who take substitute examinations approved under division (B) (4) 14699
of section 3301.0712 of the Revised Code in the subject areas of 14700
science, American history and American government. 14701

(2) In calculating performance index scores, rates of 14702
achievement on the performance indicators established by the 14703
~~state board~~ department under section 3302.02 of the Revised 14704
Code, and annual measurable objectives for determining adequate 14705
yearly progress for school districts and buildings under this 14706
section, the department shall do all of the following: 14707

(a) Include for each district or building only those 14708
students who are included in the ADM certified for the first 14709
full school week of October and are continuously enrolled in the 14710
district or building through the time of the spring 14711
administration of any assessment prescribed by division (A) (1) 14712
or (B) (1) of section 3301.0710 or division (B) of section 14713
3301.0712 of the Revised Code that is administered to the 14714

student's grade level; 14715

(b) Include cumulative totals from both the fall and 14716
spring administrations of the third grade English language arts 14717
achievement assessment and, to the extent possible, the summer 14718
administration of that assessment; 14719

(c) Except as required by the No Child Left Behind Act of 14720
2001, exclude for each district or building any English learner 14721
who has been enrolled in United States schools for less than one 14722
full school year. 14723

(M) Beginning with the 2015-2016 school year and at least 14724
once every three years thereafter, the ~~state board of education-~~ 14725
department shall review and may adjust the benchmarks for 14726
assigning letter grades or performance ratings to the 14727
performance measures and components prescribed under divisions 14728
(C) (3), (D), and (E) of this section. 14729

Sec. 3302.031. In addition to the report cards required 14730
under section 3302.03 of the Revised Code, the department of 14731
education and workforce shall annually prepare the following 14732
reports for each school district and make a copy of each report 14733
available to the superintendent of each district: 14734

(A) A funding and expenditure accountability report which 14735
shall consist of the amount of state aid payments the school 14736
district will receive during the fiscal year under Chapter 3317. 14737
of the Revised Code and any other fiscal data the department 14738
determines is necessary to inform the public about the financial 14739
status of the district; 14740

(B) A school safety and discipline report which shall 14741
consist of statistical information regarding student safety and 14742
discipline in each school building, including the number of 14743

suspensions and expulsions disaggregated according to race and 14744
gender; 14745

(C) A student equity report which shall consist of at 14746
least a description of the status of teacher qualifications, 14747
library and media resources, textbooks, classroom materials and 14748
supplies, and technology resources for each district. To the 14749
extent possible, the information included in the report required 14750
under this division shall be disaggregated according to grade 14751
level, race, gender, disability, and scores attained on 14752
assessments required under sections 3301.0710 and 3301.0712 of 14753
the Revised Code. 14754

(D) A school enrollment report which shall consist of 14755
information about the composition of classes within each 14756
district by grade and subject disaggregated according to race, 14757
gender, and scores attained on assessments required under 14758
sections 3301.0710 and 3301.0712 of the Revised Code; 14759

(E) A student retention report which shall consist of the 14760
number of students retained in their respective grade levels in 14761
the district disaggregated by grade level, subject area, race, 14762
gender, and disability; 14763

(F) A school district performance report which shall 14764
describe for the district and each building within the district 14765
the extent to which the district or building meets each of the 14766
applicable performance indicators established under section 14767
3302.02 of the Revised Code, the number of performance 14768
indicators that have been achieved, and the performance index 14769
score. In calculating the rates of achievement on the 14770
performance indicators and the performance index scores for each 14771
report, the department shall exclude all students with 14772
disabilities. 14773

Sec. 3302.032. (A) ~~Not later than December 31, 2011, the~~ 14774
~~state board~~ The department of education and workforce shall 14775
establish a measure of the following: 14776

(1) Student success in meeting the benchmarks contained in 14777
the physical education standards adopted under division (A) (3) 14778
of section 3301.079 of the Revised Code; 14779

(2) Compliance with the requirements for local wellness 14780
policies prescribed by section 204 of the "Child Nutrition and 14781
WIC Reauthorization Act of 2004," 42 U.S.C. 1751 note; 14782

(3) Whether a school district or building has elected to 14783
administer the screenings authorized by sections 3313.674, 14784
3314.15, and 3326.26 of the Revised Code; 14785

(4) Whether a school district or building is participating 14786
in the physical activity pilot program administered under 14787
section 3313.6016 of the Revised Code. 14788

(B) The measure shall be included on the school district 14789
and building report cards issued under section 3302.03 of the 14790
Revised Code, beginning with the report cards issued for the 14791
2012-2013 school year, but it shall not be a factor in the 14792
performance ratings issued under that section. 14793

(C) The department ~~of education~~ may accept, receive, and 14794
expend gifts, devises, or bequests of money for the purpose of 14795
establishing the measure required by this section. 14796

Sec. 3302.033. The ~~state board~~ department of education and 14797
workforce, in consultation with the chancellor of ~~the Ohio board~~ 14798
~~of regents~~ higher education, any office within the office of the 14799
governor concerning workforce development, the Ohio association 14800
of career and technical education, the Ohio association of city 14801
career-technical schools, and the Ohio association of career- 14802

technical superintendents, shall approve a report card for joint 14803
vocational school districts and for other career-technical 14804
planning districts that are not joint vocational school 14805
districts, which may contain disaggregated data for each joint 14806
vocational school district, if applicable. The ~~state board-~~ 14807
department shall submit details of the approved report card to 14808
the governor, the speaker of the house of representatives, the 14809
president of the senate, and the chairpersons of the standing 14810
committees of the house of representatives and the senate 14811
principally responsible for education policy. The department ~~of-~~ 14812
~~education~~ annually shall issue a report card for each joint 14813
vocational school district and other career-technical planning 14814
districts that are not joint vocational school districts, 14815
beginning with report cards for the 2012-2013 school year to be 14816
published not later than September 1, 2013. 14817

As used in this section, "career-technical planning 14818
district" means a school district or group of school districts 14819
designated by the department as being responsible for the 14820
planning for and provision of career-technical education 14821
services to students within the district or group. 14822

Sec. 3302.034. (A) ~~Not later than December 31, 2013, the-~~ 14823
~~state board-~~The department of education and workforce shall 14824
adopt and specify measures in addition to those included on the 14825
report card issued under section 3302.03 of the Revised Code. 14826
The measures adopted under this section shall be reported 14827
separately, as specified under division (B) of this section, for 14828
each school district, each building in a district, each 14829
community school established under Chapter 3314., each STEM 14830
school established under Chapter 3326., and each college- 14831
preparatory boarding school established under Chapter 3328. of 14832
the Revised Code. The measures shall include at least the 14833

following:	14834
(1) Data for students who have passed over a grade or subject area under an acceleration policy prescribed under section 3324.10 of the Revised Code;	14835 14836 14837
(2) The number of students who are economically disadvantaged as determined by the department of education;	14838 14839
(3) The number of lead teachers employed by each district and each building once the data is available through the education management information system established under section 3301.0714 of the Revised Code;	14840 14841 14842 14843
(4) The amount of students screened and identified as gifted under Chapter 3324. of the Revised Code;	14844 14845
(5) Postgraduate student outcome data as described under division (E) (2) (d) (ii) of section 3314.017 of the Revised Code;	14846 14847
(6) Availability of courses in fine arts;	14848
(7) Participation with other school districts to provide career-technical education services to students.	14849 14850
(B) The department shall report this information annually beginning with the 2013-2014 school year and make this information available on its web site for comparison purposes.	14851 14852 14853
Sec. 3302.035. (A) Not later than October 1, 2015, and not later than the first day of October each year thereafter, the department of education <u>and workforce</u> shall report for each school district, each community school established under Chapter 3314., each STEM school established under Chapter 3326., and each college-preparatory boarding school established under Chapter 3328. of the Revised Code, the following measures for students with disabilities enrolled in that school district or	14854 14855 14856 14857 14858 14859 14860 14861

community, STEM, or college-preparatory boarding school: 14862

(1) The value-added progress dimension score disaggregated 14863
for that subgroup, as determined by the department; 14864

(2) The performance index score for that subgroup, as 14865
defined under division (A) of section 3302.01 of the Revised 14866
Code; 14867

(3) The four- and five-year adjusted cohort graduation 14868
rates, as defined under divisions (G) (1) and (2) of section 14869
3302.01 of the Revised Code, for that subgroup. 14870

(B) The department shall make each report completed 14871
pursuant to division (A) of this section available on its web 14872
site for comparison purposes. 14873

Sec. 3302.036. (A) Notwithstanding anything in the Revised 14874
Code to the contrary, the department of education and workforce 14875
shall not assign an overall letter grade under division (C) (3) 14876
of section 3302.03 of the Revised Code for any school district 14877
or building for the 2014-2015, 2015-2016, or 2016-2017 school 14878
years, may, at the discretion of the ~~state board of education~~ 14879
department, not assign an individual grade to any component 14880
prescribed under division (C) (3) of section 3302.03 of the 14881
Revised Code, and shall not rank school districts, community 14882
schools established under Chapter 3314. of the Revised Code, or 14883
STEM schools established under Chapter 3326. of the Revised Code 14884
under section 3302.21 of the Revised Code for those school 14885
years. The report card ratings issued for the 2014-2015, 2015- 14886
2016, or 2016-2017 school years shall not be considered in 14887
determining whether a school district or a school is subject to 14888
sanctions or penalties. However, the report card ratings of any 14889
previous or subsequent years shall be considered in determining 14890

whether a school district or building is subject to sanctions or penalties. Accordingly, the report card ratings for the 2014-2015, 2015-2016, or 2016-2017 school years shall have no effect in determining sanctions or penalties, but shall not create a new starting point for determinations that are based on ratings over multiple years.

(B) The provisions from which a district or school is exempt under division (A) of this section shall be the following:

(1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";

(2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;

(3) Provisions for academic distress commissions under former section 3302.10 of the Revised Code as it existed prior to October 15, 2015. The provisions of this section do not apply to academic distress commissions under the version of that section as it exists on or after October 15, 2015.

(4) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

(5) Provisions defining "challenged school districts" in which new start-up community schools were required to be located, as prescribed in section 3314.02 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ September 30, 2021;

(6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised

Code. 14920

(C) Notwithstanding anything in the Revised Code to the 14921
contrary and except as provided in Section 3 of H.B. 7 of the 14922
131st general assembly, no school district, community school, or 14923
STEM school shall utilize at any time during a student's 14924
academic career a student's score on any assessment administered 14925
under division (A) of section 3301.0710 or division (B) (2) of 14926
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 14927
2016, or 2016-2017 school years as a factor in any decision to 14928
promote or to deny the student promotion to a higher grade level 14929
or in any decision to grant course credit. No individual student 14930
score reports on such assessments administered in the 2014-2015, 14931
2015-2016, or 2016-2017 school years shall be released, except 14932
to a student's school district or school or to the student or 14933
the student's parent or guardian. 14934

Sec. 3302.037. (A) Not more than thirty days after the 14935
department of education and workforce issues report cards under 14936
section 3302.03 of the Revised Code, each school district and 14937
school building shall do the following: 14938

(1) Notify parents that the report card has been released 14939
and how parents can access the report card. Notification may 14940
include mailed letters, emails, newsletters, or any other 14941
proactive notification method used by districts and buildings to 14942
contact parents. 14943

(2) Include a link to the report card on the district's or 14944
school's web site. 14945

(B) Each superintendent of a school district shall present 14946
the results of the district's report card to the school district 14947
board of education not later than thirty days after the report 14948

cards are issued under section 3302.03 of the Revised Code. 14949

Sec. 3302.038. Not later than December 31, 2024, the 14950
department of education and workforce shall issue a report 14951
regarding the effectiveness of the state report cards issued 14952
under section 3302.03 of the Revised Code. In preparing the 14953
report, the department shall study the data included in the 14954
state report cards issued for the 2021-2022, 2022-2023, and 14955
2023-2024 school years. Based on that study, the department 14956
shall include in the report any recommendations for changes or 14957
improvements to the state report card. 14958

The department shall submit the report to the speaker of 14959
the house of representatives, the president of the senate, and 14960
the chairpersons of the standing committees of the house of 14961
representatives and the senate that consider education 14962
legislation. 14963

Sec. 3302.039. (A) The state report card review committee 14964
is hereby established on July 1, 2023. 14965

(B) The committee established under this section shall 14966
consist of the following members: 14967

(1) Two members of the house of representatives, both of 14968
whom shall not be members of the same political party, appointed 14969
by the speaker of the house of representatives. The minority 14970
leader of the house of representatives may recommend to the 14971
speaker of the house of representatives a member of the minority 14972
leader's political party to serve on the committee. 14973

(2) Two members of the senate, both of whom shall not be 14974
members of the same political party, appointed by the president 14975
of the senate. The minority leader of the senate may recommend 14976
to the president of the senate a member of the minority leader's 14977

political party to serve on the committee.	14978
(3) The superintendent <u>director</u> of public instruction <u>education and workforce</u> , or the state superintendent's <u>director's</u> designee;	14979 14980 14981
(4) The following members appointed by the state superintendent <u>director</u> :	14982 14983
(a) A classroom teacher who provides instruction in an elementary school;	14984 14985
(b) A classroom teacher who provides instruction in a high school;	14986 14987
(c) An individual with experience in providing services to students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code;	14988 14989 14990 14991
(d) An individual with experience in providing special education or related services to children with disabilities under Chapter 3323. of the Revised Code;	14992 14993 14994
(e) An individual representing a chartered nonpublic school;	14995 14996
(f) A representative of the business community;	14997
(g) The parent of a child enrolled in any of grades kindergarten through twelve;	14998 14999
(h) A representative of community schools established under Chapter 3314. of the Revised Code;	15000 15001
(i) Two school district superintendents and one school principal. The state superintendent shall ensure that the representatives appointed under division (B) (4) (i) of this	15002 15003 15004

section represent urban, suburban, and rural school districts. 15005

(5) The member of the house of representatives appointed 15006
under division (B) (1) of this section, who is of the majority 15007
party, and the member of the senate appointed under division (B) 15008
(2) of this section, who is of the majority party, shall serve 15009
as co-chairpersons of the committee. 15010

(C) The committee established under this section shall 15011
conduct a study of the state report cards issued under section 15012
3302.03 of the Revised Code for the 2022-2023 school year and 15013
prior school years. Based on that study, the committee shall 15014
make recommendations for improvements, corrections, and 15015
clarifications to the state report card. 15016

Not later than June 30, 2024, the chairpersons of the 15017
committee shall submit a report of its findings to the ~~state~~ 15018
~~board of education~~ director and the chairpersons of the standing 15019
committees of the house of representatives and the senate that 15020
consider primary and secondary education legislation. 15021

~~Sec. 3302.04. As used in divisions (A), (C), and (D) of~~ 15022
~~this section, for the 2014-2015 school year, and for each school~~ 15023
~~year thereafter, when a provision refers to a school district or~~ 15024
~~school building in a state of academic emergency, it shall mean~~ 15025
~~a district or building rated "F"; when a provision refers to a~~ 15026
~~school district or school building under an academic watch, it~~ 15027
~~shall mean a district or building rated "D"; and when a~~ 15028
~~provision refers to a school district or school building in need~~ 15029
~~of continuous improvement, it shall mean a district or building~~ 15030
~~rated "C" as those letter grade ratings for overall performance~~ 15031
~~are assigned under division (C) (3) of section 3302.03 of the~~ 15032
~~Revised Code, as it exists on or after March 22, 2013.~~ 15033

(A) The department of education and workforce shall 15034
establish a system of intensive, ongoing support for the 15035
improvement of school districts and school buildings. In 15036
accordance with the model of differentiated accountability 15037
described in section 3302.041 of the Revised Code, the system 15038
shall give priority to ~~the following:~~ 15039

~~(1) For any school year prior to the 2012-2013 school~~ 15040
~~year, districts and buildings that have been declared to be~~ 15041
~~under an academic watch or in a state of academic emergency~~ 15042
~~under section 3302.03 of the Revised Code;~~ 15043

~~(2) For the 2012-2013 school year, and for each school~~ 15044
~~year thereafter,~~ districts and buildings in the manner 15045
prescribed by any agreement currently in force between the 15046
department of education and workforce and the United States 15047
department of education. The department of education and 15048
workforce shall endeavor to include schools and buildings that 15049
receive grades or performance ratings under section 3302.03 of 15050
the Revised Code that the department considers to be low 15051
performing. 15052

The system shall include services provided to districts 15053
and buildings through regional service providers, such as 15054
educational service centers. The system may include the 15055
appointment of an improvement coordinator for any of the lowest 15056
performing districts, as determined by the department of 15057
education and workforce, to coordinate the district's academic 15058
improvement efforts and to build support among the community for 15059
those efforts. 15060

~~(B) This division does not apply to any school district~~ 15061
~~after June 30, 2008.~~ 15062

~~When a school district has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or a building within the district has failed to make adequate yearly progress for two consecutive school years, the district shall develop a three year continuous improvement plan for the district or building containing each of the following:~~

~~(1) An analysis of the reasons for the failure of the district or building to meet any of the applicable performance indicators established under section 3302.02 of the Revised Code that it did not meet and an analysis of the reasons for its failure to make adequate yearly progress;~~

~~(2) Specific strategies that the district or building will use to address the problems in academic achievement identified in division (B) (1) of this section;~~

~~(3) Identification of the resources that the district will allocate toward improving the academic achievement of the district or building;~~

~~(4) A description of any progress that the district or building made in the preceding year toward improving its academic achievement;~~

~~(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;~~

~~(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.~~

~~No three year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district~~

~~or building concerning the final draft of the plan. Notice of
the hearing shall be given two weeks prior to the hearing by
publication in one newspaper of general circulation within the
territory of the affected school district or building. Copies of
the plan shall be made available to the public.~~

~~(C) (1) For any school year prior to the school year that
begins on July 1, 2012, when a school district or building has
been notified by the department pursuant to section 3302.03 of
the Revised Code that the district or building is under an
academic watch or in a state of academic emergency, the district
or building shall be subject to any rules establishing
intervention in academic watch or emergency school districts or
buildings.~~

~~(2) For the 2012-2013 school year, and for each school
year thereafter, a A district or building that meets the
conditions for intervention prescribed by the agreement
described in division ~~(A) (2)~~ (A) of this section shall be
subject to any rules establishing such intervention.~~

~~(D) (1) For any school year prior to the 2012-2013 school
year, within one hundred twenty days after any school district
or building is declared to be in a state of academic emergency
under section 3302.03 of the Revised Code, the department may
initiate a site evaluation of the building or school district.~~

~~(2) For the 2012-2013 school year, and for each school
year thereafter, the (C) The department of education and
workforce may initiate a site evaluation of a building or school
district that meets the conditions for a site evaluation
prescribed by the agreement described in division ~~(A) (2)~~ (A) of
this section.~~

~~(3) Division (D) (3) of this section does not apply to any school district after June 30, 2008.~~ 15121
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~~If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.~~ 15123
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~~(4) Division (D) (4) of this section does not apply to any school district after June 30, 2008. Site evaluations conducted under divisions (D) (1), (2), and (3) of this section shall include, but not be limited to, the following:~~ 15137
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~~(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;~~ 15141
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~~(b) Determining pupil teacher ratios;~~ 15143

~~(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;~~ 15144
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~~(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;~~ 15146
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~~(e) Examination of whether the teacher and principal~~ 15149

~~evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code,~~ 15150
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~~(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.~~ 15152
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~~(E)~~ (D) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D) (2) of section 3313.97 of the Revised Code. 15155
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(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following: 15161
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(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year. 15164
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(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district 15171
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shall spend an amount equal to twenty per cent of the funds it 15179
receives under Title I, Part A of the "Elementary and Secondary 15180
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 15181
transportation for students who enroll in alternative buildings 15182
under this division, unless the district can satisfy all demand 15183
for transportation with a lesser amount. If an amount equal to 15184
twenty per cent of the funds the district receives under Title 15185
I, Part A of the "Elementary and Secondary Education Act of 15186
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 15187
demand for transportation, the district shall grant priority 15188
over all other students to the lowest achieving students among 15189
the subgroup described in division (B) (3) of section 3302.01 of 15190
the Revised Code in providing transportation. Any district that 15191
does not receive funds under Title I, Part A of the "Elementary 15192
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 15193
shall not be required to provide transportation to any student 15194
who enrolls in an alternative building under this division. 15195

(2) For any school building that fails to make adequate 15196
yearly progress for three consecutive school years, the district 15197
shall do both of the following: 15198

(a) If the building receives funds under Title I, Part A 15199
of the "Elementary and Secondary Education Act of 1965," 20 15200
U.S.C. 6311 to 6339, from the district, in accordance with 15201
section 3313.97 of the Revised Code, provide all students 15202
enrolled in the building the opportunity to enroll in an 15203
alternative building within the district that is not in school 15204
improvement status as defined by the "No Child Left Behind Act 15205
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 15206
district shall provide transportation for students who enroll in 15207
alternative buildings under this division to the extent required 15208
under division ~~(E) (2)~~ (D) (2) of this section. 15209

(b) If the building receives funds under Title I, Part A 15210
of the "Elementary and Secondary Education Act of 1965," 20 15211
U.S.C. 6311 to 6339, from the district, offer supplemental 15212
educational services to students who are enrolled in the 15213
building and who are in the subgroup described in division (B) 15214
(3) of section 3302.01 of the Revised Code. 15215

The district shall spend a combined total of an amount 15216
equal to twenty per cent of the funds it receives under Title I, 15217
Part A of the "Elementary and Secondary Education Act of 1965," 15218
20 U.S.C. 6311 to 6339, to provide transportation for students 15219
who enroll in alternative buildings under division ~~(E) (1) (b)~~ (D) 15220
(1) (b) or ~~(E) (2) (a)~~ (D) (2) (a) of this section and to pay the 15221
costs of the supplemental educational services provided to 15222
students under division ~~(E) (2) (b)~~ (D) (2) (b) of this section, 15223
unless the district can satisfy all demand for transportation 15224
and pay the costs of supplemental educational services for those 15225
students who request them with a lesser amount. In allocating 15226
funds between the requirements of divisions ~~(E) (1) (b)~~ (D) (1) (b) 15227
and ~~(E) (2) (a)~~ (D) (2) (a) and (b) of this section, the district 15228
shall spend at least an amount equal to five per cent of the 15229
funds it receives under Title I, Part A of the "Elementary and 15230
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to 15231
provide transportation for students who enroll in alternative 15232
buildings under division ~~(E) (1) (b)~~ (D) (1) (b) or ~~(E) (2) (a)~~ (D) (2) 15233
(a) of this section, unless the district can satisfy all demand 15234
for transportation with a lesser amount, and at least an amount 15235
equal to five per cent of the funds it receives under Title I, 15236
Part A of the "Elementary and Secondary Education Act of 1965," 15237
20 U.S.C. 6311 to 6339, to pay the costs of the supplemental 15238
educational services provided to students under division ~~(E) (2)~~ 15239
~~(b)~~ (D) (2) (b) of this section, unless the district can pay the 15240

costs of such services for all students requesting them with a 15241
lesser amount. If an amount equal to twenty per cent of the 15242
funds the district receives under Title I, Part A of the 15243
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 15244
to 6339, is insufficient to satisfy all demand for 15245
transportation under divisions ~~(E) (1) (b)~~ (D) (1) (b) and ~~(E) (2) (a)~~ 15246
(D) (2) (a) of this section and to pay the costs of all of the 15247
supplemental educational services provided to students under 15248
division ~~(E) (2) (b)~~ (D) (2) (b) of this section, the district shall 15249
grant priority over all other students in providing 15250
transportation and in paying the costs of supplemental 15251
educational services to the lowest achieving students among the 15252
subgroup described in division (B) (3) of section 3302.01 of the 15253
Revised Code. 15254

Any district that does not receive funds under Title I, 15255
Part A of the "Elementary and Secondary Education Act of 1965," 15256
20 U.S.C. 6311 to 6339, shall not be required to provide 15257
transportation to any student who enrolls in an alternative 15258
building under division ~~(E) (2) (a)~~ (D) (2) (a) of this section or 15259
to pay the costs of supplemental educational services provided 15260
to any student under division ~~(E) (2) (b)~~ (D) (2) (b) of this 15261
section. 15262

No student who enrolls in an alternative building under 15263
division ~~(E) (2) (a)~~ (D) (2) (a) of this section shall be eligible 15264
for supplemental educational services under division ~~(E) (2) (b)~~ 15265
(D) (2) (b) of this section. 15266

(3) For any school building that fails to make adequate 15267
yearly progress for four consecutive school years, the district 15268
shall continue to comply with division ~~(E) (2)~~ (D) (2) of this 15269
section and shall implement at least one of the following 15270

options with respect to the building:	15271
(a) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;	15272 15273 15274
(b) Decrease the degree of authority the building has to manage its internal operations;	15275 15276
(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) <u>(E)</u> of this section.	15277 15278 15279 15280 15281
(d) Extend the length of the school day or year;	15282
(e) Replace the building principal or other key personnel;	15283
(f) Reorganize the administrative structure of the building.	15284 15285
(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E) (2) <u>(D) (2)</u> of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:	15286 15287 15288 15289 15290 15291
(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;	15292 15293
(b) Replace personnel;	15294
(c) Contract with a nonprofit or for-profit entity to operate the building;	15295 15296
(d) Turn operation of the building over to the department;	15297

(e) Other significant restructuring of the building's governance. 15298
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(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division ~~(E)(2)~~ (D)(2) of this section and shall implement the plan developed pursuant to division ~~(E)(4)~~ (D)(4) of this section. 15300
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(6) A district shall continue to comply with division ~~(E)(1)(b)~~ (D)(1)(b) or ~~(E)(2)~~ (D)(2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years. 15305
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~~(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.~~ 15310
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~~(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.~~ 15314
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~~(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed~~ 15324
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~~by the district pursuant to division (B) or (F) (1) of this section.~~ 15327
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~~(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:~~ 15329
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~~(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;~~ 15333
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~~(b) Direct the district to replace key district personnel;~~ 15336

~~(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;~~ 15337
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~~(d) Establish alternative forms of governance for individual school buildings within the district;~~ 15340
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~~(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.~~ 15342
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~~The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.~~ 15344
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~~(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F) (3) of this section with respect to the district.~~ 15347
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~~(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in~~ 15352
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~~division (F) (3) of this section with respect to the district,~~ 15355
~~provided that the corrective action the department takes is~~ 15356
~~different from the corrective action previously taken under~~ 15357
~~division (F) (3) of this section with respect to the district.~~ 15358

~~(G)~~(E) The department may establish a state intervention 15359
team to evaluate all aspects of a school district or building, 15360
including management, curriculum, instructional methods, 15361
resource allocation, and scheduling. Any such intervention team 15362
shall be appointed by the department and shall include teachers 15363
and administrators recognized as outstanding in their fields. 15364
The intervention team shall make recommendations regarding 15365
methods for improving the performance of the district or 15366
building. 15367

The department shall not approve a district's request for 15368
an intervention team under division ~~(E) (3)~~(D) (3) of this 15369
section if the department cannot adequately fund the work of the 15370
team, unless the district agrees to pay for the expenses of the 15371
team. 15372

~~(H)~~(F) The department shall conduct individual audits of 15373
a sampling of community schools established under Chapter 3314. 15374
of the Revised Code to determine compliance with this section. 15375

~~(I)~~(G) A school district in which the pilot project 15376
scholarship program is operating under sections 3313.974 to 15377
3313.979 of the Revised Code shall report the use of funding for 15378
tutorial assistance grants under that program in the district's 15379
three-year continuous improvement plan under this section in a 15380
manner approved by the department. 15381

~~(J)~~(H) The state board department of education and 15382
workforce shall adopt rules for implementing this section. 15383

Sec. 3302.041. Beginning July 1, 2008, and contingent upon 15384
continued approval by the United States department of education, 15385
each school district that has been identified for improvement, 15386
or that contains a school building that has been identified for 15387
improvement, shall implement all corrective actions required by 15388
the model of differentiated accountability developed by the Ohio 15389
department of education and workforce and approved by the United 15390
States department of education. In any school year in which a 15391
district is subject to this division, the Ohio department of 15392
education and workforce shall notify the district, prior to the 15393
district's opening date, of the corrective actions it is 15394
required to implement in that school year. 15395

Sec. 3302.042. (A) This section shall operate as a pilot 15396
project that applies to any school that has been ranked 15397
according to performance index score under section 3302.21 of 15398
the Revised Code in the lowest five per cent of all public 15399
school buildings statewide for three or more consecutive school 15400
years and is operated by the Columbus city school district. The 15401
pilot project shall commence once the department of education 15402
and workforce establishes implementation guidelines for the 15403
pilot project in consultation with the Columbus city school 15404
district. 15405

(B) Except as provided in division (D), (E), or (F) of 15406
this section, if the parents or guardians of at least fifty per 15407
cent of the students enrolled in a school to which this section 15408
applies, or if the parents or guardians of at least fifty per 15409
cent of the total number of students enrolled in that school and 15410
the schools of lower grade levels whose students typically 15411
matriculate into that school, by the thirty-first day of 15412
December of any school year in which the school is subject to 15413
this section, sign and file with the school district treasurer a 15414

petition requesting the district board of education to implement 15415
one of the following reforms in the school, and if the validity 15416
and sufficiency of the petition is certified in accordance with 15417
division (C) of this section, the board shall implement the 15418
requested reform in the next school year: 15419

(1) Reopen the school as a community school under Chapter 15420
3314. of the Revised Code; 15421

(2) Replace at least seventy per cent of the school's 15422
personnel who are related to the school's poor academic 15423
performance or, at the request of the petitioners, retain not 15424
more than thirty per cent of the personnel; 15425

(3) Contract with another school district or a nonprofit 15426
or for-profit entity with a demonstrated record of effectiveness 15427
to operate the school; 15428

(4) Turn operation of the school over to the department; 15429

(5) Any other major restructuring of the school that makes 15430
fundamental reforms in the school's staffing or governance. 15431

(C) Not later than thirty days after receipt of a petition 15432
under division (B) of this section, the district treasurer shall 15433
verify the validity and sufficiency of the signatures on the 15434
petition and certify to the district board whether the petition 15435
contains the necessary number of valid signatures to require the 15436
board to implement the reform requested by the petitioners. If 15437
the treasurer certifies to the district board that the petition 15438
does not contain the necessary number of valid signatures, any 15439
person who signed the petition may file an appeal with the 15440
county auditor within ten days after the certification. Not 15441
later than thirty days after the filing of an appeal, the county 15442
auditor shall conduct an independent verification of the 15443

validity and sufficiency of the signatures on the petition and 15444
certify to the district board whether the petition contains the 15445
necessary number of valid signatures to require the board to 15446
implement the requested reform. If the treasurer or county 15447
auditor certifies that the petition contains the necessary 15448
number of valid signatures, the district board shall notify the 15449
~~superintendent of public instruction and the state board of~~ 15450
~~education department~~ of the certification. 15451

(D) The district board shall not implement the reform 15452
requested by the petitioners in any of the following 15453
circumstances: 15454

(1) The district board has determined that the request is 15455
for reasons other than improving student academic achievement or 15456
student safety. 15457

(2) The ~~state superintendent department~~ has determined 15458
that implementation of the requested reform would not comply 15459
with the model of differentiated accountability described in 15460
section 3302.041 of the Revised Code. 15461

(3) The petitioners have requested the district board to 15462
implement the reform described in division (B)(4) of this 15463
section and the department has not agreed to take over the 15464
school's operation. 15465

(4) When all of the following have occurred: 15466

(a) After a public hearing on the matter, the district 15467
board issued a written statement explaining the reasons that it 15468
is unable to implement the requested reform and agreeing to 15469
implement one of the other reforms described in division (B) of 15470
this section. 15471

(b) The district board submitted its written statement to 15472

the ~~state superintendent and the state board~~ department along 15473
with evidence showing how the alternative reform the district 15474
board has agreed to implement will enable the school to improve 15475
its academic performance. 15476

(c) ~~Both the state superintendent and the state board have~~ 15477
The department has approved implementation of the alternative 15478
reform. 15479

(E) If the provisions of this section conflict in any way 15480
with the requirements of federal law, federal law shall prevail 15481
over the provisions of this section. 15482

(F) If a school is restructured under this section, 15483
section 3302.10 or 3302.12 of the Revised Code, or federal law, 15484
the school shall not be required to restructure again under 15485
state law for three consecutive years after the implementation 15486
of that prior restructuring. 15487

(G) Beginning not later than six months after the first 15488
petition under this section has been resolved, the department ~~of~~ 15489
~~education~~ shall annually evaluate the pilot program and submit a 15490
report to the general assembly under section 101.68 of the 15491
Revised Code. Such reports shall contain its recommendations to 15492
the general assembly with respect to the continuation of the 15493
pilot program, its expansion to other school districts, or the 15494
enactment of further legislation establishing the program 15495
statewide under permanent law. 15496

Sec. 3302.043. (A) As used in this section, "eligible 15497
district" means a city school district to which both of the 15498
following apply: 15499

(1) The district has persistently low performance ratings, 15500
as determined by the department of education and workforce, 15501

under section 3302.03 of the Revised Code. 15502

(2) The district is not subject to an academic distress 15503
commission under section 3302.10 of the Revised Code. 15504

(B) The department shall establish the career promise 15505
academy summer demonstration pilot program. Under the pilot 15506
program, which shall operate in the 2021-2022 and 2022-2023 15507
school years, the department shall solicit proposals from 15508
eligible districts to establish and operate a career promise 15509
academy during the summer to provide students entering ninth 15510
grade with intensive literacy instruction, internship or 15511
mentoring experiences, and instruction regarding academic 15512
preparedness skills, life skills, and financial literacy. The 15513
department shall approve one proposal based on the criteria 15514
prescribed under division (C) of this section. The department 15515
shall award a grant to the eligible district with an approved 15516
proposal. 15517

(C) The department shall adopt criteria under which to 15518
approve a proposal for a career promise academy, which shall 15519
include all of the following: 15520

(1) A requirement that the career promise academy operate 15521
as follows: 15522

(a) For four consecutive weeks in the summer of 2021; 15523

(b) For five consecutive weeks in the summer of 2022. 15524

(2) A requirement that not more than seventy-five students 15525
participate in the career promise academy in one summer; 15526

(3) A requirement for the eligible district to submit to 15527
the department, in a form and manner prescribed by the 15528
department, any data that the department and district jointly 15529

determine is necessary to evaluate the pilot program; 15530

(4) A method to determine student eligibility to 15531
participate in the career promise academy. The method shall 15532
identify students entering ninth grade who are at risk of not 15533
qualifying for a high school diploma based on the student's 15534
scores on the English language arts and mathematics assessments 15535
prescribed under division (A) (1) (f) of section 3301.0710 of the 15536
Revised Code and other academic or social-emotional factors. 15537

(5) A description of the instruction and internship or 15538
mentoring experiences that participating students will receive; 15539

(6) An agreement with the district's business advisory 15540
council established under section 3313.82 of the Revised Code 15541
and other organizations or businesses to identify or provide 15542
internship and mentoring experiences to participating students; 15543

(7) An agreement with at least one institution of higher 15544
education to identify and engage with prospective teachers to 15545
serve as mentors and academic coaches to participating students. 15546

(D) The department shall adopt guidelines and procedures 15547
to operate the pilot program established under this section. 15548

Sec. 3302.05. The ~~state board~~ department of education and 15549
workforce shall adopt rules freeing school districts from 15550
specified state mandates if one of the following applies: 15551

(A) For the 2011-2012 school year, the school district was 15552
declared to be excellent under section 3302.03 of the Revised 15553
Code, as that section existed prior to March 22, 2013, and had 15554
above expected growth in the overall value-added measure. 15555

(B) For the 2012-2013 school year, the school district 15556
received a grade of "A" for the number of performance indicators 15557

met under division (A) (1) (c) of section 3302.03 of the Revised Code and for the value-added dimension under division (A) (1) (e) of section 3302.03 of the Revised Code.

(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, the school district received a grade of "A" for the number of performance indicators met under division (B) (1) (c) of section 3302.03 of the Revised Code and for the value-added dimension under division (B) (1) (e) of section 3302.03 of the Revised Code.

(D) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, or 2020-2021 school year, the school district received an overall grade of "A" under division (C) (3) of section 3302.03 of the Revised Code.

~~(F)~~(E) For the 2021-2022 school year and for each school year thereafter, the school district received an overall performance rating of five stars under division (D) (3) of section 3302.03 of the Revised Code.

Any mandates included in the rules shall be only those statutes or rules pertaining to state education requirements. The rules shall not exempt districts from any operating standard adopted under division (D) (3) of section 3301.07 of the Revised Code.

Sec. 3302.06. (A) Any school of a city, exempted village, or local school district may apply to the district board of education to be designated as an innovation school. Each application shall include an innovation plan that contains the following:

(1) A statement of the school's mission and an explanation of how the designation would enhance the school's ability to

fulfill its mission;	15587
(2) A description of the innovations the school would implement;	15588 15589
(3) An explanation of how implementation of the innovations described in division (A) (2) of this section would affect the school's programs and policies, including any of the following that apply:	15590 15591 15592 15593
(a) The school's educational program;	15594
(b) The length of the school day and the school year;	15595
(c) The school's student promotion policy;	15596
(d) The school's plan for the assessment of students;	15597
(e) The school's budget;	15598
(f) The school's staffing levels.	15599
(4) A description of the improvements in student academic performance that the school expects to achieve by implementing the innovations described in division (A) (2) of this section;	15600 15601 15602
(5) An estimate of the cost savings and increased efficiencies, if any, that the school expects to achieve by implementing the innovations described in division (A) (2) of this section;	15603 15604 15605 15606
(6) A description of any laws in Title XXXIII of the Revised Code, rules adopted by the state board <u>department of education and workforce</u> , or requirements enacted by the district board that would need to be waived to implement the innovations described in division (A) (2) of this section;	15607 15608 15609 15610 15611
(7) A description of any provisions of a collective bargaining agreement covering personnel of the school that would	15612 15613

need to be waived to implement the innovations described in 15614
division (A) (2) of this section; 15615

(8) Evidence that a majority of the administrators 15616
assigned to the school and a majority of the teachers assigned 15617
to the school consent to seeking the designation and a statement 15618
of the level of support for seeking the designation demonstrated 15619
by other staff working in the school, students enrolled in the 15620
school and their parents, and members of the community in which 15621
the school is located. 15622

(B) Two or more schools of the district may apply to the 15623
district board to be designated as an innovation school zone, if 15624
the schools share common interests based on factors such as 15625
geographical proximity or similar educational programs or if the 15626
schools serve the same classes of students as they advance to 15627
higher grade levels. Each application shall include an 15628
innovation plan that contains the information prescribed by 15629
divisions (A) (1) to (8) of this section for each participating 15630
school and the following additional information: 15631

(1) A description of how innovations in the participating 15632
schools would be integrated to achieve results that would be 15633
less likely to be achieved by each participating school alone; 15634

(2) An estimate of any economies of scale that would be 15635
realized by implementing innovations jointly. 15636

Sec. 3302.062. (A) If a school district board of education 15637
approves an application under division (B) (1) of section 15638
3302.061 of the Revised Code or designates an innovation school 15639
or innovation school zone under division (D) of that section, 15640
the district board shall apply to the ~~state board~~ department of 15641
education and workforce for designation as a school district of 15642

innovation by submitting to the ~~state board department~~ the 15643
innovation plan included in the approved application or created 15644
by the district board. 15645

Within sixty days after receipt of the application, the 15646
~~state board department~~ shall designate the district as a school 15647
district of innovation, unless the ~~state board department~~ 15648
determines that the submitted innovation plan is not financially 15649
feasible or will likely result in decreased academic 15650
achievement. If the ~~state board department~~ so determines, it 15651
shall provide a written explanation of the basis for its 15652
determination to the district board. If the district is not 15653
designated as a school district of innovation, the district 15654
board shall not implement the innovation plan. However, the 15655
district board may reapply for designation as a school district 15656
of innovation at any time. 15657

(B) A district board may request the ~~state board~~ 15658
~~department~~ to make a preliminary review of an innovation plan 15659
prior to the district board's formal application for designation 15660
as a school district of innovation. In that case, the ~~state~~ 15661
~~board department~~ shall review the innovation plan and, within 15662
sixty days after the request, recommend to the district board 15663
any changes or additions that the ~~state board department~~ 15664
believes will improve the plan, which may include further 15665
innovations or measures to increase the likelihood that the 15666
innovations will result in higher academic achievement. The 15667
district board may revise the innovation plan prior to making 15668
formal application for designation as a school district of 15669
innovation. 15670

Sec. 3302.063. (A) Except as provided in division (B) of 15671
this section, upon designation of a school district of 15672

innovation under section 3302.062 of the Revised Code, the ~~state-~~ 15673
~~board-department~~ of education and workforce shall waive any laws 15674
in Title XXXVIII of the Revised Code or rules adopted by the 15675
~~state-board-department~~ that are specified in the innovation plan 15676
submitted by the district board of education as needing to be 15677
waived to implement the plan. The waiver shall apply only to the 15678
school or schools participating in the innovation plan and shall 15679
not apply to the district as a whole, unless each of the 15680
district's schools is a participating school. The waiver shall 15681
cease to apply to a school if the school's designation as an 15682
innovation school is revoked or the innovation school zone in 15683
which the school participates has its designation revoked under 15684
section 3302.065 of the Revised Code, or if the school is 15685
removed from an innovation school zone under that section or 15686
section 3302.064 of the Revised Code. 15687

(B) The ~~state-board-department~~ shall not waive any law or 15688
rule regarding the following: 15689

(1) Funding for school districts under Chapter 3317. of 15690
the Revised Code; 15691

(2) The requirements of Chapters 3323. and 3324. of the 15692
Revised Code for the provision of services to students with 15693
disabilities and gifted students; 15694

(3) Requirements related to the provision of career- 15695
technical education that are necessary to comply with federal 15696
law or maintenance of effort provisions; 15697

(4) Administration of the assessments prescribed by 15698
sections 3301.0710, 3301.0712, and 3301.0715 of the Revised 15699
Code; 15700

(5) Requirements related to the issuance of report cards 15701

and the assignment of performance ratings under section 3302.03	15702
of the Revised Code;	15703
(6) Implementation of the model of differentiated	15704
accountability under section 3302.041 of the Revised Code;	15705
(7) Requirements for the reporting of data to the	15706
department of education <u>and workforce</u> ;	15707
(8) Criminal records checks of school employees;	15708
(9) The requirements of Chapters 3307. and 3309. regarding	15709
the retirement systems for teachers and school employees.	15710
(C) If a district board's revisions to an innovation plan	15711
under section 3302.066 of the Revised Code require a waiver of	15712
additional laws or state board department rules, the state board	15713
<u>department</u> shall grant a waiver from those laws or rules upon	15714
evidence that administrators and teachers have consented to the	15715
revisions as required by that section.	15716
Sec. 3302.066. A school district board of education may	15717
revise an innovation plan approved or created under section	15718
3302.061 of the Revised Code, in collaboration with the school	15719
or schools participating in the plan, to further improve student	15720
academic performance. The revisions may include identifying	15721
additional laws in Title XXXVIII of the Revised Code, rules	15722
adopted by the state board <u>department of education and</u>	15723
<u>workforce</u> , requirements enacted by the district board, or	15724
provisions of a collective bargaining agreement that need to be	15725
waived. Any revisions to an innovation plan shall require the	15726
consent, in each school participating in the plan, of a majority	15727
of the administrators assigned to that school and a majority of	15728
the teachers assigned to that school.	15729
Sec. 3302.068. Not later than the first day of July each	15730

year, the department of education and workforce shall issue, and 15731
post on its web site, a report on school districts of 15732
innovation. The report shall include the following information: 15733

(A) The number of districts designated as school districts 15734
of innovation in the preceding school year and the total number 15735
of school districts of innovation statewide; 15736

(B) The number of innovation schools in each school 15737
district of innovation and the number of district students 15738
served by the schools, expressed as a total number and as a 15739
percentage of the district's total student population; 15740

(C) The number of innovation school zones in each school 15741
district of innovation, the number of schools participating in 15742
each zone, and the number of district students served by the 15743
participating schools, expressed as a total number and as a 15744
percentage of the district's total student population; 15745

(D) An overview of the innovations implemented in 15746
innovation schools and innovation school zones; 15747

(E) Data on the academic performance of the students 15748
enrolled in an innovation school or an innovation school zone in 15749
each school district of innovation, including a comparison of 15750
the students' academic performance before and after the 15751
district's designation as a school district of innovation; 15752

(F) Recommendations for legislative changes based on the 15753
innovations implemented or to enhance the ability of schools and 15754
districts to implement innovations. 15755

Sec. 3302.07. (A) The board of education of any school 15756
district, the governing board of any educational service center, 15757
or the administrative authority of any chartered nonpublic 15758
school may submit to the ~~state board~~ department of education and 15759

workforce an application proposing an innovative education pilot 15760
program the implementation of which requires exemptions from 15761
specific statutory provisions or rules. If a district or service 15762
center board employs teachers under a collective bargaining 15763
agreement adopted pursuant to Chapter 4117. of the Revised Code, 15764
any application submitted under this division shall include the 15765
written consent of the teachers' employee representative 15766
designated under division (B) of section 4117.04 of the Revised 15767
Code. The exemptions requested in the application shall be 15768
limited to any requirement of Title XXXIII of the Revised Code 15769
or of any rule of the ~~state board~~ department adopted pursuant to 15770
that title except that the application may not propose an 15771
exemption from any requirement of or rule adopted pursuant to 15772
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 15773
3323. of the Revised Code. Furthermore, an exemption from any 15774
operating standard adopted under division (B) (2) or (D) of 15775
section 3301.07 of the Revised Code shall be granted only 15776
pursuant to a waiver granted by the ~~superintendent of public~~ 15777
~~instruction~~ director of education and workforce under division 15778
(O) of that section. 15779

(B) The ~~state board of education~~ department shall accept 15780
any application submitted in accordance with division (A) of 15781
this section. The ~~superintendent of public instruction~~ director 15782
shall approve or disapprove the application in accordance with 15783
standards for approval, which shall be adopted by the ~~state~~ 15784
~~board~~ department. 15785

(C) The ~~superintendent of public instruction~~ director 15786
shall exempt each district or service center board or chartered 15787
nonpublic school administrative authority with an application 15788
approved under division (B) of this section for a specified 15789
period from the statutory provisions or rules specified in the 15790

approved application. The period of exemption shall not exceed 15791
the period during which the pilot program proposed in the 15792
application is being implemented and a reasonable period to 15793
allow for evaluation of the effectiveness of the program. 15794

Sec. 3302.09. (A) Whenever the United States department of 15795
education makes changes in its policies or rules regarding 15796
implementation of the No Child Left Behind Act of 2001, the Ohio 15797
department of education and workforce shall submit a written 15798
description of those changes to each member of the standing 15799
committees on education of the senate and house of 15800
representatives. 15801

(B) If the Ohio department of education and workforce 15802
plans to change any of its policies or procedures regarding the 15803
state's implementation of the No Child Left Behind Act of 2001 15804
based on changes in federal polices or rules described in 15805
division (A) of this section, the Ohio department of education 15806
and workforce shall submit to each member of the standing 15807
committees a written outline of the existing Ohio policy 15808
regarding that implementation and a written description of the 15809
changes it proposes to make. 15810

(C) ~~On and after July 1, 2005, the~~ The Ohio department of 15811
education and workforce shall not make any change proposed under 15812
division (B) of this section unless the general assembly has 15813
adopted a concurrent resolution approving the proposed change. 15814

Sec. 3302.10. (A) ~~The superintendent of public instruction~~ 15815
department of education and workforce shall establish an 15816
academic distress commission for any school district that meets 15817
one of the following conditions: 15818

(1) The district has for three consecutive years received 15819

either of the following: 15820

(a) An overall grade of "F" under division (C) (3) of 15821
section 3302.03 of the Revised Code; 15822

(b) An overall performance rating of less than two stars 15823
under division (D) (3) of section 3302.03 of the Revised Code. 15824

(2) An academic distress commission established for the 15825
district under former section 3302.10 of the Revised Code was 15826
still in existence on October 15, 2015, and has been in 15827
existence for at least four years. 15828

(B) (1) The academic distress commission shall consist of 15829
five members as follows: 15830

(a) Three members appointed by the ~~state~~ 15831
~~superintendent~~director of education and workforce, one of whom 15832
is a resident in the county in which a majority of the 15833
district's territory is located; 15834

(b) One member appointed by the president of the district 15835
board of education, who shall be a teacher employed by the 15836
district; 15837

(c) One member appointed by the mayor of the municipality 15838
in which a majority of the district's territory is located or, 15839
if no such municipality exists, by the mayor of a municipality 15840
selected by the ~~state superintendent~~director of education and 15841
workforce in which the district has territory. 15842

Appointments to the commission shall be made within thirty 15843
days after the district is notified that it is subject to this 15844
section. Members of the commission shall serve at the pleasure 15845
of their appointing authority. The ~~state superintendent~~director 15846
shall designate a chairperson for the commission from among the 15847

members appointed by the ~~state superintendent~~director. The 15848
chairperson shall call and conduct meetings, set meeting 15849
agendas, and serve as a liaison between the commission and the 15850
chief executive officer appointed under division (C) (1) of this 15851
section. 15852

(2) In the case of a school district that meets the 15853
condition in division (A) (2) of this section, the academic 15854
distress commission established for the district under former 15855
section 3302.10 of the Revised Code shall be abolished and a new 15856
academic distress commission shall be appointed for the district 15857
pursuant to division (B) (1) of this section. 15858

(C) (1) Within sixty days after the ~~state superintendent~~ 15859
director has designated a chairperson for the academic distress 15860
commission, the commission shall appoint a chief executive 15861
officer for the district, who shall be paid by the department of 15862
education and workforce and shall serve at the pleasure of the 15863
commission. The individual appointed as chief executive officer 15864
shall have high-level management experience in the public or 15865
private sector. The chief executive officer shall exercise 15866
complete operational, managerial, and instructional control of 15867
the district, which shall include, but shall not be limited to, 15868
the following powers and duties, but the chief executive officer 15869
may delegate, in writing, specific powers or duties to the 15870
district board or district superintendent: 15871

(a) Replacing school administrators and central office 15872
staff; 15873

(b) Assigning employees to schools and approving 15874
transfers; 15875

(c) Hiring new employees; 15876

(d) Defining employee responsibilities and job descriptions;	15877 15878
(e) Establishing employee compensation;	15879
(f) Allocating teacher class loads;	15880
(g) Conducting employee evaluations;	15881
(h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code;	15882 15883
(i) Setting the school calendar;	15884
(j) Creating a budget for the district;	15885
(k) Contracting for services for the district;	15886
(l) Modifying policies and procedures established by the district board;	15887 15888
(m) Establishing grade configurations of schools;	15889
(n) Determining the school curriculum;	15890
(o) Selecting instructional materials and assessments;	15891
(p) Setting class sizes;	15892
(q) Providing for staff professional development.	15893
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to perform duties or functions previously performed by the improvement coordinator.	15894 15895 15896 15897 15898 15899 15900
(D) The academic distress commission, in consultation with	15901

the ~~state superintendent~~ director of education and workforce and 15902
the chief executive officer, shall be responsible for expanding 15903
high-quality school choice options in the district. The 15904
commission, in consultation with the ~~state~~ 15905
~~superintendent~~ director, may create an entity to act as a high- 15906
quality school accelerator for schools not operated by the 15907
district. The accelerator shall promote high-quality schools in 15908
the district, lead improvement efforts for underperforming 15909
schools, recruit high-quality sponsors for community schools, 15910
attract new high-quality schools to the district, and increase 15911
the overall capacity of schools to deliver a high-quality 15912
education for students. Any accelerator shall be an independent 15913
entity and the chief executive officer shall have no authority 15914
over the accelerator. 15915

(E) (1) Within thirty days after the chief executive 15916
officer is appointed, the chief executive officer shall convene 15917
a group of community stakeholders. The purpose of the group 15918
shall be to develop expectations for academic improvement in the 15919
district and to assist the district in building relationships 15920
with organizations in the community that can provide needed 15921
services to students. Members of the group shall include, but 15922
shall not be limited to, educators, civic and business leaders, 15923
and representatives of institutions of higher education and 15924
government service agencies. Within ninety days after the chief 15925
executive officer is appointed, the chief executive officer also 15926
shall convene a smaller group of community stakeholders for each 15927
school operated by the district to develop expectations for 15928
academic improvement in that school. The group convened for each 15929
school shall have teachers employed in the school and parents of 15930
students enrolled in the school among its members. 15931

(2) The chief executive officer shall create a plan to 15932

improve the district's academic performance. In creating the 15933
plan, the chief executive officer shall consult with the groups 15934
convened under division (E)(1) of this section. The chief 15935
executive officer also shall consider the availability of 15936
funding to ensure sustainability of the plan. The plan shall 15937
establish clear, measurable performance goals for the district 15938
and for each school operated by the district. The performance 15939
goals shall include, but not be limited to, the performance 15940
measures prescribed for report cards issued under section 15941
3302.03 of the Revised Code. Within ninety days after the chief 15942
executive officer is appointed, the chief executive officer 15943
shall submit the plan to the academic distress commission for 15944
approval. Within thirty days after the submission of the plan, 15945
the commission shall approve the plan or suggest modifications 15946
to the plan that will render it acceptable. If the commission 15947
suggests modifications, the chief executive officer may revise 15948
the plan before resubmitting it to the commission. The chief 15949
executive officer shall resubmit the plan, whether revised or 15950
not, within fifteen days after the commission suggests 15951
modifications. The commission shall approve the plan within 15952
thirty days after the plan is resubmitted. Upon approval of the 15953
plan by the commission, the chief executive officer shall 15954
implement the plan. 15955

(F) Notwithstanding any provision to the contrary in 15956
Chapter 4117. of the Revised Code, if the district board has 15957
entered into, modified, renewed, or extended a collective 15958
bargaining agreement on or after October 15, 2015, that contains 15959
provisions relinquishing one or more of the rights or 15960
responsibilities listed in division (C) of section 4117.08 of 15961
the Revised Code, those provisions are not enforceable and the 15962
chief executive officer and the district board shall resume 15963

holding those rights or responsibilities as if the district 15964
board had not relinquished them in that agreement until such 15965
time as both the academic distress commission ceases to exist 15966
and the district board agrees to relinquish those rights or 15967
responsibilities in a new collective bargaining agreement. For 15968
purposes of this section, "collective bargaining agreement" 15969
shall include any labor contract or agreement in effect with any 15970
applicable bargaining representative. The chief executive 15971
officer and the district board are not required to bargain on 15972
subjects reserved to the management and direction of the school 15973
district, including, but not limited to, the rights or 15974
responsibilities listed in division (C) of section 4117.08 of 15975
the Revised Code. The way in which these subjects and these 15976
rights or responsibilities may affect the wages, hours, terms 15977
and conditions of employment, or the continuation, modification, 15978
or deletion of an existing provision of a collective bargaining 15979
agreement is not subject to collective bargaining or effects 15980
bargaining under Chapter 4117. of the Revised Code. The 15981
provisions of this paragraph apply to a collective bargaining 15982
agreement entered into, modified, renewed, or extended on or 15983
after October 15, 2015, and those provisions are deemed to be 15984
part of that agreement regardless of whether the district 15985
satisfied the conditions prescribed in division (A) of this 15986
section at the time the district entered into that agreement. If 15987
the district board relinquished one or more of the rights or 15988
responsibilities listed in division (C) of section 4117.08 of 15989
the Revised Code in a collective bargaining agreement entered 15990
into prior to October 15, 2015, and had resumed holding those 15991
rights or responsibilities pursuant to division (K) of former 15992
section 3302.10 of the Revised Code, as it existed prior to that 15993
date, the district board shall continue to hold those rights or 15994
responsibilities until such time as both the new academic 15995

distress commission appointed under this section ceases to exist 15996
upon completion of the transition period specified in division 15997
(N) (1) of this section and the district board agrees to 15998
relinquish those rights or responsibilities in a new collective 15999
bargaining agreement. 16000

(G) In each school year that the district is subject to 16001
this section, the following shall apply: 16002

(1) The chief executive officer shall implement the 16003
improvement plan approved under division (E) (2) of this section 16004
and shall review the plan annually to determine if changes are 16005
needed. The chief executive officer may modify the plan upon the 16006
approval of the modifications by the academic distress 16007
commission. 16008

(2) The chief executive officer may implement innovative 16009
education programs to do any of the following: 16010

(a) Address the physical and mental well-being of students 16011
and their families; 16012

(b) Provide mentoring; 16013

(c) Provide job resources; 16014

(d) Disseminate higher education information; 16015

(e) Offer recreational or cultural activities; 16016

(f) Provide any other services that will contribute to a 16017
successful learning environment. 16018

The chief executive officer shall establish a separate 16019
fund to support innovative education programs and shall deposit 16020
any moneys appropriated by the general assembly for the purposes 16021
of division (G) (2) of this section in the fund. The chief 16022

executive officer shall have sole authority to disburse moneys 16023
from the fund until the district is no longer subject to this 16024
section. All disbursements shall support the improvement plan 16025
approved under division (E)(2) of this section. 16026

(3) If the district is not a school district in which the 16027
pilot project scholarship program is operating under sections 16028
3313.974 to 3313.979 of the Revised Code, each student who is 16029
entitled to attend school in the district under section 3313.64 16030
or 3313.65 of the Revised Code and is enrolled in a school 16031
operated by the district or in a community school, or will be 16032
both enrolling in any of grades kindergarten through twelve in 16033
this state for the first time and at least five years of age by 16034
the first day of January of the following school year, shall be 16035
eligible to participate in the educational choice scholarship 16036
pilot program established under sections 3310.01 to 3310.17 of 16037
the Revised Code and an application for the student may be 16038
submitted during the next application period. 16039

(4) Notwithstanding anything to the contrary in the 16040
Revised Code, the chief executive officer may limit, suspend, or 16041
alter any contract with an administrator that is entered into, 16042
modified, renewed, or extended by the district board on or after 16043
October 15, 2015, provided that the chief executive officer 16044
shall not reduce any salary or base hourly rate of pay unless 16045
such salary or base hourly rate reductions are part of a uniform 16046
plan affecting all district employees and shall not reduce any 16047
insurance benefits unless such insurance benefit reductions are 16048
also applicable generally to other employees of the district. 16049

(5) The chief executive officer shall represent the 16050
district board during any negotiations to modify, renew, or 16051
extend a collective bargaining agreement entered into by the 16052

board under Chapter 4117. of the Revised Code. 16053

(H) If the report card for the district has been issued 16054
under section 3302.03 of the Revised Code for the first school 16055
year that the district is subject to this section and the 16056
district does not meet the qualification in division (N) (1) of 16057
this section, the following shall apply: 16058

(1) The chief executive officer may reconstitute any 16059
school operated by the district. The chief executive officer 16060
shall present to the academic distress commission a plan that 16061
lists each school designated for reconstitution and explains how 16062
the chief executive officer plans to reconstitute the school. 16063
The chief executive officer may take any of the following 16064
actions to reconstitute a school: 16065

(a) Change the mission of the school or the focus of its 16066
curriculum; 16067

(b) Replace the school's principal and/or administrative 16068
staff; 16069

(c) Replace a majority of the school's staff, including 16070
teaching and nonteaching employees; 16071

(d) Contract with a nonprofit or for-profit entity to 16072
manage the operations of the school. The contract may provide 16073
for the entity to supply all or some of the staff for the 16074
school. 16075

(e) Reopen the school as a community school under Chapter 16076
3314. of the Revised Code or a science, technology, engineering, 16077
and mathematics school under Chapter 3326. of the Revised Code; 16078

(f) Permanently close the school. 16079

If the chief executive officer plans to reconstitute a 16080

school under division (H) (1) (e) or (f) of this section, the 16081
commission shall review the plan for that school and either 16082
approve or reject it by the thirtieth day of June of the school 16083
year. Upon approval of the plan by the commission, the chief 16084
executive officer shall reconstitute the school as outlined in 16085
the plan. 16086

(2) Notwithstanding any provision to the contrary in 16087
Chapter 4117. of the Revised Code, the chief executive officer, 16088
in consultation with the chairperson of the academic distress 16089
commission, may reopen any collective bargaining agreement 16090
entered into, modified, renewed, or extended on or after October 16091
15, 2015, for the purpose of renegotiating its terms. The chief 16092
executive officer shall have the sole discretion to designate 16093
any provisions of a collective bargaining agreement as subject 16094
to reopening by providing written notice to the bargaining 16095
representative. Any provisions designated for reopening by the 16096
chief executive officer shall be subject to collective 16097
bargaining as set forth in Chapter 4117. of the Revised Code. 16098
Any changes to the provisions subject to reopening shall take 16099
effect on the following first day of July or another date agreed 16100
to by the parties. The chief executive officer may reopen a 16101
collective bargaining agreement under division (H) (2) of this 16102
section as necessary to reconstitute a school under division (H) 16103
(1) of this section. 16104

(I) If the report card for the district has been issued 16105
under section 3302.03 of the Revised Code for the second school 16106
year that the district is subject to this section and the 16107
district does not meet the qualification in division (N) (1) of 16108
this section, the following shall apply: 16109

(1) The chief executive officer may exercise any of the 16110

powers authorized under division (H) of this section. 16111

(2) Notwithstanding any provision to the contrary in 16112
Chapter 4117. of the Revised Code, the chief executive officer 16113
may limit, suspend, or alter any provision of a collective 16114
bargaining agreement entered into, modified, renewed, or 16115
extended on or after October 15, 2015, provided that the chief 16116
executive officer shall not reduce any base hourly rate of pay 16117
and shall not reduce any insurance benefits. The decision to 16118
limit, suspend, or alter any provision of a collective 16119
bargaining agreement under this division is not subject to 16120
bargaining under Chapter 4117. of the Revised Code; however, the 16121
chief executive officer shall have the discretion to engage in 16122
effects bargaining on the way any such decision may affect 16123
wages, hours, or terms and conditions of employment. The chief 16124
executive officer may limit, suspend, or alter a provision of a 16125
collective bargaining agreement under division (I) (2) of this 16126
section as necessary to reconstitute a school under division (H) 16127
(1) of this section. 16128

(J) If the report card for the district has been issued 16129
under section 3302.03 of the Revised Code for the third school 16130
year that the district is subject to this section and the 16131
district does not meet the qualification in division (N) (1) of 16132
this section, the following shall apply: 16133

(1) The chief executive officer may exercise any of the 16134
powers authorized under division (H) or (I) of this section. 16135

(2) The chief executive officer may continue in effect a 16136
limitation, suspension, or alteration of a provision of a 16137
collective bargaining agreement issued under division (I) (2) of 16138
this section. Any such continuation shall be subject to the 16139
requirements and restrictions of that division. 16140

(K) If the report card for the district has been issued 16141
under section 3302.03 of the Revised Code for the fourth school 16142
year that the district is subject to this section and the 16143
district does not meet the qualification in division (N) (1) of 16144
this section, the following shall apply: 16145

(1) The chief executive officer may exercise any of the 16146
powers authorized under division (H), (I), or (J) of this 16147
section. 16148

(2) A new board of education shall be appointed for the 16149
district in accordance with section 3302.11 of the Revised Code. 16150
However, the chief executive officer shall retain complete 16151
operational, managerial, and instructional control of the 16152
district until the chief executive officer relinquishes that 16153
control to the district board under division (N) (1) of this 16154
section. 16155

(L) If the report card for the district has been issued 16156
under section 3302.03 of the Revised Code for the fifth school 16157
year, or any subsequent school year, that the district is 16158
subject to this section and the district does not meet the 16159
qualification in division (N) (1) of this section, the chief 16160
executive officer may exercise any of the powers authorized 16161
under division (H), (I), (J), or (K) (1) of this section. 16162

(M) If division (I), (J), (K), or (L) of this section 16163
applies to a district, community schools, STEM schools, 16164
chartered nonpublic schools, and other school districts that 16165
enroll students residing in the district and meet academic 16166
accountability standards shall be eligible to be paid an 16167
academic performance bonus in each fiscal year for which the 16168
general assembly appropriates funds for that purpose. The 16169
academic performance bonus is intended to give students residing 16170

in the district access to a high-quality education by 16171
encouraging high-quality schools to enroll those students. 16172

(N) (1) When a district subject to this section receives 16173
either an overall grade of "C" or higher under division (C) (3) 16174
of section 3302.03 of the Revised Code or an overall performance 16175
rating of three stars or higher under division (D) (3) of section 16176
3302.03 of the Revised Code, the district shall begin its 16177
transition out of being subject to this section. Except as 16178
provided in division (N) (2) of this section, the transition 16179
period shall last until the district has received either an 16180
overall grade higher than "F" under division (C) (3) of section 16181
3302.03 of the Revised Code or an overall performance rating of 16182
two stars or higher under division (D) (3) of section 3302.03 of 16183
the Revised Code for two consecutive school years after the 16184
transition period begins. The overall grade of "C" or higher or 16185
overall performance rating of three stars or higher that qualify 16186
the district to begin the transition period shall not count as 16187
one of the two consecutive school years. During the transition 16188
period, the conditions described in divisions (F) to (L) of this 16189
section for the school year prior to the school year in which 16190
the transition period begins shall continue to apply and the 16191
chief executive officer shall work closely with the district 16192
board and district superintendent to increase their ability to 16193
resume control of the district and sustain the district's 16194
academic improvement over time. Upon completion of the 16195
transition period, the chief executive officer shall relinquish 16196
all operational, managerial, and instructional control of the 16197
district to the district board and district superintendent and 16198
the academic distress commission shall cease to exist. 16199

(2) If the district receives either an overall grade of 16200
"F" under division (C) (3) of section 3302.03 of the Revised Code 16201

or an overall performance rating of less than two stars under 16202
division (D) (3) of section 3302.03 of the Revised Code at any 16203
time during the transition period, the transition period shall 16204
end and the district shall be fully subject to this section 16205
again. The district shall resume being fully subject to this 16206
section at the point it began its transition out of being 16207
subject to this section and the division in divisions (H) to (L) 16208
of this section that would have applied to the district had the 16209
district not qualified to begin its transition under division 16210
(N) (1) of this section shall apply to the district. 16211

(O) If at any time there are no longer any schools 16212
operated by the district due to reconstitution or other closure 16213
of the district's schools under this section, the academic 16214
distress commission shall cease to exist and the chief executive 16215
officer shall cease to exercise any powers with respect to the 16216
district. 16217

(P) Beginning on October 15, 2015, each collective 16218
bargaining agreement entered into by a school district board of 16219
education under Chapter 4117. of the Revised Code shall 16220
incorporate the provisions of this section. 16221

(Q) The chief executive officer, the members of the 16222
academic distress commission, the ~~state superintendent~~director 16223
of education and workforce, and any person authorized to act on 16224
behalf of or assist them shall not be personally liable or 16225
subject to any suit, judgment, or claim for damages resulting 16226
from the exercise of or failure to exercise the powers, duties, 16227
and functions granted to them in regard to their functioning 16228
under this section, but the chief executive officer, commission, 16229
~~state superintendent~~director, and such other persons shall be 16230
subject to mandamus proceedings to compel performance of their 16231

duties under this section. 16232

(R) The ~~state superintendent~~ department of education and 16233
workforce shall not exempt any district from this section by 16234
approving an application for an innovative education pilot 16235
program submitted by the district under section 3302.07 of the 16236
Revised Code. 16237

Sec. 3302.103. (A) This section applies to any school 16238
district that meets one of the following conditions: 16239

(1) An academic distress commission was established for 16240
the district in 2013 ~~by the superintendent of public instruction~~ 16241
under former section 3302.10 of the Revised Code, as it existed 16242
prior to October 15, 2015, and a new academic distress 16243
commission was established for the district ~~by the state~~ 16244
~~superintendent~~ under division (A) (2) of section 3302.10 of the 16245
Revised Code. 16246

(2) An academic distress commission was established for 16247
the district in 2010 ~~by the state superintendent~~ under former 16248
section 3302.10 of the Revised Code, as it existed prior to 16249
October 15, 2015, and a new academic distress commission was 16250
established for the district under division (A) (2) of section 16251
3302.10 of the Revised Code. 16252

(3) An academic distress commission was established for 16253
the district ~~by the state superintendent~~ in 2018 under division 16254
(A) (1) of section 3302.10 of the Revised Code. 16255

(B) The auditor of state shall complete a performance 16256
audit of a school district to which this section applies one 16257
time during the three-year period of the plan implemented under 16258
division (D) (2) of this section and submit the results of the 16259
audit to the board of education of the school district and the 16260

academic distress commission established for the district. The 16261
performance audit shall be conducted in the same manner as 16262
prescribed by section 3316.042 of the Revised Code. 16263

(C) Notwithstanding anything to the contrary in the 16264
Revised Code, ~~not later than ninety days after the effective-~~ 16265
~~date of this section,~~ the district board of a school district to 16266
which this section applies, in consultation with the appropriate 16267
stakeholders, the academic distress commission, and the chief 16268
executive officer appointed by that commission under section 16269
3302.10 of the Revised Code, shall develop and submit an 16270
academic improvement plan for the district to the ~~state-~~ 16271
~~superintendent~~department of education and workforce. 16272

The plan developed under division (C) of this section 16273
shall operate for a period of three school years and shall 16274
include annual and overall academic improvement benchmarks for 16275
the district and strategies for achieving those benchmarks. 16276

(D) (1) The ~~state superintendent~~ department shall review 16277
the plan submitted under division (C) of this section. Not later 16278
than thirty days after receiving the plan for review, the ~~state-~~ 16279
~~superintendent~~ department shall approve the plan or suggest 16280
modifications to the plan. If the ~~state superintendent-~~ 16281
department suggests modifications, the district board shall 16282
revise the plan and resubmit it within fifteen days after 16283
receiving the suggested modifications. The ~~state superintendent-~~ 16284
department shall review and approve the plan within thirty days 16285
after receiving it. 16286

(2) Upon approval of the plan by the ~~state-~~ 16287
~~superintendent~~ department, the district board may begin to 16288
prepare to implement the plan, which shall be in effect from 16289
July 1, 2022, to June 30, 2025. The district's academic distress 16290

commission and chief executive officer shall work with the 16291
district in preparing to implement the plan. 16292

(3) If the district board determines it necessary, it may 16293
submit a request to the ~~state superintendent department~~ to 16294
modify the improvement plan during the period of time specified 16295
in division (D)(2) of this section. The improvement plan shall 16296
not be modified without the ~~state superintendent's department's~~ 16297
approval. 16298

(E) During the school years that the district is 16299
implementing the plan approved by the ~~state~~ 16300
~~superintendent department~~, the following apply: 16301

(1) The district shall not be subject to section 3302.10 16302
of the Revised Code. 16303

(2) The district board shall reassume all powers granted 16304
to it under the Revised Code. 16305

(3) The district's academic distress commission shall 16306
continue to exist and provide assistance to the district but 16307
shall not have any operational or managerial control of the 16308
district. 16309

(4) The chief executive officer appointed by the academic 16310
distress commission shall relinquish all operational, 16311
managerial, and instructional control of the district and be 16312
removed from that position. 16313

The district board may employ as district superintendent 16314
the individual who previously served as chief executive officer. 16315
If the district board enters into a contract for district 16316
superintendent with that individual while the district is 16317
implementing the improvement plan, the department ~~of education~~ 16318
shall continue compensating the individual under the terms of 16319

the individual's chief executive officer contract until the 16320
district meets either of the conditions prescribed in division 16321
(F) (1) (b) or (F) (2) of this section. In either event, the 16322
district board shall begin compensating the individual under the 16323
terms of the district board's employment contract with the 16324
individual for district superintendent. 16325

(5) The district board shall provide annual reports to the 16326
~~state board of education department~~ on the district's progress 16327
toward achieving the academic benchmarks established in the 16328
district's improvement plan. 16329

(F) At the end of three school years under the plan, the 16330
district shall be evaluated by the ~~state board department~~ based 16331
on the academic improvement benchmarks established in the plan. 16332

(1) (a) If the district improves but does not meet at least 16333
a majority of the academic improvement benchmarks established in 16334
the improvement plan, the district board may apply to the ~~state-~~ 16335
~~superintendent department~~ for an extension of one school year to 16336
continue implementing the plan, pending approval by the ~~state-~~ 16337
~~superintendent department~~. If the district does not meet at least 16338
a majority of the established benchmarks at the end of the 16339
extension, the district again may apply to the ~~state-~~ 16340
~~superintendent department~~ for an extension of one school year to 16341
continue implementing the plan. The district shall not apply for 16342
an extension more than twice. 16343

(b) If the district does not meet at least a majority of 16344
the academic improvement benchmarks at the end of five school 16345
years under the plan or if the ~~state superintendent department~~ 16346
does not approve a district's application for an extension 16347
submitted under division (F) (1) (a) of this section, the district 16348
shall be subject to section 3302.10 of the Revised Code. The 16349

academic distress commission shall appoint a new chief executive officer for the district as prescribed in division (C) of that section, and the chief executive officer shall reassume the powers that were being exercised under that section prior to July 1, 2022.

(2) If the district meets at least a majority of the academic improvement benchmarks established in its improvement plan at the end of the initial evaluation or, if applicable, after an extension granted by the ~~state superintendent~~ department under division (F) (1) (a) of this section, the academic distress commission shall be dissolved, and the district board shall continue exercising all powers granted to it under the Revised Code.

Sec. 3302.11. (A) This section applies to any school district that becomes subject to division (K) of section 3302.10 of the Revised Code, as it exists on and after ~~the effective date of this section~~ October 15, 2015.

(B) As used in this section, "mayor" means the mayor of the municipality in which a majority of the territory of a school district to which this section applies is located or, if no such municipality exist, the mayor of a municipality selected by the ~~superintendent of public instruction~~ director of education and workforce in which the district has territory.

(C) On the first day of January following the date on which this section first applies to a school district, the mayor shall appoint a new five-member board of education for the district from a slate of candidates nominated by the nominating panel established under division (D) (1) of this section.

(D) (1) Not later than thirty days after the date on which

this section first applies to a school district, the 16379
~~superintendent of public instruction~~ director shall convene a 16380
nominating panel to nominate candidates for appointment to the 16381
district board of education. The panel shall consist of the 16382
following members: 16383

(a) Two persons appointed by the mayor, one of whom shall 16384
be a representative of the business community or an institution 16385
of higher education located in the district; 16386

(b) One principal employed by the district, who shall be 16387
selected by a vote of the district's principals conducted by the 16388
~~state superintendent~~ director; 16389

(c) One teacher appointed by the bargaining representative 16390
for teachers employed by the district; 16391

(d) One parent of a student enrolled in the district 16392
appointed by the parent-teacher association, or a similar 16393
organization selected by the ~~state superintendent~~ director; 16394

(e) The chairperson of the academic distress commission 16395
established for the district under section 3302.10 of the 16396
Revised Code and the chief executive officer appointed under 16397
division (C)(1) of that section, until such time as the 16398
commission ceases to exist. 16399

(2) The ~~state superintendent~~ director shall be a nonvoting 16400
member of the panel and shall serve as chairperson of the panel 16401
for the first two years of the panel's existence. After that 16402
time, the panel shall select one of its members as chairperson. 16403
The panel shall meet as necessary to make nominations at the 16404
call of the chairperson. All members of the panel shall serve at 16405
the pleasure of their appointing authority. A vacancy on the 16406
panel shall be filled in the same manner as the initial 16407

appointment. 16408

(E) Not later than thirty days after the nominating panel 16409
is convened, the panel shall nominate a slate of at least ten 16410
candidates for possible appointment to the district board of 16411
education. All candidates shall be residents of the school 16412
district and shall hold no elected public office. At least two 16413
of the candidates shall reside outside of the municipal 16414
corporation served by the mayor, if that municipal corporation 16415
does not contain all of the district's territory. 16416

(F) Not later than thirty days after receiving the slate 16417
of candidates, the mayor shall select five members from the 16418
slate for appointment to the district board of education. 16419
Initial members of the board shall take office on the first day 16420
of January following their appointment and their terms shall 16421
expire on the thirtieth day of June following the referendum 16422
election required by division (G) (1) of this section. 16423

(G) (1) At the general election held in the first even- 16424
numbered year occurring at least three years after the date on 16425
which the academic distress commission established for the 16426
district ceases to exist pursuant to division (N) (1) of section 16427
3302.10 of the Revised Code, a referendum election shall be held 16428
to determine if the mayor shall continue to appoint the district 16429
board of education. Not later than ninety days before the 16430
general election, the board of education shall notify the board 16431
of elections of each county containing territory of the district 16432
of the referendum election. At the general election, the 16433
following question shall be submitted to the electors of the 16434
district: 16435

"Shall the mayor of... (here insert the name of the 16436
applicable municipal corporation) continue to appoint the 16437

members of the board of education of the... (here insert the 16438
name of the school district to which this section applies)?" 16439

The board of elections of the county in which the majority 16440
of the district's territory is located shall make all necessary 16441
arrangements for the submission of the question to the electors, 16442
and the election shall be conducted, canvassed, and certified in 16443
the same manner as regular elections in the district for the 16444
election of county officers, provided that in any such election 16445
in which only part of the electors of a precinct are qualified 16446
to vote, the board of elections may assign voters in such part 16447
to an adjoining precinct. Such an assignment may be made to an 16448
adjoining precinct in another county with the consent and 16449
approval of the board of elections of such other county. Notice 16450
of the election shall be published in a newspaper of general 16451
circulation in the district once a week for two consecutive 16452
weeks, or as provided in section 7.16 of the Revised Code, prior 16453
to the election. If the board of elections operates and 16454
maintains a web site, the board of elections shall post notice 16455
of the election on its web site for thirty days prior to the 16456
election. The notice shall state the question on which the 16457
election is being held. The ballot shall be in the form 16458
prescribed by the secretary of state. Costs of submitting the 16459
question to the electors shall be charged to the district in 16460
accordance with section 3501.17 of the Revised Code. 16461

(2) If a majority of the electors voting on the question 16462
proposed in division (G)(1) of this section approve the 16463
question, the mayor shall appoint a new board of education on 16464
the immediately following first day of July from a slate of 16465
candidates nominated by the nominating panel in the same manner 16466
as the initial board was appointed pursuant to divisions (E) and 16467
(F) of this section. Three of the members of the new board shall 16468

be appointed to four-year terms and two of the members shall be 16469
appointed to two-year terms, each term beginning on the first 16470
day of July. Thereafter, the mayor shall appoint members to 16471
four-year terms in the same manner prescribed in divisions (E) 16472
and (F) of this section. Whenever the nominating panel is 16473
required to nominate a slate of candidates, the panel shall 16474
nominate at least twice the number of candidates as members to 16475
be appointed to the board at that time, including two candidates 16476
who reside outside of the municipal corporation served by the 16477
mayor, if that municipal corporation does not contain all of the 16478
district's territory. Nothing in this division shall preclude 16479
the nominating panel from nominating as a candidate a person who 16480
was a member of the board prior to the referendum election or 16481
shall preclude the mayor from appointing such a person to the 16482
new board. 16483

(3) If a majority of the electors voting on the question 16484
proposed in division (G) (1) of this section disapprove the 16485
question, a new board of education shall be elected at the next 16486
regular election occurring in November of an odd-numbered year. 16487
The board shall have the same number of members as the board in 16488
place prior to the board appointed under this section. At such 16489
election, one-half of the total number of members rounded up to 16490
the next whole number shall be elected for terms of four years 16491
and the remaining members shall be elected for terms of two 16492
years. Thereafter, their successors shall be elected in the same 16493
manner and for the same terms as provided in the Revised Code 16494
for members of boards of education. All members of the board of 16495
education appointed under this section shall continue to serve 16496
after the end of the terms to which they were appointed until 16497
their successors are qualified and assume office in accordance 16498
with section 3313.09 of the Revised Code. 16499

(H) All of the following shall apply to a board of education appointed under division (F) or (G) (2) of this section: 16500
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16502

(1) At any given time, at least two of the board members shall have significant expertise in education, finance, or business management and at least one member shall reside outside of the municipal corporation served by the mayor, if that municipal corporation does not contain all of the district's territory. 16503
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(2) The members of the board shall designate one of its members as the chairperson of the board. The chairperson shall have all the rights, authority, and duties conferred upon the president of a board of education by the Revised Code. 16509
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(3) The mayor may remove any member of the board with the advice and consent of the nominating panel. 16513
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Sec. 3302.12. (A) (1) Except as provided in divisions (C) and (D) of this section, this section applies to a school building that is ranked according to performance index score under section 3302.21 of the Revised Code in the lowest five per cent of public school buildings statewide for three consecutive years and that meets any combination of the following for three consecutive years: 16515
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(a) The school building is declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code; 16522
16523
16524

(b) The school building has received a grade of "F" for the value-added progress dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 16525
16526
16527

(c) The school building has received an overall grade of 16528

"F" under section 3302.03 of the Revised Code;	16529
(d) The school building has received a performance rating of one star for progress under division (D) (3) (c) of section 3302.03 of the Revised Code;	16530 16531 16532
(e) The school building has received an overall performance rating of less than two stars under section 3302.03 of the Revised Code.	16533 16534 16535
(2) In the case of a building to which this section applies, the district board of education in control of that building shall do one of the following at the conclusion of the school year in which the building first becomes subject to this section:	16536 16537 16538 16539 16540
(a) Close the school and direct the district superintendent to reassign the students enrolled in the school to other school buildings that demonstrate higher academic achievement;	16541 16542 16543 16544
(b) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school;	16545 16546 16547
(c) Replace the principal and all teaching staff of the school and, upon request from the new principal, exempt the school from all requested policies and regulations of the board regarding curriculum and instruction. The board also shall distribute funding to the school in an amount that is at least equal to the product of the per pupil amount of state and local revenues received by the district multiplied by the student population of the school.	16548 16549 16550 16551 16552 16553 16554 16555
(d) Reopen the school as a conversion community school under Chapter 3314. of the Revised Code.	16556 16557

(B) If an action taken by the board under division (A) (2) 16558
of this section causes the district to no longer maintain all 16559
grades kindergarten through twelve, as required by section 16560
3311.29 of the Revised Code, the board shall enter into a 16561
contract with another school district pursuant to section 16562
3327.04 of the Revised Code for enrollment of students in the 16563
schools of that other district to the extent necessary to comply 16564
with the requirement of section 3311.29 of the Revised Code. 16565
Notwithstanding any provision of the Revised Code to the 16566
contrary, if the board enters into and maintains a contract 16567
under section 3327.04 of the Revised Code, the district shall 16568
not be considered to have failed to comply with the requirement 16569
of section 3311.29 of the Revised Code. If, however, the 16570
district board fails to or is unable to enter into or maintain 16571
such a contract, the ~~state board~~ department of education and 16572
workforce shall take all necessary actions to dissolve the 16573
district as provided in division (A) of section 3311.29 of the 16574
Revised Code. 16575

(C) If a particular school is required to restructure 16576
under this section and a petition with respect to that same 16577
school has been filed and verified under divisions (B) and (C) 16578
of section 3302.042 of the Revised Code, the provisions of that 16579
section and the petition filed and verified under it shall 16580
prevail over the provisions of this section and the school shall 16581
be restructured under that section. However, if division (D) (1), 16582
(2), or (3) of section 3302.042 of the Revised Code also applies 16583
to the school, the school shall be subject to restructuring 16584
under this section and not section 3302.042 of the Revised Code. 16585

If the provisions of this section conflict in any way with 16586
the requirements of federal law, federal law shall prevail over 16587
the provisions of this section. 16588

(D) If a school is restructured under this section, 16589
section 3302.042 or 3302.10 of the Revised Code, or federal law, 16590
the school shall not be required to restructure again under 16591
state law for three consecutive years after the implementation 16592
of that prior restructuring. 16593

Sec. 3302.13. (A) This section applies to any school 16594
district or community school that meets both of the following 16595
criteria, as reported on the past two consecutive report cards 16596
issued for that district or school under section 3302.03 of the 16597
Revised Code: 16598

(1) The district or school received either of the 16599
following: 16600

(a) A grade of "D" or "F" on the kindergarten through 16601
third-grade literacy progress measure under division (C) (3) (e) 16602
of section 3302.03 of the Revised Code; 16603

(b) A performance rating of less than three stars for 16604
early literacy under division (D) (3) (e) of section 3302.03 of 16605
the Revised Code. 16606

(2) Fifty-one per cent or less of the district's students 16607
who took the third grade English language arts assessment 16608
prescribed under section 3301.0710 of the Revised Code for that 16609
school year attained at least a proficient score on that 16610
assessment. 16611

(B) By ~~December 31, 2016, and by the thirty-first day of~~ 16612
~~each December thereafter of each year,~~ any school district or 16613
community school that meets the criteria set forth in division 16614
(A) of this section shall submit to the department of education 16615
and workforce a school or district reading achievement 16616
improvement plan, which shall include all requirements 16617

prescribed by the ~~state board of education~~ department pursuant 16618
to division (C) of this section. 16619

(C) ~~Not later than December 31, 2014, the state board~~ The 16620
department shall adopt rules in accordance with Chapter 119. of 16621
the Revised Code prescribing the content of and deadlines for 16622
the reading achievement improvement plans required under 16623
division (B) of this section. The rules shall prescribe that 16624
each plan include, at a minimum, an analysis of relevant student 16625
performance data, measurable student performance goals, 16626
strategies to meet specific student needs, a staffing and 16627
professional development plan, and instructional strategies for 16628
improving literacy. 16629

(D) Any school district or community school to which this 16630
section applies shall no longer be required to submit an 16631
improvement plan pursuant to division (B) of this section when 16632
that district or school meets either of the following criteria, 16633
as reported on the most recent report card issued for that 16634
district or school under section 3302.03 of the Revised Code: 16635

(1) The district or school received either of the 16636
following: 16637

(a) A grade of "C" or higher on the kindergarten through 16638
third-grade literacy progress measure under division (C) (3) (e) 16639
of section 3302.03 of the Revised Code; 16640

(b) A performance rating of three stars or higher for 16641
early literacy under division (D) (3) (e) of section 3302.03 of 16642
the Revised Code. 16643

(2) Not less than fifty-one per cent of the district's 16644
students who took the third grade English language arts 16645
assessment prescribed under section 3301.0710 of the Revised 16646

Code for that school year attained at least a proficient score 16647
on that assessment. 16648

(E) The department ~~of education~~ shall post in a prominent 16649
location on its web site all plans submitted pursuant to this 16650
section. 16651

Sec. 3302.14. The department of education and workforce 16652
annually shall collect, analyze, and publish data regarding 16653
reading achievement in schools and progress in assisting all 16654
students to become proficient readers. Beginning on January 31, 16655
2015, and on the thirty-first day of each January thereafter, 16656
the department shall report these findings, in accordance with 16657
section 101.68 of the Revised Code, to the governor, and the 16658
general assembly, ~~and the state board of education~~. The report 16659
shall include, but not be limited to, both of the following: 16660

(A) The progress of all students that were on a reading 16661
intervention plan at any time during grades kindergarten through 16662
four while enrolled in the state's public school system. 16663

(B) The progress of school districts and community schools 16664
that are currently operating under a reading achievement 16665
improvement plan pursuant to section 3302.13 of the Revised 16666
Code, as data is made available. 16667

Sec. 3302.15. (A) Notwithstanding anything to the contrary 16668
in Chapter 3301. or 3302. of the Revised Code, the board of 16669
education of a school district, governing authority of a 16670
community school established under Chapter 3314. of the Revised 16671
Code, or governing body of a STEM school established under 16672
Chapter 3326. of the Revised Code may submit to the 16673
~~superintendent of public instruction~~ department of education and 16674
workforce, during the 2015-2016 school year, a request for a 16675

waiver for up to five school years from administering the state 16676
achievement assessments required under sections 3301.0710 and 16677
3301.0712 of the Revised Code and related requirements specified 16678
under division (B) (2) of this section. A district or school that 16679
obtains a waiver under this section shall use the alternative 16680
assessment system, as proposed by the district or school and as 16681
approved by the ~~state superintendent~~department, in place of the 16682
assessments required under sections 3301.0710 and 3301.0712 of 16683
the Revised Code. 16684

(B) (1) A request for a waiver under this section shall 16685
contain the following: 16686

(a) A timeline to develop and implement an alternative 16687
assessment system for the district or school; 16688

(b) An overview of the proposed innovative educational 16689
programs or strategies to be offered by the district or school; 16690

(c) An overview of the proposed alternative assessment 16691
system; 16692

(d) An overview of planning details that have been 16693
implemented or proposed and any documented support from 16694
educational networks, established educational consultants, state 16695
institutions of higher education as defined under section 16696
3345.011 of the Revised Code, and employers or workforce 16697
development partners; 16698

(e) An overview of the capacity to implement the 16699
alternative assessments, conduct the evaluation of teachers with 16700
alternative assessments, and the reporting of student 16701
achievement data with alternative assessments for the purpose of 16702
the report card ratings prescribed under section 3302.03 of the 16703
Revised Code, all of which shall include any prior success in 16704

implementing innovative educational programs or strategies, 16705
teaching practices, or assessment practices; 16706

(f) An acknowledgement by the district or school of 16707
federal funding that may be impacted by obtaining a waiver. 16708

(2) The request for a waiver shall indicate the extent to 16709
which exemptions from state or federal requirements regarding 16710
the administration of the assessments required under sections 16711
3301.0710 and 3301.0712 of the Revised Code are sought. Such 16712
items from which a district or school may be exempt are as 16713
follows: 16714

(a) The required administration of state assessments under 16715
sections 3301.0710 and 3301.0712 of the Revised Code; 16716

(b) The evaluation of teachers and administrators under 16717
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 16718
of the Revised Code; 16719

(c) The reporting of student achievement data for the 16720
purpose of the report card ratings prescribed under section 16721
3302.03 of the Revised Code. 16722

(C) Each request for a waiver shall include the signature 16723
of all of the following: 16724

(1) The superintendent of the school district or the 16725
equivalent for a community school or STEM school; 16726

(2) The president of the district board or the equivalent 16727
for a community school or STEM school; 16728

(3) The presiding officer of the labor organization 16729
representing the district's or school's teachers, if any; 16730

(4) If the district's or school's teachers are not 16731

represented by a labor organization, the principal and a 16732
majority of the administrators and teachers of the district or 16733
school. 16734

(D) Upon receipt of a request for a waiver, the ~~state~~ 16735
~~superintendent~~ department shall approve or deny the waiver or 16736
may request additional information from the district or school. 16737
The ~~state superintendent~~ department shall not grant waivers to 16738
more than a total of ten districts, community schools, or STEM 16739
schools, based on requests for a waiver received during the 16740
2015-2016 school year. A waiver granted to a district or school 16741
shall be contingent on an ongoing review and evaluation by the 16742
~~state superintendent~~ department of the program for which the 16743
waiver was granted. 16744

(E) (1) For the purpose of this section, the department ~~of~~ 16745
~~education~~ shall seek a waiver from the testing requirements 16746
prescribed under the "No Child Left Behind Act of 2001," if 16747
necessary to implement this section. 16748

(2) The department shall create a mechanism for the 16749
comparison of the alternative assessments prescribed under 16750
division (B) of this section and the assessments required under 16751
sections 3301.0710 and 3301.0712 of the Revised Code as it 16752
relates to the evaluation of teachers and student achievement 16753
data for the purpose of state report card ratings. 16754

(F) For purposes of this section, "innovative educational 16755
program or strategy" means a program or strategy using a new 16756
idea or method aimed at increasing student engagement and 16757
preparing students to be college or career ready. 16758

Sec. 3302.151. (A) Notwithstanding anything to the 16759
contrary in the Revised Code, a school district that qualifies 16760

under division (D) of this section shall be exempt from all of 16761
the following: 16762

(1) The teacher qualification requirements under the 16763
third-grade reading guarantee, as prescribed under divisions (B) 16764
(3) (c) and (H) of section 3313.608 of the Revised Code. This 16765
exemption does not relieve a teacher from holding a valid Ohio 16766
license in a subject area and grade level determined appropriate 16767
by the board of education of that district. 16768

(2) The mentoring component of the Ohio teacher residency 16769
program established under division (A) (1) of section 3319.223 of 16770
the Revised Code, so long as the district utilizes a local 16771
approach to train and support new teachers; 16772

(3) Any provision of the Revised Code or rule or standard 16773
of the ~~state board~~ department of education and workforce 16774
prescribing a minimum or maximum class size; 16775

(4) Any provision of the Revised Code or rule or standard 16776
of the ~~state board~~ department requiring teachers to be licensed 16777
specifically in the grade level in which they are teaching, 16778
except unless otherwise prescribed by federal law. This 16779
exemption does not apply to special education teachers. Nor does 16780
this exemption relieve a teacher from holding a valid Ohio 16781
license in the subject area in which that teacher is teaching 16782
and at least some grade level determined appropriate by the 16783
district board. 16784

(B) (1) Notwithstanding anything to the contrary in the 16785
Revised Code, including sections 3319.30 and 3319.36 of the 16786
Revised Code, the superintendent of a school district that 16787
qualifies under division (D) of this section may employ an 16788
individual who is not licensed as required by sections 3319.22 16789

to 3319.30 of the Revised Code, but who is otherwise qualified 16790
based on experience, to teach classes in the district, so long 16791
as the board of education of the school district approves the 16792
individual's employment and provides mentoring and professional 16793
development opportunities to that individual, as determined 16794
necessary by the board. 16795

(2) As a condition of employment under this section, an 16796
individual shall be subject to a criminal records check as 16797
prescribed by section 3319.391 of the Revised Code. In the 16798
manner prescribed by the ~~department~~state board of education, 16799
the individual shall submit the criminal records check to the 16800
~~department~~state board and shall register with the ~~department~~state board 16801
state board during the period in which the individual is 16802
employed by the district. The ~~department~~state board shall use 16803
the information submitted to enroll the individual in the 16804
retained applicant fingerprint database, established under 16805
section 109.5721 of the Revised Code, in the same manner as any 16806
teacher licensed under sections 3319.22 to 3319.31 of the 16807
Revised Code. 16808

(3) An individual employed pursuant to this division is 16809
subject to Chapter 3307. of the Revised Code. 16810

If the ~~department~~state board receives notification of the 16811
arrest or conviction of an individual employed under division 16812
(B) of this section, the ~~department~~state board shall promptly 16813
notify the employing district and may take any action authorized 16814
under sections 3319.31 and 3319.311 of the Revised Code that it 16815
considers appropriate. No district shall employ any individual 16816
under division (B) of this section if the district learns that 16817
the individual has plead guilty to, has been found guilty by a 16818
jury or court of, or has been convicted of any of the offenses 16819

listed in division (C) of section 3319.31 of the Revised Code. 16820

(C) Notwithstanding anything to the contrary in the 16821
Revised Code, noncompliance with any of the requirements listed 16822
in divisions (A) or (B) of this section shall not disqualify a 16823
school district that qualifies under division (D) of this 16824
section from receiving funds under Chapter 3317. of the Revised 16825
Code. 16826

(D) In order for a city, local, or exempted village school 16827
district to qualify for the exemptions described in this 16828
section, the school district shall meet all of the following 16829
benchmarks on the most recent report card issued for that 16830
district under section 3302.03 of the Revised Code: 16831

(1) The district received at least eighty-five per cent of 16832
the total possible points for the performance index score 16833
calculated under division (C) (1) (b) or (D) (1) (c) of that 16834
section; 16835

(2) The district received a grade of an "A" for 16836
performance indicators met under division (C) (1) (c) of that 16837
section. However, division (D) (2) of this section shall not 16838
apply for the 2021-2022 school year or any school year 16839
thereafter. 16840

(3) The district has a four-year adjusted cohort 16841
graduation rate of at least ninety-three per cent and a five- 16842
year adjusted cohort graduation rate of at least ninety-five per 16843
cent, as calculated under division (C) (1) (d) or divisions (D) (1) 16844
(e) and (D) (1) (f) of that section. 16845

(E) A school district that meets the requirements 16846
prescribed by division (D) of this section shall be qualified 16847
for the exemptions prescribed by this section for three school 16848

years, beginning with the school year in which the qualifying report card is issued. 16849
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(F) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code. 16851
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Sec. 3302.17. (A) Any school building operated by a city, exempted village, or local school district, or a community school established under Chapter 3314. of the Revised Code is eligible to initiate the community learning center process as prescribed by this section. 16853
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(B) Beginning with the 2015-2016 school year, each district board of education or community school governing authority may initiate a community learning center process for any school building to which this section applies. 16858
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First, the board or governing authority shall conduct a public information hearing at each school building to which this section applies to inform the community of the community learning center process. The board or governing authority may do all of the following with regard to the public information hearing: 16862
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(1) Announce the meeting not less than forty-five days in advance at the school and on the school's or district's web sites and using tools to ensure effective communication with individuals with disabilities; 16868
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(2) Schedule the meeting for an evening or weekend time; 16872

(3) Provide interpretation services and written materials in all languages spoken by five per cent or more of the students enrolled in the school; 16873
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(4) Provide child care services for parents attending the 16876

meeting; 16877

(5) Provide parents, students, teachers, nonteaching 16878
employees, and community members with the opportunity to speak 16879
at the meeting; 16880

(6) Comply with section 149.43 of the Revised Code. 16881

In preparing for the public information hearing, the board 16882
or governing authority shall ensure that information about the 16883
hearing is broadly distributed throughout the community. 16884

The board or governing authority may enter into an 16885
agreement with any civic engagement organizations, community 16886
organizations, or employee organizations to support the 16887
implementation of the community learning center process. 16888

The board or governing authority shall conduct a follow-up 16889
hearing at least once annually until action is further taken 16890
under the section with respect to the school building or until 16891
the conditions described in division (A) of this section no 16892
longer apply to the school building. 16893

(C) Not sooner than forty-five days after the first public 16894
information hearing, the board or governing authority shall 16895
conduct an election, by paper ballot, to initiate the process to 16896
become a community learning center. Only parents or guardians of 16897
students enrolled in the school and students enrolled in a 16898
different school operated by a joint vocational school district 16899
but are otherwise entitled to attend the school, and teachers 16900
and nonteaching employees who are assigned to the school may 16901
vote in the election. 16902

The board or governing authority shall distribute the 16903
ballots by mail and shall make copies available at the school 16904
and on the web site of the school. The board or governing 16905

authority also may distribute the ballots by directly giving 16906
ballots to teachers and nonteaching employees and sending home 16907
ballots with every student enrolled in the school building. 16908

(D) The board or governing authority shall initiate the 16909
transition of the building to a community learning center if the 16910
results of the election held under division (C) of this section 16911
are as follows: 16912

(1) At least fifty per cent of parents and guardians of 16913
students enrolled in the eligible school building and students 16914
enrolled in a different building operated by a joint vocational 16915
school district but who are entitled to attend the school cast 16916
ballots by a date set by the board or governing authority, and 16917
of those ballots at least sixty-seven per cent are in favor of 16918
initiating the process; and 16919

(2) At least fifty per cent of teachers and nonteaching 16920
employees who are assigned to the school cast ballots by a date 16921
set by the board or governing authority, and of those ballots at 16922
least sixty-seven per cent are in favor of initiating the 16923
process. 16924

(E) If a community learning center process is initiated 16925
under this section, the board or governing authority shall 16926
create a school action team under section 3302.18 of the Revised 16927
Code. Within four months upon selection, the school action team 16928
shall conduct and complete, in consultation with community 16929
partners, a performance audit of the school and review, with 16930
parental input, the needs of the school with regard to 16931
restructuring under section 3302.10, 3302.12, or 3302.042 of the 16932
Revised Code, or federal law. 16933

The school action team shall provide quarterly updates of 16934

its work in a public hearing that complies with the same 16935
specifications prescribed in division (B) of this section. 16936

(F) Upon completion of the audit and review, the school 16937
action team shall present its findings at a public hearing that 16938
complies with the same specifications prescribed in division (B) 16939
of this section. After the school action team presents its 16940
findings at the public hearing, it shall create a community 16941
learning center improvement plan that designates appropriate 16942
interventions, which may be based on the recommendations 16943
developed by the department under division (H) (1) (b) of this 16944
section. 16945

If there is a federally mandated school improvement 16946
planning process, the team shall coordinate its work with that 16947
plan. 16948

The school action team shall approve the plan by a 16949
majority vote. 16950

(G) Upon approval of the plan by the school action team, 16951
the team shall submit the community learning center improvement 16952
plan to the same individuals described in division (C) of this 16953
section. Ballots shall be distributed and an election shall be 16954
conducted in the same manner as indicated under that division. 16955

The school action team shall submit the plan to the 16956
district board of education or community school governing 16957
authority, if the results of the election under division (G) of 16958
this section are as follows: 16959

(1) At least thirty per cent of parents and guardians of 16960
students enrolled in the eligible school building and students 16961
enrolled in a different building operated by a joint vocational 16962
school district but who are entitled to attend the school cast 16963

ballots by a date set by the board or governing authority, and 16964
of those ballots at least fifty per cent are in favor of 16965
initiating the process; and 16966

(2) At least thirty per cent of teachers and nonteaching 16967
employees who are assigned to the school cast ballots by a date 16968
set by the board or governing authority, and of those ballots at 16969
least fifty per cent are in favor of initiating the process. 16970

The board or governing authority shall evaluate the plan 16971
and determine whether to adopt it. The board or governing 16972
authority shall adopt the plan in full or adopt portions of the 16973
plan. If the board or governing authority does not adopt the 16974
plan in full, it shall provide a written explanation of why 16975
portions of the plan were rejected. 16976

(H) (1) The department shall do all of the following with 16977
respect to this section: 16978

(a) Adopt rules regarding the elections required under 16979
this section; 16980

(b) Develop appropriate interventions for a community 16981
learning center improvement plan that may be used by a school 16982
action team under division (F) of this section; 16983

(c) Publish a menu of programs and services that may be 16984
offered by community learning centers. The information shall be 16985
posted on the department's web site. To compile this information 16986
the department shall solicit input from resource coordinators of 16987
existing community learning centers. 16988

(d) Provide information regarding implementation of 16989
comprehensive community-based programs and supportive services 16990
including the community learning center model to school 16991
buildings meeting any of the following conditions: 16992

(i) The building is in improvement status as defined by	16993
the "No Child Left Behind Act of 2001" or under an agreement	16994
between the Ohio department of education <u>and workforce</u> and the	16995
United States secretary of education.	16996
(ii) The building is a secondary school that is among the	16997
lowest achieving fifteen per cent of secondary schools	16998
statewide, as determined by the department.	16999
(iii) The building is a secondary school with a graduation	17000
rate of sixty per cent or lower for three or more consecutive	17001
years.	17002
(iv) The building is a school that the department	17003
determines is persistently low-performing.	17004
(2) The department may do the following with respect to	17005
this section:	17006
(a) Provide assistance, facilitation, and training to	17007
school action teams in the conducting of the audit required	17008
under this section;	17009
(b) Provide opportunities for members of school action	17010
teams from different schools to share school improvement	17011
strategies with parents, teachers, and other relevant	17012
stakeholders in higher performing schools;	17013
(c) Provide financial support in a school action team's	17014
planning process and create a grant program to assist in the	17015
implementation of a qualified community learning center plan.	17016
(I) Notwithstanding any provision to the contrary in	17017
Chapter 4117. of the Revised Code, the requirements of this	17018
section prevail over any conflicting provisions of a collective	17019
bargaining agreement entered into on or after the effective date	17020

~~of this section~~ October 15, 2015. However, the board or 17021
governing authority and the teachers' labor organization may 17022
negotiate additional factors to be considered in the adoption of 17023
a community learning center plan. 17024

Sec. 3302.20. (A) The department of education and 17025
workforce shall develop standards for determining, from the 17026
existing data reported in accordance with sections 3301.0714 and 17027
3314.17 of the Revised Code, the amount of annual operating 17028
expenditures for classroom instructional purposes and for 17029
nonclassroom purposes for each city, exempted village, local, 17030
and joint vocational school district, each community school 17031
established under Chapter 3314. that is not an internet- or 17032
computer-based community school, each internet- or computer- 17033
based community school, and each STEM school established under 17034
Chapter 3326. of the Revised Code. ~~The department shall present~~ 17035
~~those standards to the state board of education for~~ 17036
~~consideration.~~ In developing the standards, the department shall 17037
adapt existing standards used by professional organizations, 17038
research organizations, and other state governments. The 17039
department also shall align the expenditure categories required 17040
for reporting under the standards with the categories that are 17041
required for reporting to the United States department of 17042
education under federal law. 17043

~~The state board shall consider the proposed standards and~~ 17044
~~adopt a final set of standards not later than December 31, 2012.~~ 17045
~~School districts, community schools, and STEM schools shall~~ 17046
~~begin reporting data in accordance with the standards on June~~ 17047
~~30, 2013.~~ 17048

(B) (1) The department shall categorize all city, exempted 17049
village, and local school districts into not less than three nor 17050

more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each district under section 3302.03 of the Revised Code. 17051
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(2) The department shall categorize all joint vocational school districts into not less than three nor more than five groups based primarily on enrolled ADM as that term is defined in section 3317.02 of the Revised Code rounded to the nearest whole number. 17054
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(3) The department shall categorize all community schools that are not internet- or computer-based community schools into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each community school under sections 3302.03 and 3314.012 of the Revised Code or, in the case of a school to which section 3314.017 of the Revised Code applies, on the total number of students reported under divisions (B) (1) and (2) of section 3314.08 of the Revised Code. 17059
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(4) The department shall categorize all internet- or computer-based community schools into a single category. 17068
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(5) The department shall categorize all STEM schools into a single category. 17070
17071

(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following: 17072
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17075

(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes; 17076
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17078

(2) The statewide average percentage for all districts, 17079

community schools, and STEM schools combined spent for classroom instructional purposes;	17080 17081
(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;	17082 17083 17084
(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:	17085 17086 17087
(a) From highest to lowest percentage spent for classroom instructional purposes;	17088 17089
(b) From lowest to highest percentage spent for noninstructional purposes.	17090 17091
(5) The total operating expenditures per pupil for each district, community school, and STEM school;	17092 17093
(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.	17094 17095
(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:	17096 17097 17098
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	17099 17100 17101
(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils;	17102 17103 17104
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest	17105 17106

performance index scores.	17107
(2) Within each category of joint vocational school	17108
districts, the department shall denote each district that is:	17109
(a) Among the twenty per cent of all joint vocational	17110
school districts statewide with the lowest total operating	17111
expenditure per equivalent pupils;	17112
(b) Among the twenty per cent of all joint vocational	17113
school districts statewide with the highest report card scores	17114
under section 3302.033 of the Revised Code.	17115
(3) Within each category of community schools that are not	17116
internet- or computer-based community schools, the department	17117
shall denote each school that is:	17118
(a) Among the twenty per cent of all such community	17119
schools statewide with the lowest total operating expenditure	17120
per equivalent pupils;	17121
(b) Among the twenty per cent of all such community	17122
schools statewide with the highest performance index scores,	17123
excluding such community schools to which section 3314.017 of	17124
the Revised Code applies.	17125
(4) Within the category of internet- or computer-based	17126
community schools, the department shall denote each school that	17127
is:	17128
(a) Among the twenty per cent of all such community	17129
schools statewide with the lowest total operating expenditure	17130
per equivalent pupils;	17131
(b) Among the twenty per cent of all such community	17132
schools statewide with the highest performance index scores,	17133
excluding such community schools to which section 3314.017 of	17134

the Revised Code applies. 17135

(5) Within the category of STEM schools, the department shall denote each school that is: 17136
17137

(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditure per equivalent pupils; 17138
17139
17140

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores. 17141
17142

For purposes of divisions (D) (3) (b) and (4) (b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some community schools that serve primarily students enrolled in dropout prevention and recovery programs. 17143
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(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 or 3314.017 of the Revised Code the respective information computed for the district or school under divisions (C) (1) and (4) of this section, the statewide information computed under division (C) (2) of this section, and the information computed for the district's or school's category under division (C) (3) of this section. 17148
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(F) As used in this section: 17158

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 17159
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(2) A school district's, community school's, or STEM school's performance index score rank is its performance index 17161
17162

score rank as computed under section 3302.21 of the Revised Code. 17163
17164

(3) "Expenditure per equivalent pupils" has the same meaning as in section 3302.26 of the Revised Code. 17165
17166

Sec. 3302.21. (A) The department of education and workforce shall develop a system to rank order all city, 17167
exempted village, and local school districts, community schools 17168
established under Chapter 3314. of the Revised Code except those 17169
community schools to which section 3314.017 of the Revised Code 17170
applies, and STEM schools established under Chapter 3326. of the 17171
Revised Code according to the following measures: 17172
17173

(1) Performance index score for each school district, 17174
community school, and STEM school and for each separate building 17175
of a district, community school, or STEM school. For districts, 17176
schools, or buildings to which the performance index score does 17177
not apply, the ~~superintendent of public instruction department~~ 17178
may develop another measure of student academic performance 17179
based on similar data and performance measures if appropriate 17180
and use that measure to include those buildings in the ranking 17181
so that districts, schools, and buildings may be reliably 17182
compared to each other. 17183

(2) Student performance growth from year to year, using 17184
the value-added progress dimension, if applicable, and other 17185
measures of student performance growth designated by the 17186
~~superintendent of public instruction department~~ for subjects and 17187
grades not covered by the value-added progress dimension or the 17188
alternative student academic progress measure if adopted under 17189
division (C) (1) (e) of section 3302.03 of the Revised Code; 17190

(3) Current operating expenditure per equivalent pupils as 17191

defined in section 3302.26 of the Revised Code; 17192

(4) Of total current operating expenditures, percentage 17193
spent for classroom instruction as determined under standards 17194
adopted by the state board under section 3302.20 of the Revised 17195
Code; 17196

(5) Performance of, and opportunities provided to, 17197
students identified as gifted using value-added progress 17198
dimensions, if applicable, and other relevant measures as 17199
designated by the ~~superintendent of public~~ 17200
instruction department. 17201

The department shall rank each district, each community 17202
school except a community school to which section 3314.017 of 17203
the Revised Code applies, and each STEM school annually in 17204
accordance with the system developed under this section. 17205

(B) In addition to the reports required by sections 17206
3302.03 and 3302.031 of the Revised Code, not later than the 17207
first day of September each year, the department shall issue a 17208
report for each city, exempted village, and local school 17209
district, each community school except a community school to 17210
which section 3314.017 of the Revised Code applies, and each 17211
STEM school indicating the district's or school's rank on each 17212
measure described in divisions (A)(1) to (4) of this section, 17213
including each separate building's rank among all public school 17214
buildings according to performance index score under division 17215
(A)(1) of this section. 17216

Sec. 3302.22. (A) The governor's effective and efficient 17217
schools recognition program is hereby created. Each year, the 17218
governor shall recognize, in a manner deemed appropriate by the 17219
governor, the top ten per cent of all public schools in this 17220

state, including city, exempted village, and local school 17221
districts, joint vocational school districts, community schools 17222
established under Chapter 3314., and STEM schools established 17223
under Chapter 3326. of the Revised Code. 17224

(B) The top ten per cent of schools shall be determined by 17225
the department of education and workforce according to standards 17226
established by the department, in consultation with the 17227
governor's office of 21st century education. The standards for 17228
recognition for each type of school may vary depending upon the 17229
unique characteristics of that type of school. The standards 17230
shall include, but need not be limited to, both of the 17231
following, provided that sufficient data is available for each 17232
school: 17233

(1) Student performance, as determined by factors that may 17234
include, but not be limited to, performance indicators under 17235
section 3302.02 of the Revised Code, report cards issued under 17236
section 3302.03 of the Revised Code, performance index score 17237
rankings under section 3302.21 of the Revised Code, and any 17238
other statewide or national assessment or student performance 17239
recognition program the department selects; 17240

(2) Fiscal performance, which may include cost-effective 17241
measures taken by the school. 17242

(C) If applicable, the standards under divisions (B) (1) 17243
and (2) of this section may be applied at the school building or 17244
district level, depending upon the quality and availability of 17245
data. 17246

Sec. 3302.25. (A) In accordance with standards prescribed 17247
by the ~~state board~~ department of education and workforce for 17248
categorization of school district expenditures adopted under 17249

division (A) of section 3302.20 of the Revised Code, the 17250
department ~~of education~~ annually shall determine all of the 17251
following for the previous fiscal year: 17252

(1) For each school district, the ratio of the district's 17253
operating expenditures for classroom instructional purposes 17254
compared to its operating expenditures for nonclassroom 17255
purposes; 17256

(2) For each school district, the per pupil amount of the 17257
district's expenditures for classroom instructional purposes; 17258

(3) For each school district, the per pupil amount of the 17259
district's operating expenditures for nonclassroom purposes; 17260

(4) For each school district, the percentage of the 17261
district's operating expenditures attributable to school 17262
district funds; 17263

(5) The statewide average among all school districts for 17264
each of the items described in divisions (A) (1) to (4) of this 17265
section. 17266

(B) The department annually shall submit a report to each 17267
school district indicating the district's information for each 17268
of the items described in divisions (A) (1) to (4) of this 17269
section and the statewide averages described in division (A) (5) 17270
of this section. 17271

(C) Each school district, upon receipt of the report 17272
prescribed by division (B) of this section, shall publish the 17273
information contained in that report in a prominent location on 17274
the district's web site and publish the report in another 17275
fashion so that it is available to all parents of students 17276
enrolled in the district and to taxpayers of the district. 17277

Sec. 3302.26. (A) As used in this section:	17278
(1) "Expenditure per equivalent pupils" is the total operating expenditures of a school district divided by the measure of equivalent pupils.	17279 17280 17281
(2) "Measure of equivalent pupils" is the total number of students in a school district adjusted for the relative differences in costs associated with the unique characteristics and needs of each category of pupil.	17282 17283 17284 17285
(B) The department of education <u>and workforce</u> shall create a performance management section on the department's public web site. The performance management section shall include information on academic and financial performance metrics for each school district to assist schools and districts in providing an effective and efficient delivery of educational services. The section shall be located in a prominent location on the department's public web site. The section shall include, but not be limited to, all of the following:	17286 17287 17288 17289 17290 17291 17292 17293 17294
(1) A graph that illustrates the relationship between a district's academic performance, as measured by the performance index score, and its expenditure per equivalent pupils as compared to similar districts;	17295 17296 17297 17298
(2) Each district's total operating expenditures per pupil;	17299 17300
(3) Statistics of academic and financial performance measures for each district to allow for a comparison and benchmarking between districts.	17301 17302 17303
(C) The department may contract with an independent organization to develop and host the performance management section of its web site.	17304 17305 17306

Sec. 3302.41. As used in this section, "blended learning" 17307
has the same meaning as in section 3301.079 of the Revised Code. 17308

(A) Any local, city, exempted village, or joint vocational 17309
school district, community school established under Chapter 17310
3314. of the Revised Code, STEM school established under Chapter 17311
3326. of the Revised Code, college-preparatory boarding school 17312
established under Chapter 3328. of the Revised Code, or 17313
chartered nonpublic school may operate all or part of a school 17314
using a blended learning model. If a school is operated using a 17315
blended learning model or is to cease operating using a blended 17316
learning model, the superintendent of the school or district or 17317
director of the school shall notify the department of education 17318
and workforce of that fact not later than the first day of July 17319
of the school year for which the change is effective. If any 17320
school district school, community school, or STEM school is 17321
already operated using a blended learning model on September 24, 17322
2012, the superintendent of the school or district may notify 17323
the department within ninety days after September 24, 2012, of 17324
that fact and request that the school be classified as a blended 17325
learning school. 17326

(B) The ~~state board of education~~ department shall revise 17327
any operating standards for school districts and chartered 17328
nonpublic schools adopted under section 3301.07 of the Revised 17329
Code to include standards for the operation of blended learning 17330
under this section. The blended learning operation standards 17331
shall provide for all of the following: 17332

(1) Student-to-teacher ratios whereby no school or 17333
classroom is required to have more than one teacher for every 17334
one hundred twenty-five students in blended learning classrooms; 17335

(2) The extent to which the school is or is not obligated 17336

to provide students with access to digital learning tools; 17337

(3) The ability of all students, at any grade level, to 17338
earn credits or advance grade levels upon demonstrating mastery 17339
of knowledge or skills through competency-based learning models. 17340
Credits or grade level advancement shall not be based on a 17341
minimum number of days or hours in a classroom. 17342

(4) Notwithstanding anything to the contrary in section 17343
3313.48 of the Revised Code, a requirement that the school have 17344
an annual instructional calendar of not less than nine hundred 17345
ten hours; 17346

(5) Adequate provisions for: the licensing of teachers, 17347
administrators, and other professional personnel and their 17348
assignment according to training and qualifications; efficient 17349
and effective instructional materials and equipment, including 17350
library facilities; the proper organization, administration, and 17351
supervision of each school, including regulations for preparing 17352
all necessary records and reports and the preparation of a 17353
statement of policies and objectives for each school; buildings, 17354
grounds, and health and sanitary facilities and services; 17355
admission of pupils, and such requirements for their promotion 17356
from grade to grade as will ensure that they are capable and 17357
prepared for the level of study to which they are certified; 17358
requirements for graduation; and such other factors as the board 17359
finds necessary. 17360

(C) An internet- or computer-based community school, as 17361
defined in section 3314.02 of the Revised Code, is not a blended 17362
learning school authorized under this section. Nor does this 17363
section affect any provisions for the operation of and payments 17364
to an internet- or computer-based community school prescribed in 17365
Chapter 3314. of the Revised Code. 17366

Sec. 3302.42. As used in this section, "online learning" 17367
has the same meaning as in section 3301.079 of the Revised Code. 17368

(A) Any local, city, exempted village, or joint vocational 17369
school district, with approval of the ~~superintendent of public-~~ 17370
~~instruction~~department of education and workforce, may operate a 17371
school using an online learning model. If a school is operated 17372
using an online learning model or is to cease operating using an 17373
online learning model, the superintendent of the district shall 17374
notify the department ~~of education~~ of that fact not later than 17375
the first day of July of the school year for which the change is 17376
effective. If any school district school is currently operated 17377
using an online learning model ~~on the effective date of this-~~ 17378
~~section~~ September 30, 2021, the superintendent of the district 17379
shall notify the department ~~within sixty days after the-~~ 17380
~~effective date of this section by November 29, 2021,~~ of that 17381
fact and request that the school be classified as an online 17382
learning school. 17383

(1) Districts shall assign all students engaged in online 17384
learning to a single school which the department shall designate 17385
as a district online school. 17386

(2) Districts shall provide all students engaged in online 17387
learning a computer, at no cost, for instructional use. 17388
Districts shall provide a filtering device or install filtering 17389
software that protects against internet access to materials that 17390
are obscene or harmful to juveniles on each computer provided to 17391
students for instructional use. 17392

(3) Districts shall provide all students engaged in online 17393
learning access to the internet, at no cost, for instructional 17394
use. 17395

(4) Districts that operate an online learning school shall provide a comprehensive orientation for students and their parents or guardians prior to enrollment or within thirty days for students enrolled as of ~~the effective date of this section~~ September 30, 2021.

(5) Online learning schools operated by a district shall implement a learning management system that tracks the time students participate in online learning activities. All student learning activities completed while off-line shall be documented with all participation records checked and approved by the teacher of record.

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

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

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

(3) Notwithstanding anything to the contrary in section 3313.48 of the Revised Code, a requirement that schools operating using an online learning model have an annual instructional calendar of not less than nine hundred ten hours.

(a) For funding purposes, the department shall reduce the full-time equivalence proportionally for any student in an online learning school who participates in less than nine hundred ten hours per school year. The department shall reduce state funding for students assigned to an online learning school operated by a district commensurate with such adjustments to enrollment.

(b) The department shall develop a review process and make all adjustments of state funding to districts to reflect any participation of students in online learning schools for less than the equivalent of a full school year.

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

(C) This section does not affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code.

Sec. 3303.02. (A) The act of congress entitled, "An act to

provide for the promotion of vocational education; to provide 17455
for cooperation with the states in the promotion of such 17456
education in agriculture and the trades and industries; to 17457
provide for cooperation with the states in the preparation of 17458
teachers of vocational subjects; and to appropriate money and 17459
regulate its expenditure," is hereby accepted. The ~~state board-~~ 17460
department of education and workforce has authority to accept 17461
supplementary acts for vocational education which are enacted by 17462
congress after September 16, 1957. 17463

(B) The ~~state board of education~~ department shall be the 17464
sole state agency for administration of programs for which 17465
federal funds are received pursuant to acts accepted under this 17466
section. This division does not apply to programs for which 17467
federal funds are received pursuant to the "Job Training 17468
Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C. 1501. 17469

(C) The ~~state board~~ department shall secure the written 17470
approval of the governor prior to submission of any state plan 17471
or application prepared by ~~the board or the department of~~ 17472
~~education~~ to obtain federal funds under any acts accepted under 17473
this section. 17474

Sec. 3303.04. The ~~state board~~ department of education and 17475
workforce may cooperate with the United States department of 17476
education in the administration of the act of congress referred 17477
to in section 3303.02 of the Revised Code and of any legislation 17478
pursuant thereto enacted by the state, and in the administration 17479
of the funds provided by the federal government and by the state 17480
under sections 3303.02 to 3303.06 of the Revised Code, for the 17481
improvement of agricultural, business, distributive, trade and 17482
industrial and home economics subjects, and vocational guidance. 17483
The ~~board~~ department of education and workforce may appoint such 17484

directors, supervisors, and other assistants as are necessary to 17485
carry out such sections, ~~such appointments to be made upon~~ 17486
~~nomination by the superintendent of public instruction.~~ The 17487
salaries and traveling expenses of such directors, supervisors, 17488
and assistants, and such other expenses as are necessary, shall 17489
be paid upon the approval of the ~~board~~ department of education 17490
and workforce. The ~~board~~ department of education and workforce 17491
may formulate plans for the promotion of vocational education in 17492
such subjects as an essential and integral part of the public 17493
school system of education; and provide for the preparation of 17494
teachers of such subjects, and expend federal and state funds 17495
appropriated under sections 3303.02 to 3303.06 of the Revised 17496
Code, for any purposes approved by the United States department 17497
of education. It may make studies and investigations relating to 17498
prevocational and vocational education in such subjects; promote 17499
and aid in the establishment by local communities of schools, 17500
departments, and classes, giving training in such subjects; 17501
cooperate with local communities in the maintenance of such 17502
schools, departments, and classes; establish standards for the 17503
teachers, supervisors, and directors of such subjects; and 17504
cooperate in the maintenance of schools, departments, or classes 17505
supported and controlled by the public for the preparation of 17506
teachers, supervisors, and directors of such subjects. 17507

Sec. 3303.05. Any school, department, or class giving 17508
instruction in agricultural, commercial, industrial, trade, and 17509
home economics subjects approved by the ~~state board~~ department 17510
of education and workforce and any school or college so 17511
approved, training teachers of such subjects, which receives the 17512
benefit of federal moneys is entitled also to receive for the 17513
salaries of teachers of said subjects an allotment of state 17514
money equal in amount to the amount of federal money which it 17515

receives for the same year. 17516

Sec. 3303.06. The treasurer of state is hereby designated 17517
as the custodian of all federal funds received for vocational 17518
education. All money so received or appropriated by the state 17519
for the purposes contemplated in the act of congress referred to 17520
in sections 3303.02 to 3303.06 of the Revised Code, or in acts 17521
supplementary thereto, shall be disbursed upon the order of the 17522
~~state board department of education and workforce.~~ 17523

Sec. 3303.20. The ~~superintendent of public instruction~~ 17524
director of education and workforce shall appoint a supervisor 17525
of agricultural education within the department of education and 17526
workforce. The supervisor shall be responsible for administering 17527
and disseminating to school districts information about 17528
agricultural education. The supervisor also may serve as the 17529
chair of the board of trustees of the Ohio FFA association, and 17530
may assist with the association's programs and activities in a 17531
manner that enables the association to maintain its state 17532
charter and to meet applicable requirements of the United States 17533
department of education and the national FFA organization. This 17534
assistance may include the provision of department personnel, 17535
services, and facilities. 17536

The department shall maintain an appropriate number of 17537
full-time employees focusing on agricultural education. The 17538
department shall employ at least three program consultants who 17539
shall be available to provide assistance to school districts on 17540
a regional basis throughout the state. At least one consultant 17541
may coordinate local activities of the student organization 17542
known as the future farmers of America. Department employees may 17543
not receive compensation from the Ohio FFA association, but the 17544
department may be reimbursed by the association for reasonable 17545

expenses related to assistance provided under this section. 17546

Sec. 3304.12. (A) There is hereby created a state 17547
rehabilitation services council to be known as the opportunities 17548
for Ohioans with disabilities council. The opportunities for 17549
Ohioans with disabilities agency shall provide administrative 17550
support to the council. The council shall consist of the 17551
following members: 17552

(1) An individual who represents a parent training and 17553
information center established in accordance with the federal 17554
"Individuals with Disabilities Education Act," 20 U.S.C. 1400; 17555

(2) A full-time employee of a client assistance program 17556
described in 34 C.F.R. 370.1; 17557

(3) A vocational counselor who has knowledge of and 17558
experience with vocational rehabilitation services; 17559

(4) An individual who represents community rehabilitation 17560
program service providers; 17561

(5) Four individuals each representing business, industry, 17562
or labor interests; 17563

(6) An individual who represents an organization that 17564
advocates on behalf of individuals with physical, cognitive, 17565
sensory, or mental disabilities; 17566

(7) An individual who represents individuals with 17567
disabilities who are unable to represent or have difficulty 17568
representing themselves; 17569

(8) An individual who has applied for or received 17570
vocational rehabilitation services; 17571

(9) An individual who represents institutions of secondary 17572

or higher education; 17573

(10) An individual from the governor's executive workforce board established by section 6301.04 of the Revised Code; 17574
17575

(11) An individual from the department of education and workforce with knowledge of and experience with the "Individuals with Disabilities Education Act"; 17576
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17578

(12) An individual who represents the Ohio statewide independent living council. 17579
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A majority of the members of the council shall be individuals with disabilities who are not employed by the opportunities for Ohioans with disabilities agency. 17581
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The executive director of the opportunities for Ohioans with disabilities agency shall serve as a nonvoting member of the council. If a member of the council is an employee of the opportunities for Ohioans with disabilities agency, then that member also shall serve as a nonvoting member of the council. 17584
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(B) (1) All council members shall be appointed by the governor. The governor shall make initial appointments to the council not later than sixty days after ~~the effective date of this section~~ June 1, 2018. Of the initial appointments, five shall be for terms of three years, five for terms of two years, and five for terms of one year. Thereafter, terms shall be three years. 17589
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(2) When a term expires or a vacancy occurs before a term expires, a successor member shall be appointed. A member appointed to fill a vacancy occurring before the expiration of a term for which the member's predecessor was appointed shall hold office for the remainder of that term. 17596
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(3) Except for the member described in division (A) (2) of this section and the executive director of the opportunities for Ohioans with disabilities agency, no person shall serve more than two consecutive terms on the council. Terms shall be considered consecutive unless they are separated by a period of three or more years. In determining a person's eligibility to serve on the council under this division, both of the following shall apply:

(a) Time spent on the council while serving the remainder of an unexpired term to which another person was first appointed shall not be considered, provided that a period of at least three years passed between the time, if any, in which the person previously served on the council and the time the person is appointed to fulfill the unexpired term.

(b) A person who is appointed to serve on the council at the beginning of a term and resigns before completing that term shall be considered to have served the full term.

(C) Each member of the council shall serve without compensation, except to the extent that serving on the council is considered part of the member's regular duties of employment. Each member shall be reimbursed for actual expenses incurred in the performance of the member's official duties, including expenses for travel and personal assistance services.

Sec. 3307.01. As used in this chapter:

(A) "Employer" means the board of education, school district, governing authority of any community school established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, college, university,

institution, or other agency within the state by which a teacher 17630
is employed and paid. 17631

(B) (1) "Teacher" means all of the following: 17632

(a) Any person paid from public funds and employed in the 17633
public schools of the state under any type of contract described 17634
in section 3311.77 or 3319.08 of the Revised Code in a position 17635
for which the person is required to have a license or 17636
registration issued pursuant to sections 3319.22 to 3319.31 of 17637
the Revised Code; 17638

(b) Except as provided in division (B) (2) (b) or (c) of 17639
this section, any person employed as a teacher or faculty member 17640
in a community school or a science, technology, engineering, and 17641
mathematics school pursuant to Chapter 3314. or 3326. of the 17642
Revised Code; 17643

(c) Any person having a license or registration issued 17644
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 17645
employed in a public school in this state in an educational 17646
position, as determined by the ~~state board~~ department of 17647
education and workforce, under programs provided for by federal 17648
acts or regulations and financed in whole or in part from 17649
federal funds, but for which no licensure requirements for the 17650
position can be made under the provisions of such federal acts 17651
or regulations; 17652

(d) Any other teacher or faculty member employed in any 17653
school, college, university, institution, or other agency wholly 17654
controlled and managed, and supported in whole or in part, by 17655
the state or any political subdivision thereof, including 17656
Central state university, Cleveland state university, and the 17657
university of Toledo; 17658

(e) The educational employees of the department of 17659
education and workforce, as determined by the ~~state~~ 17660
~~superintendent of public instruction~~ director of education and 17661
workforce; 17662

(f) Any person having a registration issued pursuant to 17663
section 3301.28 of the Revised Code and employed as a tutor by 17664
the coordinating service center as defined in that section. 17665

In all cases of doubt, the state teachers retirement board 17666
shall determine whether any person is a teacher, and its 17667
decision shall be final. 17668

(2) "Teacher" does not include any of the following: 17669

(a) Any eligible employee of a public institution of 17670
higher education, as defined in section 3305.01 of the Revised 17671
Code, who elects to participate in an alternative retirement 17672
plan established under Chapter 3305. of the Revised Code; 17673

(b) Any person employed by a community school operator, as 17674
defined in section 3314.02 of the Revised Code, if on or before 17675
February 1, 2016, the school's operator was withholding and 17676
paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) 17677
and 3111(a) for persons employed in the school as teachers, 17678
unless the person had contributing service in a community school 17679
in the state within one year prior to the later of February 1, 17680
2016, or the date on which the operator for the first time 17681
withholds and pays employee and employer taxes pursuant to 26 17682
U.S.C. 3101(a) and 3111(a) for that person; 17683

(c) Any person who would otherwise be a teacher under 17684
division (B) (2) (b) of this section who terminates employment 17685
with a community school operator and has no contributing service 17686
in a community school in the state for a period of at least one 17687

year from the date of termination of employment. 17688

(C) "Member" means any person included in the membership 17689
of the state teachers retirement system, which shall consist of 17690
all teachers and contributors as defined in divisions (B) and 17691
(D) of this section and all disability benefit recipients, as 17692
defined in section 3307.50 of the Revised Code. However, for 17693
purposes of this chapter, the following persons shall not be 17694
considered members: 17695

(1) A student, intern, or resident who is not a member 17696
while employed part-time by a school, college, or university at 17697
which the student, intern, or resident is regularly attending 17698
classes; 17699

(2) A person denied membership pursuant to section 3307.24 17700
of the Revised Code; 17701

(3) An other system retirant, as defined in section 17702
3307.35 of the Revised Code, or a superannuate; 17703

(4) An individual employed in a program established 17704
pursuant to the "Job Training Partnership Act," 96 Stat. 1322 17705
(1982), 29 U.S.C.A. 1501; 17706

(5) The surviving spouse of a member or retirant if the 17707
surviving spouse's only connection to the retirement system is 17708
an account in an STRS defined contribution plan. 17709

(D) "Contributor" means any person who has an account in 17710
the teachers' savings fund or defined contribution fund, except 17711
that "contributor" does not mean a member or retirant's 17712
surviving spouse with an account in an STRS defined contribution 17713
plan. 17714

(E) "Beneficiary" means any person eligible to receive, or 17715

in receipt of, a retirement allowance or other benefit provided 17716
by this chapter. 17717

(F) "Year" means the year beginning the first day of July 17718
and ending with the thirtieth day of June next following, except 17719
that for the purpose of determining final average salary under 17720
the plan described in sections 3307.50 to 3307.79 of the Revised 17721
Code, "year" may mean the contract year. 17722

(G) "Local district pension system" means any school 17723
teachers pension fund created in any school district of the 17724
state in accordance with the laws of the state prior to 17725
September 1, 1920. 17726

(H) "Employer contribution" means the amount paid by an 17727
employer, as determined by the employer rate, including the 17728
normal and deficiency rates, contributions, and funds wherever 17729
used in this chapter. 17730

(I) "Five years of service credit" means employment 17731
covered under this chapter and employment covered under a former 17732
retirement plan operated, recognized, or endorsed by a college, 17733
institute, university, or political subdivision of this state 17734
prior to coverage under this chapter. 17735

(J) "Actuary" means an actuarial professional contracted 17736
with or employed by the state teachers retirement board, who 17737
shall be either of the following: 17738

(1) A member of the American academy of actuaries; 17739

(2) A firm, partnership, or corporation of which at least 17740
one person is a member of the American academy of actuaries. 17741

(K) "Fiduciary" means a person who does any of the 17742
following: 17743

(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets; 17744
17745
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(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system; 17747
17748

(3) Has any discretionary authority or responsibility in the administration of the system. 17749
17750

(L) (1) (a) Except as provided in this division, 17751
"compensation" means all salary, wages, and other earnings paid 17752
to a teacher by reason of the teacher's employment, including 17753
compensation paid pursuant to a supplemental contract. The 17754
salary, wages, and other earnings shall be determined prior to 17755
determination of the amount required to be contributed to the 17756
teachers' savings fund or defined contribution fund under 17757
section 3307.26 of the Revised Code and without regard to 17758
whether any of the salary, wages, or other earnings are treated 17759
as deferred income for federal income tax purposes. 17760

(b) Except as provided in division (L) (1) (c) of this 17761
section, "compensation" includes amounts paid by an employer as 17762
a retroactive payment of earnings, damages, or back pay pursuant 17763
to a court order, court-adopted settlement agreement, or other 17764
settlement agreement if the retirement system receives both of 17765
the following: 17766

(i) Teacher and employer contributions under sections 17767
3307.26 and 3307.28 of the Revised Code, plus interest 17768
compounded annually at a rate determined by the state teachers 17769
retirement board, for each year or portion of a year for which 17770
amounts are paid under the order or agreement; 17771

(ii) Teacher and employer contributions under sections 17772

3307.26 and 3307.28 of the Revised Code, plus interest 17773
compounded annually at a rate determined by the board, for each 17774
year or portion of a year not subject to division (L) (1) (b) (i) 17775
of this section for which the board determines the teacher was 17776
improperly paid, regardless of the teacher's ability to recover 17777
on such amounts improperly paid. 17778

(c) If any portion of an amount paid by an employer as a 17779
retroactive payment of earnings, damages, or back pay is for an 17780
amount, benefit, or payment described in division (L) (2) of this 17781
section, that portion of the amount is not compensation under 17782
this section. 17783

(2) Compensation does not include any of the following: 17784

(a) Payments for accrued but unused sick leave or personal 17785
leave, including payments made under a plan established pursuant 17786
to section 124.39 of the Revised Code or any other plan 17787
established by the employer; 17788

(b) Payments made for accrued but unused vacation leave, 17789
including payments made pursuant to section 124.13 of the 17790
Revised Code or a plan established by the employer; 17791

(c) Payments made for vacation pay covering concurrent 17792
periods for which other salary, compensation, or benefits under 17793
this chapter or Chapter 145. or 3309. of the Revised Code are 17794
paid; 17795

(d) Amounts paid by the employer to provide life 17796
insurance, sickness, accident, endowment, health, medical, 17797
hospital, dental, or surgical coverage, or other insurance for 17798
the teacher or the teacher's family, or amounts paid by the 17799
employer to the teacher in lieu of providing the insurance; 17800

(e) Incidental benefits, including lodging, food, laundry, 17801

parking, or services furnished by the employer, use of the 17802
employer's property or equipment, and reimbursement for job- 17803
related expenses authorized by the employer, including moving 17804
and travel expenses and expenses related to professional 17805
development; 17806

(f) Payments made by the employer in exchange for a 17807
member's waiver of a right to receive any payment, amount, or 17808
benefit described in division (L) (2) of this section; 17809

(g) Payments by the employer for services not actually 17810
rendered; 17811

(h) Any amount paid by the employer as a retroactive 17812
increase in salary, wages, or other earnings, unless the 17813
increase is one of the following: 17814

(i) A retroactive increase paid to a member employed by a 17815
school district board of education in a position that requires a 17816
license designated for teaching and not designated for being an 17817
administrator issued under section 3319.22 of the Revised Code 17818
that is paid in accordance with uniform criteria applicable to 17819
all members employed by the board in positions requiring the 17820
licenses; 17821

(ii) A retroactive increase paid to a member employed by a 17822
school district board of education in a position that requires a 17823
license designated for being an administrator issued under 17824
section 3319.22 of the Revised Code that is paid in accordance 17825
with uniform criteria applicable to all members employed by the 17826
board in positions requiring the licenses; 17827

(iii) A retroactive increase paid to a member employed by 17828
a school district board of education as a superintendent that is 17829
also paid as described in division (L) (2) (h) (i) of this section; 17830

(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer. 17831
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(i) Payments made to or on behalf of a teacher that are in excess of the annual compensation that may be taken into account by the retirement system under division (a) (17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a) (17), as amended. For a teacher who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d) (3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 17835
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(j) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly; 17845
17846
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(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire. 17851
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17853

(3) The retirement board shall determine both of the following: 17854
17855

(a) Whether particular forms of earnings are included in any of the categories enumerated in this division; 17856
17857

(b) Whether any form of earnings not enumerated in this division is to be included in compensation. 17858
17859

Decisions of the board made under this division shall be 17860
final. 17861

(M) "Superannuate" means both of the following: 17862

(1) A former teacher receiving from the system a 17863
retirement allowance under section 3307.58 or 3307.59 of the 17864
Revised Code; 17865

(2) A former teacher receiving a benefit from the system 17866
under a plan established under section 3307.81 of the Revised 17867
Code, except that "superannuate" does not include a former 17868
teacher who is receiving a benefit based on disability under a 17869
plan established under section 3307.81 of the Revised Code. 17870

For purposes of sections 3307.35 and 3307.353 of the 17871
Revised Code, "superannuate" also means a former teacher 17872
receiving from the system a combined service retirement benefit 17873
paid in accordance with section 3307.57 of the Revised Code, 17874
regardless of which retirement system is paying the benefit. 17875

(N) "STRS defined benefit plan" means the plan described 17876
in sections 3307.50 to 3307.79 of the Revised Code. 17877

(O) "STRS defined contribution plan" means the plans 17878
established under section 3307.81 of the Revised Code and 17879
includes the STRS combined plan under that section. 17880

(P) "Faculty" means the teaching staff of a university, 17881
college, or school, including any academic administrators. 17882

Sec. 3307.05. The state teachers retirement board shall 17883
consist of the following members: 17884

(A) The superintendent of public instruction director of 17885
education and workforce or a designee of the ~~superintendent~~ 17886
director who has the following qualifications: 17887

- (1) The designee is a resident of this state. 17888
- (2) Within the three years immediately preceding the 17889
appointment, the designee has not been employed by the public 17890
employees retirement system, police and fire pension fund, state 17891
teachers retirement system, school employees retirement system, 17892
or state highway patrol retirement system or by any person, 17893
partnership, or corporation that has provided to one of those 17894
retirement systems services of a financial or investment nature, 17895
including the management, analysis, supervision, or investment 17896
of assets. 17897
- (3) The designee has direct experience in the management, 17898
analysis, supervision, or investment of assets. 17899
- (B) One member, known as the treasurer of state's 17900
investment designee, who shall be appointed by the treasurer of 17901
state for a term of four years and have the following 17902
qualifications: 17903
- (1) The member is a resident of this state. 17904
- (2) Within the three years immediately preceding the 17905
appointment, the member has not been employed by the public 17906
employees retirement system, police and fire pension fund, state 17907
teachers retirement system, school employees retirement system, 17908
or state highway patrol retirement system or by any person, 17909
partnership, or corporation that has provided to one of those 17910
retirement systems services of a financial or investment nature, 17911
including management, analysis, supervision, or investment of 17912
assets. 17913
- (3) The member has direct experience in the management, 17914
analysis, supervision, or investment of assets. 17915
- (4) The member is not currently employed by the state or a 17916

political subdivision of the state. 17917

(C) Two members, known as the investment expert members, 17918
who shall be appointed for four-year terms. One investment 17919
expert member shall be appointed by the governor, and one 17920
investment expert member shall be jointly appointed by the 17921
speaker of the house of representatives and the president of the 17922
senate. Each investment expert member shall have the following 17923
qualifications: 17924

(1) Each member shall be a resident of this state. 17925

(2) Within the three years immediately preceding the 17926
appointment, each member shall not have been employed by the 17927
public employees retirement system, police and fire pension 17928
fund, state teachers retirement system, school employees 17929
retirement system, or state highway patrol retirement system or 17930
by any person, partnership, or corporation that has provided to 17931
one of those retirement systems services of a financial or 17932
investment nature, including the management, analysis, 17933
supervision, or investment of assets. 17934

(3) Each member shall have direct experience in the 17935
management, analysis, supervision, or investment of assets. 17936

Any investment expert member appointed to fill a vacancy 17937
occurring prior to the expiration of the term for which the 17938
member's predecessor was appointed shall hold office until the 17939
end of such term. The member shall continue in office subsequent 17940
to the expiration date of the member's term until the member's 17941
successor takes office, or until a period of sixty days has 17942
elapsed, whichever occurs first. 17943

(D) Five members, known as contributing members, who shall 17944
be members of the state teachers retirement system; 17945

(E) Two former members of the system, known as retired teacher members, who shall be superannuates who are not otherwise employed in positions requiring them to make contributions to the system.

Sec. 3307.31. (A) Payments by boards of education and governing authorities of community schools to the state teachers retirement system, as provided in sections 3307.29 and 3307.291 of the Revised Code, shall be made from the amount allocated under Chapter 3317. of the Revised Code prior to its distribution to the individual school districts or community schools. The amount due from each school district or community school shall be certified by the secretary of the system to the ~~superintendent of public instruction~~ department of education and workforce monthly, or at such times as may be determined by the state teachers retirement board.

The ~~superintendent~~ department shall deduct, from the amount allocated to each district or community school under Chapter 3317. of the Revised Code, the entire amounts due to the system from such district or school upon the certification to the ~~superintendent~~ department by the secretary thereof.

The ~~superintendent~~ department shall certify to the director of budget and management the amounts thus due the system for payment.

(B) Payments to the state teachers retirement system by a science, technology, engineering, and mathematics school shall be deducted from the amount allocated under section 3317.022 of the Revised Code and shall be made in the same manner as payments by boards of education under this section.

Sec. 3309.011. "Employee" as defined in division (B) of

section 3309.01 of the Revised Code, does not include any of the 17975
following: 17976

(A) Any person having a license or registration issued 17977
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 17978
employed in a public school in this state in an educational 17979
position, as determined by the ~~state board~~ department of 17980
education and workforce, under programs provided for by federal 17981
acts or regulations and financed in whole or in part from 17982
federal funds, but for which no licensure requirements for the 17983
position can be made under the provisions of such federal acts 17984
or regulations; 17985

(B) Any person who participates in an alternative 17986
retirement plan established under Chapter 3305. of the Revised 17987
Code; 17988

(C) Any person who elects to transfer from the school 17989
employees retirement system to the public employees retirement 17990
system under section 3309.312 of the Revised Code; 17991

(D) Any person whose full-time employment by the 17992
university of Akron as a state university law enforcement 17993
officer pursuant to section 3345.04 of the Revised Code 17994
commences on or after September 16, 1998; 17995

(E) Any person described in division (B) of section 17996
3309.013 of the Revised Code; 17997

(F) Any person described in division (D) of section 17998
145.011 of the Revised Code; 17999

(G) Any person described in division (B) (1) (b) of section 18000
3307.01 of the Revised Code. 18001

Sec. 3309.48. Any employee who left the service of an 18002

employer after attaining age sixty-five or over and such 18003
employer had failed or refused to deduct and transmit to the 18004
school employees retirement system the employee contributions as 18005
required by section 3309.47 of the Revised Code during any year 18006
for which membership was compulsory as determined by the school 18007
employees retirement board, shall be granted service credit 18008
without cost, which shall be considered as total service credit 18009
for the purposes of meeting the qualifications for service 18010
retirement provided by the law in effect on and retroactive to 18011
the first eligible retirement date following the date such 18012
employment terminated, but shall not be paid until formal 18013
application for such allowance on a form provided by the 18014
retirement board is received in the office of the retirement 18015
system. The total service credit granted under this section 18016
shall not exceed ten years for any such employee. 18017

The liability incurred by the retirement board because of 18018
the service credit granted under this section shall be 18019
determined by the retirement board, the cost of which shall be 18020
equal to an amount that is determined by applying the combined 18021
employee and employer rates of contribution against the 18022
compensation of such employee at the rates of contribution and 18023
maximum salary provisions in effect during such employment for 18024
each year for which credit is granted, together with interest at 18025
the rate to be credited accumulated contributions at retirement, 18026
compounded annually from the first day of the month payment was 18027
due the retirement system to and including the month of deposit, 18028
the total amount of which shall be collected from the employer. 18029
Such amounts shall be certified by the retirement board to the 18030
~~superintendent of public instruction, who~~ department of 18031
education and workforce, which shall deduct the amount due the 18032
system from any funds due the affected school district under 18033

Chapter 3317. of the Revised Code. The ~~superintendent~~ department 18034
shall certify to the director of budget and management the 18035
amount due the system for payment. The total amount paid shall 18036
be deposited into the employers' trust fund, and shall not be 18037
considered as accumulated contributions of the employee in the 18038
event of the employee's death or withdrawal of funds. 18039

Sec. 3309.491. (A) An actuary employed by the school 18040
employees retirement board shall annually determine the minimum 18041
annual compensation amount for each member that will be needed 18042
to fund the cost of providing future health care benefits under 18043
section 3309.69 of the Revised Code. The amount determined by 18044
the actuary under this division shall be approved by the board 18045
and shall be known as the "minimum compensation amount." 18046

(B) (1) The secretary of the school employees retirement 18047
board shall annually determine for each employer the "employer 18048
minimum compensation contribution." 18049

Subject to division (B) (2) of this section, the amount 18050
determined shall be the lesser of the following: 18051

(a) An amount equal to two per cent of the compensation of 18052
all members employed by the employer during the prior year; 18053

(b) The total of the amounts determined as follows for 18054
each member whose compensation for the prior year was less than 18055
the minimum compensation amount: 18056

(i) Subtract the member's compensation for the prior year 18057
from the minimum compensation amount; 18058

(ii) Multiply the remainder obtained under division (B) (1) 18059
(b) (i) of this section by one, or if the member earned less than 18060
a year's service credit for the prior year, by the same fraction 18061
as the fraction of a year's service credit credited to the 18062

member under section 3309.30 of the Revised Code; 18063

(iii) Multiply the product obtained under division (B) (1) 18064
(b) (ii) of this section by the employer contribution rate in 18065
effect for the year the service credit was earned. 18066

(2) If the total of the employer minimum contribution 18067
amounts determined under division (B) (1) of this section exceeds 18068
one and one-half per cent of the compensation of all members 18069
employed by employers required to pay the employer minimum 18070
compensation contribution, the school employees retirement board 18071
shall reduce the amount determined for each employer so that the 18072
total amount determined does not exceed one and one-half per 18073
cent of the compensation of all members employed by employers 18074
required to pay the employer minimum compensation contribution. 18075
Any reduction shall be applied to each employer in the same 18076
proportion as the employer's minimum compensation contribution 18077
bears to the total employer minimum compensation contribution. 18078

(C) The secretary shall annually certify to each employer 18079
the employer minimum compensation contribution determined under 18080
division (B) of this section. In addition to the employer 18081
contribution required by section 3309.49 of the Revised Code, 18082
each employer shall pay annually to the employers' trust fund 18083
the amount certified to the employer under this division. 18084

(D) Annually by the first day of August, the secretary 18085
shall submit to the ~~superintendent of public instruction~~ 18086
department of education and workforce a list of the payments 18087
made by each employer under this section during the preceding 18088
fiscal year. 18089

Sec. 3309.51. (A) Each employer shall pay into the 18090
employers' trust fund, monthly or at such times as the school 18091

employees retirement board requires, an amount certified by the 18092
school employees retirement board, which shall be as required by 18093
Chapter 3309. of the Revised Code. 18094

Payments by school district boards of education to the 18095
employers' trust fund of the school employees retirement system 18096
may be made from the amounts allocated under Chapter 3317. of 18097
the Revised Code prior to their distribution to the individual 18098
school districts. The amount due from each school district may 18099
be certified by the secretary of the system to the 18100
~~superintendent of public instruction~~ department of education and 18101
workforce monthly, or at such times as is determined by the 18102
school employees retirement board. 18103

Payments by governing authorities of community schools to 18104
the employers' trust fund of the school employees retirement 18105
system shall be made from the amounts allocated under section 18106
3317.022 of the Revised Code prior to their distribution to the 18107
individual community schools. The amount due from each community 18108
school shall be certified by the secretary of the system to the 18109
~~superintendent of public instruction~~ department monthly, or at 18110
such times as determined by the school employees retirement 18111
board. 18112

Payments by a science, technology, engineering, and 18113
mathematics school to the employers' trust fund of the school 18114
employees retirement system shall be made from the amounts 18115
allocated under section 3317.022 of the Revised Code prior to 18116
their distribution to the school. The amount due from a science, 18117
technology, engineering, and mathematics school shall be 18118
certified by the secretary of the school employees retirement 18119
system to the ~~superintendent of public instruction~~ department 18120
monthly, or at such times as determined by the school employees 18121

retirement board. 18122

(B) The ~~superintendent~~ department shall deduct from the 18123
amount allocated to each community school, to each school 18124
district, or to each science, technology, engineering, and 18125
mathematics school under Chapter 3317. of the Revised Code the 18126
entire amounts due to the school employees retirement system 18127
from such school or school district upon the certification to 18128
the ~~superintendent~~ department by the secretary thereof. 18129

(C) Where an employer fails or has failed or refuses to 18130
make payments to the employers' trust fund, as provided for 18131
under Chapter 3309. of the Revised Code, or fails to pay any 18132
penalty imposed under section 3309.571 of the Revised Code the 18133
secretary of the school employees retirement system may certify 18134
to the ~~state superintendent of public instruction~~ department, 18135
monthly or at such times as is determined by the school 18136
employees retirement board, the amount due from such employer, 18137
and the ~~superintendent~~ department shall deduct from the amount 18138
allocated to the employer under Chapter 3317. of the Revised 18139
Code, the entire amounts due to the system from the employer 18140
upon the certification to the ~~superintendent~~ department by the 18141
secretary of the school employees retirement system. 18142

(D) The ~~superintendent~~ department shall certify to the 18143
director of budget and management the amounts thus due the 18144
system for payment. 18145

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of 18146
the Revised Code: 18147

(A) "Chartered nonpublic school" means a nonpublic school 18148
that holds a valid charter issued by the ~~state board~~ director of 18149
education and workforce under section 3301.16 of the Revised 18150

Code and meets the standards established for such schools in 18151
rules adopted by the ~~state board~~ director. 18152

(B) An "eligible student" is a student who satisfies the 18153
conditions specified in section 3310.03 or 3310.032 of the 18154
Revised Code. 18155

(C) "Parent" has the same meaning as in section 3313.98 of 18156
the Revised Code. 18157

(D) "Resident district" means the school district in which 18158
a student is entitled to attend school under section 3313.64 or 18159
3313.65 of the Revised Code. 18160

(E) "School year" has the same meaning as in section 18161
3313.62 of the Revised Code. 18162

Sec. 3310.02. The educational choice scholarship pilot 18163
program is hereby established. Under the program, the department 18164
of education and workforce annually shall pay scholarships to 18165
attend chartered nonpublic schools in accordance with section 18166
3317.022 of the Revised Code. 18167

Sec. 3310.03. For the 2021-2022 school year and each 18168
school year thereafter, subject to division (G) of this section, 18169
a student is an "eligible student" for purposes of the 18170
educational choice scholarship pilot program if the student's 18171
resident district is not a school district in which the pilot 18172
project scholarship program is operating under sections 3313.974 18173
to 3313.979 of the Revised Code, the student satisfies one of 18174
the conditions in division (A), (B), or (C) of this section, and 18175
the student maintains eligibility to receive a scholarship under 18176
division (D) of this section. 18177

However, any student who received a scholarship for the 18178
2020-2021 school year under this section, as it existed prior to 18179

March 2, 2021, shall continue to receive that scholarship until 18180
the student completes grade twelve, as long as the student 18181
maintains eligibility to receive a scholarship under division 18182
(D) of this section. 18183

(A) (1) A student is eligible for a scholarship if the 18184
student is enrolled in a school building operated by the 18185
student's resident district and to which both of the following 18186
apply: 18187

(a) The building was ranked in the lowest twenty per cent 18188
of all buildings operated by city, local, and exempted village 18189
school districts according to performance index score as 18190
determined by the department of education and workforce, as 18191
follows: 18192

(i) For a scholarship sought for the 2021-2022 or 2022- 18193
2023 school year, the building was ranked in the lowest twenty 18194
per cent of buildings for each of the 2017-2018 and 2018-2019 18195
school years. 18196

(ii) For a scholarship sought for the 2023-2024 school 18197
year, the building was ranked in the lowest twenty per cent of 18198
buildings for each of the 2018-2019 and 2021-2022 school years. 18199

(iii) For a scholarship sought for the 2024-2025 school 18200
year, the building was ranked in the lowest twenty per cent of 18201
buildings for each of the 2021-2022 and 2022-2023 school years. 18202

(iv) For a scholarship sought for the 2025-2026 school 18203
year or any school year thereafter, the building was ranked in 18204
the lowest twenty per cent of buildings for at least two of the 18205
three most recent consecutive rankings issued prior to the first 18206
day of July of the school year for which a scholarship is 18207
sought. 18208

(b) The building is operated by a school district in 18209
which, for the three consecutive school years prior to the 18210
school year for which a scholarship is sought, an average of 18211
twenty per cent or more of the students entitled to attend 18212
school in the district, under section 3313.64 or 3313.65 of the 18213
Revised Code, were qualified to be included in the formula to 18214
distribute funds under Title I of the "Elementary and Secondary 18215
Education Act of 1965," 20 U.S.C. 6301 et seq. 18216

When ranking school buildings under division (A) (1) of 18217
this section, the department shall not include buildings 18218
operated by a school district in which the pilot project 18219
scholarship program is operating in accordance with sections 18220
3313.974 to 3313.979 of the Revised Code. 18221

(2) A student is eligible for a scholarship if the student 18222
will be enrolling in any of grades kindergarten through twelve 18223
in this state for the first time in the school year for which a 18224
scholarship is sought, will be at least five years of age, as 18225
defined in section 3321.01 of the Revised Code, by the first day 18226
of January of the school year for which a scholarship is sought, 18227
and otherwise would be assigned under section 3319.01 of the 18228
Revised Code in the school year for which a scholarship is 18229
sought, to a school building described in division (A) (1) of 18230
this section. 18231

(3) A student is eligible for a scholarship if the student 18232
is enrolled in a community school established under Chapter 18233
3314. of the Revised Code but otherwise would be assigned under 18234
section 3319.01 of the Revised Code to a building described in 18235
division (A) (1) of this section. 18236

(4) A student is eligible for a scholarship if the student 18237
is enrolled in a school building operated by the student's 18238

resident district or in a community school established under 18239
Chapter 3314. of the Revised Code and otherwise would be 18240
assigned under section 3319.01 of the Revised Code to a school 18241
building described in division (A) (1) of this section in the 18242
school year for which the scholarship is sought. 18243

(5) A student is eligible for a scholarship if the student 18244
was enrolled in a public or nonpublic school or was homeschooled 18245
in the prior school year and completed any of grades eight 18246
through eleven in that school year and otherwise would be 18247
assigned under section 3319.01 of the Revised Code to a school 18248
building described in division (A) (1) of this section in the 18249
school year for which the scholarship is sought. 18250

(B) A student is eligible for a scholarship if the student 18251
is enrolled in a nonpublic school at the time the school is 18252
granted a charter by the ~~state board~~ director of education and 18253
workforce under section 3301.16 of the Revised Code and the 18254
student meets the standards of division (B) of section 3310.031 18255
of the Revised Code. 18256

(C) A student is eligible for a scholarship if the 18257
student's resident district is subject to section 3302.10 of the 18258
Revised Code and the student either: 18259

(1) Is enrolled in a school building operated by the 18260
resident district or in a community school established under 18261
Chapter 3314. of the Revised Code; 18262

(2) Will be both enrolling in any of grades kindergarten 18263
through twelve in this state for the first time and at least 18264
five years of age by the first day of January of the school year 18265
for which a scholarship is sought. 18266

(D) A student who receives a scholarship under the 18267

educational choice scholarship pilot program remains an eligible 18268
student and may continue to receive scholarships in subsequent 18269
school years until the student completes grade twelve, so long 18270
as all of the following apply: 18271

(1) The student's resident district remains the same, or 18272
the student transfers to a new resident district and otherwise 18273
would be assigned in the new resident district to a school 18274
building described in division (A) (1) or (C) of this section. 18275

(2) The student takes each assessment prescribed for the 18276
student's grade level under section 3301.0710, 3301.0712, or 18277
3313.619 of the Revised Code while enrolled in a chartered 18278
nonpublic school, unless one of the following applies to the 18279
student: 18280

(a) The student is excused from taking that assessment 18281
under federal law, the student's individualized education 18282
program, or division (C) (1) (c) (i) of section 3301.0711 of the 18283
Revised Code. 18284

(b) The student is enrolled in a chartered nonpublic 18285
school that meets the conditions specified in division (K) (2) or 18286
(L) (4) of section 3301.0711 of the Revised Code. 18287

(c) The student is enrolled in any of grades three to 18288
eight and takes an alternative standardized assessment under 18289
division (K) (1) of section 3301.0711 of the Revised Code. 18290

(d) The student is excused from taking the assessment 18291
prescribed under division (B) (1) of section 3301.0712 of the 18292
Revised Code pursuant to division (C) (1) (c) (ii) of section 18293
3301.0711 of the Revised Code. 18294

(3) In each school year that the student is enrolled in a 18295
chartered nonpublic school, the student is absent from school 18296

for not more than twenty days that the school is open for 18297
instruction, not including excused absences. 18298

(E) (1) The department shall cease awarding first-time 18299
scholarships pursuant to divisions (A) (1) to (5) of this section 18300
with respect to a school building that, in the most recent 18301
ratings of school buildings under section 3302.03 of the Revised 18302
Code prior to the first day of July of the school year, ceases 18303
to meet the criteria in division (A) (1) of this section. 18304

(2) The department shall cease awarding first-time 18305
scholarships pursuant to division (C) of this section with 18306
respect to a school district subject to section 3302.10 of the 18307
Revised Code when the academic distress commission established 18308
for the district ceases to exist. 18309

(3) However, students who have received scholarships in 18310
the prior school year remain eligible students pursuant to 18311
division (D) of this section. 18312

(F) The ~~state board of education~~ department shall adopt 18313
rules defining excused absences for purposes of division (D) (3) 18314
of this section. 18315

(G) Notwithstanding anything to the contrary in this 18316
section or section 3310.031 of the Revised Code, a student shall 18317
not be required to be enrolled or enrolling in a school building 18318
operated by the student's resident district or a community 18319
school in order to be eligible for a scholarship, as follows: 18320

(1) For a scholarship sought for the 2021-2022 school 18321
year, a student entering any of grades kindergarten through two; 18322

(2) For a scholarship sought for the 2022-2023 school 18323
year, a student entering any of grades kindergarten through 18324
four; 18325

(3) For a scholarship sought for the 2023-2024 school year, a student entering any of grades kindergarten through six; 18326
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(4) For a scholarship sought for the 2024-2025 school year, a student entering any of grades kindergarten through eight; 18328
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(5) For a scholarship sought for the 2025-2026 school year, and each school year thereafter, a student entering any of grades kindergarten through twelve. 18331
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Sec. 3310.031. (A) The ~~state board~~ department of education and workforce shall adopt rules under section 3310.17 of the Revised Code establishing procedures for granting educational choice scholarships to eligible students attending a nonpublic school at the time the ~~state board~~ director of education and workforce grants the school a charter under section 3301.16 of the Revised Code. The procedures shall include at least the following: 18334
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(1) Provisions for extending the application period for scholarships for the following school year, if necessary due to the timing of the award of the nonpublic school's charter, in order for students enrolled in the school at the time the charter is granted to apply for scholarships for the following school year; 18342
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(2) Provisions for notifying the resident districts of the nonpublic school's students that the nonpublic school has been granted a charter and that educational choice scholarships may be awarded to the school's students for the following school year. 18348
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(B) A student who is enrolled in a nonpublic school at the time the school's charter is granted is an eligible student if 18353
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~~either of the following applies:~~ 18355

~~(1) For a scholarship sought for the 2020-2021 school year, the student satisfies division (B) of this section as it existed prior to the effective date of this amendment and any related condition prescribed by section 3310.03 of the Revised Code, as it existed prior to the effective date of this amendment.~~ 18356
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~~(2) For a scholarship sought for the 2021-2022 school year or any school year thereafter, the student satisfies any of the following conditions:~~ 18362
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~~(a)-(1)~~ At the end of the last school year before the student enrolled in the nonpublic school, the student was enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and, for the current or following school year, the student otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A) (1) of section 3310.03 of the Revised Code. 18365
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~~(b)-(2)~~ The student was not enrolled in any public or other nonpublic school before the student enrolled in the nonpublic school and, for the current or following school year, otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A) (1) of section 3310.03 of the Revised Code. 18374
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~~(c)-(3)~~ At the end of the last school year before the student enrolled in the nonpublic school, the student was enrolled in a school building operated by the student's resident district and, during that school year, the building met the 18380
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conditions described in division (A) (1) of section 3310.03 of 18384
the Revised Code. 18385

~~(d)~~ (4) At the end of the last school year before the 18386
student enrolled in the nonpublic school, the student was 18387
enrolled in a community school established under Chapter 3314. 18388
of the Revised Code but otherwise would have been assigned under 18389
section 3319.01 of the Revised Code to a school building that, 18390
during that school year, met the conditions described in 18391
division (A) (1) of section 3310.03 of the Revised Code. 18392

Sec. 3310.032. (A) A student is an "eligible student" for 18393
purposes of the expansion of the educational choice scholarship 18394
pilot program under this section if the student's resident 18395
district is not a school district in which the pilot project 18396
scholarship program is operating under sections 3313.974 to 18397
3313.979 of the Revised Code, the student is not eligible for an 18398
educational choice scholarship under section 3310.03 of the 18399
Revised Code, and either of the following apply: 18400

(1) The student's family income is at or below two hundred 18401
fifty per cent of the federal poverty guidelines, as defined in 18402
section 5101.46 of the Revised Code, when the student applies 18403
for a scholarship under this section. 18404

(2) The student's sibling, as defined in section 3310.033 18405
of the Revised Code, receives a scholarship under this section 18406
for at least one of the following: 18407

(a) For the school year immediately prior to the school 18408
year for which the student is seeking a scholarship; 18409

(b) For the school year for which the student is seeking a 18410
scholarship. 18411

(B) In each fiscal year for which the general assembly 18412

appropriates funds for purposes of this section, the department 18413
of education and workforce shall pay scholarships to attend 18414
chartered nonpublic schools in accordance with section 3317.022 18415
of the Revised Code. The number of scholarships awarded under 18416
this section shall not exceed the number that can be funded for 18417
that school year as authorized by the general assembly. 18418

(C) Scholarships under this section shall be awarded as 18419
follows: 18420

(1) For the 2013-2014 school year, to eligible students 18421
who are entering kindergarten in that school year for the first 18422
time; 18423

(2) For each subsequent school year through the 2019-2020 18424
school year, scholarships shall be awarded to eligible students 18425
in the next grade level above the highest grade level awarded in 18426
the preceding school year, in addition to the grade levels for 18427
which students received scholarships in the preceding school 18428
year; 18429

(3) Beginning with the 2020-2021 school year, to eligible 18430
students who are entering any of grades kindergarten through 18431
twelve in that school year for the first time. 18432

(D) If the number of eligible students who apply for a 18433
scholarship under this section exceeds the scholarships 18434
available based on the appropriation for this section, the 18435
department shall award scholarships in the following order of 18436
priority: 18437

(1) First, to eligible students who received scholarships 18438
under this section in the prior school year; 18439

(2) Second, to eligible students with family incomes at or 18440
below one hundred per cent of the federal poverty guidelines. If 18441

the number of students described in division (D) (2) of this 18442
section who apply for a scholarship exceeds the number of 18443
available scholarships after awards are made under division (D) 18444
(1) of this section, the department shall select students 18445
described in division (D) (2) of this section by lot to receive 18446
any remaining scholarships. 18447

(3) Third, to other eligible students who qualify under 18448
this section. If the number of students described in division 18449
(D) (3) of this section exceeds the number of available 18450
scholarships after awards are made under divisions (D) (1) and 18451
(2) of this section, the department shall select students 18452
described in division (D) (3) of this section by lot to receive 18453
any remaining scholarships. 18454

(E) A student who receives a scholarship under this 18455
section remains an eligible student and may continue to receive 18456
scholarships under this section in subsequent school years until 18457
the student completes grade twelve, so long as the student 18458
satisfies the conditions specified in divisions (D) (2) and (3) 18459
of section 3310.03 of the Revised Code. 18460

Once a scholarship is awarded under this section, the 18461
student shall remain eligible for that scholarship for the 18462
current school year and subsequent school years even if the 18463
student's family income rises above the amount specified in 18464
division (A) of this section, provided the student remains 18465
enrolled in a chartered nonpublic school. 18466

Sec. 3310.033. (A) As used in this section: 18467

(1) "Foster child" means a child placed with a foster 18468
caregiver, as defined in section 5103.02 of the Revised Code. 18469

(2) "Qualifying student" means a student who is not 18470

entitled to attend school under section 3313.64 or 3313.65 of 18471
the Revised Code in a school district in which the pilot project 18472
scholarship program is operating under sections 3313.974 to 18473
3313.979 of the Revised Code. 18474

(3) "Kinship caregiver" has the same meaning as in section 18475
5101.85 of the Revised Code. 18476

(4) "Sibling" means any of the following: 18477

(a) A brother, half-brother, sister, or half-sister by 18478
birth, marriage, or adoption; 18479

(b) A cousin by birth, marriage, or adoption who is 18480
residing in the same household; 18481

(c) A foster child who is residing in the same household, 18482
including a child who is subsequently adopted by the child's 18483
foster family; 18484

(d) A child residing in the same household who is placed 18485
with a guardian or legal custodian; 18486

(e) A child who is residing in the same household and is 18487
being cared for by a kinship caregiver; 18488

(f) Any other child under eighteen years of age who has 18489
resided in the same household for at least forty-five 18490
consecutive days within the last calendar year. 18491

(5) "Caretaker" means the parent of a minor child or a 18492
relative acting in the parent's place. "Caretaker" also means 18493
another responsible adult who has care of the child and in whose 18494
household the child resides and, if not for residing in that 18495
household, the child would be homeless or likely to be homeless. 18496

(B) Notwithstanding anything in the Revised Code to the 18497

contrary, a qualifying student shall be eligible for an 18498
educational choice scholarship under section 3310.03 of the 18499
Revised Code, regardless of whether the student is enrolled in a 18500
school building described in division (A)(1) or (C) of that 18501
section, if any of the following apply: 18502

(1) The student's sibling received an educational choice 18503
scholarship under section 3310.03 of the Revised Code for the 18504
school year immediately prior to the school year for which the 18505
student is seeking a scholarship; 18506

(2) The student is a foster child; 18507

(3) The student is a child placed with a guardian, legal 18508
custodian, or kinship caregiver; 18509

(4) The student is not a child placed with a guardian, 18510
legal custodian, or kinship caregiver, but has resided in the 18511
same household as such a child for at least forty-five 18512
consecutive days within the last calendar year; 18513

(5) The student is not a foster child, but resides in a 18514
home that has received certification under section 5103.03 of 18515
the Revised Code; 18516

(6) The student satisfies all of the following conditions: 18517

(a) The student is not a foster child or a student 18518
described in division (B)(4) of this section. 18519

(b) The student has resided in the household of an 18520
individual who is not the student's parent or guardian for at 18521
least forty-five consecutive days within the last calendar year 18522
and, if not for residing in that household, the student would 18523
have been homeless. 18524

(c) The student's parent or guardian resides in this 18525

state. 18526

(7) The student is not a child described in division (B) 18527
(6) of this section, but has resided in the same household as a 18528
child described in that division for at least forty-five 18529
consecutive days within the last calendar year. 18530

(C) A student who receives an educational choice 18531
scholarship under this section remains eligible for that 18532
scholarship and may continue to receive a scholarship in 18533
subsequent school years until the student completes grade 18534
twelve, so long as the student satisfies the conditions 18535
specified in divisions (D) (2) and (3) of section 3310.03 of the 18536
Revised Code. 18537

(D) The department of education and workforce may request 18538
any individual applying for a scholarship under this section on 18539
behalf of a qualifying student to provide appropriate 18540
documentation, as defined by the department, that the student 18541
meets the eligibility qualifications prescribed under this 18542
section. In the case of a student who qualifies under division 18543
(B) (6) of this section, such documentation shall be provided by 18544
the student's parent, guardian, or caretaker. 18545

Sec. 3310.036. If a student is eligible for an educational 18546
choice scholarship under section 3310.03 of the Revised Code for 18547
a school year as of the first day of February prior to that 18548
school year, that student's eligibility for a scholarship for 18549
that school year shall not change solely because, after the 18550
first day of February, the department of education and workforce 18551
changes the internal retrieval number of the school building in 18552
which the student is enrolled or would otherwise be assigned. 18553

Sec. 3310.07. (A) Any parent, or any student who is at 18554

least eighteen years of age, who is seeking a scholarship under 18555
the educational choice scholarship pilot program shall notify 18556
the department of education and workforce of the student's and 18557
parent's names and address, the chartered nonpublic school in 18558
which the student has been accepted for enrollment, and the 18559
tuition charged by the school. 18560

(B) Not later than February 1, 2022, the department shall 18561
establish a system under which any parent, or any student who is 18562
at least eighteen years of age, may provide the department with 18563
a student's address and, not later than ten days after receiving 18564
the address, the department shall notify the parent, or student, 18565
using regular mail or electronic mail whether the student is 18566
eligible for an educational choice scholarship under section 18567
3310.03 of the Revised Code. The student's resident district 18568
shall not be permitted to object to a student's eligibility for 18569
an educational choice scholarship under that section if the 18570
department's system determines the student is eligible. 18571

For the purposes of division (B) of this section, not 18572
later than the first day of January of each year, each school 18573
district that has a school building described in division (A) (1) 18574
or (C) of section 3310.03 of the Revised Code shall submit to 18575
the department, in the manner prescribed by the department, the 18576
attendance zone for students assigned to that building. 18577

Sec. 3310.11. (A) Only for the purpose of administering 18578
the educational choice scholarship pilot program, the department 18579
of education and workforce may request from any of the following 18580
entities the data verification code assigned under division (D) 18581
(2) of section 3301.0714 of the Revised Code to any student who 18582
is seeking a scholarship under the program: 18583

(1) The student's resident district; 18584

(2) If applicable, the community school in which that student is enrolled; 18585
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(3) The independent contractor engaged to create and maintain student data verification codes. 18587
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(B) Upon a request by the department under division (A) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to that student. 18589
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The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 18601
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(C) For the purpose of administering the applicable assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code, as required by section 3310.14 of the Revised Code, the department shall provide to each chartered nonpublic school that enrolls a scholarship student the data verification code for that student. 18606
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(D) The department and each chartered nonpublic school that receives a data verification code under this section shall 18612
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not release that code to any person except as provided by law. 18614

Any document relative to this program that the department 18615
holds in its files that contains both a student's name or other 18616
personally identifiable information and the student's data 18617
verification code shall not be a public record under section 18618
149.43 of the Revised Code. 18619

Sec. 3310.13. (A) No chartered nonpublic school shall 18620
charge any student whose family income is at or below two 18621
hundred per cent of the federal poverty guidelines, as defined 18622
in section 5101.46 of the Revised Code, a tuition fee that is 18623
greater than the total amount paid for that student under 18624
section 3317.022 of the Revised Code. 18625

(B) A chartered nonpublic school may charge any other 18626
student who is paid a scholarship under that section up to the 18627
difference between the amount of the scholarship and the regular 18628
tuition charge of the school. Each chartered nonpublic school 18629
may permit such an eligible student's family to provide 18630
volunteer services in lieu of cash payment to pay all or part of 18631
the amount of the school's tuition not covered by the 18632
scholarship paid under section 3317.022 of the Revised Code. 18633

(C) Each chartered nonpublic school that charges a 18634
scholarship student an additional amount as authorized under 18635
division (B) of this section shall annually report to the 18636
department of education and workforce in the manner prescribed 18637
by the department the following: 18638

(1) The number of students charged; 18639

(2) The average of the amounts charged to such students. 18640

Sec. 3310.14. (A) Except as provided in division (B) of 18641
this section, each chartered nonpublic school that is not 18642

subject to division (K) (1) of section 3301.0711 of the Revised Code and enrolls students awarded scholarships under sections 3310.01 to 3310.17 of the Revised Code annually shall administer the assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, to each scholarship student enrolled in the school in accordance with section 3301.0711 of the Revised Code. Each chartered nonpublic school that is subject to this section shall report to the department of education and workforce the results of each assessment administered to each scholarship student under this section.

Nothing in this section requires a chartered nonpublic school to administer any achievement assessment, except for an Ohio graduation test prescribed by division (B) (1) of section 3301.0710 or the college and work ready assessment system prescribed by division (B) of section 3301.0712 of the Revised Code to any student enrolled in the school who is not a scholarship student.

(B) A chartered nonpublic school that meets the conditions specified in division (K) (2) of section 3301.0711 of the Revised Code shall not be required to administer the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

Sec. 3310.15. (A) The department of education and workforce annually shall compile the scores attained by scholarship students to whom an assessment is administered under section 3310.14 of the Revised Code. The scores shall be aggregated as follows:

(1) By state, which shall include all students awarded a scholarship under the educational choice scholarship pilot program and who were required to take an assessment under

section 3310.14 of the Revised Code;	18673
(2) By school district, which shall include all	18674
scholarship students who were required to take an assessment	18675
under section 3310.14 of the Revised Code and for whom the	18676
district is the student's resident district;	18677
(3) By chartered nonpublic school, which shall include all	18678
scholarship students enrolled in that school who were required	18679
to take an assessment under section 3310.14 of the Revised Code.	18680
(B) The department shall disaggregate the student	18681
performance data described in division (A) of this section	18682
according to the following categories:	18683
(1) Grade level;	18684
(2) Race and ethnicity;	18685
(3) Gender;	18686
(4) Students who have participated in the scholarship	18687
program for three or more years;	18688
(5) Students who have participated in the scholarship	18689
program for more than one year and less than three years;	18690
(6) Students who have participated in the scholarship	18691
program for one year or less;	18692
(7) Economically disadvantaged students.	18693
(C) The department shall post the student performance data	18694
required under divisions (A) and (B) of this section on its web	18695
site and, by the first day of February each year, shall	18696
distribute that data to the parent of each eligible student. In	18697
reporting student performance data under this division, the	18698
department shall not include any data that is statistically	18699

unreliable or that could result in the identification of 18700
individual students. For this purpose, the department shall not 18701
report performance data for any group that contains less than 18702
ten students. 18703

(D) The department shall provide the parent of each 18704
scholarship student with information comparing the student's 18705
performance on the assessments administered under section 18706
3310.14 of the Revised Code with the average performance of 18707
similar students enrolled in the building operated by the 18708
student's resident district that the scholarship student would 18709
otherwise attend. In calculating the performance of similar 18710
students, the department shall consider age, grade, race and 18711
ethnicity, gender, and socioeconomic status. 18712

Sec. 3310.16. (A) For the 2020-2021 school year and each 18713
school year thereafter, the department of education and 18714
workforce shall accept, process, and award scholarships each 18715
year for the educational choice scholarship pilot program under 18716
sections 3310.03 and 3310.032 of the Revised Code, as follows: 18717

(1) The application period shall open on the first day of 18718
February prior to the first day of July of the school year for 18719
which a scholarship is sought. Not later than forty-five days 18720
after an applicant submits to the department of education and 18721
workforce a completed application, the department ~~of education~~ 18722
shall determine whether that applicant is eligible for a 18723
scholarship and notify the applicant whether or not the 18724
applicant is eligible. The department ~~of education~~ shall award a 18725
scholarship to each student with an approved application. 18726
However, for any application submitted after the beginning of 18727
the school year, the department ~~of education~~ shall prorate the 18728
amount of the awarded scholarship based on how much of the 18729

school year remains. 18730

(2) In each school year, the department ~~of education~~ shall 18731
accept applications for conditional approval of a scholarship 18732
sought for that year or the next school year. Not later than 18733
five days after receiving an application under this division, 18734
the department ~~of education~~ shall grant conditional approval to 18735
an applicant who is eligible for a scholarship and notify the 18736
applicant whether or not conditional approval is granted. 18737

(B) If the department determines an application submitted 18738
under this section contains an error or deficiency, the 18739
department shall notify the applicant who submitted that 18740
application not later than fourteen days after the application 18741
is submitted. 18742

(C) The departments of education and workforce, job and 18743
family services, and taxation shall enter into a data sharing 18744
agreement so that, in administering this section, the department 18745
of education and workforce shall be able to determine, based on 18746
the address provided in a student's application, whether that 18747
student is eligible for an educational choice scholarship under 18748
section 3310.03 of the Revised Code and whether the student 18749
meets the residency requirements for an educational choice 18750
scholarship under section 3310.032 of the Revised Code. 18751

(D) No city, local, or exempted village school district 18752
shall have access to an application submitted under this 18753
section. 18754

Sec. 3310.17. (A) The ~~state board~~ department of education 18755
and workforce shall adopt rules in accordance with Chapter 119. 18756
of the Revised Code prescribing procedures for the 18757
administration of the educational choice scholarship pilot 18758

program. 18759

(B) ~~The state board and the department of education~~ shall 18760
not require chartered nonpublic schools to comply with any 18761
education laws or rules or other requirements that are not 18762
specified in sections 3310.01 to 3310.17 of the Revised Code or 18763
in rules necessary for the administration of the program, 18764
adopted under division (A) of this section, and that otherwise 18765
would not apply to a chartered nonpublic school. 18766

Sec. 3310.41. (A) As used in this section: 18767

(1) "Alternative public provider" means either of the 18768
following providers that agrees to enroll a child in the 18769
provider's special education program to implement the child's 18770
individualized education program and to which the child's parent 18771
owes fees for the services provided to the child: 18772

(a) A school district that is not the school district in 18773
which the child is entitled to attend school; 18774

(b) A public entity other than a school district. 18775

(2) "Entitled to attend school" means entitled to attend 18776
school in a school district under section 3313.64 or 3313.65 of 18777
the Revised Code. 18778

(3) "Formula ADM" has the same meaning as in section 18779
3317.02 of the Revised Code. 18780

(4) "Preschool child with a disability" and 18781
"individualized education program" have the same meanings as in 18782
section 3323.01 of the Revised Code. 18783

(5) "Parent" has the same meaning as in section 3313.64 of 18784
the Revised Code, except that "parent" does not mean a parent 18785
whose custodial rights have been terminated. "Parent" also 18786

includes the custodian of a qualified special education child, 18787
when a court has granted temporary, legal, or permanent custody 18788
of the child to an individual other than either of the natural 18789
or adoptive parents of the child or to a government agency. 18790

(6) "Qualified special education child" is a child for 18791
whom all of the following conditions apply: 18792

(a) The school district in which the child is entitled to 18793
attend school has identified the child as autistic. A child who 18794
has been identified as having a "pervasive developmental 18795
disorder - not otherwise specified (PPD-NOS)" shall be 18796
considered to be an autistic child for purposes of this section. 18797

(b) The school district in which the child is entitled to 18798
attend school has developed an individualized education program 18799
under Chapter 3323. of the Revised Code for the child. 18800

(c) The child either: 18801

(i) Was enrolled in the school district in which the child 18802
is entitled to attend school in any grade from preschool through 18803
twelve in the school year prior to the year in which a 18804
scholarship under this section is first sought for the child; or 18805

(ii) Is eligible to enter school in any grade preschool 18806
through twelve in the school district in which the child is 18807
entitled to attend school in the school year in which a 18808
scholarship under this section is first sought for the child. 18809

(7) "Registered private provider" means a nonpublic school 18810
or other nonpublic entity that has been approved by the 18811
department of education and workforce to participate in the 18812
program established under this section. 18813

(8) "Special education program" means a school or facility 18814

that provides special education and related services to children 18815
with disabilities. 18816

(B) There is hereby established the autism scholarship 18817
program. Under the program, the department ~~of education~~ shall 18818
pay a scholarship under section 3317.022 of the Revised Code to 18819
the parent of each qualified special education child upon 18820
application of that parent pursuant to procedures and deadlines 18821
established by rule of the ~~state board of education~~ department. 18822
Each scholarship shall be used only to pay tuition for the child 18823
on whose behalf the scholarship is awarded to attend a special 18824
education program that implements the child's individualized 18825
education program and that is operated by an alternative public 18826
provider or by a registered private provider, and to pay for 18827
other services agreed to by the provider and the parent of a 18828
qualified special education child that are not included in the 18829
individualized education program but are associated with 18830
educating the child. Upon agreement with the parent of a 18831
qualified special education child, the alternative public 18832
provider or the registered private provider may modify the 18833
services provided to the child. The purpose of the scholarship 18834
is to permit the parent of a qualified special education child 18835
the choice to send the child to a special education program, 18836
instead of the one operated by or for the school district in 18837
which the child is entitled to attend school, to receive the 18838
services prescribed in the child's individualized education 18839
program once the individualized education program is finalized 18840
and any other services agreed to by the provider and the parent 18841
of a qualified special education child. The services provided 18842
under the scholarship shall include an educational component or 18843
services designed to assist the child to benefit from the 18844
child's education. 18845

A scholarship under this section shall not be awarded to 18846
the parent of a child while the child's individualized education 18847
program is being developed by the school district in which the 18848
child is entitled to attend school, or while any administrative 18849
or judicial mediation or proceedings with respect to the content 18850
of the child's individualized education program are pending. A 18851
scholarship under this section shall not be used for a child to 18852
attend a public special education program that operates under a 18853
contract, compact, or other bilateral agreement between the 18854
school district in which the child is entitled to attend school 18855
and another school district or other public provider, or for a 18856
child to attend a community school established under Chapter 18857
3314. of the Revised Code. However, nothing in this section or 18858
in any rule adopted by the ~~state board~~ department shall prohibit 18859
a parent whose child attends a public special education program 18860
under a contract, compact, or other bilateral agreement, or a 18861
parent whose child attends a community school, from applying for 18862
and accepting a scholarship under this section so that the 18863
parent may withdraw the child from that program or community 18864
school and use the scholarship for the child to attend a special 18865
education program for which the parent is required to pay for 18866
services for the child. 18867

Except for development of the child's individualized 18868
education program, the school district in which a qualified 18869
special education child is entitled to attend school and the 18870
child's school district of residence, as defined in section 18871
3323.01 of the Revised Code, if different, are not obligated to 18872
provide the child with a free appropriate public education under 18873
Chapter 3323. of the Revised Code for as long as the child 18874
continues to attend the special education program operated by 18875
either an alternative public provider or a registered private 18876

provider for which a scholarship is awarded under the autism 18877
scholarship program. If at any time, the eligible applicant for 18878
the child decides no longer to accept scholarship payments and 18879
enrolls the child in the special education program of the school 18880
district in which the child is entitled to attend school, that 18881
district shall provide the child with a free appropriate public 18882
education under Chapter 3323. of the Revised Code. 18883

A child attending a special education program with a 18884
scholarship under this section shall continue to be entitled to 18885
transportation to and from that program in the manner prescribed 18886
by law. 18887

(C) As prescribed in division (A) (2) (h) of section 3317.03 18888
of the Revised Code, a child who is not a preschool child with a 18889
disability for whom a scholarship is awarded under this section 18890
shall be counted in the formula ADM of the district in which the 18891
child is entitled to attend school and not in the formula ADM of 18892
any other school district. 18893

(D) A scholarship shall not be paid under section 3317.022 18894
of the Revised Code to a parent for payment of tuition owed to a 18895
nonpublic entity unless that entity is a registered private 18896
provider. The department shall approve entities that meet the 18897
standards established by rule of the ~~state board~~ department for 18898
the program established under this section. 18899

(E) The ~~state board~~ department shall adopt rules under 18900
Chapter 119. of the Revised Code prescribing procedures 18901
necessary to implement this section, including, but not limited 18902
to, procedures and deadlines for parents to apply for 18903
scholarships, standards for registered private providers, and 18904
procedures for approval of entities as registered private 18905
providers. 18906

The rules also shall specify that intervention services 18907
under the autism scholarship program may be provided by a 18908
qualified, credentialed provider, including, but not limited to, 18909
all of the following: 18910

(1) A behavior analyst certified by a nationally 18911
recognized organization that certifies behavior analysts; 18912

(2) A psychologist licensed to practice in this state 18913
under Chapter 4732. of the Revised Code; 18914

(3) A school psychologist licensed by the state board of 18915
education under section 3319.22 of the Revised Code; 18916

(4) Any person employed by a licensed psychologist or 18917
licensed school psychologist, while carrying out specific tasks, 18918
under the licensee's supervision, as an extension of the 18919
licensee's legal and ethical authority as specified under 18920
Chapter 4732. of the Revised Code who is ascribed as "psychology 18921
trainee," "psychology assistant," "psychology intern," a 18922
"registered behavior technician" as described under rule 5123-9- 18923
41 of the Administrative Code, a "certified Ohio behavior 18924
analyst" under Chapter 4783. of the Revised Code, or other 18925
appropriate term that clearly implies their supervised or 18926
training status; 18927

(5) Unlicensed persons holding a doctoral degree in 18928
psychology or special education from a program approved by the 18929
~~state board department~~; 18930

(6) Any other qualified individual as determined by the 18931
~~state board department~~. 18932

(F) The department shall provide reasonable notice to all 18933
parents of children receiving a scholarship under the autism 18934
scholarship program, alternative public providers, and 18935

registered private providers of any amendment to a rule 18936
governing, or change in the administration of, the autism 18937
scholarship program. 18938

Sec. 3310.411. Any registered private provider approved to 18939
participate in the autism scholarship program and any of its 18940
employees shall be subject to a criminal records check as 18941
specified in sections 109.57 and 109.572 of the Revised Code. 18942
The registered private provider shall submit the results of any 18943
records checks to the department of education and workforce. The 18944
department shall use the information submitted to enroll the 18945
individual for whom a records check is completed in the retained 18946
applicant fingerprint database, established under section 18947
109.5721 of the Revised Code, in the same manner as any teacher 18948
licensed under sections 3319.22 to 3319.31 of the Revised Code. 18949

Sec. 3310.42. (A) Only for the purpose of administering 18950
the autism scholarship program, the department of education and 18951
workforce may request from any of the following entities the 18952
data verification code assigned under division (D)(2) of section 18953
3301.0714 of the Revised Code to any child who is seeking a 18954
scholarship under the program: 18955

(1) The school district in which the child is entitled to 18956
attend school; 18957

(2) If applicable, the community school in which the child 18958
is enrolled; 18959

(3) The independent contractor engaged to create and 18960
maintain data verification codes. 18961

(B) Upon a request by the department under division (A) of 18962
this section for the data verification code of a child seeking a 18963
scholarship or a request by the child's parent for that code, 18964

the school district or community school shall submit that code 18965
to the department or parent in the manner specified by the 18966
department. If the child has not been assigned a code, because 18967
the child will be entering preschool or kindergarten during the 18968
school year for which the scholarship is sought, the district 18969
shall assign a code to that child and submit the code to the 18970
department or parent by a date specified by the department. If 18971
the district does not assign a code to the child by the 18972
specified date, the department shall assign a code to the child. 18973

The department annually shall submit to each school 18974
district the name and data verification code of each child 18975
residing in the district who is entering preschool or 18976
kindergarten, who has been awarded a scholarship under the 18977
program, and for whom the department has assigned a code under 18978
this division. 18979

(C) The department shall not release any data verification 18980
code that it receives under this section to any person except as 18981
provided by law. 18982

(D) Any document relative to the autism scholarship 18983
program that the department holds in its files that contains 18984
both a child's name or other personally identifiable information 18985
and the child's data verification code shall not be a public 18986
record under section 149.43 of the Revised Code. 18987

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 18988
the Revised Code: 18989

(A) "Alternative public provider" means either of the 18990
following providers that agrees to enroll a child in the 18991
provider's special education program to implement the child's 18992
individualized education program and to which the eligible 18993

applicant owes fees for the services provided to the child:	18994
(1) A school district that is not the school district in which the child is entitled to attend school or the child's school district of residence, if different;	18995 18996 18997
(2) A public entity other than a school district.	18998
(B) "Child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	18999 19000 19001
(C) "Eligible applicant" means any of the following:	19002
(1) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated.	19003 19004 19005 19006 19007 19008 19009 19010 19011 19012 19013 19014 19015
(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency;	19016 19017 19018 19019
(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child;	19020 19021

(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caretaker authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code;

(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;

(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age.

(D) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code.

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

(F) "Qualified special education child" is a child for whom all of the following conditions apply:

(1) The child is at least five years of age and less than twenty-two years of age.

(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a child with a disability.

(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program

under Chapter 3323. of the Revised Code for the child. 19050

(4) The child either: 19051

(a) Was enrolled in the schools of the school district in 19052
which the child is entitled to attend school in any grade from 19053
kindergarten through twelve in the school year prior to the 19054
school year in which a scholarship is first sought for the 19055
child; 19056

(b) Is eligible to enter school in any grade kindergarten 19057
through twelve in the school district in which the child is 19058
entitled to attend school in the school year in which a 19059
scholarship is first sought for the child. 19060

(5) The department of education and workforce has not 19061
approved a scholarship for the child under the educational 19062
choice scholarship pilot program, under sections 3310.01 to 19063
3310.17 of the Revised Code, the autism scholarship program, 19064
under section 3310.41 of the Revised Code, or the pilot project 19065
scholarship program, under sections 3313.974 to 3313.979 of the 19066
Revised Code for the same school year in which a scholarship 19067
under the Jon Peterson special needs scholarship program is 19068
sought. 19069

(6) The child and the child's parents are in compliance 19070
with the state compulsory attendance law under Chapter 3321. of 19071
the Revised Code. 19072

(G) "Registered private provider" means a nonpublic school 19073
or other nonpublic entity that has been registered by the 19074
superintendent of public instruction under section 3310.58 of 19075
the Revised Code prior to the effective date of this amendment 19076
or the department of education and workforce on or after that 19077
date. 19078

(H) "Scholarship" means a scholarship awarded under the 19079
Jon Peterson special needs scholarship program pursuant to 19080
sections 3310.51 to 3310.64 of the Revised Code. 19081

(I) "School district of residence" has the same meaning as 19082
in section 3323.01 of the Revised Code. A community school 19083
established under Chapter 3314. of the Revised Code is not a 19084
"school district of residence" for purposes of sections 3310.51 19085
to 3310.64 of the Revised Code. 19086

(J) "School year" has the same meaning as in section 19087
3313.62 of the Revised Code. 19088

(K) "Special education program" means a school or facility 19089
that provides special education and related services to children 19090
with disabilities. 19091

Sec. 3310.52. (A) The Jon Peterson special needs 19092
scholarship program is hereby established. Under the program, 19093
beginning with the 2012-2013 school year, subject to division 19094
(B) of this section, the department of education and workforce 19095
annually shall pay a scholarship under section 3317.022 of the 19096
Revised Code to an eligible applicant for services provided by 19097
an alternative public provider or a registered private provider 19098
for a qualified special education child. The scholarship shall 19099
be used only to pay all or part of the fees for the child to 19100
attend the special education program operated by the alternative 19101
public provider or registered private provider to implement the 19102
child's individualized education program, in lieu of the child's 19103
attending the special education program operated by the school 19104
district in which the child is entitled to attend school, and 19105
other services agreed to by the provider and eligible applicant 19106
that are not included in the individualized education program 19107
but are associated with educating the child. Beginning in the 19108

2014-2015 school year, if the child is receiving special 19109
education services for a disability specified in division (A) of 19110
section 3317.013 of the Revised Code, the scholarship shall be 19111
used only to pay for related services that are included in the 19112
child's individualized education program. Upon agreement with 19113
the eligible applicant, the alternative public provider or 19114
registered private provider may modify the services provided to 19115
the child. 19116

(B) The number of scholarships awarded under the program 19117
in any fiscal year shall not exceed five per cent of the total 19118
number of students residing in the state identified as children 19119
with disabilities during the previous fiscal year. 19120

(C) The department shall pay a scholarship under section 19121
3317.022 of the Revised Code to the parent of each qualified 19122
special education child, unless the parent authorizes a direct 19123
payment to the child's provider, upon application of that parent 19124
in the manner prescribed by the department. However, the 19125
department shall not adopt specific dates for application 19126
deadlines for scholarships under the program. 19127

Sec. 3310.521. (A) As a condition of receiving payments 19128
for a scholarship, each eligible applicant shall attest to 19129
receipt of the profile prescribed by division (B) of this 19130
section. Such attestation shall be made and submitted to the 19131
department of education and workforce in the form and manner as 19132
required by the department. 19133

(B) The alternative public provider or registered private 19134
provider that enrolls a qualified special education child shall 19135
submit in writing to the eligible applicant to whom a 19136
scholarship is awarded on behalf of that child a profile of the 19137
provider's special education program, in a form as prescribed by 19138

the department, that shall contain the following: 19139

(1) Methods of instruction that will be utilized by the 19140
provider to provide services to the qualified special education 19141
child; 19142

(2) Qualifications of teachers, instructors, and other 19143
persons who will be engaged by the provider to provide services 19144
to the qualified special education child. 19145

Sec. 3310.522. (A) In order to maintain eligibility for a 19146
scholarship, a student shall take each assessment prescribed by 19147
section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, 19148
as applicable, in accordance with section 3301.0711 of the 19149
Revised Code, unless one of the following applies to the 19150
student: 19151

(1) The student is excused from taking that assessment 19152
under federal law, the student's individualized education 19153
program, or division (C) (1) (c) (i) of section 3301.0711 of the 19154
Revised Code. 19155

(2) The student is enrolled in a chartered nonpublic 19156
school that meets the conditions specified in division (K) (2) or 19157
(L) (4) of section 3301.0711 of the Revised Code. 19158

(3) The student is enrolled in any of grades three to 19159
eight and takes an alternative standardized assessment under 19160
division (K) (1) of section 3301.0711 of the Revised Code or 19161
division (B) (3) of this section. 19162

(4) The student is excused from taking the assessment 19163
prescribed under division (B) (1) of section 3301.0712 of the 19164
Revised Code pursuant to division (C) (1) (c) (ii) of section 19165
3301.0711 of the Revised Code. 19166

(B) Each registered private provider that is not subject 19167
to division (K) (1) of section 3301.0711 of the Revised Code and 19168
enrolls a student who is awarded a scholarship shall administer 19169
each assessment prescribed by section 3301.0710, 3301.0712, or 19170
3313.619 of the Revised Code, as applicable, to that student in 19171
accordance with section 3301.0711 of the Revised Code, unless 19172
one of the following applies to the student: 19173

(1) The student is excused from taking that assessment 19174
under division (A) (1) of this section. 19175

(2) The student is enrolled in a chartered nonpublic 19176
school that meets the conditions specified in division (K) (2) or 19177
(L) (4) of section 3301.0711 of the Revised Code. 19178

(3) The student is enrolled in any of grades three to 19179
eight and the registered private provider administers an 19180
alternative standardized assessment determined by the department 19181
of education and workforce under division (K) (1) of section 19182
3301.0711 of the Revised Code to the student. 19183

(4) The student is excused from taking the assessment 19184
prescribed under division (B) (1) of section 3301.0712 of the 19185
Revised Code pursuant to division (C) (1) (c) (ii) of section 19186
3301.0711 of the Revised Code. 19187

The registered private provider shall report to the 19188
department the results of each assessment so administered under 19189
division (B) of this section. 19190

(C) Nothing in this section requires any chartered 19191
nonpublic school that is a registered private provider to 19192
administer any achievement assessment, except for an Ohio 19193
graduation test prescribed by division (B) (1) of section 19194
3301.0710 or the college and work ready assessment system 19195

prescribed by division (B) of section 3301.0712 of the Revised Code to any student enrolled in the school who is not a scholarship student.

Sec. 3310.53. (A) Except for development of the child's individualized education program, as specified in division (B) of this section, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, if different, are not obligated to provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private provider for which a scholarship is awarded under the Jon Peterson special needs scholarship program. If at any time, the eligible applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend school, that district shall provide the child with a free appropriate public education under Chapter 3323. of the Revised Code.

(B) Each eligible applicant and each qualified special education child have a continuing right to the development of an individualized education program for the child that complies with Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and administrative rules or guidelines adopted by the ~~Ohio~~ department of education and workforce or the United States department of education. The school district in which a qualified special education child is entitled to attend school, or the child's school district of residence if different, shall develop each individualized education program for the child in accordance with those provisions.

(C) Each school district shall notify an eligible applicant of the applicant's and qualified special education child's rights under sections 3310.51 to 3310.64 of the Revised Code by providing to each eligible applicant the comparison document prescribed in section 3323.052 of the Revised Code. An eligible applicant's receipt of that document, as acknowledged in a format prescribed by the department of education and workforce, shall constitute notice that the eligible applicant has been informed of those rights. Upon receipt of that document, subsequent acceptance of a scholarship constitutes the eligible applicant's informed consent to the provisions of sections 3310.51 to 3310.64 of the Revised Code.

Sec. 3310.58. No nonpublic school or entity shall receive payments from an eligible applicant for services for a qualified special education child under the Jon Peterson special needs scholarship program until the school or entity registers with the ~~superintendent of public instruction~~ department of education and workforce. The ~~superintendent~~ department shall register and designate as a registered private provider any nonpublic school or entity that meets the following requirements:

(A) The school or entity complies with the antidiscrimination provisions of 42 U.S.C. 2000d, regardless of whether the school or entity receives federal financial assistance.

(B) If the school or entity is not chartered by the ~~state board~~ director of education and workforce under section 3301.16 of the Revised Code, the school or entity agrees to comply with sections 3319.39, 3319.391, and 3319.392 of the Revised Code as if it were a school district.

(C) The teaching and nonteaching professionals employed by

the school or entity, or employed by any subcontractors of the 19257
school or entity, hold credentials determined by the state board 19258
of education to be appropriate for the qualified special 19259
education children enrolled in the special education program it 19260
operates. 19261

(D) The school's or entity's educational program shall be 19262
approved by the department ~~of education~~. 19263

(E) The school or entity meets applicable health and 19264
safety standards established by law. 19265

(F) The school or entity agrees to retain on file 19266
documentation as required by the department ~~of education~~. 19267

(G) The school or entity agrees to provide a record of the 19268
implementation of the individualized education program for each 19269
qualified special education child enrolled in the school's or 19270
entity's special education program, including evaluation of the 19271
child's progress, to the school district in which the child is 19272
entitled to attend school, in the form and manner prescribed by 19273
the department. 19274

(H) The school or entity agrees that, if it declines to 19275
enroll a particular qualified special education child, it will 19276
notify in writing the eligible applicant of its reasons for 19277
declining to enroll the child. 19278

Sec. 3310.59. The ~~superintendent of public instruction~~ 19279
department of education and workforce shall revoke the 19280
registration of any school or entity if, after a hearing, the 19281
~~superintendent~~ department determines that the school or entity 19282
is in violation of any provision of section 3310.522 or 3310.58 19283
of the Revised Code. 19284

Sec. 3310.62. (A) A scholarship under the Jon Peterson 19285

special needs scholarship program shall not be awarded for the 19286
first time to an eligible applicant on behalf of a qualified 19287
special education child while the child's individualized 19288
education program is being developed by the school district in 19289
which the child is entitled to attend school, or by the child's 19290
school district of residence if different, or while any 19291
administrative or judicial mediation or proceedings with respect 19292
to the content of that individualized education program are 19293
pending. 19294

(B) Development of individualized education programs 19295
subsequent to the one developed for the child the first time a 19296
scholarship was awarded on behalf of the child and the 19297
prosecuting, by the eligible applicant on behalf of the child, 19298
of administrative or judicial mediation or proceedings with 19299
respect to any of those subsequent individualized education 19300
programs do not affect the applicant's and the child's continued 19301
eligibility for scholarship payments. 19302

(C) In the case of any child for whom a scholarship has 19303
been awarded, if the school district in which the child is 19304
entitled to attend school has agreed to provide some services 19305
for the child under an agreement entered into with the eligible 19306
applicant or with the alternative public provider or registered 19307
private provider implementing the child's individualized 19308
education program, or if the district is required by law to 19309
provide some services for the child, including transportation 19310
services under sections 3310.60 and 3327.01 of the Revised Code, 19311
the district shall not discontinue the services it is providing 19312
pending completion of any administrative proceedings regarding 19313
those services. The prosecuting, by the eligible applicant on 19314
behalf of the child, of administrative proceedings regarding the 19315
services provided by the district does not affect the 19316

applicant's and the child's continued eligibility for 19317
scholarship payments. 19318

(D) The department of education and workforce shall 19319
continue to make payments to the eligible applicant under 19320
section 3317.022 of the Revised Code while either of the 19321
following are pending: 19322

(1) Administrative or judicial mediation or proceedings 19323
with respect to a subsequent individualized education program 19324
for the child referred to in division (B) of this section; 19325

(2) Administrative proceedings regarding services provided 19326
by the district under division (C) of this section. 19327

Sec. 3310.63. (A) Only for the purpose of administering 19328
the Jon Peterson special needs scholarship program, the 19329
department of education and workforce may request from any of 19330
the following entities the data verification code assigned under 19331
division (D)(2) of section 3301.0714 of the Revised Code to any 19332
qualified special education child for whom a scholarship is 19333
sought under the program: 19334

(1) The school district in which the child is entitled to 19335
attend school; 19336

(2) If applicable, the community school in which the child 19337
is enrolled; 19338

(3) The independent contractor engaged to create and 19339
maintain data verification codes. 19340

(B) Upon a request by the department under division (A) of 19341
this section for the data verification code of a qualified 19342
special education child or a request by the eligible applicant 19343
for the child for that code, the school district or community 19344

school shall submit that code to the department or applicant in 19345
the manner specified by the department. If the child has not 19346
been assigned a code, because the child will be entering 19347
kindergarten during the school year for which the scholarship is 19348
sought, the district shall assign a code to that child and 19349
submit the code to the department or applicant by a date 19350
specified by the department. If the district does not assign a 19351
code to the child by the specified date, the department shall 19352
assign a code to the child. 19353

The department annually shall submit to each school 19354
district the name and data verification code of each child 19355
residing in the district who is entering kindergarten, who has 19356
been awarded a scholarship under the program, and for whom the 19357
department has assigned a code under this division. 19358

(C) The department shall not release any data verification 19359
code that it receives under this section to any person except as 19360
provided by law. 19361

(D) Any document relative to the Jon Peterson special 19362
needs scholarship program that the department holds in its files 19363
that contains both a qualified special education child's name or 19364
other personally identifiable information and the child's data 19365
verification code shall not be a public record under section 19366
149.43 of the Revised Code. 19367

Sec. 3310.64. The ~~state board~~ department of education and 19368
workforce shall adopt rules in accordance with Chapter 119. of 19369
the Revised Code prescribing procedures necessary to implement 19370
sections 3310.51 to 3310.63 of the Revised Code including, but 19371
not limited to, procedures for parents to apply for 19372
scholarships, standards for registered private providers, and 19373
procedures for registration of private providers. 19374

Sec. 3310.70. (A) A student is an "eligible student" for 19375
purposes of this section if the student is at least six but no 19376
more than eighteen years old and the student's family income is 19377
at or below three hundred per cent of the federal poverty 19378
guidelines, as defined in section 5101.46 of the Revised Code. 19379

(B) (1) There is hereby established the afterschool child 19380
enrichment (ACE) educational savings account program. The 19381
department of education and workforce shall adopt rules under 19382
Chapter 119. of the Revised Code that prescribe procedures for 19383
the establishment of these accounts in fiscal years 2022 and 19384
2023 upon the request of the parent or guardian of an eligible 19385
student enrolled in a public or nonpublic school or an eligible 19386
student who has been excused from the compulsory attendance law 19387
for the purpose of home instruction under section 3321.04 of the 19388
Revised Code. Accounts shall be established on a first-come, 19389
first-served basis according to the availability of funds 19390
appropriated for purposes of this section. 19391

Accounts shall be used in accordance with division (E) of 19392
this section. Any balance remaining in a student's account after 19393
fiscal year 2023 shall remain in that account for use as 19394
prescribed in division (D) (3) of this section. 19395

(2) The department shall create an online form for parents 19396
and guardians to request the establishment of an account under 19397
this section. 19398

(C) (1) The department shall contract with a vendor for 19399
purposes of administering the provisions of this section and may 19400
contract with the treasurer of state for technical assistance. 19401
In selecting a vendor, the department shall give preference to 19402
those vendors who use a smart phone application that is free for 19403
parents or guardians to use, is capable of scanning receipts, 19404

allows users to provide program feedback, and includes customer 19405
service contact information for parents and guardians who 19406
experience technical issues with the application. For each 19407
fiscal year in which the program operates, the department shall 19408
pay the vendor not more than three per cent of the amount 19409
appropriated for that fiscal year for purposes of this section. 19410

(2) The vendor selected by the department under division 19411
(C) (2) of this section shall do both of the following: 19412

(a) Monitor how accounts are used by parents or guardians 19413
and recoup moneys that are used for purposes that are not 19414
authorized by this section as determined by the vendor; 19415

(b) Provide the department with a comprehensive list of 19416
purchases made with accounts. 19417

(3) At no time shall the vendor authorize parents or 19418
guardians to use moneys for purposes that are not authorized by 19419
this section as determined by the vendor. If the vendor 19420
authorizes parents or guardians to use moneys for a specified 19421
purpose and later determines that purpose is not authorized by 19422
this section, the vendor may recoup that money. 19423

(D) (1) If a parent or guardian makes a request under 19424
division (B) of this section during fiscal year 2022, five 19425
hundred dollars shall be credited to the account established 19426
pursuant to the parent's or guardian's request within fourteen 19427
days of the parent's or guardian's request, and that amount 19428
shall be disbursed upon request to the parent or guardian not 19429
later than June 30, 2022, for use in accordance with division 19430
(E) of this section. Any amount remaining in an account at the 19431
end of fiscal year 2022 shall remain in that account for fiscal 19432
year 2023 for use in accordance with division (E) of this 19433

section. 19434

(2) If a parent or guardian makes a request under division 19435
(B) of this section during fiscal year 2023, five hundred 19436
dollars shall be credited to the account established pursuant to 19437
the parent's or guardian's request within fourteen days of the 19438
parent's or guardian's request, and that amount shall be 19439
disbursed upon request to the parent or guardian not later than 19440
June 30, 2023, for use in accordance with division (E) of this 19441
section. If a parent or guardian had an account established for 19442
fiscal year 2022, that amount shall be credited and distributed 19443
to that account for use in accordance with division (E) of this 19444
section. 19445

(3) Any amount remaining in an account established under 19446
division (B) of this section at the end of fiscal year 2023 19447
shall remain in that account for use in accordance with division 19448
(E) of this section in future fiscal years until either the full 19449
amount has been spent or the student graduates from high school. 19450
Any amount remaining in the account of a student who graduates 19451
from high school shall be returned to the department. 19452

(E) Subject to division (F) of this section, moneys 19453
credited to an education savings account established under 19454
division (B) of this section shall be used by an eligible 19455
student's parent or guardian for any of the following purposes, 19456
whether secular or nonsecular: 19457

(1) Before- or after-school educational programs; 19458

(2) Day camps, including camps for academics, music, and 19459
arts; 19460

(3) Tuition at learning extension centers; 19461

(4) Tuition for learning pods; 19462

(5) If the student has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, purchase of curriculum and materials;	19463 19464 19465 19466
(6) Educational, learning, or study skills services;	19467
(7) Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees;	19468 19469 19470
(8) Language classes;	19471
(9) Instrument lessons;	19472
(10) Tutoring.	19473
(F) At no time shall moneys credited to an account established under division (B) of this section be used for the purchase of electronic devices.	19474 19475 19476
(G) The department shall make available to parents and guardians a list of the purposes for which moneys credited to an account established under division (B) of this section may be spent in accordance with division (E) of this section.	19477 19478 19479 19480
(H) Not later than December 31, 2023, the department shall prepare a report regarding the administration of this section, including feedback from a random sampling of parents and guardians who participate in the program for fiscal year 2022, fiscal year 2023, or both and submit the report to the general assembly in accordance with section 101.68 of the Revised Code.	19481 19482 19483 19484 19485 19486
Sec. 3311.056. The elected members of an educational service center governing board may by resolution adopt a plan for adding appointed members to that governing board. A plan may provide for adding to the board a number of appointed members	19487 19488 19489 19490

that is up to one less than the number of elected members on the 19491
board except that the total number of elected and appointed 19492
board members shall be an odd number. A plan shall provide for 19493
the terms of the appointed board members. The appointed board 19494
members in each plan shall be appointed by a majority vote of 19495
the full number of elected members on the board and vacancies 19496
shall be filled as provided in the plan. Each plan shall specify 19497
the qualifications for the appointed board members of an 19498
educational service center including the experience, knowledge, 19499
and skills that advance the mission and vision of the service 19500
center. Appointed members may be representative of the client 19501
school districts of the service center that are not otherwise 19502
represented on the board. As used in this section, "client 19503
school district" has the same meaning as in section 3311.0510 of 19504
the Revised Code. 19505

A governing board adopting a plan under this section shall 19506
submit the plan to the ~~state board~~ department of education and 19507
workforce for approval. The ~~state board~~ department may approve 19508
or disapprove a plan or make recommendations for modifications 19509
in a plan. A plan shall take effect thirty days after approval 19510
by the ~~state board~~ department and, when effective, appointments 19511
to the board shall be made in accordance with the plan. 19512

The elected members of the governing board of an 19513
educational service center with a plan in effect under this 19514
section may adopt, by unanimous vote of all the elected members, 19515
a resolution to revise or rescind the plan in effect under this 19516
section. All revisions shall comply with the requirements in 19517
this section for appointed board members. A resolution revising 19518
or rescinding a plan shall specify the dates and manner in which 19519
the revision or rescission is to take place. The revision or 19520
rescission of a plan shall be submitted to the ~~state board of~~ 19521

~~education department~~ for approval. The ~~state board department~~ 19522
may approve or disapprove a revision or rescission of a plan or 19523
make recommendations for modifications. Upon approval of a 19524
revision or rescission by the ~~state board department~~, the 19525
revised plan or rescission of the plan shall go into effect as 19526
provided in the revision or rescission. 19527

Sec. 3311.08. The board of education of any local school 19528
district which contains within its territorial boundaries: 19529

(A) All the territory lying within the corporate limits of 19530
a village having a population of three thousand or more 19531
according to the last federal census; 19532

(B) All the territory lying within the corporate limits of 19533
a village having a population of two thousand or more according 19534
to the last federal census and a population outside the 19535
corporate limits of said village, as determined by a census 19536
taken by such board, sufficient to make the total population of 19537
such district three thousand or more, may, by a majority vote of 19538
the full membership of such board, declare that such district be 19539
exempt from the supervision of the governing board of the 19540
educational service center. 19541

When the board of education of a local school district 19542
notifies the governing board of the educational service center 19543
on or before the first day of May in any year, that it has 19544
adopted, by a majority vote of its full membership, a 19545
declaration that such local school district shall be exempt from 19546
the supervision of the educational service center governing 19547
board, such local school district shall be exempt from the 19548
supervision of the educational service center governing board 19549
for the school year commencing the first day of July following 19550
the date of such notification. 19551

The local school district so exempted from the supervision 19552
of the educational service center governing board shall be known 19553
as an "exempted village school district" until its status as an 19554
exempted village school district has been changed. 19555

A census taken by the board of a local school district, of 19556
territory outside the corporate limits of a village, shall be 19557
taken by persons appointed by such board. Each person so 19558
appointed shall take an oath or affirmation to take such a 19559
census accurately and shall make the return under oath to the 19560
treasurer of the board. The treasurer shall send certified 19561
copies of such census to the county auditor and to the 19562
~~superintendent of public instruction~~director of education and 19563
workforce. Such census shall be approved by the ~~superintendent-~~ 19564
director before the school district is deemed to have sufficient 19565
population to meet the requirements of an exempted village 19566
school district. 19567

Sec. 3311.16. Any local, exempted village, or city board 19568
of education, any educational service center governing board, or 19569
any combination of boards of such districts and centers, 19570
referred to in sections 3311.16, 3311.17, and 3311.18 of the 19571
Revised Code as the initiating unit, may make or contract for 19572
the making of a study pertaining to the need to establish within 19573
one county, or within an area comprised of two or more adjoining 19574
counties, a joint vocational school district, and for the 19575
preparation of a plan for the establishment and operation of a 19576
joint vocational school district covering the territory of two 19577
or more school districts within such county or counties. Any 19578
local, exempted village, or city school district in the county 19579
or counties may participate with the initiating unit in the cost 19580
of such study and plan. Such plan shall be submitted to the 19581
~~state board~~department of education and workforce by the 19582

initiating unit. 19583

Sec. 3311.17. On approval of the plan by the ~~state board~~ 19584
department of education and workforce, the initiating unit shall 19585
file a copy of such plan with the board of education of each 19586
district whose territory is proposed to be included in the 19587
proposed joint vocational school district. Within thirty days 19588
after receiving such copy, such board of education shall 19589
determine whether its district shall become a part of the 19590
proposed joint vocational school district. If one or more boards 19591
of education decide not to become a part of such proposed 19592
district, a revised plan shall be prepared by the initiating 19593
unit, and if such revised plan is approved by the ~~state board of~~ 19594
education department, such initiating unit shall file the revised 19595
plan with the board of education of each district whose 19596
territory is proposed to be included in the proposed joint 19597
vocational school district. Within thirty days thereafter, each 19598
such district shall determine whether its district shall become 19599
a part of the proposed joint vocational school district. 19600

Sec. 3311.19. (A) The management and control of a joint 19601
vocational school district shall be vested in the joint 19602
vocational school district board of education which, beginning 19603
on September 29, 2013, shall be appointed under division (C) of 19604
this section. 19605

All members of a joint vocational school district board 19606
serving unexpired terms on September 29, 2013, may continue in 19607
office until the expiration of their terms. If a member leaves 19608
office for any reason prior to the expiration of that member's 19609
term, the vacancy shall be filled only in the manner provided in 19610
division (C) of this section. 19611

(B) Except as provided in section 3311.191 of the Revised 19612

Code, members of the joint vocational school district board 19613
appointed on or after September 29, 2013, shall serve for three- 19614
year terms of office. 19615

(C) The manner of appointment and the total number of 19616
members appointed to the joint vocational school district board 19617
shall be in accordance with the most recent plan for the joint 19618
vocational school district on file with the department of 19619
education and workforce. 19620

(1) Appointments under this section shall be made as the 19621
terms of members of each joint vocational school district board 19622
who are serving unexpired terms on September 29, 2013, expire or 19623
as those offices are otherwise vacated prior to the expiration 19624
date. 19625

(2) Members of the joint vocational board shall be 19626
appointed by the member school district boards of education. 19627
Members of a joint vocational school district board may either 19628
be a current elected board member of a school district board 19629
that is a member of the joint vocational school district or an 19630
individual who has experience or knowledge regarding the labor 19631
needs of the state and region with an understanding of the 19632
skills, training, and education needed for current and future 19633
employment opportunities in the state. The appointing board may 19634
give preference to individuals who have served as members on a 19635
joint vocational school business advisory committee. 19636

(D) The vocational schools in the joint vocational school 19637
district shall be available to all youth of school age within 19638
the joint vocational school district subject to the rules 19639
adopted by the joint vocational school district board of 19640
education in regard to the standards requisite to admission. A 19641
joint vocational school district board of education shall have 19642

the same powers, duties, and authority for the management and 19643
operation of such joint vocational school district as is granted 19644
by law, except by this chapter and Chapters 124., 3317., 3323., 19645
and 3331. of the Revised Code, to a board of education of a city 19646
school district, and shall be subject to all the provisions of 19647
law that apply to a city school district, except such provisions 19648
in this chapter and Chapters 124., 3317., 3323., and 3331. of 19649
the Revised Code. 19650

(E) The superintendent of schools of a joint vocational 19651
school district shall exercise the duties and authority vested 19652
by law in a superintendent of schools pertaining to the 19653
operation of a school district and the employment and 19654
supervision of its personnel. The joint vocational school 19655
district board of education shall appoint a treasurer of the 19656
joint vocational school district who shall be the fiscal officer 19657
for such district and who shall have all the powers, duties, and 19658
authority vested by law in a treasurer of a board of education. 19659

(F) Each member of a joint vocational school district 19660
board of education may be paid such compensation as the board 19661
provides by resolution, but it shall not exceed one hundred 19662
twenty-five dollars per member for each meeting attended plus 19663
mileage, at the rate per mile provided by resolution of the 19664
board, to and from meetings of the board. 19665

The board may provide by resolution for the deduction of 19666
amounts payable for benefits under section 3313.202 of the 19667
Revised Code. 19668

Each member of a joint vocational school district board 19669
may be paid such compensation as the board provides by 19670
resolution for attendance at an approved training program, 19671
provided that such compensation shall not exceed sixty dollars 19672

per day for attendance at a training program three hours or 19673
fewer in length and one hundred twenty-five dollars a day for 19674
attendance at a training program longer than three hours in 19675
length. However, no board member shall be compensated for the 19676
same training program under this section and section 3313.12 of 19677
the Revised Code. 19678

Sec. 3311.191. (A) (1) Subject to division (A) (2) of this 19679
section, if a joint vocational school district has an even 19680
number of member districts each appointing a member to the joint 19681
vocational school district board of education and the joint 19682
vocational school district's plan on file with the department of 19683
education and workforce provides for one additional board member 19684
to be appointed on a rotating basis by one of the appointing 19685
boards, the term of that additional member shall be for one 19686
year. The additional member shall otherwise meet the 19687
requirements for joint vocational school board members 19688
prescribed by section 3311.19 of the Revised Code. 19689

(2) If an additional member of a joint vocational school 19690
district board appointed on a rotating basis, as described in 19691
division (A) (1) of this section, was appointed on or after 19692
September 29, 2013, but prior to September 29, 2015, that member 19693
may continue in office until the expiration of the member's 19694
current term of office. If such member vacates that office for 19695
any reason prior to the expiration of that member's term, a new 19696
additional member shall be appointed according to the rotational 19697
basis prescribed by the district's plan, and that member shall 19698
serve for the remainder of the vacating member's term. 19699
Thereafter, the term of office of the additional member shall be 19700
as prescribed by division (A) (1) of this section. 19701

(B) A joint vocational school district board of education 19702

may submit an application to the ~~superintendent of public~~ 19703
~~instruction department~~ for approval to revise its membership 19704
plan to stagger the members' terms of office. Each board may do 19705
so only one time. The application shall include the revisions 19706
proposed to be made to members' terms, the manner by which the 19707
terms shall be staggered, and any other information the ~~state~~ 19708
~~superintendent department~~ requires. 19709

Sec. 3311.213. (A) With the approval of the board of 19710
education of a joint vocational school district that is in 19711
existence, any school district in the county or counties 19712
comprising the joint vocational school district or any school 19713
district in a county adjacent to a county comprising part of a 19714
joint vocational school district may become a part of the joint 19715
vocational school district. On the adoption of a resolution of 19716
approval by the board of education of the joint vocational 19717
school district, it shall advertise a copy of such resolution in 19718
a newspaper of general circulation in the school district 19719
proposing to become a part of such joint vocational school 19720
district once each week for two weeks, or as provided in section 19721
7.16 of the Revised Code, immediately following the date of the 19722
adoption of such resolution. Such resolution shall not become 19723
effective until the later of the sixty-first day after its 19724
adoption or until the board of elections certifies the results 19725
of an election in favor of joining of the school district to the 19726
joint vocational school district if such an election is held 19727
under division (B) of this section. 19728

(B) During the sixty-day period following the date of the 19729
adoption of a resolution to join a school district to a joint 19730
vocational school district under division (A) of this section, 19731
the electors of the school district that proposes joining the 19732
joint vocational school district may petition for a referendum 19733

vote on the resolution. The question whether to approve or 19734
disapprove the resolution shall be submitted to the electors of 19735
such school district if a number of qualified electors equal to 19736
twenty per cent of the number of electors in the school district 19737
who voted for the office of governor at the most recent general 19738
election for that office sign a petition asking that the 19739
question of whether the resolution shall be disapproved be 19740
submitted to the electors. The petition shall be filed with the 19741
board of elections of the county in which the school district is 19742
located. If the school district is located in more than one 19743
county, the petition shall be filed with the board of elections 19744
of the county in which the majority of the territory of the 19745
school district is located. The board shall certify the validity 19746
and sufficiency of the signatures on the petition. 19747

The board of elections shall immediately notify the board 19748
of education of the joint vocational school district and the 19749
board of education of the school district that proposes joining 19750
the joint vocational school district that the petition has been 19751
filed. 19752

The effect of the resolution shall be stayed until the 19753
board of elections certifies the validity and sufficiency of the 19754
signatures on the petition. If the board of elections determines 19755
that the petition does not contain a sufficient number of valid 19756
signatures and sixty days have passed since the adoption of the 19757
resolution, the resolution shall become effective. 19758

If the board of elections certifies that the petition 19759
contains a sufficient number of valid signatures, the board 19760
shall submit the question to the qualified electors of the 19761
school district on the day of the next general or primary 19762
election held at least ninety days after but no later than six 19763

months after the board of elections certifies the validity and 19764
sufficiency of signatures on the petition. If there is no 19765
general or primary election held at least ninety days after but 19766
no later than six months after the board of elections certifies 19767
the validity and sufficiency of signatures on the petition, the 19768
board shall submit the question to the electors at a special 19769
election to be held on the next day specified for special 19770
elections in division (D) of section 3501.01 of the Revised Code 19771
that occurs at least ninety days after the board certifies the 19772
validity and sufficiency of signatures on the petition. The 19773
election shall be conducted and canvassed and the results shall 19774
be certified in the same manner as in regular elections for the 19775
election of members of a board of education. 19776

If a majority of the electors voting on the question 19777
disapprove the resolution, the resolution shall not become 19778
effective. 19779

(C) If the resolution becomes effective, the board of 19780
education of the joint vocational school district shall notify 19781
the county auditor of the county in which the school district 19782
becoming a part of the joint vocational school district is 19783
located, who shall thereupon have any outstanding levy for 19784
building purposes, bond retirement, or current expenses in force 19785
in the joint vocational school district spread over the 19786
territory of the school district becoming a part of the joint 19787
vocational school district. On the addition of a city or 19788
exempted village school district or an educational service 19789
center to the joint vocational school district, pursuant to this 19790
section, the board of education of such joint vocational school 19791
district shall submit to the ~~state board~~ department of education 19792
and workforce a proposal to enlarge the membership of such board 19793
by the addition of one or more persons at least one of whom 19794

shall be a member of the board of education or governing board 19795
of such additional school district or educational service 19796
center, and the term of each such additional member. On the 19797
addition of a local school district to the joint vocational 19798
school district, pursuant to this section, the board of 19799
education of such joint vocational school district may submit to 19800
the ~~state board of education department~~ a proposal to enlarge 19801
the membership of such board by the addition of one or more 19802
persons who are members of the educational service center 19803
governing board of such additional local school district. On 19804
approval by the ~~state board of education department~~ additional 19805
members shall be added to such joint vocational school district 19806
board of education. 19807

Sec. 3311.214. (A) With the approval of the ~~state board-~~ 19808
~~department~~ of education and workforce, the boards of education 19809
of any two or more joint vocational school districts may, by the 19810
adoption of identical resolutions by a majority of the members 19811
of each such board, propose that one new joint vocational school 19812
district be created by adding together all of the territory of 19813
each of the districts and dissolving such districts. A copy of 19814
each resolution shall be filed with the ~~state board of education-~~ 19815
~~department~~ for its approval or disapproval. The resolutions 19816
shall include a provision that the board of education of the new 19817
district shall be composed of the members from the same boards 19818
of education that composed the membership of the board of each 19819
of the districts to be dissolved, except that, if an even number 19820
of districts are to be dissolved, one additional member shall be 19821
added, who may be from any school district included in the 19822
territory of any of the districts to be dissolved as designated 19823
in the resolutions. The members of the new board shall have the 19824
same terms of office as they had under the respective plans of 19825

the districts adopting the resolutions, except that, if the new board has an additional member, the additional member shall have a term as specified in the resolutions.

If the ~~state board~~ department approves the resolutions, the board of education of each district to be dissolved shall advertise a copy of the resolution in a newspaper of general circulation in its district once each week for two weeks, or as provided in section 7.16 of the Revised Code, immediately following the date the resolutions are approved by the ~~state board~~ department. The resolutions shall become effective on the first day of July next succeeding the sixtieth day following approval by the ~~state board~~ department unless prior to the expiration of such sixty-day period, qualified electors residing in one of the districts to be dissolved equal in number to a majority of the qualified electors of that district voting at the last general election file with the ~~state board~~ department a petition of remonstrance against creation of the proposed new district.

(B) When a resolution becomes effective under division (A) of this section, each district in which a resolution was adopted and the board of each such district are dissolved. The territory of each dissolved district becomes a part of the new joint vocational school district. The net indebtedness of each dissolved district shall be assumed in full by the new district and the funds and property of each dissolved district shall become in full the funds and property of the new district. All existing contracts of each dissolved board shall be honored by the board of the new district until their expiration dates. The board of the new district shall notify the county auditor of each county in which each dissolved district was located that a resolution has become effective and a new district has been

created and shall certify to each auditor any changes that might 19857
be required in the tax rate as a result of the creation of the 19858
new district. 19859

(C) As used in this section, "net indebtedness" means the 19860
difference between the par value of the outstanding and unpaid 19861
bonds and notes of the school district and the amount held in 19862
the sinking fund and other indebtedness retirement funds for 19863
their redemption. 19864

Sec. 3311.217. Upon approval by a majority of the full 19865
membership of the board of education of a joint vocational 19866
school district, or upon the receipt of resolutions formally 19867
adopted by a majority of the boards of education of the school 19868
districts participating in the joint vocational school district, 19869
the board of education of the joint vocational school district 19870
shall adopt and send to the ~~state board~~ department of education 19871
and workforce a resolution requesting the dissolution of the 19872
joint vocational school district. Such resolution shall state 19873
the reasons for the proposed dissolution of the joint vocational 19874
school district, shall set forth a plan for the equitable 19875
adjustment, division, and disposition of the assets, property, 19876
debts, and obligations of the joint vocational school district, 19877
and shall provide that the tax duplicate of each participating 19878
school district shall be bound for and assume its share of the 19879
outstanding indebtedness of the joint vocational school 19880
district. Upon approval of the resolution by the ~~state board of~~ 19881
~~education~~ department, the joint vocational school district shall 19882
be dissolved in accordance with the provisions of the 19883
resolution. 19884

Sec. 3311.218. The board of education of a joint 19885
vocational school district may enter into a written agreement 19886

with the board of trustees of any technical college district, 19887
the boundaries of which are coterminous with such joint 19888
vocational ~~school~~ school district, which agreement may provide 19889
for the sharing of use of any physical facility or equipment 19890
owned or used by either district. Such agreement may further 19891
provide that the joint vocational school district may contribute 19892
a portion of its funds for current operating expenses, 19893
regardless of whether such funds are derived from a tax levy or 19894
otherwise, to the technical college district to be expended by 19895
the technical college district for any lawful purpose. The 19896
agreement shall require the approval by resolution of both 19897
boards and shall be executed by the president and treasurer of 19898
both boards. A copy of such agreement shall be filed with the 19899
~~board of regents~~ chancellor of higher education and a copy shall 19900
be filed with the ~~state board~~ department of education and 19901
workforce. 19902

Sec. 3311.521. (A) The boards of education of any two or 19903
more contiguous city, exempted village, or local school 19904
districts may establish a cooperative education school district 19905
in accordance with this section for the purpose of operating a 19906
joint high school in lieu of each of such boards operating any 19907
high school. Such a cooperative education school district shall 19908
only be established pursuant to the adoption of identical 19909
resolutions in accordance with this section within a sixty-day 19910
period by a majority of the members of the board of education of 19911
all such boards. Upon the adoption of all such resolutions, a 19912
copy of each resolution shall be filed with the ~~state board~~ 19913
department of education and workforce. 19914

The territory of any cooperative education school district 19915
established pursuant to this section shall consist of the 19916
territory of all of the school districts whose boards of 19917

education adopt identical resolutions under this section. 19918

(B) Any resolutions adopted under division (A) of this 19919
section shall include all of the following: 19920

(1) Provision for the date on which the cooperative 19921
district will be created, which date shall be the first day of 19922
July in the year specified in the resolution; 19923

(2) Provision for the composition, selection, and terms of 19924
office of the board of education of the cooperative district, 19925
which provision shall include but not necessarily be limited to 19926
both of the following: 19927

(a) A requirement that the board include at least two 19928
members selected from or by the members of the board of 19929
education of each city, local, and exempted village school 19930
district within the territory of the cooperative district; 19931

(b) Specification of the date by which the initial members 19932
of the board must be selected, which date shall be the same as 19933
the date specified pursuant to division (B)(1) of this section. 19934

(3) Provision for the selection of a superintendent and 19935
treasurer of the cooperative school district, which provision 19936
shall require one of the following: 19937

(a) The selection of one person as both the superintendent 19938
and treasurer of the cooperative district, which provision may 19939
require such person to be the superintendent or treasurer of any 19940
city, local, or exempted village school district within the 19941
territory of the cooperative district; 19942

(b) The selection of one person as the superintendent and 19943
another person as the treasurer of the cooperative district, 19944
which provision may require either one or both such persons to 19945

be superintendents or treasurers of any city, local, or exempted
village school district within the territory of the cooperative
district. 19946
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(4) A statement of the high school education program the
board of education of the cooperative education school district
will conduct in lieu of any high school education program being
operated by the boards of education of the city, local, and
exempted village school districts within the territory of the
cooperative district, which statement shall include but not
necessarily be limited to the high school grade levels to be
operated in the program, the timetable for commencing operation
of the program, and the facilities proposed to be used or
constructed to be used by the program; 19949
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(5) A statement that the boards of education of the city,
local, and exempted village school districts within the
territory of the cooperative district will not operate any high
school education program for the grade levels operated by the
cooperative district; 19959
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(6) A statement of how special education and related
services will be provided in accordance with Chapter 3323. of
the Revised Code to the children with disabilities who are
identified by each city, exempted village, or local school
district with territory in the cooperative district and who are
in the grade levels to be operated by the cooperative district; 19964
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(7) A statement of how transportation of students to and
from school will be provided in the cooperative district, which
statement shall include but not be necessarily limited to both
of the following: 19970
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19973

(a) How special education students will be transported as 19974

required by their individualized education program adopted 19975
pursuant to section 3323.08 of the Revised Code; 19976

(b) Whether transportation to and from school will be 19977
provided to any other students of the cooperative district and, 19978
if so, the manner in which this transportation will be provided. 19979

(8) A statement of the annual amount, or the method for 19980
determining the annual amount, of funds or services or 19981
facilities that each city, local, and exempted village school 19982
district is required to pay to or provide for the use of the 19983
board of education of the cooperative education school district; 19984

(9) Provision for adopting amendments to the provisions 19985
adopted pursuant to divisions (B) (3) to (8) of this section, 19986
which provision shall require that any such amendments comply 19987
with divisions (B) (3) to (8) of this section. 19988

(C) Upon the adoption of identical resolutions in 19989
accordance with this section, the cooperative education school 19990
district and board of education of that district specified in 19991
and selected in accordance with such resolutions shall be 19992
established on the date specified in the resolutions. Upon the 19993
establishment of the district and board, the board of the 19994
cooperative district shall give written notice of the creation 19995
of the district to the county auditor and the board of elections 19996
of each county having any territory in the new district. 19997

Sec. 3311.53. (A) (1) The board of education of any city, 19998
local, or exempted village school district that wishes to become 19999
part of a cooperative education school district established 20000
pursuant to divisions (A) to (C) of section 3311.52 of the 20001
Revised Code may adopt a resolution proposing to become a part 20002
of the cooperative education school district. 20003

(2) The board of education of any city, local, or exempted village school district that is contiguous to a cooperative education school district established pursuant to section 3311.521 of the Revised Code and that wishes to become part of that cooperative district may adopt a resolution proposing to become part of that cooperative district.

(B) If, after the adoption of a resolution in accordance with division (A) of this section, the board of education of the cooperative education school district named in that resolution also adopts a resolution accepting the new district, the board of the district wishing to become part of the cooperative district shall advertise a copy of the cooperative district board's resolution in a newspaper of general circulation in the school district proposing to become a part of the cooperative education school district once each week for two weeks, or as provided in section 7.16 of the Revised Code, immediately following the date of the adoption of the resolution. The resolution shall become legally effective on the sixtieth day after its adoption, unless prior to the expiration of that sixty-day period qualified electors residing in the school district proposed to become a part of the cooperative education school district equal in number to a majority of the qualified electors voting at the last general election file with the board of education a petition of remonstrance against the transfer. If the resolution becomes legally effective, both of the following shall apply:

(1) The resolution that established the cooperative education school district pursuant to divisions (A) to (C) of section 3311.52 or section 3311.521 of the Revised Code shall be amended to reflect the addition of the new district to the cooperative district.

(2) The board of education of the cooperative education school district shall give written notice of this fact to the county auditor and the board of elections of each county in which the school district becoming a part of the cooperative education school district has territory. Any such county auditor shall thereupon have any outstanding levy for building purposes, bond retirement, or current expenses in force in the cooperative education school district spread over the territory of the school district becoming a part of the cooperative education school district.

(C) If the board of education of the cooperative education school district is not the governing board of an educational service center, the board of education of the cooperative education school district shall, on the addition of a city, local, or exempted village school district to the district pursuant to this section, submit to the ~~state board department~~ of education and workforce a proposal to enlarge the membership of the board. In the case of a cooperative district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code, the proposal shall add one or more persons to the district's board, at least one of whom shall be a member of or selected by the board of education of the additional school district, and shall specify the term of each such additional member. In the case of a cooperative district established pursuant to section 3311.521 of the Revised Code, the proposal shall add two or more persons to the district's board, at least two of whom shall be a member of or selected by the board of education of the additional school district, and shall specify the term of each such additional member. On approval by the ~~state board of education department~~, the additional members shall be added to the cooperative education school district

board of education. 20066

Sec. 3311.60. This section applies to any school district 20067
that has an average daily membership, as reported under division 20068
(A) of section 3317.03 of the Revised Code, greater than sixty 20069
thousand and of which the majority of the district's territory 20070
is located in a city with a population greater than seven 20071
hundred thousand according to the most recent federal decennial 20072
census. 20073

(A) Subject to approval by the electors under section 20074
3311.61 of the Revised Code, the board of education of a school 20075
district to which this section applies shall create the position 20076
of independent auditor to be responsible for all internal 20077
auditing functions of the district. The independent auditor 20078
shall be selected by the selection committee prescribed by 20079
division (B) of this section. Upon selection of the independent 20080
auditor, the district board shall execute a written contract of 20081
employment with the independent auditor. The district board 20082
shall appropriate funds to support the operations and functions 20083
of the independent auditor and shall grant the independent 20084
auditor access to all district personnel, equipment, and records 20085
necessary to perform the duties prescribed by divisions (C) and 20086
(D) of this section. The term of office for the independent 20087
auditor shall be for five years and may be renewed for 20088
additional terms by the selection committee. 20089

(B) (1) The independent auditor selection committee shall 20090
consist of the mayor, council president, and auditor of the city 20091
in which a majority of the territory of the district is located; 20092
the president of the school district board of education; and the 20093
probate court judge of the county in which a majority of the 20094
territory of the district is located. Members of the selection 20095

committee shall serve without compensation.	20096
(2) The selection committee shall do the following:	20097
(a) Establish qualifications for the position of independent auditor;	20098 20099
(b) Select, by majority vote, an individual to serve as the independent auditor;	20100 20101
(c) Recommend to the district board of education the compensation for the position of independent auditor and the necessary additional funds to finance operations and functions of the independent auditor;	20102 20103 20104 20105
(d) Reappoint the independent auditor for an additional term, by a majority vote of the selection committee members;	20106 20107
(e) Appoint a successor, if the current independent auditor is not reappointed, by a majority vote of the committee members;	20108 20109 20110
(f) In the event of a vacancy in the office of independent auditor, appoint a successor to the balance of the unexpired term, by a majority vote of the selection committee members;	20111 20112 20113
(g) Remove the independent auditor from office, by a two-thirds vote of the selection committee members.	20114 20115
(C) The independent auditor shall do the following:	20116
(1) Recommend to the district board of education the employment of personnel necessary to carry out the activities of the independent auditor;	20117 20118 20119
(2) Prescribe duties and qualifications for staff of the independent auditor;	20120 20121
(3) Serve as the district's public records officer and	20122

oversee the maintenance and availability of the school	20123
district's public documents;	20124
(4) Prior to certification by the school district	20125
superintendent, review reports and data that must be submitted	20126
to the department of education and the state board of education	20127
<u>and workforce</u> ;	20128
(5) Receive any complaints of alleged wrongful or illegal	20129
acts regarding the district's operations, finances, and data	20130
reported under the education management information system	20131
prescribed under section 3301.0714 of the Revised Code and	20132
supervise the internal investigation of those complaints. At the	20133
independent auditor's discretion, the independent auditor may	20134
initiate investigations.	20135
(6) Report the results of investigations of such wrongful	20136
or illegal acts, whether criminal in nature or otherwise, to the	20137
appropriate authorities or agencies, including the school	20138
district board of education, the city attorney of the city in	20139
which a majority of the territory of the district is located,	20140
the prosecuting attorney of the county in which a majority of	20141
the territory of the district is located, the auditor of state,	20142
the department of education <u>and workforce</u> , and the Ohio ethics	20143
commission;	20144
(7) Propose to the selection committee a budget to support	20145
the independent auditor's operations and functions;	20146
(8) Audit funds a partnering community school receives	20147
from the district's partnering community schools fund	20148
established under section 5705.21 of the Revised Code;	20149
(9) Submit, not later than the first day of September of	20150
each year, a report on the activities of the independent auditor	20151

to the selection committee, the board of education of the school district, and the general assembly in accordance with section 101.68 of the Revised Code. The report required under division ~~(C) (8)~~ (C) (9) of this section is a public record under section 149.43 of the Revised Code.

If sufficient funds are available, the independent auditor may obtain the services of certified public accountants, qualified management consultants, or other professional experts necessary to perform the duties prescribed under divisions (C) and (D) of this section.

(D) In cooperation with the school district board of education and in coordination with the auditor of state, the independent auditor may conduct or initiate financial and performance audits and analyses of the school district to ensure the following:

(1) School district activities and programs comply with all applicable laws and district policies, procedures, and appropriations;

(2) Student performance and enrollment data are accurately and clearly reported;

(3) Ballot requests to levy a tax are based on accurate analysis and the needs of the district;

(4) Individual contracts of the district are consistent with the policies, procedures, budgets, and financial plans adopted by the district board;

(5) Incentive-based distributions and plans are consistent with the objectives adopted by the district board;

(6) District operations are executed in a cost-effective

and efficient manner consistent with the objectives of and 20180
appropriations made by the district board; 20181

(7) Accuracy of district financial statements and reports; 20182

(8) Recommendations for improvement that have been adopted 20183
by the district board are implemented; 20184

(9) Operating units or departments have necessary and 20185
appropriate operating and administrative policies, procedures, 20186
internal controls, and data quality protocols; 20187

(10) Proper evaluation of district programs and 20188
activities, including a full accounting of all funds. 20189

Sec. 3311.71. (A) As used in this section and in sections 20190
3311.72 to 3311.87 of the Revised Code: 20191

(1) "Municipal school district" means a school district 20192
that is or has ever been under a federal court order requiring 20193
supervision and operational, fiscal, and personnel management of 20194
the district by the ~~state~~ superintendent of public instruction 20195
prior to the effective date of this amendment or by the director 20196
of education and workforce on and after the effective date of 20197
this amendment. 20198

(2) "Mayor" means the mayor of the municipal corporation 20199
containing the greatest portion of a municipal school district's 20200
territory. 20201

(B) Whenever any municipal school district is released by 20202
a federal court from an order requiring supervision and 20203
operational, fiscal, and personnel management of the district by 20204
the state superintendent or director of education and workforce, 20205
the management and control of that district shall be assumed, 20206
effective immediately, by a new nine-member board of education. 20207

Members of the new board shall be appointed by the mayor, who 20208
shall also designate one member as the chairperson of the board. 20209
In addition to the rights, authority, and duties conferred upon 20210
the chairperson by sections 3311.71 to 3311.87 of the Revised 20211
Code, the chairperson shall have all the rights, authority, and 20212
duties conferred upon the president of a board of education by 20213
the Revised Code that are not inconsistent with sections 3311.71 20214
to 3311.87 of the Revised Code. 20215

(C) No school board member shall be appointed by the mayor 20216
pursuant to division (B) of this section until the mayor has 20217
received a slate of at least eighteen candidates nominated by a 20218
municipal school district nominating panel, at least three of 20219
whom reside in the municipal school district but not in the 20220
municipal corporation containing the greatest portion of the 20221
district's territory. The municipal school district nominating 20222
panel shall be initially convened and chaired by the state 20223
~~superintendent of public instruction~~ or director, who shall 20224
serve as a nonvoting member for the first two years of the 20225
panel's existence, and shall consist of eleven persons selected 20226
as follows: 20227

(1) Three parents or guardians of children attending the 20228
schools of the municipal school district appointed by the 20229
district parent-teacher association, or similar organization 20230
selected by the state superintendent or director; 20231

(2) Three persons appointed by the mayor; 20232

(3) One person appointed by the president of the 20233
legislative body of the municipal corporation containing the 20234
greatest portion of the municipal school district's territory; 20235

(4) One teacher appointed by the collective bargaining 20236

representative of the school district's teachers; 20237

(5) One principal appointed through a vote of the school 20238
district's principals, which vote shall be conducted by the 20239
state superintendent or director; 20240

(6) One representative of the business community appointed 20241
by an organized collective business entity selected by the 20242
mayor; 20243

(7) One president of a public or private institution of 20244
higher education located within the municipal school district 20245
appointed by the state superintendent ~~of public instruction~~ or 20246
director. 20247

The municipal school district nominating panel shall 20248
select one of its members as its chairperson commencing two 20249
years after the date of the first meeting of the panel, at which 20250
time the state superintendent ~~of public instruction~~ or director 20251
shall no longer convene or chair the panel. Thereafter, the 20252
panel shall meet as necessary to make nominations at the call of 20253
the chairperson. All members of the panel shall serve at the 20254
pleasure of the appointing authority. Vacancies on the panel 20255
shall be filled in the same manner as the initial appointments. 20256

(D) No individual shall be appointed by the mayor pursuant 20257
to division (B) or (F) of this section unless the individual has 20258
been nominated by the nominating panel, resides in the school 20259
district, and holds no elected public office. At any given time, 20260
four of the nine members appointed by the mayor to serve on the 20261
board pursuant to either division (B) or (F) of this section 20262
shall have displayed, prior to appointment, significant 20263
expertise in either the education field, finance, or business 20264
management. At all times at least one member of the board shall 20265

be an individual who resides in the municipal school district 20266
but not in the municipal corporation containing the greatest 20267
portion of the district's territory. 20268

(E) The terms of office of all members appointed by the 20269
mayor pursuant to division (B) of this section shall expire on 20270
the next thirtieth day of June following the referendum election 20271
required by section 3311.73 of the Revised Code. The mayor may, 20272
with the advice and consent of the nominating panel, remove any 20273
member appointed pursuant to that division or division (F) of 20274
this section for cause. 20275

(F) If the voters of the district approve the continuation 20276
of an appointed board at the referendum election required by 20277
section 3311.73 of the Revised Code, the mayor shall appoint the 20278
members of a new board from a slate prepared by the nominating 20279
panel in the same manner as the initial board was appointed 20280
pursuant to divisions (B), (C), and (D) of this section. Five of 20281
the members of the new board shall be appointed to four-year 20282
terms and the other four shall be appointed to two-year terms, 20283
each term beginning on the first day of July. Thereafter, the 20284
mayor shall appoint members to four-year terms in the same 20285
manner as described in divisions (B), (C), and (D) of this 20286
section. The minimum number of individuals who shall be on the 20287
slate prepared by the nominating panel for this purpose shall be 20288
at least twice the number of members to be appointed, including 20289
at least two who reside in the municipal school district but not 20290
in the municipal corporation containing the greatest portion of 20291
the district's territory. 20292

(G) In addition to the nine members appointed by the 20293
mayor, the boards appointed pursuant to divisions (B) and (F) of 20294
this section shall include the following nonvoting ex officio 20295

members: 20296

(1) If the main campus of a state university specified in 20297
section 3345.011 of the Revised Code is located within the 20298
municipal school district, the president of the university or 20299
the president's designee; 20300

(2) If any community college has its main branch located 20301
within the district, the president of the community college that 20302
has the largest main branch within the district, or the 20303
president's designee. 20304

Sec. 3311.74. (A) The board of education of a municipal 20305
school district, in consultation with the department of 20306
education and workforce, shall set goals for the district's 20307
educational, financial, and management progress and establish 20308
accountability standards with which to measure the district's 20309
progress. 20310

(B) (1) The chief executive officer of a municipal school 20311
district shall develop, implement, and regularly update a plan 20312
to measure student academic performance at each school within 20313
the district. The plan developed by the chief executive officer 20314
shall include a component that requires the parents or guardians 20315
of students who attend the district's schools to attend, prior 20316
to the fifteenth day of December each year, at least one parent- 20317
teacher conference or similar event held by the school the 20318
student attends to provide an opportunity for the parents and 20319
guardians to meet the student's teachers, discuss expectations 20320
for the student, discuss the student's performance, and foster 20321
communication between home and school. 20322

(2) Where measurements demonstrate that students in 20323
particular schools are not achieving, or are not improving their 20324

achievement levels at an acceptable rate, the plan shall contain 20325
provisions requiring the chief executive officer, with the 20326
concurrence of the board, to take corrective action within those 20327
schools, including, but not limited to, reallocation of academic 20328
and financial resources, reassignment of staff, redesign of 20329
academic programs, adjusting the length of the school year or 20330
school day, and deploying additional assistance to students. 20331

(3) Prior to taking corrective action pursuant to the 20332
plan, the chief executive officer shall first identify which 20333
schools are in need of corrective action, what corrective action 20334
is warranted at each school, and when the corrective action 20335
should be implemented. Collectively, these items shall be known 20336
as the "corrective plan." The corrective plan is not intended to 20337
be used as a cost savings measure; rather, it is intended to 20338
improve student performance at targeted schools. 20339

Immediately after developing the corrective plan, the 20340
chief executive officer and the presiding officer of each labor 20341
organization whose members will be affected by the corrective 20342
plan shall each appoint up to four individuals to form one or 20343
more corrective action teams. The corrective action teams, 20344
within the timelines set by the chief executive officer for 20345
implementation of the corrective plan, shall collaborate with 20346
the chief executive officer and, where there are overlapping or 20347
mutual concerns, with other corrective action teams to make 20348
recommendations to the chief executive officer on implementation 20349
of the corrective plan. 20350

If the chief executive officer disagrees with all or part 20351
of the recommendations of a corrective action team, or if a 20352
corrective action team fails to make timely recommendations on 20353
the implementation of all or part of the corrective plan, the 20354

chief executive officer may implement the corrective plan in the 20355
manner in which the chief executive officer determines to be in 20356
the best interest of the students, consistent with the timelines 20357
originally established. 20358

The chief executive officer and any corrective action team 20359
are not bound by the applicable provisions of collective 20360
bargaining agreements in developing recommendations for and 20361
implementing the corrective plan. 20362

(4) Notwithstanding anything to the contrary in Chapter 20363
4117. of the Revised Code, the content and implementation of the 20364
corrective plan prevail over any conflicting provision of a 20365
collective bargaining agreement entered into on or after ~~the~~ 20366
~~effective date of this amendment~~ October 1, 2012. 20367

(C) Annually the chief executive officer shall issue a 20368
report to residents of the district that includes results of 20369
achievement measurements made under division (B)(1) of this 20370
section and delineates the nature of any reforms and corrective 20371
actions being taken in response to any failure to achieve at an 20372
acceptable level or rate. The report shall also contain 20373
descriptions of efforts undertaken to improve the overall 20374
quality or efficiency of operation of the district, shall list 20375
the source of all district revenues, and shall contain a 20376
description of all district expenditures during the preceding 20377
fiscal year. 20378

(D) The chief executive officer shall implement a public 20379
awareness campaign to keep the parents and guardians of the 20380
district's students informed of the changes being implemented 20381
within the district. The campaign may include such methods as 20382
community forums, letters, and brochures. It shall include 20383
annual distribution to all parents and guardians of an 20384

information card specifying the names and business addresses and 20385
telephone numbers of the ombudspersons appointed under section 20386
3311.72 of the Revised Code and other employees of the district 20387
board of education who may serve as information resources for 20388
parents and guardians. 20389

Sec. 3311.741. (A) This section applies only to a 20390
municipal school district in existence on July 1, 2012. 20391

(B) Not later than December 1, 2012, the board of 20392
education of each municipal school district to which this 20393
section applies shall submit to the ~~superintendent of public~~ 20394
~~instruction~~ director of education and workforce an array of 20395
measures to be used in evaluating the performance of the 20396
district. The measures shall assess at least overall student 20397
achievement, student progress over time, the achievement and 20398
progress over time of each of the applicable categories of 20399
students described in division (G) of section 3302.03 of the 20400
Revised Code, and college and career readiness. The ~~state~~ 20401
~~superintendent~~ director shall approve or disapprove the measures 20402
by January 15, 2013. If the measures are disapproved, the ~~state~~ 20403
~~superintendent~~ director shall recommend modifications that will 20404
make the measures acceptable. 20405

(C) Beginning with the 2012-2013 school year, the board 20406
annually shall establish goals for improvement on each of the 20407
measures approved under division (B) of this section. The school 20408
district's performance data for the 2011-2012 school year shall 20409
be used as a baseline for determining improvement. 20410

(D) Not later than October 1, 2013, and by the first day 20411
of October each year thereafter, the board shall issue a report 20412
describing the school district's performance for the previous 20413
school year on each of the measures approved under division (B) 20414

of this section and whether the district has met each of the 20415
improvement goals established for that year under division (C) 20416
of this section. The board shall provide the report to the 20417
governor, the ~~superintendent of public instruction~~director of 20418
education and workforce, and, in accordance with section 101.68 20419
of the Revised Code, the general assembly. 20420

Sec. 3311.76. (A) Notwithstanding Chapters 3302. and 3317. 20421
of the Revised Code, upon written request of the district chief 20422
executive officer, the ~~state superintendent of public~~ 20423
~~instruction~~director of education and workforce may exempt a 20424
municipal school district from any rules adopted under Title 20425
XXXIII of the Revised Code except for any rule adopted under 20426
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 20427
3323. of the Revised Code, and may authorize a municipal school 20428
district to apply funds allocated to the district under Chapter 20429
3317. of the Revised Code, except those specifically allocated 20430
to purposes other than current expenses, to the payment of debt 20431
charges on the district's public obligations. The request must 20432
specify the provisions from which the district is seeking 20433
exemption or the application of funds requested and the reasons 20434
for the request. The ~~state superintendent~~director shall approve 20435
the request if the ~~superintendent~~director finds the requested 20436
exemption or application of funds is in the best interest of the 20437
district's students. The ~~superintendent~~director shall approve 20438
or disapprove the request within thirty days and shall notify 20439
the district board and the district chief executive officer of 20440
approval or reasons for disapproving the request. 20441

(B) The board of education of a municipal school district 20442
may apply for an exemption from specific statutory provisions or 20443
rules under section 3302.07 of the Revised Code. 20444

(C) In addition to the rights, authority, and duties 20445
conferred upon a municipal school district and its board of 20446
education in sections 3311.71 to 3311.87 of the Revised Code, a 20447
municipal school district and its board shall have all of the 20448
rights, authority, and duties conferred upon a city school 20449
district and its board by law that are not inconsistent with 20450
sections 3311.71 to 3311.87 of the Revised Code. 20451

Sec. 3311.86. (A) As used in this section: 20452

(1) "Alliance" means a municipal school district 20453
transformation alliance established as a nonprofit corporation. 20454

(2) "Alliance municipal school district" means a municipal 20455
school district for which an alliance has been created under 20456
this section. 20457

(3) "Partnering community school" means a community school 20458
established under Chapter 3314. of the Revised Code that is 20459
located within the territory of a municipal school district and 20460
that either is sponsored by the district or is a party to an 20461
agreement with the district whereby the district and the 20462
community school endorse each other's programs. 20463

(4) "Transformation alliance education plan" means a plan 20464
prepared by the mayor, and confirmed by the alliance, to 20465
transform public education in the alliance municipal school 20466
district to a system of municipal school district schools and 20467
partnering community schools that will be held to the highest 20468
standards of school performance and student achievement. 20469

(B) If one or more partnering community schools are 20470
located in a municipal school district, the mayor may initiate 20471
proceedings to establish a municipal school district 20472
transformation alliance as a nonprofit corporation under Chapter 20473

1702. of the Revised Code. The mayor shall have sole authority 20474
to appoint the directors of any alliance created under this 20475
section. The directors of the alliance shall include 20476
representatives of all of the following: 20477

(1) The municipal school district; 20478

(2) Partnering community schools; 20479

(3) Members of the community at large, including parents 20480
and educators; 20481

(4) The business community, including business leaders and 20482
foundation leaders. 20483

No one group listed in divisions (B)(1) to (4) of this 20484
section shall comprise a majority of the directors. The mayor 20485
shall be an ex officio director, and serve as the chairperson of 20486
the board of directors, of any alliance created under this 20487
section. If the proceedings are initiated, the mayor shall 20488
identify the directors in the articles of incorporation filed 20489
under section 1702.04 of the Revised Code. 20490

(C) (1) A majority of the members of the board of directors 20491
of the alliance shall constitute a quorum of the board. Any 20492
formal action taken by the board of directors shall take place 20493
at a meeting of the board and shall require the concurrence of a 20494
majority of the members of the board. Meetings of the board of 20495
directors shall be public meetings open to the public at all 20496
times, except that the board and its committees and 20497
subcommittees may hold an executive session, as if it were a 20498
public body with public employees, for any of the purposes for 20499
which an executive session of a public body is permitted under 20500
division (G) of section 121.22 of the Revised Code, 20501
notwithstanding that the alliance is not a public body as 20502

defined in that section, and its employees are not public 20503
employees as provided in division (F) of this section. The board 20504
of directors shall establish reasonable methods whereby any 20505
person may determine the time and place of all of the board's 20506
public meetings and by which any person, upon request, may 20507
obtain reasonable advance notification of the board's public 20508
meetings. Provisions for that advance notification may include, 20509
but are not limited to, mailing notices to all subscribers on a 20510
mailing list or mailing notices in self-addressed, stamped 20511
envelopes provided by the person. 20512

(2) All records of the alliance shall be organized and 20513
maintained by the alliance and also filed with the department of 20514
education and workforce. The alliance and the department shall 20515
make those records available to the public as though those 20516
records were public records for purposes of Chapter 149. of the 20517
Revised Code. The department shall promptly notify the alliance 20518
upon the department's receipt of any requests for records 20519
relating to the alliance pursuant to section 149.43 of the 20520
Revised Code. 20521

(3) The board of directors of the alliance shall establish 20522
a conflicts of interest policy and shall adopt that policy, and 20523
any amendments to the policy, at a meeting of the board held in 20524
accordance with this section. 20525

(D) (1) If an alliance is created under this section, the 20526
alliance shall do all of the following: 20527

(a) Report annually on the performance of all municipal 20528
school district schools and all community schools established 20529
under Chapter 3314. of the Revised Code and located in the 20530
district, using the criteria adopted under division (B) of 20531
section 3311.87 of the Revised Code; 20532

(b) Confirm and monitor implementation of the transformation alliance education plan;

(c) Suggest national education models for and provide input in the development of new municipal school district schools and partnering community schools.

(2) If an alliance is created under this section, the ~~department of education~~ may request alliance comment, or the alliance independently may offer comment to the department, on the granting, renewal, or extension of an agreement with a sponsor of community schools under section 3314.015 of the Revised Code when the sponsor has existing agreements with a community school located in an alliance municipal school district. If the alliance makes comments, those comments shall be considered by the department prior to making its decision whether to grant, renew, or extend the agreement.

For purposes of division (D) (2) of this section, comments by the alliance shall be based on the criteria established under division (A) of section 3311.87 of the Revised Code.

(E) Divisions (E) (1) to (3) of this section apply to each community school sponsor that is subject to approval by the department under section 3314.015 of the Revised Code whose approval under that section is granted, renewed, or extended on or after October 1, 2012. Divisions (E) (1) to (3) of this section do not apply to a sponsor that has been approved by the department prior to that date, until the sponsor's approval is renewed, granted anew, or extended on or after that date.

(1) Before a sponsor to which this section applies may sponsor new community schools in an alliance municipal school district, the sponsor shall request recommendation from the

alliance to sponsor community schools in the district. 20562

(2) The alliance shall review the sponsor's request and 20563
shall make a recommendation to the department based on the 20564
standards for sponsors developed under division (A) (2) of 20565
section 3311.87 of the Revised Code. 20566

(3) The department shall use the standards developed under 20567
division (A) (2) of section 3311.87 of the Revised Code, in 20568
addition to any other requirements of the Revised Code, to 20569
review a sponsor's request and make a final determination, on 20570
recommendation of the alliance, of whether the sponsor may 20571
sponsor new community schools in the alliance municipal school 20572
district. 20573

No sponsor shall be required to receive authorization to 20574
sponsor new community schools under division (E) (3) of this 20575
section more than one time. 20576

(F) Directors, officers, and employees of an alliance are 20577
not public employees or public officials, are not subject to 20578
Chapters 124., 145., and 4117. of the Revised Code, and are not 20579
"public officials" or "public servants" as defined in section 20580
2921.01 of the Revised Code. Membership on the board of 20581
directors of an alliance does not constitute the holding of an 20582
incompatible public office or employment in violation of any 20583
statutory or common law prohibition against the simultaneous 20584
holding of more than one public office or employment. Members of 20585
the board of directors of an alliance are not disqualified from 20586
holding any public office by reason of that membership, and do 20587
not forfeit by reason of that membership the public office or 20588
employment held when appointed to the board, notwithstanding any 20589
contrary disqualification or forfeiture requirement under the 20590
Revised Code or the common law of this state. 20591

Sec. 3311.87. The department of education and workforce, 20592
in conjunction with the municipal school district transformation 20593
alliance established under section 3311.86 of the Revised Code, 20594
if such an alliance is established under that section, and a 20595
statewide nonprofit organization whose membership is comprised 20596
solely of entities that sponsor community schools and whose 20597
members sponsor the majority of start-up community schools in 20598
the state, shall do all of the following: 20599

(A) Not later than December 31, 2012, establish both of 20600
the following: 20601

(1) Objective criteria to be used by a sponsor to 20602
determine if it will sponsor new community schools located 20603
within the municipal school district. Beginning with any 20604
community school that opens after July 1, 2013, each sponsor 20605
shall use the criteria established under this division to 20606
determine whether to sponsor a community school in the municipal 20607
district. 20608

(2) Criteria for assessing the ability of a sponsor to 20609
successfully sponsor a community school in a municipal school 20610
district. 20611

The criteria adopted under divisions (A)(1) and (2) of 20612
this section shall be based on standards issued by the national 20613
association of charter school authorizers or any other 20614
nationally organized community or charter school organization. 20615

(B) Not later than April 30, 2013, establish a 20616
comprehensive framework to assess the efficacy of district 20617
schools and community schools located in the municipal school 20618
district. Where possible, the framework shall be based on 20619
nationally accepted quality standards and principles for schools 20620

and shall be specific to a school's model, mission, and student 20621
populations. 20622

Sec. 3312.01. (A) The educational regional service system 20623
is hereby established. The system shall support state and 20624
regional education initiatives and efforts to improve school 20625
effectiveness and student achievement. Services, including 20626
special education and related services, shall be provided under 20627
the system to school districts, community schools established 20628
under Chapter 3314. of the Revised Code, and chartered nonpublic 20629
schools. 20630

It is the intent of the general assembly that the 20631
educational regional service system reduce the unnecessary 20632
duplication of programs and services and provide for a more 20633
streamlined and efficient delivery of educational services 20634
without reducing the availability of the services needed by 20635
school districts and schools. 20636

(B) The educational regional service system shall consist 20637
of the following: 20638

(1) The advisory councils and subcommittees established 20639
under sections 3312.03 and 3312.05 of the Revised Code; 20640

(2) A fiscal agent for each of the regions as configured 20641
under section 3312.02 of the Revised Code; 20642

(3) Educational service centers, information technology 20643
centers established under section 3301.075 of the Revised Code, 20644
and other regional education service providers. 20645

(C) Educational service centers shall provide the services 20646
that they are specifically required to provide by the Revised 20647
Code and may enter into agreements pursuant to section 3313.843, 20648
3313.844, or 3313.845 of the Revised Code for the provision of 20649

other services, which may include any of the following:	20650
(1) Assistance in improving student performance;	20651
(2) Services to enable a school district or school to operate more efficiently or economically;	20652 20653
(3) Professional development for teachers or administrators;	20654 20655
(4) Assistance in the recruitment and retention of teachers and administrators;	20656 20657
(5) Applying for any state or federal grant on behalf of a school district;	20658 20659
(6) Any other educational, administrative, or operational services.	20660 20661
In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education <u>and workforce</u> .	20662 20663 20664 20665 20666 20667
Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.	20668 20669 20670 20671
(D) An educational service center shall be considered a school district or a local education agency for the purposes of eligibility in applying for any state or competitive federal grant.	20672 20673 20674 20675
(E) Information technology centers may enter into	20676

agreements for the provision of services pursuant to section 20677
3312.10 of the Revised Code. 20678

(F) No school district, community school, or chartered 20679
nonpublic school shall be required to purchase services from an 20680
educational service center or information technology center in 20681
the region in which the district or school is located, except 20682
that a local school district shall receive any services required 20683
by the Revised Code to be provided by an educational service 20684
center to the local school districts in its territory from the 20685
educational service center in whose territory the district is 20686
located. 20687

Sec. 3312.02. (A) There shall be the following sixteen 20688
regions in the educational regional service system: 20689

(1) Region one shall consist of the territory contained in 20690
Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, 20691
Putnam, Sandusky, Seneca, Van Wert, Williams, and Wood counties. 20692

(2) Region two shall consist of the territory contained in 20693
Erie, Huron, and Lorain counties. 20694

(3) Region three shall consist of the territory contained 20695
in Cuyahoga county. 20696

(4) Region four shall consist of the territory contained 20697
in Geauga and Lake counties. 20698

(5) Region five shall consist of the territory contained 20699
in Ashtabula, Mahoning, and Trumbull counties. 20700

(6) Region six shall consist of the territory contained in 20701
Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby 20702
counties. 20703

(7) Region seven shall consist of the territory contained 20704

in Ashland, Crawford, Knox, Marion, Morrow, Richland, and 20705
Wyandot counties. 20706

(8) Region eight shall consist of the territory contained 20707
in Medina, Portage, and Summit counties. 20708

(9) Region nine shall consist of the territory contained 20709
in Columbiana, Stark, and Wayne counties. 20710

(10) Region ten shall consist of the territory contained 20711
in Clark, Darke, Greene, Miami, Montgomery, and Preble counties. 20712

(11) Region eleven shall consist of the territory 20713
contained in Delaware, Fairfield, Franklin, Licking, Madison, 20714
Pickaway, and Union counties. 20715

(12) Region twelve shall consist of the territory 20716
contained in Belmont, Carroll, Coshocton, Guernsey, Harrison, 20717
Holmes, Jefferson, Muskingum, Noble, and Tuscarawas counties. 20718

(13) Region thirteen shall consist of the territory 20719
contained in Butler, Clermont, Hamilton, and Warren counties. 20720

(14) Region fourteen shall consist of the territory 20721
contained in Adams, Brown, Clinton, Fayette, and Highland 20722
counties. 20723

(15) Region fifteen shall consist of the territory 20724
contained in Lawrence, Pike, Ross, and Scioto counties. 20725

(16) Region sixteen shall consist of the territory 20726
contained in Athens, Gallia, Hocking, Jackson, Meigs, Monroe, 20727
Morgan, Perry, Vinton, and Washington counties. 20728

(B) ~~Not later than July 1, 2007, the state board~~ The 20729
department of education and workforce shall adopt rules 20730
establishing a process whereby a school district may elect to 20731

transfer to a region other than the region to which the district
is assigned by this section. The ~~state board~~ department shall
consult with school districts and regional service providers in
developing the process. No school district shall be permitted to
transfer to a different region under this division after June
30, 2009.

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

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

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

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

(D) Monitor implementation of state and regional education
initiatives and school improvement efforts by educational
service centers, information technology centers, and other
regional service providers to ensure that the terms of the
performance contracts entered into by the fiscal agent for the

region under section 3312.08 of the Revised Code are being met; 20761

(E) Establish an accountability system to evaluate the 20762
advisory council on its performance of the duties described in 20763
divisions (A) to (D) of this section. 20764

Sec. 3312.07. (A) ~~Not later than January 31, 2007, the~~ The 20765
department of education and workforce shall select a school 20766
district or educational service center in each region of the 20767
educational regional service system to be the fiscal agent for 20768
the region. For this purpose, the department shall issue a 20769
request for proposals from districts and service centers 20770
interested in being a fiscal agent. The department shall select 20771
each fiscal agent based upon the following criteria: 20772

(1) Capability to serve as a fiscal agent as demonstrated 20773
by a satisfactory audit record and prior experience serving as a 20774
fiscal agent; 20775

(2) Adequate capacity in terms of facilities, personnel, 20776
and other relevant resources; 20777

(3) Evidence that the school district's or educational 20778
service center's role as a fiscal agent would result in minimal 20779
disruption to its responsibilities as a district or service 20780
center; 20781

(4) Demonstrated intent to limit the aggregate fees for 20782
administering a performance contract entered into under section 20783
3312.08 of the Revised Code to not more than seven per cent of 20784
the value of the contract. 20785

(B) If no school district or educational service center in 20786
a region responds to the request for proposals issued by the 20787
department, the department shall select a district or service 20788
center in the region that meets the criteria in division (A) of 20789

this section to be the fiscal agent for the region. 20790

Sec. 3312.08. Each fiscal agent selected by the department 20791
of education and workforce pursuant to section 3312.07 of the 20792
Revised Code shall do all of the following: 20793

(A) Enter into performance contracts with the department 20794
in accordance with section 3312.09 of the Revised Code for the 20795
implementation of state and regional education initiatives and 20796
school improvement efforts; 20797

(B) Receive federal and state funds, including federal 20798
funds for the provision of special education and related 20799
services, as specified in the performance contracts, and 20800
disburse those funds as specified in the performance contracts 20801
to educational service centers, information technology centers, 20802
and other regional service providers. However, any funds owed to 20803
an educational service center in accordance with an agreement 20804
entered into under section 3313.843, 3313.844, or 3313.845 of 20805
the Revised Code shall be paid directly to the service center by 20806
the department and any operating funds appropriated for an 20807
information technology center shall be paid directly to the 20808
information technology center by the department pursuant to 20809
section 3301.075 of the Revised Code. 20810

(C) Implement any expenditure of funds recommended by the 20811
advisory council for the region pursuant to section 3312.04 of 20812
the Revised Code or required by the terms of any performance 20813
contract, unless there are insufficient funds available to the 20814
region to pay for the expenditure or the expenditure violates a 20815
provision of the Revised Code, a rule of the ~~state board of~~ 20816
~~education department~~ regarding such expenditure, or the terms of 20817
a performance contract; 20818

(D) Exercise fiscal oversight of the implementation of 20819
state and regional education initiatives and school improvement 20820
efforts. 20821

Sec. 3312.09. (A) Each performance contract entered into 20822
by the department of education and workforce and the fiscal 20823
agent of a region for implementation of a state or regional 20824
education initiative or school improvement effort shall include 20825
the following: 20826

(1) An explanation of how the regional needs and 20827
priorities for educational services have been identified by the 20828
advisory council of the region, the advisory council's 20829
subcommittees, and the department; 20830

(2) A definition of the services to be provided to school 20831
districts, community schools, and chartered nonpublic schools in 20832
the region, including any services provided pursuant to division 20833
(A) of section 3302.04 of the Revised Code; 20834

(3) Expected outcomes from the provision of the services 20835
defined in the contract; 20836

(4) The method the department will use to evaluate whether 20837
the expected outcomes have been achieved; 20838

(5) A requirement that the fiscal agent develop and 20839
implement a corrective action plan if the results of the 20840
evaluation are unsatisfactory; 20841

(6) Data reporting requirements; 20842

(7) The aggregate fees to be charged by the fiscal agent 20843
and any entity with which it subcontracts to cover personnel and 20844
program costs associated with administering the contract, which 20845
fees shall be subject to controlling board approval if in excess 20846

of four per cent of the value of the contract. 20847

(B) Upon completion of each evaluation described in a 20848
performance contract, the department shall post the results of 20849
that evaluation on its web site. 20850

Sec. 3312.13. The department of education and workforce 20851
shall consider the following when entering into performance 20852
contracts with the fiscal agent of each region of the 20853
educational regional service system and when allocating funds 20854
for the implementation of statewide education initiatives by 20855
regional service providers; 20856

(A) The unique needs and circumstances of the region; 20857

(B) The regional needs and priorities for educational 20858
services identified by the advisory council for the region; 20859

(C) Any services that will be provided to school districts 20860
and schools within the region pursuant to division (A) of 20861
section 3302.04 of the Revised Code. 20862

Sec. 3313.03. Within three months after the official 20863
announcement of the result of each successive federal census, 20864
the board of education of each city school district which, 20865
according to such census, has a population of fifty thousand or 20866
more but less than one hundred fifty thousand persons and which 20867
elected to have subdistricts shall redistrict such districts 20868
into subdistricts. Such subdistricts shall be bounded as far as 20869
practicable by corporation lines, streets, alleys, avenues, 20870
public grounds, canals, watercourses, ward boundaries, voting 20871
precinct boundaries, or present school district boundaries, 20872
shall be as nearly equal in population as possible, and be 20873
composed of adjacent and as compact territory as practicable. If 20874
the board of any such district fails to district or redistrict 20875

such city school district, then the ~~superintendent of public~~ 20876
~~instruction director of education and workforce~~ shall forthwith 20877
district or redistrict such city school district, subject to 20878
sections 3313.01 to 3313.13, ~~inclusive~~, of the Revised Code. 20879

Sec. 3313.25. (A) Except as otherwise provided in section 20880
3.061 of the Revised Code, before entering upon the duties of 20881
office, the treasurer of each board of education shall execute a 20882
bond, in an amount and with surety to be approved by the board, 20883
payable to the state, conditioned for the faithful performance 20884
of all the official duties required of the treasurer. Such bond 20885
must be deposited with the president of the board, and a copy 20886
thereof, certified by the president, shall be filed with the 20887
county auditor. 20888

(B) (1) A treasurer shall not be held liable for a loss of 20889
public funds when the treasurer has performed all official 20890
duties required of the treasurer with reasonable care, but shall 20891
be liable only when a loss of public funds results from the 20892
treasurer's negligence or other wrongful act. 20893

(2) The department of education and workforce shall not 20894
consider the loss of public funds not resulting from the 20895
treasurer's negligence or other wrongful act a violation of the 20896
treasurer's professional duties, provided the treasurer has 20897
performed all official duties required of the treasurer with 20898
reasonable care. 20899

Sec. 3313.30. (A) If the auditor of state or a public 20900
accountant, under section 117.41 of the Revised Code, declares a 20901
school district to be unauditabile, the auditor of state shall 20902
provide written notification of that declaration to the district 20903
and the department of education and workforce. The auditor of 20904
state also shall post the notification on the auditor of state's 20905

web site. 20906

(B) If the district's current treasurer held that position 20907
during the period for which the district is unauditale, upon 20908
receipt of the notification under division (A) of this section, 20909
the district board of education shall suspend the treasurer 20910
until the auditor of state or a public accountant has completed 20911
an audit of the district. Suspension of the treasurer may be 20912
with or without pay, as determined by the district board based 20913
on the circumstances that prompted the auditor of state's 20914
declaration. The district board shall appoint a person to assume 20915
the duties of the treasurer during the period of the suspension. 20916
If the appointee is not licensed as a treasurer under section 20917
3301.074 of the Revised Code, the appointee shall be approved by 20918
the ~~superintendent of public instruction~~ director of education 20919
and workforce before assuming the duties of the treasurer. The 20920
state board of education may take action under section 3319.31 20921
of the Revised Code to suspend, revoke, or limit the license of 20922
a treasurer who has been suspended under this division. 20923

(C) Not later than forty-five days after receiving the 20924
notification under division (A) of this section, the district 20925
board shall provide a written response to the auditor of state. 20926
The response shall include the following: 20927

(1) An overview of the process the district board will use 20928
to review and understand the circumstances that led to the 20929
district becoming unauditale; 20930

(2) A plan for providing the auditor of state with the 20931
documentation necessary to complete an audit of the district and 20932
for ensuring that all financial documents are available in the 20933
future; 20934

(3) The actions the district board will take to ensure 20935
that the plan described in division (C) (2) of this section is 20936
implemented. 20937

(D) If the school district fails to make reasonable 20938
efforts and continuing progress to bring its accounts, records, 20939
files, or reports into an auditable condition within ninety days 20940
after being declared unauditable, the auditor of state, in 20941
addition to requesting legal action under sections 117.41 and 20942
117.42 of the Revised Code, shall notify the district and the 20943
department of the district's failure. If the auditor of state or 20944
a public accountant subsequently is able to complete a financial 20945
audit of the district, the auditor of state shall notify the 20946
district and the department that the audit has been completed. 20947

(E) Notwithstanding any provision to the contrary in 20948
Chapter 3317. of the Revised Code or in any other provision of 20949
law, upon notification by the auditor of state under division 20950
(D) of this section that the district has failed to make 20951
reasonable efforts and continuing progress to bring its 20952
accounts, records, files, or reports into an auditable 20953
condition, the department shall immediately cease all payments 20954
to the district under Chapter 3317. of the Revised Code and any 20955
other provision of law. Upon subsequent notification from the 20956
auditor of state under that division that the auditor of state 20957
or a public accountant was able to complete a financial audit of 20958
the district, the department shall release all funds withheld 20959
from the district under this section. 20960

Sec. 3313.413. (A) As used in this section, "high- 20961
performing community school" means either of the following: 20962

(1) A community school established under Chapter 3314. of 20963
the Revised Code that meets the following conditions: 20964

- (a) Except as provided in division (A) (1) (b) or (c) of this section, the school both: 20965
20966
- (i) Has received either a grade of "A," "B," or "C" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or a performance rating of three stars or higher for achievement under division (D) (3) (b) of that section; or has increased its performance index score under division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the Revised Code in each of the previous three years of operation; and 20967
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- (ii) Has received either a grade of "A" or "B" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for progress under division (D) (3) (c) of that section on its most recent report card rating issued under that section. 20975
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- (b) If the school serves only grades kindergarten through three, the school received either a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C) (1) (g) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for early literacy under division (D) (3) (e) of that section on its most recent report card issued under that section. 20981
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- (c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A) (4) (a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code. 20988
20989
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20992
- (2) A newly established community school that is 20993

implementing a community school model that has a track record of 20994
high-quality academic performance, as determined by the 20995
department of education and workforce. 20996

(B) When a school district board of education decides to 20997
dispose of real property it owns in its corporate capacity under 20998
section 3313.41 of the Revised Code, the board shall first offer 20999
that property to the governing authorities of all start-up 21000
community schools, the boards of trustees of any college- 21001
preparatory boarding schools, and the governing bodies of any 21002
STEM schools that are located within the territory of the 21003
district. Not later than sixty days after the district board 21004
makes the offer, interested governing authorities, boards of 21005
trustees, and governing bodies shall notify the district 21006
treasurer in writing of the intention to purchase the property. 21007

The district board shall give priority to the governing 21008
authorities of high-performing community schools that are 21009
located within the territory of the district. 21010

(1) If more than one governing authority of a high- 21011
performing community school notifies the district treasurer of 21012
its intention to purchase the property pursuant to division (B) 21013
of this section, the board shall conduct a public auction in the 21014
manner required for auctions of district property under division 21015
(A) of section 3313.41 of the Revised Code. Only the governing 21016
authorities of high-performing community schools that notified 21017
the district treasurer pursuant to division (B) of this section 21018
are eligible to bid at the auction. 21019

(2) If no governing authority of a high-performing 21020
community school notifies the district treasurer of its 21021
intention to purchase the property pursuant to division (B) of 21022
this section, the board shall then proceed with the offers from 21023

all other start-up community schools, college-preparatory 21024
boarding schools, and STEM schools made pursuant to that 21025
division. If more than one such entity notifies the district 21026
treasurer of its intention to purchase the property pursuant to 21027
division (B) of this section, the board shall conduct a public 21028
auction in the manner required for auctions of district property 21029
under division (A) of section 3313.41 of the Revised Code. Only 21030
the entities that notified the district treasurer pursuant to 21031
division (B) of this section are eligible to bid at the auction. 21032

(3) If no governing authority, board of trustees, or 21033
governing body notifies the district treasurer of its intention 21034
to purchase the property pursuant to division (B) of this 21035
section, the district may then offer the property for sale in 21036
the manner prescribed under divisions (A) to (F) of section 21037
3313.41 of the Revised Code. 21038

(C) Notwithstanding anything to the contrary in sections 21039
3313.41 and 3313.411 of the Revised Code, the purchase price of 21040
any real property sold to any of the entities in accordance with 21041
division (B) of this section shall not be more than the 21042
appraised fair market value of that property as determined in an 21043
appraisal of the property that is not more than one year old. 21044

(D) Not later than the first day of October of each year, 21045
the department of education and workforce shall post in a 21046
prominent location on its web site a list of schools that 21047
qualify as high-performing community schools for purposes of 21048
this section and section 3313.411 of the Revised Code. 21049

Sec. 3313.472. (A) The board of education of each city, 21050
exempted village, local, and joint vocational school district 21051
shall adopt a policy on parental involvement in the schools of 21052
the district. The policy shall be designed to build consistent 21053

and effective communication between the parents and foster 21054
caregivers of students enrolled in the district and the teachers 21055
and administrators assigned to the schools their children or 21056
foster children attend. The policy shall provide the opportunity 21057
for parents and foster caregivers to be actively involved in 21058
their children's or foster children's education and to be 21059
informed of the following: 21060

(1) The importance of the involvement of parents and 21061
foster caregivers in directly affecting the success of their 21062
children's or foster children's educational efforts; 21063

(2) How and when to assist their children or foster 21064
children in and support their children's or foster children's 21065
classroom learning activities; 21066

(3) Techniques, strategies, and skills to use at home to 21067
improve their children's or foster children's academic success 21068
and to support their children's or foster children's academic 21069
efforts at school and their children's or foster children's 21070
development as future responsible adult members of society. 21071

(B) The ~~state board~~ department of education and workforce 21072
shall adopt recommendations for the development of parental 21073
involvement policies under this section. Prior to adopting the 21074
recommendations, the ~~state board~~ department shall consult with 21075
the national center for parents at the university of Toledo. 21076

Sec. 3313.48. (A) The board of education of each city, 21077
exempted village, local, and joint vocational school district 21078
shall provide for the free education of the youth of school age 21079
within the district under its jurisdiction, at such places as 21080
will be most convenient for the attendance of the largest number 21081
thereof. Each school so provided and each chartered nonpublic 21082

school shall be open for instruction with pupils in attendance, 21083
including scheduled classes, supervised activities, and approved 21084
education options but excluding lunch and breakfast periods and 21085
extracurricular activities, for not less than four hundred 21086
fifty-five hours in the case of pupils in kindergarten unless 21087
such pupils are provided all-day kindergarten, as defined in 21088
section 3321.05 of the Revised Code, in which case the pupils 21089
shall be in attendance for nine hundred ten hours; nine hundred 21090
ten hours in the case of pupils in grades one through six; and 21091
one thousand one hours in the case of pupils in grades seven 21092
through twelve in each school year, which may include all of the 21093
following: 21094

(1) Up to the equivalent of two school days per year 21095
during which pupils would otherwise be in attendance but are not 21096
required to attend for the purpose of individualized parent- 21097
teacher conferences and reporting periods; 21098

(2) Up to the equivalent of two school days per year 21099
during which pupils would otherwise be in attendance but are not 21100
required to attend for professional meetings of teachers; 21101

(3) Morning and afternoon recess periods of not more than 21102
fifteen minutes duration per period for pupils in grades 21103
kindergarten through six. 21104

(B) Not later than thirty days prior to adopting a school 21105
calendar, the board of education of each city, exempted village, 21106
and local school district shall hold a public hearing on the 21107
school calendar, addressing topics that include, but are not 21108
limited to, the total number of hours in a school year, length 21109
of school day, and beginning and end dates of instruction. 21110

(C) No school operated by a city, exempted village, local, 21111

or joint vocational school district shall reduce the number of 21112
hours in each school year that the school is scheduled to be 21113
open for instruction from the number of hours per year the 21114
school was open for instruction during the previous school year 21115
unless the reduction is approved by a resolution adopted by the 21116
district board of education. Any reduction so approved shall not 21117
result in fewer hours of instruction per school year than the 21118
applicable number of hours required under division (A) of this 21119
section. 21120

(D) Prior to making any change in the hours or days in 21121
which a high school under its jurisdiction is open for 21122
instruction, the board of education of each city, exempted 21123
village, and local school district shall consider the 21124
compatibility of the proposed change with the scheduling needs 21125
of any joint vocational school district in which any of the high 21126
school's students are also enrolled. The board shall consider 21127
the impact of the proposed change on student access to the 21128
instructional programs offered by the joint vocational school 21129
district, incentives for students to participate in career- 21130
technical education, transportation, and the timing of 21131
graduation. The board shall provide the joint vocational school 21132
district board with advance notice of the proposed change and 21133
the two boards shall enter into a written agreement prescribing 21134
reasonable accommodations to meet the scheduling needs of the 21135
joint vocational school district prior to implementation of the 21136
change. 21137

(E) Subject to section 3327.016 of the Revised Code, prior 21138
to making any change in the hours or days in which a school 21139
under its jurisdiction is open for instruction, the board of 21140
education of each city, exempted village, and local school 21141
district shall consider the compatibility of the proposed change 21142

with the scheduling needs of any community school established 21143
under Chapter 3314. of the Revised Code to which the district is 21144
required to transport students under sections 3314.09 and 21145
3327.01 of the Revised Code. The board shall consider the impact 21146
of the proposed change on student access to the instructional 21147
programs offered by the community school, transportation, and 21148
the timing of graduation. The board shall provide the sponsor, 21149
governing authority, and operator of the community school with 21150
advance notice of the proposed change, and the board and the 21151
governing authority, or operator if such authority is delegated 21152
to the operator, shall enter into a written agreement 21153
prescribing reasonable accommodations to meet the scheduling 21154
needs of the community school prior to implementation of the 21155
change. 21156

(F) Subject to section 3327.016 of the Revised Code, prior 21157
to making any change in the hours or days in which the schools 21158
under its jurisdiction are open for instruction, the board of 21159
education of each city, exempted village, and local school 21160
district shall consult with the chartered nonpublic schools to 21161
which the district is required to transport students under 21162
section 3327.01 of the Revised Code and shall consider the 21163
effect of the proposed change on the schedule for transportation 21164
of those students to their nonpublic schools. The governing 21165
authority of a chartered nonpublic school shall consult with 21166
each school district board of education that transports students 21167
to the chartered nonpublic school under section 3327.01 of the 21168
Revised Code prior to making any change in the hours or days in 21169
which the nonpublic school is open for instruction. 21170

(G) The ~~state board~~ department of education and workforce 21171
shall not adopt or enforce any rule or standard that imposes on 21172
chartered nonpublic schools the procedural requirements imposed 21173

on school districts by divisions (B), (C), (D), and (E) of this section. 21174
21175

Sec. 3313.483. (A) A board of education, upon the adoption 21176
of a resolution stating that it may be financially unable to 21177
open on the day or to remain open for instruction on all days 21178
set forth in its adopted school calendar and pay all obligated 21179
expenses, or the ~~superintendent of public instruction~~ director 21180
of education and workforce upon the issuance of written 21181
notification under division (B) of section 3313.489 of the 21182
Revised Code, shall request the auditor of state to determine 21183
whether such situation exists. The auditor shall deliver a copy 21184
of each request from a board of education to the ~~superintendent~~ 21185
~~of public instruction~~ director. In the case of a school district 21186
not under a fiscal emergency pursuant to Chapter 3316. of the 21187
Revised Code the auditor shall not issue a finding under this 21188
section until written notification is received from the 21189
~~superintendent~~ director pursuant to section 3313.487 of the 21190
Revised Code. 21191

(B) If the auditor of state finds that the board of 21192
education has attempted to avail itself to the fullest extent 21193
authorized by law of all lawful revenue sources available to it 21194
except those authorized by section 5705.21 of the Revised Code, 21195
the auditor shall certify that finding to the ~~superintendent of~~ 21196
~~public instruction and the state board~~ department of education 21197
and workforce and shall certify the operating deficit the 21198
district will have at the end of the fiscal year if it commences 21199
or continues operating its instructional program in accordance 21200
with its adopted school calendar and pays all obligated 21201
expenses. 21202

(C) No board of education may delay the opening of its 21203

schools or close its schools for financial reasons. Upon the 21204
request of the ~~superintendent of public instruction~~director of 21205
education and workforce, the attorney general shall seek 21206
injunctive relief and any other relief required to enforce this 21207
prohibition in the court of common pleas of Franklin county. The 21208
court of common pleas of Franklin county has exclusive original 21209
jurisdiction over all such actions. 21210

(D) Upon the receipt of any certification of an operating 21211
deficit from the auditor of state, a board of education shall 21212
make application to a commercial bank, underwriter, or other 21213
prospective lender or purchaser of its obligations for a loan in 21214
an amount sufficient to enable the district to open or remain 21215
open for instruction on all days set forth in its adopted school 21216
calendar but not to exceed the amount of the deficit certified. 21217

(E) (1) Any board of education that has applied for and 21218
been denied a loan from a commercial bank, underwriter, or other 21219
prospective lender or purchaser of its obligations pursuant to 21220
division (D) of this section shall submit to the ~~superintendent~~ 21221
~~of public instruction~~director of education and workforce a plan 21222
for implementing reductions in the school district's budget; 21223
apply for a loan from a commercial bank, underwriter, or other 21224
prospective lender or purchaser of its obligations in an amount 21225
not to exceed its certified deficit; and provide the 21226
~~superintendent~~director such information as the ~~superintendent~~ 21227
director requires concerning its application for such a loan. 21228
The board of education of a school district declared to be under 21229
a fiscal watch pursuant to division (A) of section 3316.03 of 21230
the Revised Code may, upon approval of the 21231
~~superintendent~~director, utilize the financial plan required by 21232
section 3316.04 of the Revised Code, or applicable parts 21233
thereof, as the plan required under this division. The board of 21234

education of a school district declared to be under a fiscal 21235
emergency pursuant to division (B) of section 3316.03 of the 21236
Revised Code may utilize the financial recovery plan for the 21237
district, or applicable parts thereof, as the plan required 21238
under this division. Except for the plan of a school district 21239
under a fiscal emergency, the ~~superintendent~~director shall 21240
evaluate, make recommendations concerning, and approve or 21241
disapprove each plan. When a plan is submitted, the 21242
~~superintendent~~director shall immediately notify the members of 21243
the general assembly whose legislative districts include any or 21244
all of the territory of the school district submitting the plan. 21245

(2) The ~~superintendent~~director shall submit to the 21246
controlling board a copy of each plan the ~~superintendent~~director 21247
approves, or each plan submitted by a district under a 21248
fiscal emergency pursuant to division (B) of section 3316.03 of 21249
the Revised Code, and the general terms of each proposed loan, 21250
and shall make recommendations regarding the plan and whether a 21251
proposed loan to the board of education should be approved for 21252
payment as provided in division (E) (3) of this section. The 21253
controlling board shall approve or disapprove the plan and the 21254
proposed loan presented to it by the ~~superintendent~~director. In 21255
the case of a district not under a fiscal emergency pursuant to 21256
division (B) of section 3316.03 of the Revised Code, the 21257
controlling board may require a board of education to implement 21258
the ~~superintendent's~~director's recommendations for expenditure 21259
reductions or impose other requirements. Loan repayments shall 21260
be in accordance with a schedule approved by the 21261
~~superintendent~~director, except that the principal amount of the 21262
loan shall be payable in monthly, semiannual, or annual 21263
installments of principal and interest that are substantially 21264
equal principal and interest installments. Except as otherwise 21265

provided in division (E) (2) of this section, repayment shall be 21266
made no later than the fifteenth day of June of the second 21267
fiscal year following the approval of the loan. A school 21268
district with a certified deficit in excess of either twenty- 21269
five million dollars or fifteen per cent of the general fund 21270
expenditures of the district during the fiscal year shall repay 21271
the loan no later than the fifteenth day of June of the tenth 21272
fiscal year following the approval of the loan. In deciding 21273
whether to approve or disapprove a proposed loan, the 21274
controlling board shall consider the deficit certified by the 21275
auditor of state pursuant to this section. A board of education 21276
that has an outstanding loan approved pursuant to this section 21277
with a repayment date of more than two fiscal years after the 21278
date of approval of such loan may not apply for another loan 21279
with such a repayment date until the outstanding loan has been 21280
repaid. 21281

(3) If a board of education has submitted and received 21282
controlling board approval of a plan and proposed loan in 21283
accordance with this section, the ~~superintendent of public~~ 21284
~~instruction~~ director of education and workforce shall report to 21285
the controlling board the actual amounts loaned to the board of 21286
education. Such board of education shall request the 21287
~~superintendent~~ director to pay any funds the board of education 21288
would otherwise receive pursuant to Chapter 3306. of the Revised 21289
Code first directly to the holders of the board of education's 21290
notes, or an agent thereof, such amounts as are specified under 21291
the terms of the loan. Such payments shall be made only from and 21292
to the extent of money appropriated by the general assembly for 21293
purposes of such sections. No note or other obligation of the 21294
board of education under the loan constitutes an obligation nor 21295
a debt or a pledge of the faith, credit, or taxing power of the 21296

state, and the holder or owner of such note or obligation has no 21297
right to have taxes levied by the general assembly for the 21298
payment of such note or obligation, and such note or obligation 21299
shall contain a statement to that effect. 21300

(4) Pursuant to the terms of such a loan, a board of 21301
education may issue its notes in anticipation of the collection 21302
of its voted levies for current expenses or its receipt of such 21303
state funds or both. Such notes shall be issued in accordance 21304
with division (E) of section 133.10 of the Revised Code and 21305
constitute Chapter 133. securities to the extent such division 21306
and the otherwise applicable provisions of Chapter 133. of the 21307
Revised Code are not inconsistent with this section, provided 21308
that in any event sections 133.24 and 5705.21 and divisions (A), 21309
(B), (C), and (E) (2) of section 133.10 of the Revised Code do 21310
not apply to such notes. 21311

(5) Notwithstanding section 133.36 or 3313.17, any other 21312
section of the Revised Code, or any other provision of law, a 21313
board of education that has received a loan under this section 21314
may not declare bankruptcy, so long as any portion of such loan 21315
remains unpaid. 21316

(F) Under this section and section 3313.4810, "board of 21317
education" or "district board" includes the financial planning 21318
and supervision commission of a school district under a fiscal 21319
emergency pursuant to Chapter 3316. of the Revised Code where 21320
such commission chooses to exercise the powers and duties 21321
otherwise required of the district board of education under this 21322
section and section 3313.4810 of the Revised Code. 21323

Sec. 3313.484. No loan shall be approved under sections 21324
3313.483 to 3313.4810 of the Revised Code after March 1, 1998. 21325

By the last day of June each year, the department of education and workforce shall calculate and pay a subsidy to every school district that during the current fiscal year paid and was obligated to pay interest on a loan under sections 3313.483 to 3313.4810 of the Revised Code in excess of two per cent simple interest. The amount of the subsidy shall equal the difference between the amount of interest the district paid and was obligated to pay during the year and the interest that the district would have been obligated to pay if the interest rate on the loan had been two per cent per year.

Sec. 3313.487. (A) Upon receipt of a copy of a request for a determination under section 3313.483 of the Revised Code or upon the issuance of written notification under division (B) of section 3313.489 of the Revised Code, the ~~superintendent of public instruction~~ department of education and workforce shall analyze the district's financial condition and ascertain what elements of the district's educational program exceed or fail to meet the minimum standards of the ~~state board~~ director of education and workforce and requirements set forth in the Revised Code, and what, if any, additional revenues or revenue sources may be available to the district that are not included in its official certificate or amended certificate of estimated resources. The ~~superintendent~~ director shall make a written report of the ~~superintendent's~~ director's findings to the school district's board of education, and the auditor of state, ~~and the state board of education~~. The report shall include any recommendations, including reductions in programs which exceed minimum standards of the ~~state board of education~~ director or requirements set forth in the Revised Code, that, if followed, would enable the district to reduce its expenses while operating an educational program that is responsive to the educational

needs of the school district in accordance with its adopted 21357
school calendar. The ~~superintendent~~director may determine that 21358
a responsive educational program requires the inclusion of 21359
elements exceeding the minimum standards of the ~~state board of~~
~~education~~director or requirements of the Revised Code. If, upon 21360
completion of the analysis and findings as provided in this 21361
division, the ~~superintendent~~director determines that the 21363
district will be financially unable to operate its educational 21364
program in accordance with its adopted school calendar and pay 21365
all obligated expenses, the ~~superintendent~~director shall notify 21366
the auditor of state in writing. Upon receipt of such 21367
notification, the auditor of state shall issue findings pursuant 21368
to section 3313.483 of the Revised Code. 21369

(B) Upon the receipt of the ~~superintendent of public~~
~~instruction's~~director of education and workforce's report under 21370
division (A) of this section or a certification from the auditor 21371
of state under section 3313.483 of the Revised Code, the ~~state~~
~~board of education~~director may, at any time during the next 21374
ninety days, issue an order making the school district subject 21375
to section 3313.488 of the Revised Code if it finds the school 21376
district is not able to operate an educational program from 21377
existing revenue sources during the current and the ensuing 21378
school year. Such order shall take immediate effect, and such 21379
section shall apply to the school district. ~~Prior to the~~
~~issuance of any order under this division, the state board of~~
~~education may request from the superintendent of public~~
~~instruction a recommendation regarding the matter of the~~
~~issuance of an order making a school district subject to section~~
~~3313.488 of the Revised Code.~~ A board of education may appeal 21385
the order on questions of fact to the court of common pleas of 21386
Franklin county. 21387

(C) Notwithstanding division (B) of this section, the ~~state board of education director~~ shall issue an order making a school district subject to section 3313.488 of the Revised Code if the district fails to enter into a loan agreement with a commercial lending institution within forty-five days of the deficit certification pursuant to section 3313.483 of the Revised Code. If the ~~state board director~~ issues an order under this division, the ~~superintendent of public instruction director~~ shall apply for a loan from a commercial lending institution pursuant to section 3313.483 of the Revised Code on behalf of the district. The ~~superintendent director~~ shall have full authority to act on behalf of the board of education of a school district with respect to the making of loan agreements, and any loan agreement made by the ~~superintendent director~~ shall be fully binding on the school district.

(D) This section does not apply to a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code.

Sec. 3313.488. (A) Within fifteen days after the date the ~~state board director of education and workforce~~ issues an order under section 3313.487 of the Revised Code making a school district subject to this section, the district's board of education shall prepare a fiscal statement of expenses and expenditures for the remainder of the current fiscal year. The fiscal statement shall be submitted to the ~~superintendent of public instruction department of education and workforce~~ and shall set forth all revenues to be received by the district during the remainder of the fiscal year and their sources, the expenses to be incurred by the district during the remainder of the fiscal year, the outstanding and unpaid expenses at the time the fiscal statement is prepared and the date or dates by which

such expenses must be paid, and such other information as the 21419
~~superintendent-director~~ requires to enable the ~~superintendent-~~ 21420
department of education and workforce to ensure that during the 21421
remainder of the fiscal year, the district will not incur any 21422
expenses that will further impair its ability to operate an 21423
instructional program that meets or exceeds the minimum 21424
standards of the ~~state board of education~~director and 21425
requirements of the Revised Code during the current and ensuing 21426
fiscal years with the revenue available to it from existing 21427
revenue sources. The fiscal statement shall be presented in such 21428
detail and form as the ~~superintendent-department~~ prescribes. 21429
Beginning the tenth day after the fiscal statement is submitted 21430
and for the remainder of the fiscal year, the board shall not 21431
make any expenditure of money, make any employment, purchase, or 21432
rental contract, give any order involving the expenditure of 21433
money, or increase any wage or salary schedule unless the 21434
~~superintendent of public instruction~~director has approved the 21435
fiscal statement in writing and the expenditure, contract, 21436
order, or schedule has been approved in writing by the 21437
~~superintendent-director~~ as being in conformity with the fiscal 21438
statement. 21439

Any contract or expenditure made, order given, or schedule 21440
adopted or put into effect without the written approval of the 21441
~~superintendent of public instruction~~director is void, and no 21442
warrant shall be issued in payment of any amount due thereon. 21443

(B) A board of education subject to division (A) of this 21444
section shall prepare a fiscal statement of expenses and 21445
expenditures for the ensuing fiscal year. The fiscal statement 21446
shall be submitted to the ~~superintendent of public instruction-~~ 21447
director and shall set forth all revenues to be received by the 21448
district during such year and their source, the expenses to be 21449

incurred by the district during such year, the outstanding and 21450
unpaid expenses on the first day of such fiscal year, the date 21451
or dates by which such expenses must be paid, and such other 21452
information as the ~~superintendent~~ department requires to enable 21453
the ~~superintendent~~ department to ensure that during such year, 21454
the district will not incur any expenses that will further 21455
impair its ability to operate an instructional program that 21456
meets or exceeds the minimum standards of the ~~state board of~~ 21457
~~education~~ director and requirements of the Revised Code during 21458
such year with the revenue available to it from existing revenue 21459
sources. The fiscal statement shall be presented at the time and 21460
in such detail and form as the ~~superintendent~~ department 21461
prescribes. During the fiscal year following the year in which a 21462
board of education first becomes subject to division (A) of this 21463
section it shall not make any expenditure of money, make any 21464
employment, purchase, or rental contract, give any order 21465
involving the expenditure of money, or increase any wage or 21466
salary schedule unless the ~~superintendent of public instruction~~ 21467
director has approved the fiscal statement submitted under this 21468
division in writing and has approved the expenditure, contract, 21469
order, or schedule in writing as being in conformity with the 21470
fiscal statement. 21471

Any contract or expenditure made, order given, or schedule 21472
adopted or put into effect without the written approval of the 21473
~~superintendent of public instruction~~ director is void, and no 21474
warrant shall be issued in payment of any amount due thereon. 21475

(C) The ~~state board of education~~ department shall examine 21476
any fiscal statement presented to and approved by ~~the~~ 21477
~~superintendent of public instruction~~ it under division (B) of 21478
this section and shall determine whether the data set forth in 21479
the fiscal statement are factual and based upon assumptions that 21480

in its judgment are reasonable expectations consistent with 21481
acceptable governmental budget and accounting practices. If the 21482
~~state board department~~ so determines and finds that the revenues 21483
and expenditures in the fiscal statement are in balance for the 21484
fiscal year and the fiscal statement will enable the district to 21485
operate during such year without interrupting its school 21486
calendar, it shall certify its determination and finding to the 21487
district at least thirty days prior to the beginning of the 21488
fiscal year, and the district shall thereupon cease to be 21489
subject to this section. If the ~~state board department~~ does not 21490
make such a determination and finding, the board of education 21491
and school district are subject to this division and division 21492
(B) of this section in the ensuing fiscal year and each fiscal 21493
year thereafter until the ~~state board department~~ makes a 21494
determination, finding, and certification under this division. 21495

(D) Any officer, employee, or other person who knowingly 21496
expends or authorizes the expenditure of any public funds or 21497
knowingly authorizes or executes any contract, order, or 21498
schedule contrary to division (A) or (B) of this section or who 21499
knowingly expends or authorizes the expenditure of any public 21500
funds on any such void contract, order, or schedule is jointly 21501
and severally liable in person and upon any official bond that 21502
the officer, employee, or other person has given to such school 21503
district to the extent of any payments on the void claim, not to 21504
exceed twenty thousand dollars. The attorney general at the 21505
written request of the ~~superintendent of public instruction~~ 21506
~~department~~ shall enforce this liability by civil action brought 21507
in any court of appropriate jurisdiction in the name of and on 21508
behalf of the school district. 21509

(E) This section does not apply to a school district 21510
declared to be under a fiscal emergency pursuant to division (B) 21511

of section 3316.03 of the Revised Code. 21512

Sec. 3313.489. (A) The ~~superintendent of public~~ 21513
~~instruction~~ director of education and workforce shall examine 21514
each five-year projection of revenues and expenditures submitted 21515
under section 5705.391 of the Revised Code and shall determine 21516
whether the information contained therein, together with any 21517
other relevant information, indicates that the district may be 21518
financially unable to operate its instructional program on all 21519
days set forth in its adopted school calendars and pay all 21520
obligated expenses during the current fiscal year. If a board of 21521
education has not adopted a school calendar for the school year 21522
beginning on the first day of July of the current fiscal year at 21523
the time an examination is required under this division, the 21524
~~superintendent~~ director shall examine the five-year projection 21525
and determine whether the district may be financially unable to 21526
pay all obligated expenses and operate its instructional program 21527
for the number of days on which instruction was held in the 21528
preceding fiscal year. 21529

(B) If the ~~superintendent of public instruction~~ director 21530
of education and workforce determines pursuant to division (A) 21531
of this section that a school district may be financially unable 21532
to operate its instructional program on all days required by 21533
such division and pay all obligated expenses during the current 21534
fiscal year, the ~~superintendent~~ director shall provide written 21535
notification of such determination to the president of the 21536
district's board of education and the auditor of state. 21537

(C) This section does not apply to a school district 21538
declared to be under a fiscal emergency pursuant to division (B) 21539
of section 3316.03 of the Revised Code. 21540

Sec. 3313.4810. Any school district receiving a loan under 21541

section 3313.483 of the Revised Code in excess of seven per cent 21542
of the general fund expenditures of the district during the 21543
fiscal year in which the loan is received and that has received 21544
a loan under that section within the last five years is subject 21545
to section 3313.488 of the Revised Code for the duration of the 21546
fiscal year in which the district receives the loan and during 21547
the ensuing two fiscal years. The controlling board may not 21548
relieve a school district to which this section applies from any 21549
requirements imposed under section 3313.483 of the Revised Code 21550
to implement recommendations of the ~~superintendent of public~~ 21551
~~instruction~~ director of education and workforce for expenditure 21552
reduction and may not modify any other requirements imposed 21553
under such section upon such a district as a condition for 21554
receiving the loan unless expressly authorized to do so by law. 21555
The ~~superintendent of public instruction~~ director shall, among 21556
any recommendations the ~~superintendent~~ director makes for 21557
expenditure reduction under section 3313.483 of the Revised Code 21558
affecting the number of employees of a school district to which 21559
this section applies, provide wherever possible for the 21560
retention of teachers who are actually involved in the daily 21561
teaching of students in the classroom. 21562

Sec. 3313.531. (A) As used in this section, "adult high 21563
school continuation programs" means an organized instructional 21564
program for persons sixteen years of age and older, except as 21565
provided in division (C) of this section, who are not otherwise 21566
enrolled in a high school for which the ~~state board~~ director of 21567
education and workforce sets standards pursuant to section 21568
3301.07 of the Revised Code. Such programs are limited to 21569
courses for which credit may be granted toward the issuance of a 21570
high school diploma. 21571

(B) The board of education of any school district may 21572

establish and operate an adult high school continuation program. 21573
Two or more boards of education may jointly establish and 21574
operate such a program. The resolution establishing an adult 21575
high school continuation program may specify the contribution 21576
and expenditure of funds, the use of buildings, equipment, and 21577
other school facilities, and such other matters as the board 21578
wishes to include. In the case of a jointly operated program, 21579
the resolutions establishing such program shall also designate 21580
one of the participating boards to be responsible for receiving 21581
and disbursing funds, and administering the program for the 21582
benefit of all participating boards of education. 21583

(C) A board of education that operates an adult high 21584
school continuation program alone or jointly with another board 21585
may, by resolution, authorize the district's superintendent to 21586
assign to such program in accordance with this section, any 21587
student who has not received a high school diploma, who is at 21588
least eighteen years old, and who is being readmitted to school 21589
following expulsion or commitment to the department of youth 21590
services. Before making any such assignment, the superintendent 21591
or his the superintendent's designee shall meet with the student 21592
to determine whether he the student should be so assigned, and 21593
shall prepare a report on his the superintendent's or designee's 21594
findings and determination. If based on his the meeting or his- 21595
the designee's report the superintendent finds that the pupil 21596
should be placed in a program under this section, the 21597
superintendent shall make the assignment. Once assigned to the 21598
program, the student shall remain in it until he the student is 21599
reassigned by the superintendent or leaves school. At least once 21600
in each academic term, the superintendent or his the 21601
superintendent's designee shall review the progress of each 21602
student assigned to the program under this division and the 21603

superintendent shall, based on the review, make a determination 21604
of whether the student should remain in the program or be 21605
reassigned. Tuition shall not be charged for the attendance of 21606
any student assigned to a program pursuant to this division who 21607
is entitled under section 3313.64 of the Revised Code to attend 21608
the schools of the district without payment of tuition. 21609

(D) The ~~state board department~~ of education and workforce 21610
shall adopt rules and standards governing the operations of 21611
adult high school continuation programs. Any school district or 21612
combination of districts operating such a program in accordance 21613
with the rules and standards of the ~~state board of education~~ 21614
department may receive from the state board of education, with 21615
the approval of the ~~superintendent of public instruction,~~ 21616
department, receive reimbursement from the department in an 21617
amount not to exceed ten dollars per instructional hour. 21618

Sec. 3313.532. (A) Any person twenty-two or more years of 21619
age and enrolled in an adult high school continuation program 21620
established pursuant to section 3313.531 of the Revised Code may 21621
request the board of education operating the program to conduct 21622
an evaluation in accordance with division (C) of this section. 21623

(B) Any applicant to a board of education for a diploma of 21624
adult education under division (B) of section 3313.611 of the 21625
Revised Code may request the board to conduct an evaluation in 21626
accordance with division (C) of this section. 21627

(C) Upon the request of any person pursuant to division 21628
(A) or (B) of this section, the board of education to which the 21629
request is made shall evaluate the person to determine whether 21630
the person is disabled, in accordance with rules adopted by the 21631
~~state board department~~ of education and workforce. If the 21632
evaluation indicates that the person is disabled, the board 21633

shall determine whether to excuse the person from taking any of 21634
the assessments required by section 3313.618 of the Revised Code 21635
as a requirement for receiving a diploma under section 3313.611 21636
of the Revised Code. The board may require the person to take an 21637
alternate assessment in place of any test from which the person 21638
is so excused. 21639

Sec. 3313.533. (A) The board of education of a city, 21640
exempted village, or local school district may adopt a 21641
resolution to establish and maintain an alternative school in 21642
accordance with this section. The resolution shall specify, but 21643
not necessarily be limited to, all of the following: 21644

(1) The purpose of the school, which purpose shall be to 21645
serve students who are on suspension, who are having truancy 21646
problems, who are experiencing academic failure, who have a 21647
history of class disruption, who are exhibiting other academic 21648
or behavioral problems specified in the resolution, or who have 21649
been discharged or released from the custody of the department 21650
of youth services under section 5139.51 of the Revised Code; 21651

(2) The grades served by the school, which may include any 21652
of grades kindergarten through twelve; 21653

(3) A requirement that the school be operated in 21654
accordance with this section. The board of education adopting 21655
the resolution under division (A) of this section shall be the 21656
governing board of the alternative school. The board shall 21657
develop and implement a plan for the school in accordance with 21658
the resolution establishing the school and in accordance with 21659
this section. Each plan shall include, but not necessarily be 21660
limited to, all of the following: 21661

(a) Specification of the reasons for which students will 21662

be accepted for assignment to the school and any criteria for 21663
admission that are to be used by the board to approve or 21664
disapprove the assignment of students to the school; 21665

(b) Specification of the criteria and procedures that will 21666
be used for returning students who have been assigned to the 21667
school back to the regular education program of the district; 21668

(c) An evaluation plan for assessing the effectiveness of 21669
the school and its educational program and reporting the results 21670
of the evaluation to the public. 21671

(B) Notwithstanding any provision of Title XXXIII of the 21672
Revised Code to the contrary, the alternative school plan may 21673
include any of the following: 21674

(1) A requirement that on each school day students must 21675
attend school or participate in other programs specified in the 21676
plan or by the chief administrative officer of the school for a 21677
period equal to the minimum school day set by the board of 21678
education under section 3313.48 of the Revised Code plus any 21679
additional time required in the plan or by the chief 21680
administrative officer; 21681

(2) Restrictions on student participation in 21682
extracurricular or interscholastic activities; 21683

(3) A requirement that students wear uniforms prescribed 21684
by the district board of education. 21685

(C) In accordance with the alternative school plan, the 21686
district board of education may employ teachers and nonteaching 21687
employees necessary to carry out its duties and fulfill its 21688
responsibilities or may contract with a nonprofit or for profit 21689
entity to operate the alternative school, including the 21690
provision of personnel, supplies, equipment, or facilities. 21691

(D) An alternative school may be established in all or 21692
part of a school building. 21693

(E) If a district board of education elects under this 21694
section, or is required by section 3313.534 of the Revised Code, 21695
to establish an alternative school, the district board may join 21696
with the board of education of one or more other districts to 21697
form a joint alternative school by forming a cooperative 21698
education school district under section 3311.52 or 3311.521 of 21699
the Revised Code, or a joint educational program under section 21700
3313.842 of the Revised Code. The authority to employ personnel 21701
or to contract with a nonprofit or for profit entity under 21702
division (C) of this section applies to any alternative school 21703
program established under this division. 21704

(F) Any individual employed as a teacher at an alternative 21705
school operated by a nonprofit or for profit entity under this 21706
section shall be licensed and shall be subject to background 21707
checks, as described in section 3319.39 of the Revised Code, in 21708
the same manner as an individual employed by a school district. 21709

(G) Division (G) of this section applies only to any 21710
alternative school that is operated by a nonprofit or for profit 21711
entity under contract with the school district. 21712

(1) In addition to the specifications authorized under 21713
division (B) of this section, any plan adopted under that 21714
division for an alternative school to which division (G) of this 21715
section also applies shall include the following: 21716

(a) A description of the educational program provided at 21717
the alternative school, which shall include: 21718

(i) Provisions for the school to be configured in clusters 21719
or small learning communities; 21720

(ii) Provisions for the incorporation of education technology into the curriculum;	21721 21722
(iii) Provisions for accelerated learning programs in reading and mathematics.	21723 21724
(b) A method to determine the reading and mathematics level of each student assigned to the alternative school and a method to continuously monitor each student's progress in those areas. The methods employed under this division shall be aligned with the curriculum adopted by the school district board of education under section 3313.60 of the Revised Code.	21725 21726 21727 21728 21729 21730
(c) A plan for social services to be provided at the alternative school, such as, but not limited to, counseling services, psychological support services, and enrichment programs;	21731 21732 21733 21734
(d) A plan for a student's transition from the alternative school back to a school operated by the school district;	21735 21736
(e) A requirement that the alternative school maintain financial records in a manner that is compatible with the form prescribed for school districts by the auditor of state to enable the district to comply with any rules adopted by the auditor of state.	21737 21738 21739 21740 21741
(2) Notwithstanding division (A) (2) of this section, any alternative school to which division (G) of this section applies shall include only grades six through twelve.	21742 21743 21744
(3) Notwithstanding anything in division (A) (3) (a) of this section to the contrary, the characteristics of students who may be assigned to an alternative school to which division (G) of this section applies shall include only disruptive and low-performing students.	21745 21746 21747 21748 21749

(H) When any district board of education determines to contract with a nonprofit or for profit entity to operate an alternative school under this section, the board shall use the procedure set forth in this division.

(1) The board shall publish notice of a request for proposals in a newspaper of general circulation in the district once each week for a period of two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the date specified by the board for receiving proposals. Notices of requests for proposals shall contain a general description of the subject of the proposed contract and the location where the request for proposals may be obtained. The request for proposals shall include all of the following information:

(a) Instructions and information to respondents concerning the submission of proposals, including the name and address of the office where proposals are to be submitted;

(b) Instructions regarding communications, including at least the names, titles, and telephone numbers of persons to whom questions concerning a proposal may be directed;

(c) A description of the performance criteria that will be used to evaluate whether a respondent to which a contract is awarded is meeting the district's educational standards or the method by which such performance criteria will be determined;

(d) Factors and criteria to be considered in evaluating proposals, the relative importance of each factor or criterion, and a description of the evaluation procedures to be followed;

(e) Any terms or conditions of the proposed contract, including any requirement for a bond and the amount of such bond;

(f) Documents that may be incorporated by reference into 21779
the request for proposals, provided that the request for 21780
proposals specifies where such documents may be obtained and 21781
that such documents are readily available to all interested 21782
parties. 21783

(2) After the date specified for receiving proposals, the 21784
board shall evaluate the submitted proposals and may hold 21785
discussions with any respondent to ensure a complete 21786
understanding of the proposal and the qualifications of such 21787
respondent to execute the proposed contract. Such qualifications 21788
shall include, but are not limited to, all of the following: 21789

(a) Demonstrated competence in performance of the required 21790
services as indicated by effective implementation of educational 21791
programs in reading and mathematics and at least three years of 21792
experience successfully serving a student population similar to 21793
the student population assigned to the alternative school; 21794

(b) Demonstrated performance in the areas of cost 21795
containment, the provision of educational services of a high 21796
quality, and any other areas determined by the board; 21797

(c) Whether the respondent has the resources to undertake 21798
the operation of the alternative school and to provide qualified 21799
personnel to staff the school; 21800

(d) Financial responsibility. 21801

(3) The board shall select for further review at least 21802
three proposals from respondents the board considers qualified 21803
to operate the alternative school in the best interests of the 21804
students and the district. If fewer than three proposals are 21805
submitted, the board shall select each proposal submitted. The 21806
board may cancel a request for proposals or reject all proposals 21807

at any time prior to the execution of a contract. 21808

The board may hold discussions with any of the three 21809
selected respondents to clarify or revise the provisions of a 21810
proposal or the proposed contract to ensure complete 21811
understanding between the board and the respondent of the terms 21812
under which a contract will be entered. Respondents shall be 21813
accorded fair and equal treatment with respect to any 21814
opportunity for discussion regarding clarifications or 21815
revisions. The board may terminate or discontinue any further 21816
discussion with a respondent upon written notice. 21817

(4) Upon further review of the three proposals selected by 21818
the board, the board shall award a contract to the respondent 21819
the board considers to have the most merit, taking into 21820
consideration the scope, complexity, and nature of the services 21821
to be performed by the respondent under the contract. 21822

(5) Except as provided in division (H) (6) of this section, 21823
the request for proposals, submitted proposals, and related 21824
documents shall become public records under section 149.43 of 21825
the Revised Code after the award of the contract. 21826

(6) Any respondent may request in writing that the board 21827
not disclose confidential or proprietary information or trade 21828
secrets contained in the proposal submitted by the respondent to 21829
the board. Any such request shall be accompanied by an offer of 21830
indemnification from the respondent to the board. The board 21831
shall determine whether to agree to the request and shall inform 21832
the respondent in writing of its decision. If the board agrees 21833
to nondisclosure of specified information in a proposal, such 21834
information shall not become a public record under section 21835
149.43 of the Revised Code. If the respondent withdraws its 21836
proposal at any time prior to the execution of a contract, the 21837

proposal shall not be a public record under section 149.43 of 21838
the Revised Code. 21839

(I) Upon a recommendation from the department and in 21840
accordance with section 3301.16 of the Revised Code, the ~~state-~~ 21841
~~board-director~~ of education and workforce may revoke the charter 21842
of any alternative school operated by a school district that 21843
violates this section. 21844

Sec. 3313.534. (A) The board of education of each city, 21845
exempted village, and local school district shall adopt a policy 21846
of zero tolerance for violent, disruptive, or inappropriate 21847
behavior and establish strategies to address such behavior that 21848
range from prevention to intervention. A policy adopted pursuant 21849
to this section shall comply with the requirements of sections 21850
3313.668 and 3319.46 of the Revised Code. 21851

(B) Each of the big eight school districts, as defined in 21852
section 3314.02 of the Revised Code, shall establish under 21853
section 3313.533 of the Revised Code at least one alternative 21854
school to meet the educational needs of students with severe 21855
discipline problems, including, but not limited to, excessive 21856
disruption in the classroom and multiple suspensions or 21857
expulsions. Any other school district that attains after that 21858
date a significantly substandard graduation rate, as defined by 21859
the department of education and workforce, shall also establish 21860
such an alternative school under that section. 21861

Sec. 3313.5310. (A) (1) This section applies to both of the 21862
following: 21863

(a) Any school operated by a school district board of 21864
education; 21865

(b) Any chartered or nonchartered nonpublic school that is 21866

subject to the rules of an interscholastic conference or an 21867
organization that regulates interscholastic conferences or 21868
events. 21869

(2) As used in this section, "athletic activity" means all 21870
of the following: 21871

(a) Interscholastic athletics; 21872

(b) An athletic contest or competition that is sponsored 21873
by or associated with a school that is subject to this section, 21874
including cheerleading, club-sponsored sports activities, and 21875
sports activities sponsored by school-affiliated organizations; 21876

(c) Noncompetitive cheerleading that is sponsored by 21877
school-affiliated organizations; 21878

(d) Practices, interschool practices, and scrimmages for 21879
all of the activities described in divisions (A) (2) (a), (b), and 21880
(c) of this section. 21881

(B) Prior to the start of each athletic season, a school 21882
that is subject to this section may hold an informational 21883
meeting for students, parents, guardians, other persons having 21884
care or charge of a student, physicians, pediatric 21885
cardiologists, athletic trainers, and any other persons 21886
regarding the symptoms and warning signs of sudden cardiac 21887
arrest for all ages of students. 21888

(C) No student shall participate in an athletic activity 21889
until the student has submitted to a designated school official 21890
a form signed by the student and the parent, guardian, or other 21891
person having care or charge of the student stating that the 21892
student and the parent, guardian, or other person having care or 21893
charge of the student have received and reviewed a copy of the 21894
information jointly developed by the ~~departments~~ department of 21895

health and the department of education and workforce and posted 21896
on their respective ~~internet~~ web sites as required by section 21897
3707.59 of the Revised Code. A completed form shall be submitted 21898
each school year, as defined in section 3313.62 of the Revised 21899
Code, in which the student participates in an athletic activity. 21900

(D) No individual shall coach an athletic activity unless 21901
the individual has completed, on an annual basis, the sudden 21902
cardiac arrest training course approved by the department of 21903
health under division (C) of section 3707.59 of the Revised 21904
Code. 21905

(E) (1) A student shall not be allowed to participate in an 21906
athletic activity if either of the following is the case: 21907

(a) The student's biological parent, biological sibling, 21908
or biological child has previously experienced sudden cardiac 21909
arrest, and the student has not been evaluated and cleared for 21910
participation in an athletic activity by a physician authorized 21911
under Chapter 4731. of the Revised Code to practice medicine and 21912
surgery or osteopathic medicine and surgery. 21913

(b) The student is known to have exhibited syncope or 21914
fainting at any time prior to or following an athletic activity 21915
and has not been evaluated and cleared for return under division 21916
(E) (3) of this section after exhibiting syncope or fainting. 21917

(2) A student shall be removed by the student's coach from 21918
participation in an athletic activity if the student exhibits 21919
syncope or fainting. 21920

(3) If a student is not allowed to participate in or is 21921
removed from participation in an athletic activity under 21922
division (E) (1) or (2) of this section, the student shall not be 21923
allowed to return to participation until the student is 21924

evaluated and cleared for return in writing by any of the 21925
following: 21926

(a) A physician authorized under Chapter 4731. of the 21927
Revised Code to practice medicine and surgery or osteopathic 21928
medicine and surgery, including a physician who specializes in 21929
cardiology; 21930

(b) A certified nurse practitioner, clinical nurse 21931
specialist, or certified nurse-midwife who holds a certificate 21932
of authority issued under Chapter 4723. of the Revised Code; 21933

(c) A physician assistant licensed under Chapter 4730. of 21934
the Revised Code; 21935

(d) An athletic trainer licensed under Chapter 4755. of 21936
the Revised Code. 21937

The licensed health care providers specified in divisions 21938
(E) (3) (a) to (d) of this section may consult with any other 21939
licensed or certified health care providers in order to 21940
determine whether a student is ready to return to participation. 21941

(F) A school that is subject to this section shall 21942
establish penalties for a coach who violates the provisions of 21943
division (E) of this section. 21944

(G) Nothing in this section shall be construed to abridge 21945
or limit any rights provided under a collective bargaining 21946
agreement entered into under Chapter 4117. of the Revised Code 21947
prior to March 14, 2017. 21948

(H) (1) A school district, member of a school district 21949
board of education, or school district employee or volunteer, 21950
including a coach, is not liable in damages in a civil action 21951
for injury, death, or loss to person or property allegedly 21952

arising from providing services or performing duties under this 21953
section, unless the act or omission constitutes willful or 21954
wanton misconduct. 21955

This section does not eliminate, limit, or reduce any 21956
other immunity or defense that a school district, member of a 21957
school district board of education, or school district employee 21958
or volunteer, including a coach, may be entitled to under 21959
Chapter 2744. or any other provision of the Revised Code or 21960
under the common law of this state. 21961

(2) A chartered or nonchartered nonpublic school or any 21962
officer, director, employee, or volunteer of the school, 21963
including a coach, is not liable in damages in a civil action 21964
for injury, death, or loss to person or property allegedly 21965
arising from providing services or performing duties under this 21966
section, unless the act or omission constitutes willful or 21967
wanton misconduct. 21968

Sec. 3313.5312. (A) A student who is receiving home 21969
instruction in accordance with division (A) (2) of section 21970
3321.04 of the Revised Code shall be afforded, by the 21971
superintendent of the school district in which the student is 21972
entitled to attend school under section 3313.64 or 3313.65 of 21973
the Revised Code, the opportunity to participate in any 21974
extracurricular activity offered at the district school to which 21975
the student otherwise would be assigned during that school year. 21976
If more than one school operated by the school district serves 21977
the student's grade level, as determined by the district 21978
superintendent based on the student's age and academic 21979
performance, the student shall be afforded the opportunity to 21980
participate in extracurricular activities at the school to which 21981
the student would be assigned by the superintendent under 21982

section 3319.01 of the Revised Code. If a student who is 21983
afforded the opportunity to participate in extracurricular 21984
activities under division (A) of this section wishes to 21985
participate in an activity that is offered by the district, the 21986
student shall not participate in that activity at another school 21987
or school district to which the student is not entitled to 21988
attend. 21989

(B) The superintendent of any school district may afford 21990
any student who receives home instruction under division (A) (2) 21991
of section 3321.04 of the Revised Code, and who is not entitled 21992
to attend school in the district under section 3313.64 or 21993
3313.65 of the Revised Code, the opportunity to participate in 21994
any extracurricular activity offered by a school of the 21995
district, if the district to which the student is entitled to 21996
attend does not offer that extracurricular activity. 21997

(C) In order to participate in an extracurricular activity 21998
under this section, the student shall be of the appropriate age 21999
and grade level, as determined by the superintendent of the 22000
district, for the school that offers the extracurricular 22001
activity, shall fulfill the same nonacademic and financial 22002
requirements as any other participant, and shall fulfill either 22003
of the following academic requirements: 22004

(1) If the student received home instruction in the 22005
preceding grading period, the student shall meet any academic 22006
requirements established by the ~~state board~~ department of 22007
education and workforce for the continuation of home 22008
instruction. 22009

(2) If the student did not receive home instruction in the 22010
preceding grading period, the student's academic performance 22011
during the preceding grading period shall have met any academic 22012

standards for eligibility to participate in the program 22013
established by the school district. 22014

(D) Eligibility for a student who leaves a school district 22015
mid-year for home instruction shall be determined based on an 22016
interim academic assessment issued by the district in which the 22017
student was enrolled based on the student's work while enrolled 22018
in that district. 22019

(E) Any student who commences home instruction after the 22020
beginning of a school year and who is, at the time home 22021
instruction commences, ineligible to participate in an 22022
extracurricular activity due to failure to meet academic 22023
standards or any other requirements of the district shall not 22024
participate in the extracurricular activity under this section 22025
until the student meets the academic requirements established by 22026
the ~~state board of education department~~ for continuation of home 22027
instruction as verified by the superintendent of the district. 22028
No student under this section shall be eligible to participate 22029
in the same semester in which the student was determined 22030
ineligible. 22031

(F) No school district shall impose additional rules on a 22032
student to participate under this section that do not apply to 22033
other students participating in the same extracurricular 22034
activity. No district shall impose fees for a student to 22035
participate under this section that exceed any fees charged to 22036
other students participating in the same extracurricular 22037
activity. 22038

(G) No school district, interscholastic conference, or 22039
organization that regulates interscholastic conferences or 22040
events shall require a student who is eligible to participate in 22041
interscholastic extracurricular activities under this section to 22042

meet eligibility requirements that conflict with this section. 22043

Sec. 3313.56. The board of education of any city, exempted 22044
village, or local school district may establish and maintain 22045
part-time schools or classes for the further education of 22046
children who are employed on age and schooling certificates. 22047
Such schools and classes shall be conducted not fewer than four 22048
hours per week while in session, and for not fewer than one 22049
hundred forty-four hours per calendar year between the hours of 22050
seven in the morning and six in the afternoon, excluding 22051
Saturday afternoon and Sunday. Such schools and classes shall be 22052
conducted under such standards as the ~~state board~~ department of 22053
education and workforce prescribes. Boards of education may 22054
provide for the expense of such schools and classes the same as 22055
for the expense of ordinary elementary schools. 22056

Sec. 3313.57. Boards of education of city, exempted 22057
village, or local school districts may provide or approve, 22058
subject to the approval of parents, activities for children 22059
during the summer vacation period which will promote their 22060
health, their civic and vocational competence, and their 22061
industry, recreation, character, or thrift. The superintendents 22062
of such school districts shall cause records to be kept of such 22063
activities assigned and completed. With the approval of the 22064
~~state board~~ department of education and workforce the successful 22065
completion of such vacation activities may be required for 22066
promotions and diplomas of graduation, but the completion by any 22067
child of such vacation activities shall not be prerequisite to 22068
the issuance of an age and schooling certificate for such child. 22069
Boards of education shall provide the service necessary to 22070
direct such activities and may pay any necessary expenses 22071
incident thereto, the same as the expense of an ordinary 22072
elementary school. 22073

Sec. 3313.60. Notwithstanding division (D) of section 22074
3311.52 of the Revised Code, divisions (A) to (E) of this 22075
section do not apply to any cooperative education school 22076
district established pursuant to divisions (A) to (C) of section 22077
3311.52 of the Revised Code. 22078

(A) The board of education of each city, exempted village, 22079
and local school district and the board of each cooperative 22080
education school district established, pursuant to section 22081
3311.521 of the Revised Code, shall prescribe a curriculum for 22082
all schools under its control. Except as provided in division 22083
(E) of this section, in any such curriculum there shall be 22084
included the study of the following subjects: 22085

(1) The language arts, including reading, writing, 22086
spelling, oral and written English, and literature; 22087

(2) Geography, the history of the United States and of 22088
Ohio, and national, state, and local government in the United 22089
States, including a balanced presentation of the relevant 22090
contributions to society of men and women of African, Mexican, 22091
Puerto Rican, and American Indian descent as well as other 22092
ethnic and racial groups in Ohio and the United States; 22093

(3) Mathematics; 22094

(4) Natural science, including instruction in the 22095
conservation of natural resources; 22096

(5) Health education, which shall include instruction in: 22097

(a) The nutritive value of foods, including natural and 22098
organically produced foods, the relation of nutrition to health, 22099
and the use and effects of food additives; 22100

(b) The harmful effects of and legal restrictions against 22101

the use of drugs of abuse, alcoholic beverages, and tobacco, 22102
including electronic smoking devices; 22103

(c) Venereal disease education, except that upon written 22104
request of the student's parent or guardian, a student shall be 22105
excused from taking instruction in venereal disease education; 22106

(d) In grades kindergarten through six, instruction in 22107
personal safety and assault prevention, except that upon written 22108
request of the student's parent or guardian, a student shall be 22109
excused from taking instruction in personal safety and assault 22110
prevention; 22111

(e) In grades seven through twelve, age-appropriate 22112
instruction in dating violence prevention education, which shall 22113
include instruction in recognizing dating violence warning signs 22114
and characteristics of healthy relationships. 22115

In order to assist school districts in developing a dating 22116
violence prevention education curriculum, the department of 22117
education and workforce shall provide on its web site links to 22118
free curricula addressing dating violence prevention. 22119

If the parent or legal guardian of a student less than 22120
eighteen years of age submits to the principal of the student's 22121
school a written request to examine the dating violence 22122
prevention instruction materials used at that school, the 22123
principal, within a reasonable period of time after the request 22124
is made, shall allow the parent or guardian to examine those 22125
materials at that school. 22126

(f) Prescription opioid abuse prevention, with an emphasis 22127
on the prescription drug epidemic and the connection between 22128
prescription opioid abuse and addiction to other drugs, such as 22129
heroin; 22130

(g) The process of making an anatomical gift under Chapter 22131
2108. of the Revised Code, with an emphasis on the life-saving 22132
and life-enhancing effects of organ and tissue donation; 22133

(h) Beginning with the first day of the next school year 22134
that begins at least two years after March 24, 2021, in grades 22135
six through twelve, at least one hour or one standard class 22136
period per school year of evidence-based suicide awareness and 22137
prevention and at least one hour or one standard class period 22138
per school year of safety training and violence prevention, 22139
except that upon written request of the student's parent or 22140
guardian, a student shall be excused from taking instruction in 22141
suicide awareness and prevention or safety training and violence 22142
prevention; 22143

(i) Beginning with the first day of the next school year 22144
that begins at least two years after March 24, 2021, in grades 22145
six through twelve, at least one hour or one standard class 22146
period per school year of evidence-based social inclusion 22147
instruction, except that upon written request of the student's 22148
parent or guardian, a student shall be excused from taking 22149
instruction in social inclusion. 22150

For the instruction required under divisions (A) (5) (h) and 22151
(i) of this section, the board shall use a training program 22152
approved by the department of education and workforce under 22153
section 3301.221 of the Revised Code. 22154

Schools may use student assemblies, digital learning, and 22155
homework to satisfy the instruction requirements under divisions 22156
(A) (5) (h) and (i) of this section. 22157

(6) Physical education; 22158

(7) The fine arts, including music; 22159

(8) First aid, including a training program in 22160
cardiopulmonary resuscitation, which shall comply with section 22161
3313.6021 of the Revised Code when offered in any of grades nine 22162
through twelve, safety, and fire prevention. However, upon 22163
written request of the student's parent or guardian, a student 22164
shall be excused from taking instruction in cardiopulmonary 22165
resuscitation. 22166

(B) Except as provided in division (E) of this section, 22167
every school or school district shall include in the 22168
requirements for promotion from the eighth grade to the ninth 22169
grade one year's course of study of American history. A board 22170
may waive this requirement for academically accelerated students 22171
who, in accordance with procedures adopted by the board, are 22172
able to demonstrate mastery of essential concepts and skills of 22173
the eighth grade American history course of study. 22174

(C) As specified in divisions (B) (6) and (C) (6) of section 22175
3313.603 of the Revised Code, except as provided in division (E) 22176
of this section, every high school shall include in the 22177
requirements for graduation from any curriculum one-half unit 22178
each of American history and government. 22179

(D) Except as provided in division (E) of this section, 22180
basic instruction or demonstrated mastery in geography, United 22181
States history, the government of the United States, the 22182
government of the state of Ohio, local government in Ohio, the 22183
Declaration of Independence, the United States Constitution, and 22184
the Constitution of the state of Ohio shall be required before 22185
pupils may participate in courses involving the study of social 22186
problems, economics, foreign affairs, United Nations, world 22187
government, socialism, and communism. 22188

(E) For each cooperative education school district 22189

established pursuant to section 3311.521 of the Revised Code and 22190
each city, exempted village, and local school district that has 22191
territory within such a cooperative district, the curriculum 22192
adopted pursuant to divisions (A) to (D) of this section shall 22193
only include the study of the subjects that apply to the grades 22194
operated by each such school district. The curricula for such 22195
schools, when combined, shall provide to each student of these 22196
districts all of the subjects required under divisions (A) to 22197
(D) of this section. 22198

(F) The board of education of any cooperative education 22199
school district established pursuant to divisions (A) to (C) of 22200
section 3311.52 of the Revised Code shall prescribe a curriculum 22201
for the subject areas and grade levels offered in any school 22202
under its control. 22203

(G) Upon the request of any parent or legal guardian of a 22204
student, the board of education of any school district shall 22205
permit the parent or guardian to promptly examine, with respect 22206
to the parent's or guardian's own child: 22207

(1) Any survey or questionnaire, prior to its 22208
administration to the child; 22209

(2) Any textbook, workbook, software, video, or other 22210
instructional materials being used by the district in connection 22211
with the instruction of the child; 22212

(3) Any completed and graded test taken or survey or 22213
questionnaire filled out by the child; 22214

(4) Copies of the statewide academic standards and each 22215
model curriculum developed pursuant to section 3301.079 of the 22216
Revised Code, which copies shall be available at all times 22217
during school hours in each district school building. 22218

Sec. 3313.603. (A) As used in this section:	22219
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	22220 22221 22222 22223
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	22224 22225 22226 22227
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	22228 22229 22230 22231 22232
(1) English language arts, four units;	22233
(2) Health, one-half unit;	22234
(3) Mathematics, three units;	22235
(4) Physical education, one-half unit;	22236
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	22237 22238 22239
(a) Biological sciences, one unit;	22240
(b) Physical sciences, one unit.	22241
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	22242 22243 22244
(a) American history, one-half unit;	22245

(b) American government, one-half unit.	22246
(7) Social studies, two units.	22247
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B) (7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	22248 22249 22250 22251 22252
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	22253 22254
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	22255 22256 22257
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	22258 22259 22260 22261 22262 22263 22264
(1) English language arts, four units;	22265
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	22266 22267 22268
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A) (4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time	22269 22270 22271 22272 22273

on or after July 1, 2015, and who are pursuing a career- 22274
technical instructional track shall not be required to take 22275
algebra II or advanced computer science, and instead may 22276
complete a career-based pathway mathematics course approved by 22277
the department of education and workforce as an alternative. 22278

For students who choose to take advanced computer science 22279
in lieu of algebra II under division (C) (3) of this section, the 22280
school shall communicate to those students that some 22281
institutions of higher education may require algebra II for the 22282
purpose of college admission. Also, the parent, guardian, or 22283
legal custodian of each student who chooses to take advanced 22284
computer science in lieu of algebra II shall sign and submit to 22285
the school a document containing a statement acknowledging that 22286
not taking algebra II may have an adverse effect on college 22287
admission decisions. 22288

A student may fulfill one unit of mathematics under 22289
division (C) (3) of this section by completing one-half unit of 22290
financial literacy instruction to satisfy the requirement 22291
prescribed under division (C) (9) of this section and one-half 22292
unit of a mathematics course. The one-half unit course in 22293
mathematics shall not be in algebra II, or its equivalent, or a 22294
course for which the ~~state board~~ department requires an end-of- 22295
course examination under section 3301.0712 of the Revised Code. 22296

Students who choose to take one unit of advanced computer 22297
science in lieu of algebra II, as described in division (C) (3) 22298
of this section, shall not be permitted to complete one-half 22299
unit of financial literacy instruction to satisfy the 22300
mathematics unit requirements of that division. Instead, those 22301
students shall be required to complete the one-half unit of 22302
financial literacy instruction under division (C) (8) of this 22303

section.	22304
(4) Physical education, one-half unit;	22305
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	22306 22307 22308 22309
(a) Physical sciences, one unit;	22310
(b) Life sciences, one unit;	22311
(c) Advanced study in one or more of the following sciences, one unit:	22312 22313
(i) Chemistry, physics, or other physical science;	22314
(ii) Advanced biology or other life science;	22315
(iii) Astronomy, physical geology, or other earth or space science;	22316 22317
(iv) Computer science.	22318
No student shall substitute a computer science course for a life sciences or biology course under division (C) (5) of this section.	22319 22320 22321
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	22322 22323 22324
(a) American history, one-half unit;	22325
(b) American government, one-half unit.	22326
(7) Social studies, two units.	22327
Beginning with students who enter ninth grade for the	22328

first time on or after July 1, 2017, the two units of 22329
instruction prescribed by division (C) (7) of this section shall 22330
include at least one-half unit of instruction in the study of 22331
world history and civilizations. 22332

(8) Five units consisting of one or any combination of 22333
foreign language, fine arts, business, career-technical 22334
education, family and consumer sciences, technology which may 22335
include computer science, agricultural education, a junior 22336
reserve officer training corps (JROTC) program approved by the 22337
congress of the United States under title 10 of the United 22338
States Code, or English language arts, mathematics, science, or 22339
social studies courses not otherwise required under division (C) 22340
of this section. 22341

One-half unit of instruction under division (C) (8) of this 22342
section may be instruction in financial literacy to satisfy the 22343
requirement under division (C) (9) of this section. 22344

(9) (a) Except as provided in division (C) (9) (b) of this 22345
section, for students who enter ninth grade for the first time 22346
on or after July 1, 2022, financial literacy, one-half unit. 22347
Each student shall elect to complete the one-half unit of 22348
instruction in financial literacy either in lieu of one-half 22349
unit of instruction in mathematics under division (C) (3) of this 22350
section or an elective under division (C) (8) of this section. 22351

(b) A student attending a nonpublic school accredited 22352
through the independent schools association of the central 22353
states or any other chartered nonpublic school shall not be 22354
required to complete the one-half unit of financial literacy 22355
instruction prescribed in division (C) (9) (a) of this section, 22356
unless that student is attending the school under a state 22357
scholarship program as defined in section 3301.0711 of the 22358

Revised Code. 22359

The study and instruction of financial literacy required 22360
under division (C) (9) of this section shall align with the 22361
academic content standards for financial literacy and 22362
entrepreneurship adopted under division (A) (2) of section 22363
3301.079 of the Revised Code. In developing the curriculum for 22364
the study and instruction of financial literacy, schools may use 22365
available public-private partnerships and resources and 22366
materials that exist in business, industry, and through the 22367
centers for economics education at institutions of higher 22368
education. 22369

Ohioans must be prepared to apply increased knowledge and 22370
skills in the workplace and to adapt their knowledge and skills 22371
quickly to meet the rapidly changing conditions of the twenty- 22372
first century. National studies indicate that all high school 22373
graduates need the same academic foundation, regardless of the 22374
opportunities they pursue after graduation. The goal of Ohio's 22375
system of elementary and secondary education is to prepare all 22376
students for and seamlessly connect all students to success in 22377
life beyond high school graduation, regardless of whether the 22378
next step is entering the workforce, beginning an 22379
apprenticeship, engaging in post-secondary training, serving in 22380
the military, or pursuing a college degree. 22381

The requirements for graduation prescribed in division (C) 22382
of this section are the standard expectation for all students 22383
entering ninth grade for the first time at a public or chartered 22384
nonpublic high school on or after July 1, 2010. A student may 22385
satisfy this expectation through a variety of methods, 22386
including, but not limited to, integrated, applied, career- 22387
technical, and traditional coursework. 22388

Stronger coordination between high schools and 22389
institutions of higher education is necessary to prepare 22390
students for more challenging academic endeavors and to lessen 22391
the need for academic remediation in college, thereby reducing 22392
the costs of higher education for Ohio's students, families, and 22393
the state. The ~~state board~~ department and the chancellor of 22394
higher education shall develop policies to ensure that only in 22395
rare instances will students who complete the requirements for 22396
graduation prescribed in division (C) of this section require 22397
academic remediation after high school. 22398

School districts, community schools, and chartered 22399
nonpublic schools shall integrate technology into learning 22400
experiences across the curriculum in order to maximize 22401
efficiency, enhance learning, and prepare students for success 22402
in the technology-driven twenty-first century. Districts and 22403
schools shall use distance and web-based course delivery as a 22404
method of providing or augmenting all instruction required under 22405
this division, including laboratory experience in science. 22406
Districts and schools shall utilize technology access and 22407
electronic learning opportunities provided by the broadcast 22408
educational media commission, chancellor, the Ohio learning 22409
network, education technology centers, public television 22410
stations, and other public and private providers. 22411

(D) Except as provided in division (E) of this section, a 22412
student who enters ninth grade on or after July 1, 2010, and 22413
before July 1, 2016, may qualify for graduation from a public or 22414
chartered nonpublic high school even though the student has not 22415
completed the requirements for graduation prescribed in division 22416
(C) of this section if all of the following conditions are 22417
satisfied: 22418

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

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

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5) (a) Except as provided in division (D) (5) (b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.	22449 22450 22451
(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows:	22452 22453 22454 22455
(i) Mathematics, four units, one unit which shall be one of the following:	22456 22457
(I) Probability and statistics;	22458
(II) Computer science;	22459
(III) Applied mathematics or quantitative reasoning;	22460
(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.	22461 22462 22463
(ii) Elective units, five units;	22464
(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.	22465 22466 22467 22468
(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:	22469 22470 22471 22472 22473 22474 22475

- (1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate; 22476
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- (2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section; 22478
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- (3) That no exception comparable to that provided in division (D) of this section is available. 22484
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- If a school district or chartered nonpublic school requires a foreign language as an additional graduation requirement under division (E) of this section, a student may apply one unit of instruction in computer coding to satisfy one unit of foreign language. If a student applies more than one computer coding course to satisfy the foreign language requirement, the courses shall be sequential and progressively more difficult. 22486
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- (F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the requirements for graduation prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions: 22494
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- (1) The program serves only students not younger than 22504

sixteen years of age and not older than twenty-one years of age. 22505

(2) The program enrolls students who, at the time of their 22506
initial enrollment, either, or both, are at least one grade 22507
level behind their cohort age groups or experience crises that 22508
significantly interfere with their academic progress such that 22509
they are prevented from continuing their traditional programs. 22510

(3) The program requires students to attain at least the 22511
applicable score designated for each of the assessments 22512
prescribed under division (B) (1) of section 3301.0710 of the 22513
Revised Code or, to the extent prescribed by rule of the ~~state-~~ 22514
~~board-department~~ under division (D) (5) of section 3301.0712 of 22515
the Revised Code, division (B) (2) of that section. 22516

(4) The program develops a student success plan for the 22517
student in the manner described in division (C) (1) of section 22518
3313.6020 of the Revised Code that specifies the student's 22519
matriculating to a two-year degree program, acquiring a business 22520
and industry-recognized credential, or entering an 22521
apprenticeship. 22522

(5) The program provides counseling and support for the 22523
student related to the plan developed under division (F) (4) of 22524
this section during the remainder of the student's high school 22525
experience. 22526

(6) The program requires the student and the student's 22527
parent, guardian, or custodian to sign and file, in accordance 22528
with procedural requirements stipulated by the program, a 22529
written statement asserting the parent's, guardian's, or 22530
custodian's consent to the student's graduating without 22531
completing the requirements for graduation prescribed in 22532
division (C) of this section and acknowledging that one 22533

consequence of not completing those requirements is 22534
ineligibility to enroll in most state universities in Ohio 22535
without further coursework. 22536

(7) Prior to receiving the waiver, the program has 22537
submitted to the department an instructional plan that 22538
demonstrates how the academic content standards adopted by the 22539
~~state board department~~ under section 3301.079 of the Revised 22540
Code will be taught and assessed. 22541

(8) Prior to receiving the waiver, the program has 22542
submitted to the department a policy on career advising that 22543
satisfies the requirements of section 3313.6020 of the Revised 22544
Code, with an emphasis on how every student will receive career 22545
advising. 22546

(9) Prior to receiving the waiver, the program has 22547
submitted to the department a written agreement outlining the 22548
future cooperation between the program and any combination of 22549
local job training, postsecondary education, nonprofit, and 22550
health and social service organizations to provide services for 22551
students in the program and their families. 22552

Divisions (F) (8) and (9) of this section apply only to 22553
waivers granted on or after July 1, 2015. 22554

If the department does not act either to grant the waiver 22555
or to reject the program application for the waiver within sixty 22556
days as required under this section, the waiver shall be 22557
considered to be granted. 22558

(G) Every high school may permit students below the ninth 22559
grade to take advanced work. If a high school so permits, it 22560
shall award high school credit for successful completion of the 22561
advanced work and shall count such advanced work toward the 22562

graduation requirements of division (B) or (C) of this section 22563
if the advanced work was both: 22564

(1) Taught by a person who possesses a license or 22565
certificate issued under section 3301.071, 3319.22, or 3319.222 22566
of the Revised Code that is valid for teaching high school; 22567

(2) Designated by the board of education of the city, 22568
local, or exempted village school district, the board of the 22569
cooperative education school district, or the governing 22570
authority of the chartered nonpublic school as meeting the high 22571
school curriculum requirements. 22572

Each high school shall record on the student's high school 22573
transcript all high school credit awarded under division (G) of 22574
this section. In addition, if the student completed a seventh- 22575
or eighth-grade fine arts course described in division (K) of 22576
this section and the course qualified for high school credit 22577
under that division, the high school shall record that course on 22578
the student's high school transcript. 22579

(H) The department shall make its individual academic 22580
career plan available through its Ohio career information system 22581
web site for districts and schools to use as a tool for 22582
communicating with and providing guidance to students and 22583
families in selecting high school courses. 22584

(I) A school district or chartered nonpublic school may 22585
integrate academic content in a subject area for which the ~~state-~~ 22586
~~board-department~~ has adopted standards under section 3301.079 of 22587
the Revised Code into a course in a different subject area, 22588
including a career-technical education course, in accordance 22589
with guidance for integrated coursework developed by the 22590
department. Upon successful completion of an integrated course, 22591

a student may receive credit for both subject areas that were 22592
integrated into the course. Units earned for subject area 22593
content delivered through integrated academic and career- 22594
technical instruction are eligible to meet the graduation 22595
requirements of division (B) or (C) of this section. 22596

For purposes of meeting graduation requirements, if an 22597
end-of-course examination has been prescribed under section 22598
3301.0712 of the Revised Code for the subject area delivered 22599
through integrated instruction, the school district or school 22600
may administer the related subject area examinations upon the 22601
student's completion of the integrated course. 22602

Nothing in division (I) of this section shall be construed 22603
to excuse any school district, chartered nonpublic school, or 22604
student from any requirement in the Revised Code related to 22605
curriculum, assessments, or the awarding of a high school 22606
diploma. 22607

(J) (1) ~~The state board department,~~ in consultation with 22608
the chancellor, shall adopt a statewide plan implementing 22609
methods for students to earn units of high school credit based 22610
on a demonstration of subject area competency, instead of or in 22611
combination with completing hours of classroom instruction. ~~The~~ 22612
~~state board shall adopt the plan not later than March 31, 2009,~~ 22613
~~and commence phasing in the plan during the 2009-2010 school~~ 22614
~~year.~~ The plan shall include a standard method for recording 22615
demonstrated proficiency on high school transcripts. Each school 22616
district and community school shall comply with the ~~state-~~ 22617
~~board's department's~~ plan adopted under this division and award 22618
units of high school credit in accordance with the plan. The 22619
~~state board department~~ may adopt existing methods for earning 22620
high school credit based on a demonstration of subject area 22621

competency as necessary prior to the 2009-2010 school year. 22622

(2) ~~Not later than December 31, 2015, the state board~~ The 22623
department shall update the statewide plan adopted pursuant to 22624
division (J)(1) of this section to also include methods for 22625
students enrolled in seventh and eighth grade to meet curriculum 22626
requirements based on a demonstration of subject area 22627
competency, instead of or in combination with completing hours 22628
of classroom instruction. Beginning with the 2017-2018 school 22629
year, each school district and community school also shall 22630
comply with the updated plan adopted pursuant to this division 22631
and permit students enrolled in seventh and eighth grade to meet 22632
curriculum requirements based on subject area competency in 22633
accordance with the plan. 22634

(3) ~~Not later than December 31, 2017, the~~ The department 22635
shall develop a framework for school districts and community 22636
schools to use in granting units of high school credit to 22637
students who demonstrate subject area competency through work- 22638
based learning experiences, internships, or cooperative 22639
education. Beginning with the 2018-2019 school year, each 22640
district and community school shall comply with the framework. 22641
Each district and community school also shall review any policy 22642
it has adopted regarding the demonstration of subject area 22643
competency to identify ways to incorporate work-based learning 22644
experiences, internships, and cooperative education into the 22645
policy in order to increase student engagement and opportunities 22646
to earn units of high school credit. 22647

(K) This division does not apply to students who qualify 22648
for graduation from high school under division (D) or (F) of 22649
this section, or to students pursuing a career-technical 22650
instructional track as determined by the school district board 22651

of education or the chartered nonpublic school's governing 22652
authority. Nevertheless, the general assembly encourages such 22653
students to consider enrolling in a fine arts course as an 22654
elective. 22655

Beginning with students who enter ninth grade for the 22656
first time on or after July 1, 2010, each student enrolled in a 22657
public or chartered nonpublic high school shall complete two 22658
semesters or the equivalent of fine arts to graduate from high 22659
school. The coursework may be completed in any of grades seven 22660
to twelve. Each student who completes a fine arts course in 22661
grade seven or eight may elect to count that course toward the 22662
five units of electives required for graduation under division 22663
(C) (8) of this section, if the course satisfied the requirements 22664
of division (G) of this section. In that case, the high school 22665
shall award the student high school credit for the course and 22666
count the course toward the five units required under division 22667
(C) (8) of this section. If the course in grade seven or eight 22668
did not satisfy the requirements of division (G) of this 22669
section, the high school shall not award the student high school 22670
credit for the course but shall count the course toward the two 22671
semesters or the equivalent of fine arts required by this 22672
division. 22673

(L) Notwithstanding anything to the contrary in this 22674
section, the board of education of each school district and the 22675
governing authority of each chartered nonpublic school may adopt 22676
a policy to excuse from the high school physical education 22677
requirement each student who, during high school, has 22678
participated in interscholastic athletics, marching band, show 22679
choir, or cheerleading for at least two full seasons or in the 22680
junior reserve officer training corps for at least two full 22681
school years. If the board or authority adopts such a policy, 22682

the board or authority shall not require the student to complete 22683
any physical education course as a condition to graduate. 22684
However, the student shall be required to complete one-half 22685
unit, consisting of at least sixty hours of instruction, in 22686
another course of study. In the case of a student who has 22687
participated in the junior reserve officer training corps for at 22688
least two full school years, credit received for that 22689
participation may be used to satisfy the requirement to complete 22690
one-half unit in another course of study. 22691

(M) It is important that high school students learn and 22692
understand United States history and the governments of both the 22693
United States and the state of Ohio. Therefore, beginning with 22694
students who enter ninth grade for the first time on or after 22695
July 1, 2012, the study of American history and American 22696
government required by divisions (B) (6) and (C) (6) of this 22697
section shall include the study of all of the following 22698
documents: 22699

(1) The Declaration of Independence; 22700

(2) The Northwest Ordinance; 22701

(3) The Constitution of the United States with emphasis on 22702
the Bill of Rights; 22703

(4) The Ohio Constitution. 22704

The study of each of the documents prescribed in divisions 22705
(M) (1) to (4) of this section shall include study of that 22706
document in its original context. 22707

The study of American history and government required by 22708
divisions (B) (6) and (C) (6) of this section shall include the 22709
historical evidence of the role of documents such as the 22710
Federalist Papers and the Anti-Federalist Papers to firmly 22711

establish the historical background leading to the establishment 22712
of the provisions of the Constitution and Bill of Rights. 22713

(N) A student may apply one unit of instruction in 22714
computer science to satisfy one unit of mathematics or one unit 22715
of science under division (C) of this section as the student 22716
chooses, regardless of the field of certification of the teacher 22717
who teaches the course, so long as that teacher meets the 22718
licensure requirements prescribed by section 3319.236 of the 22719
Revised Code and, prior to teaching the course, completes a 22720
professional development program determined to be appropriate by 22721
the district board. 22722

If a student applies more than one computer science course 22723
to satisfy curriculum requirements under that division, the 22724
courses shall be sequential and progressively more difficult or 22725
cover different subject areas within computer science. 22726

Sec. 3313.605. (A) As used in this section: 22727

(1) "Civic responsibility" means the patriotic and ethical 22728
duties of all citizens to take an active role in society and to 22729
consider the interests and concerns of other individuals in the 22730
community. 22731

(2) "Volunteerism" means nonprofit activity in the United 22732
States, the benefits and limitations of nonprofit activities, 22733
and the presence and function of nonprofit civic and charitable 22734
organizations in the United States. 22735

(3) "Community service" means a service performed through 22736
educational institutions, government agencies, nonprofit 22737
organizations, social service agencies, and philanthropies and 22738
generally designed to provide direct experience with people or 22739
project planning, with the goal of improving the quality of life 22740

for the community. Such activities may include but are not 22741
limited to tutoring, literacy training, neighborhood 22742
improvement, encouraging interracial and multicultural 22743
understanding, promoting ideals of patriotism, increasing 22744
environmental safety, assisting the elderly or disabled, and 22745
providing mental health care, housing, drug abuse prevention 22746
programs, and other philanthropic programs, particularly for 22747
disadvantaged or low-income persons. 22748

(B) The board of education of each city, local, exempted 22749
village, and joint vocational school district, the governing 22750
authority of each community school established under Chapter 22751
3314. of the Revised Code, and the governing body of each STEM 22752
school established under Chapter 3326. of the Revised Code may 22753
include community service education in its educational program. 22754
A governing board of an educational service center, upon the 22755
request of a local school district board of education, may 22756
provide a community service education program for the local 22757
district pursuant to this section. If a board, governing 22758
authority, or governing body includes community service 22759
education in its education program, the board, governing 22760
authority, or governing body shall do both of the following: 22761

(1) Establish a community service advisory committee. The 22762
committee shall provide recommendations to the board, governing 22763
authority, or governing body regarding a community service plan 22764
for students and shall oversee and assist in the implementation 22765
of the plan adopted by the board, governing authority, or 22766
governing body under division (B) (2) of this section. Each 22767
board, governing authority, or governing body shall determine 22768
the membership and organization of its advisory committee and 22769
may designate an existing committee established for another 22770
purpose to serve as the community service advisory committee; 22771

however, each such committee shall include two or more students 22772
and shall include or consult with at least one person employed 22773
in the field of volunteer management who devotes at least fifty 22774
per cent of employment hours to coordinating volunteerism among 22775
community organizations. The committee members may include 22776
representatives of parents, teachers, administrators, other 22777
educational institutions, business, government, nonprofit 22778
organizations, veterans organizations, social service agencies, 22779
religious organizations, and philanthropies. 22780

(2) Develop and implement a community service plan. To 22781
assist in establishing its plan, the board, governing authority, 22782
or governing body shall consult with and may contract with one 22783
or more local or regional organizations with experience in 22784
volunteer program development and management. Each community 22785
service plan adopted under this division shall be based upon the 22786
recommendations of the advisory committee and shall provide for 22787
all of the following: 22788

(a) Education of students in the value of community 22789
service and its contributions to the history of this state and 22790
this nation; 22791

(b) Identification of opportunities for students to 22792
provide community service; 22793

(c) Encouragement of students to provide community 22794
service; 22795

(d) Integration of community service opportunities into 22796
the curriculum; 22797

(e) A community service instructional program for 22798
teachers, including strategies for the teaching of community 22799
service education, for the discovery of community service 22800

opportunities, and for the motivation of students to become 22801
involved in community service. 22802

Plans shall be reviewed periodically by the advisory 22803
committee and, if necessary, revised by the board, governing 22804
authority, or governing body at least once every five years. 22805

Plans shall provide for students to perform services under 22806
the plan that will not supplant the hiring of, result in the 22807
displacement of, or impair any existing employment contract of 22808
any particular employee of any private or governmental entity 22809
for which the services are performed. The plan shall provide for 22810
any entity utilizing a student to perform community service 22811
under the plan to verify to the board that the student does not 22812
supplant the hiring of, displace, or impair the employment 22813
contract of any particular employee of the entity. 22814

Upon adoption, a board, governing authority, or governing 22815
body shall submit a copy of its plan to the department of 22816
education and workforce. Each city and exempted village board of 22817
education and each governing board of a service center shall 22818
include a copy of its plan in any course of study adopted under 22819
section 3313.60 of the Revised Code that is required to be 22820
submitted for approval to the ~~state board~~ department for review. 22821
A joint vocational school district board of education shall 22822
submit a copy of its plan to the ~~state board~~ department for 22823
review when required to do so by the ~~state board~~ department. A 22824
local board shall forward its plan to the educational service 22825
center governing board for inclusion in the governing board's 22826
course of study. The department periodically shall review all 22827
plans and publish those plans that could serve as models for 22828
other school districts, educational service centers, community 22829
schools, or STEM schools. 22830

(C) Under this section, a board, governing authority, or governing body may only grant high school credit for a community service education course if approximately half of the course is devoted to classroom study of such matters as civic responsibility, the history of volunteerism, and community service training and approximately half of the course is devoted to community service.

Each board, governing authority, or governing body shall determine which specific activities will serve to fulfill the required hours of community service.

(D) The ~~superintendent of public instruction department of education and workforce~~ shall develop guidelines for the development and implementation of a rubric to evaluate and rate community service education projects for use by districts, governing authorities, and governing boards that adopt a community service education plan.

(E) The ~~state superintendent department~~ shall adopt rules for granting a student special certification, special recognition on a diploma, or special notification in the student's record upon the student's successful completion of an approved community service project.

The district board, governing authority, or governing body shall use a rubric developed in accordance with division (D) of this section to determine whether a community service project warrants recognition on a student's diploma under this division.

Sec. 3313.608. (A) (1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from

taking the assessment described in this section, for any student 22860
who does not attain at least the equivalent level of achievement 22861
designated under division (A) (3) of section 3301.0710 of the 22862
Revised Code on the assessment prescribed under that section to 22863
measure skill in English language arts expected at the end of 22864
third grade, each school district, in accordance with the policy 22865
adopted under section 3313.609 of the Revised Code, shall do one 22866
of the following: 22867

(a) Promote the student to fourth grade if the student's 22868
principal and reading teacher agree that other evaluations of 22869
the student's skill in reading demonstrate that the student is 22870
academically prepared to be promoted to fourth grade; 22871

(b) Promote the student to fourth grade but provide the 22872
student with intensive intervention services in fourth grade; 22873

(c) Retain the student in third grade. 22874

(2) Beginning with students who enter third grade in the 22875
2013-2014 school year, unless the student is excused under 22876
division (C) of section 3301.0711 of the Revised Code from 22877
taking the assessment described in this section, no school 22878
district shall promote to fourth grade any student who does not 22879
attain at least the equivalent level of achievement designated 22880
under division (A) (3) of section 3301.0710 of the Revised Code 22881
on the assessment prescribed under that section to measure skill 22882
in English language arts expected at the end of third grade, 22883
unless one of the following applies: 22884

(a) The student is an English learner who has been 22885
enrolled in United States schools for less than three full 22886
school years and has had less than three years of instruction in 22887
an English as a second language program. 22888

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education and workforce.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.

(iv) The student previously was retained in any of grades kindergarten to three.

(e) (i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.

(ii) A student who is promoted under division (A) (2) (e) (i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an

altered instructional day that includes specialized diagnostic 22917
information and specific research-based reading strategies for 22918
the student that have been successful in improving reading among 22919
low-performing readers. 22920

(B) (1) Beginning in the 2012-2013 school year, to assist 22921
students in meeting the third grade guarantee established by 22922
this section, each school district board of education shall 22923
adopt policies and procedures with which it annually shall 22924
assess the reading skills of each student, except those students 22925
with significant cognitive disabilities or other disabilities as 22926
authorized by the department on a case-by-case basis, enrolled 22927
in kindergarten to third grade and shall identify students who 22928
are reading below their grade level. The reading skills 22929
assessment shall be completed by the thirtieth day of September 22930
for students in grades one to three, and by the twentieth day of 22931
instruction of the school year for students in kindergarten. 22932
Each district shall use the diagnostic assessment to measure 22933
reading ability for the appropriate grade level adopted under 22934
section 3301.079 of the Revised Code, or a comparable tool 22935
approved by the department of education and workforce, to 22936
identify such students. The policies and procedures shall 22937
require the students' classroom teachers to be involved in the 22938
assessment and the identification of students reading below 22939
grade level. The assessment may be administered electronically 22940
using live, two-way video and audio connections whereby the 22941
teacher administering the assessment may be in a separate 22942
location from the student. 22943

(2) For each student identified by the diagnostic 22944
assessment prescribed under this section as having reading 22945
skills below grade level, the district shall do both of the 22946
following: 22947

(a) Provide to the student's parent or guardian, in writing, all of the following:	22948 22949
(i) Notification that the student has been identified as having a substantial deficiency in reading;	22950 22951
(ii) A description of the current services that are provided to the student;	22952 22953
(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;	22954 22955 22956 22957
(iv) Notification that if the student attains a score in the range designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.	22958 22959 22960 22961 22962 22963 22964 22965 22966 22967 22968 22969
(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-	22970 22971 22972 22973 22974 22975 22976

performing readers and instruction targeted at the student's	22977
identified reading deficiencies.	22978
(3) For each student retained under division (A) of this	22979
section, the district shall do all of the following:	22980
(a) Provide intense remediation services until the student	22981
is able to read at grade level. The remediation services shall	22982
include intensive interventions in reading that address the	22983
areas of deficiencies identified under this section including,	22984
but not limited to, not less than ninety minutes of reading	22985
instruction per day, and may include any of the following:	22986
(i) Small group instruction;	22987
(ii) Reduced teacher-student ratios;	22988
(iii) More frequent progress monitoring;	22989
(iv) Tutoring or mentoring;	22990
(v) Transition classes containing third and fourth grade	22991
students;	22992
(vi) Extended school day, week, or year;	22993
(vii) Summer reading camps.	22994
(b) Establish a policy for the mid-year promotion of a	22995
student retained under division (A) of this section who	22996
demonstrates that the student is reading at or above grade	22997
level;	22998
(c) Provide each student with a teacher who satisfies one	22999
or more of the criteria set forth in division (H) of this	23000
section.	23001
The district shall offer the option for students to	23002
receive applicable services from one or more providers other	23003

than the district. Providers shall be screened and approved by 23004
the district or the department of education and workforce. If 23005
the student participates in the remediation services and 23006
demonstrates reading proficiency in accordance with standards 23007
adopted by the department prior to the start of fourth grade, 23008
the district shall promote the student to that grade. 23009

(4) For each student retained under division (A) of this 23010
section who has demonstrated proficiency in a specific academic 23011
ability field, each district shall provide instruction 23012
commensurate with student achievement levels in that specific 23013
academic ability field. 23014

As used in this division, "specific academic ability 23015
field" has the same meaning as in section 3324.01 of the Revised 23016
Code. 23017

(C) For each student required to be provided intervention 23018
services under this section, the district shall develop a 23019
reading improvement and monitoring plan within sixty days after 23020
receiving the student's results on the diagnostic assessment or 23021
comparable tool administered under division (B)(1) of this 23022
section. The district shall involve the student's parent or 23023
guardian and classroom teacher in developing the plan. The plan 23024
shall include all of the following: 23025

(1) Identification of the student's specific reading 23026
deficiencies; 23027

(2) A description of the additional instructional services 23028
and support that will be provided to the student to remediate 23029
the identified reading deficiencies; 23030

(3) Opportunities for the student's parent or guardian to 23031
be involved in the instructional services and support described 23032

in division (C) (2) of this section;	23033
(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C) (2) of this section;	23034 23035 23036
(5) A reading curriculum during regular school hours that does all of the following:	23037 23038
(a) Assists students to read at grade level;	23039
(b) Provides scientifically based and reliable assessment;	23040
(c) Provides initial and ongoing analysis of each student's reading progress.	23041 23042
(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.	23043 23044 23045 23046 23047 23048
Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	23049 23050 23051 23052
The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.	23053 23054 23055 23056
(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction department. The superintendent of public	23057 23058 23059 23060

~~instruction director of education and workforce~~ annually shall 23061
report to the governor and general assembly the number and 23062
percentage of students in grades kindergarten through four 23063
reading below grade level based on the diagnostic assessments 23064
administered under division (B) of this section and the 23065
achievement assessments administered under divisions (A) (1) (a) 23066
and (b) of section 3301.0710 of the Revised Code in English 23067
language arts, aggregated by school district and building; the 23068
types of intervention services provided to students; and, if 23069
available, an evaluation of the efficacy of the intervention 23070
services provided. 23071

(E) Any summer remediation services funded in whole or in 23072
part by the state and offered by school districts to students 23073
under this section shall meet the following conditions: 23074

(1) The remediation methods are based on reliable 23075
educational research. 23076

(2) The school districts conduct assessment before and 23077
after students participate in the program to facilitate 23078
monitoring results of the remediation services. 23079

(3) The parents of participating students are involved in 23080
programming decisions. 23081

(F) Any intervention or remediation services required by 23082
this section shall include intensive, explicit, and systematic 23083
instruction. 23084

(G) This section does not create a new cause of action or 23085
a substantive legal right for any person. 23086

(H) (1) Except as provided under divisions (H) (2), (3), and 23087
(4) of this section, each student described in division (B) (3) 23088
or (C) of this section who enters third grade for the first time 23089

on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.

(b) The teacher has completed a master's degree program with a major in reading.

(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the ~~state board~~ department under division (B) (2) of section 3319.112 of the Revised Code.

(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the ~~state board~~ department.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H) (1) (a) to (f) of this section

and that teacher is assigned a teacher mentor who meets the 23119
qualifications of division (H) (1) of this section. 23120

(3) Notwithstanding division (H) (1) of this section, a 23121
student described in division (B) (3) or (C) of this section who 23122
enters third grade for the first time on or after July 1, 2013, 23123
but prior to July 1, 2016, may be assigned to a teacher who 23124
holds an alternative credential approved by the department or 23125
who has successfully completed training that is based on 23126
principles of scientifically research-based reading instruction 23127
that has been approved by the department. Beginning on July 1, 23128
2014, the alternative credentials and training described in 23129
division (H) (3) of this section shall be aligned with the 23130
reading competencies adopted by the state board of education 23131
under section 3301.077 of the Revised Code. 23132

(4) Notwithstanding division (H) (1) of this section, a 23133
student described in division (B) (3) or (C) of this section who 23134
enters third grade for the first time on or after July 1, 2013, 23135
may receive reading intervention or remediation services under 23136
this section from an individual employed as a speech-language 23137
pathologist who holds a license issued by the state speech and 23138
hearing professionals board under Chapter 4753. of the Revised 23139
Code and a ~~professional pupil services license as a school-~~ 23140
~~speech language pathologist issued by the state board of~~ 23141
~~education registration under section 3319.221 of the Revised~~ 23142
Code. 23143

(5) A teacher, other than a student's teacher of record, 23144
may provide any services required under this section, so long as 23145
that other teacher meets the requirements of division (H) of 23146
this section and the teacher of record and the school principal 23147
agree to the assignment. Any such assignment shall be documented 23148

in the student's reading improvement and monitoring plan. 23149

As used in this division, "teacher of record" means the 23150
classroom teacher to whom a student is assigned. 23151

(I) Notwithstanding division (H) of this section, a 23152
teacher may teach reading to any student who is an English 23153
language learner, and has been in the United States for three 23154
years or less, or to a student who has an individualized 23155
education program developed under Chapter 3323. of the Revised 23156
Code if that teacher holds an alternative credential approved by 23157
the department or has successfully completed training that is 23158
based on principles of scientifically research-based reading 23159
instruction that has been approved by the department. Beginning 23160
on July 1, 2014, the alternative credentials and training 23161
described in this division shall be aligned with the reading 23162
competencies adopted by the state board of education under 23163
section 3301.077 of the Revised Code. 23164

(J) If, on or after June 4, 2013, a school district or 23165
community school cannot furnish the number of teachers needed 23166
who satisfy one or more of the criteria set forth in division 23167
(H) of this section for the 2013-2014 school year, the school 23168
district or community school shall develop and submit a staffing 23169
plan by June 30, 2013. The staffing plan shall include criteria 23170
that will be used to assign a student described in division (B) 23171
(3) or (C) of this section to a teacher, credentials or training 23172
held by teachers currently teaching at the school, and how the 23173
school district or community school will meet the requirements 23174
of this section. The school district or community school shall 23175
post the staffing plan on its web site for the applicable school 23176
year. 23177

Not later than March 1, 2014, and on the first day of 23178

March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under this section.

A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid through the 2015-2016 school year.

~~Until June 30, 2015, the department annually shall review all staffing plans and report to the state board not later than the thirtieth day of June of each year the progress of school districts and community schools in meeting the requirements of this section.~~

(K) The department of education and workforce shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement.

Sec. 3313.6011. (A) As used in this section, "sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(B) Instruction in venereal disease education pursuant to division (A) (5) (c) of section 3313.60 of the Revised Code shall emphasize that abstinence from sexual activity is the only

protection that is one hundred per cent effective against 23208
unwanted pregnancy, sexually transmitted disease, and the sexual 23209
transmission of a virus that causes acquired immunodeficiency 23210
syndrome. 23211

(C) (1) The department of education and workforce shall 23212
require course material and instruction in venereal disease 23213
education courses taught pursuant to division (A) (5) (c) of 23214
section 3313.60 of the Revised Code to do all of the following: 23215

(a) Stress that students should abstain from sexual 23216
activity until after marriage; 23217

(b) Teach the potential physical, psychological, 23218
emotional, and social side effects of participating in sexual 23219
activity outside of marriage; 23220

(c) Teach that conceiving children out of wedlock is 23221
likely to have harmful consequences for the child, the child's 23222
parents, and society; 23223

(d) Stress that sexually transmitted diseases are serious 23224
possible hazards of sexual activity; 23225

(e) Advise students of the laws pertaining to financial 23226
responsibility of parents to children born in and out of 23227
wedlock; 23228

(f) Advise students of the circumstances under which it is 23229
criminal to have sexual contact with a person under the age of 23230
sixteen pursuant to section 2907.04 of the Revised Code; 23231

(g) Emphasize adoption as an option for unintended 23232
pregnancies. 23233

(2) If a school district or school chooses to offer 23234
additional instruction in venereal disease or sexual education 23235

not specified in division (C) (1) of this section, the district 23236
or school shall notify all parents or guardians of that 23237
instruction, including the name of any instructor, vendor name, 23238
if applicable, and the name of the curriculum being used. No 23239
district or school shall offer that instruction to a student 23240
unless that student's parent or guardian has submitted written 23241
permission for that student to receive that instruction. 23242
Division (E) of this section does not apply to division (C) (2) 23243
of this section. 23244

(3) Upon request, a school district or school shall 23245
provide any materials associated with the instruction offered 23246
under divisions (C) (1) and (2) of this section to a parent or 23247
guardian. 23248

(D) The ~~state board of education~~ department shall not 23249
adopt a separate model education program for health education. 23250

(E) The department shall conduct an annual audit of each 23251
city, local, and exempted village school district, at the start 23252
of each school year, relative to its compliance with the 23253
instruction requirements of this section and division (A) (5) (c) 23254
of section 3313.60 of the Revised Code. The department shall 23255
publish the findings of each audit not later than one hundred 23256
twenty days after the start of the school year. The department 23257
shall include in the findings of each audit the name of any 23258
organization or program that provided materials to a school 23259
district regarding venereal disease instruction. The 23260
department's findings shall be prominently posted on its web 23261
site. 23262

(F) The ~~superintendent of public instruction~~ director of 23263
education and workforce shall not approve, pursuant to section 23264
3302.07 of the Revised Code, any waiver of any requirement of 23265

this section. 23266

Sec. 3313.6013. (A) As used in this section, "advanced 23267
standing program" means a program that enables a student to earn 23268
credit toward a degree from an institution of higher education 23269
while enrolled in high school or that enables a student to 23270
complete coursework while enrolled in high school that may earn 23271
credit toward a degree from an institution of higher education 23272
upon the student's attainment of a specified score on an 23273
examination covering the coursework. Advanced standing programs 23274
may include any of the following: 23275

(1) The college credit plus program established under 23276
Chapter 3365. of the Revised Code; 23277

(2) Advanced placement courses; 23278

(3) International baccalaureate diploma courses; 23279

(4) Early college high school programs. 23280

(B) Each city, local, exempted village, and joint 23281
vocational school district and each chartered nonpublic high 23282
school shall provide students enrolled in grades nine through 23283
twelve with the opportunity to participate in an advanced 23284
standing program. For this purpose, each school district and 23285
chartered nonpublic high school shall offer at least one 23286
advanced standing program in accordance with division (B) (1) or 23287
(2) of this section, as applicable. 23288

(1) A city, local, or exempted village school district 23289
meets the requirements of this division through its mandatory 23290
participation in the college credit plus program established 23291
under Chapter 3365. of the Revised Code. However, a city, local, 23292
or exempted village school district may offer any other advanced 23293
standing program, in addition to the college credit plus 23294

program, and each joint vocational school district shall offer 23295
at least one other advanced standing program, to students in 23296
good standing, as defined by the partnership for continued 23297
learning under section 3301.42 of the Revised Code as it existed 23298
prior to October 16, 2009, or as subsequently defined by the 23299
department of education and workforce. 23300

(2) A chartered nonpublic high school that elects to 23301
participate in the college credit plus program established under 23302
Chapter 3365. of the Revised Code meets the requirements of this 23303
division. Each chartered nonpublic high school that elects not 23304
to participate in the college credit plus program instead shall 23305
offer at least one other advanced standing program to students 23306
in good standing, as defined by the partnership for continued 23307
learning under section 3301.42 of the Revised Code as it existed 23308
prior to October 16, 2009, or as subsequently defined by the 23309
department of education and workforce. 23310

(C) Each school district and each chartered nonpublic high 23311
school, at least annually, shall provide information about the 23312
advanced standing programs offered by the district or school to 23313
all students enrolled in grades six through eleven. The district 23314
or school shall include information about all of the following: 23315

(1) The process colleges and universities use in awarding 23316
credit for advanced placement and international baccalaureate 23317
courses and examinations, including minimum scores required by 23318
state institutions of higher education, as defined in section 23319
3345.011 of the Revised Code, for a student to receive college 23320
credit; 23321

(2) The availability of tuition and fee waivers for 23322
advanced placement and international baccalaureate courses and 23323
examinations; 23324

(3) The availability of online advanced placement or 23325
international baccalaureate courses, including those that may be 23326
available at no cost; 23327

(4) The benefits of earning postsecondary credit through 23328
advanced placement or international baccalaureate courses; 23329

(5) The availability of advanced placement or 23330
international baccalaureate courses offered throughout the 23331
district. 23332

The district or school may include additional information 23333
as determined appropriate by the district or school. 23334

(D) Except as provided for in Chapter 3365. of the Revised 23335
Code, no city, local, exempted village, and joint vocational 23336
school district shall charge an enrolled student an additional 23337
fee or tuition for participation in any advanced standing 23338
program offered by the district. Students may be required to pay 23339
the costs associated with taking an advanced placement or 23340
international baccalaureate examination. 23341

(E) Any agreement between a school district or school and 23342
an associated college governing the operation of an early 23343
college high school program shall be exempt from the 23344
requirements of the college credit plus program, provided the 23345
program meets the definition set forth in division (F) (2) of 23346
this section and is approved by the ~~superintendent of public~~ 23347
~~instruction~~ director of education and workforce and the 23348
chancellor of higher education. 23349

The college credit plus program also shall not govern any 23350
advanced placement course or international baccalaureate diploma 23351
course as described under this section. 23352

(F) As used in this section: 23353

(1) "Associated college" means a public or private college, as defined in section 3365.01 of the Revised Code, which has entered into an agreement with a school district or school to establish an early college high school program, as described in division (F)(2) of this section, and awards transcribed credit, as defined in section 3365.01 of the Revised Code, to students through that program.

(2) "Early college high school program" means a partnership between at least one school district or school and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and have the opportunity to earn not less than twenty-four credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a post-secondary degree or credential at no cost to the participant or participant's family. The program also shall prioritize the following students:

(a) Students who are underrepresented in regard to completing post-secondary education;

(b) Students who are economically disadvantaged, as defined by the department of education and workforce;

(c) Students whose parents did not earn a college degree.

Sec. 3313.6015. The board of education of each city, exempted village, and local school district shall adopt a resolution describing how the district will address college and career readiness and financial literacy in its curriculum for grade seven or eight and for any other grades in which the board determines that those subjects should be addressed. The board

shall submit a copy of the resolution to the department of 23383
education and workforce. 23384

Sec. 3313.6016. (A) ~~Beginning in the 2011-2012 school~~ 23385
~~year, the~~ The department of education and workforce shall 23386
administer a pilot program requiring daily physical activity for 23387
students. Any school district; community school established 23388
under Chapter 3314. of the Revised Code; science, technology, 23389
engineering, and mathematics school established under Chapter 23390
3326. of the Revised Code; or chartered nonpublic school 23391
annually may elect to participate in the pilot program by 23392
notifying the department of its interest by a date established 23393
by the department. If a school district elects to participate in 23394
the pilot program, the district shall select one or more school 23395
buildings to participate in the program. To the maximum extent 23396
possible, the department shall seek to include in the pilot 23397
program districts and schools that are located in urban, 23398
suburban, and rural areas distributed geographically throughout 23399
the state. The department shall administer the pilot program in 23400
accordance with this section. 23401

(B) Except as provided in division (C) of this section, 23402
each district or school participating in the pilot program shall 23403
require all students in the school building selected under 23404
division (A) of this section to engage in at least thirty 23405
minutes of moderate to rigorous physical activity each school 23406
day or at least one hundred fifty minutes of moderate to 23407
rigorous physical activity each week, exclusive of recess. 23408
Physical activity engaged in during the following may count 23409
toward the daily requirement: 23410

(1) A physical education course; 23411

(2) A program or activity occurring before or after the 23412

regular school day, as defined in section 3313.814 of the Revised Code, that is sponsored or approved by the school of attendance, provided school officials are able to monitor students' participation to ensure compliance with the requirement.

(C) None of the following shall be subject to the requirement of division (B) of this section:

(1) Any student enrolled in the college credit plus program established under Chapter 3365. of the Revised Code;

(2) Any student enrolled in a career-technical education program operated by the district or school;

(3) Any student enrolled in a dropout prevention and recovery program operated by the district or school.

(D) For any period in which a student is participating in interscholastic athletics, marching band, cheerleading, or a junior reserve officer training corps program, the district or school may excuse the student from the requirement of division (B) of this section.

(E) The district or school may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (B) of this section.

(F) Each district or school annually shall report to the department, in the manner prescribed by the department, how the district or school implemented the thirty minutes of daily physical activity and the financial costs of implementation. The department shall issue an annual report of the data collected under this division.

Sec. 3313.6019. (A) Not later than December 31, 2013, the department of education and workforce shall issue a report with recommendations for quality agricultural education programs. These recommendations shall be developed using both of the following:

(1) The standards for exemplary agricultural education that are described in the national quality program standards for secondary (grades 9-12) agricultural education developed by the national council for agricultural education or a successor document developed by the national council for agricultural education or its successor;

(2) The quality program standards for Ohio's agricultural and environmental systems career field programs or a successor document developed by the department, the Ohio association of agricultural educators, the Ohio state university, and wilmington college of Ohio.

The report shall include the appropriate use of extended programming in agricultural education programs and the recommended number of hours outside the normal school day that licensed educators may be permitted to provide extended programming instruction. Following the initial issuance of the report, the department may periodically review and update the report as it considers necessary.

(B) All agricultural education instructors shall utilize a three-part model of agricultural education instruction of classroom instruction, FFA activities, and extended programming projects.

(C) Professional development associated with agricultural education shall be considered an acceptable use of extended

student programming funds. 23470

(D) All agricultural education instructors shall submit a 23471
monthly time log to the principal of the school at which the 23472
extended programming is offered, or the principal's designee, 23473
for review. 23474

Sec. 3313.6020. (A) (1) Beginning in the 2015-2016 school 23475
year, the board of education of each city, local, exempted 23476
village, and joint vocational school district shall adopt a 23477
policy on career advising that complies with this section. 23478
Thereafter, the policy shall be updated at least once every two 23479
years. 23480

(2) The board shall make the policy publicly available to 23481
students, parents, guardians, or custodians, local post- 23482
secondary institutions, and residents of the district. The 23483
district shall post the policy in a prominent location on its 23484
web site, if it has one. 23485

(B) The policy on career advising shall specify how the 23486
district will do all of the following: 23487

(1) Provide students with grade-level examples that link 23488
their schoolwork to one or more career fields. A district may 23489
use career connections developed under division (B) (2) of 23490
section 3301.079 of the Revised Code for this purpose. 23491

(2) Create a plan to provide career advising to students 23492
in grades six through twelve; 23493

(3) Beginning in the 2015-2016 school year, provide 23494
additional interventions and career advising for students who 23495
are identified as at risk of dropping out of school in 23496
accordance with division (C) of this section; 23497

- (4) Train its employees on how to advise students on career pathways, including training on advising students using online tools; 23498
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- (5) Develop multiple, clear academic pathways through high school that students may choose in order to earn a high school diploma; 23501
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- (6) Identify and publicize courses that can award students both traditional academic and career-technical credit; 23504
23505
- (7) Document the career advising provided to each student for review by the student, the student's parent, guardian, or custodian, and future schools that the student may attend. A district shall not otherwise release this information without the written consent of the student's parent, guardian, or custodian, if the student is less than eighteen years old, or the written consent of the student, if the student is at least eighteen years old. 23506
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- (8) Prepare students for their transition from high school to their post-secondary destinations, including any special interventions that are necessary for students in need of remediation in mathematics or English language arts; 23514
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- (9) Include information regarding career fields that require an industry-recognized credential, certificate, associate's degree, bachelor's degree, graduate degree, or professional degree; 23518
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- (10) Provide students with information about ways a student may offset the costs of a post-secondary education, including programs such as all of the following: 23522
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- (a) The reserve officer training corps; 23525

(b) The college credit plus program established under Chapter 3365. of the Revised Code;	23526 23527
(c) The Ohio guaranteed transfer pathways initiative established under section 3333.168 of the Revised Code;	23528 23529
(d) Joint academic programming or dual enrollment opportunities required under section 3333.168 of the Revised Code.	23530 23531 23532
The chancellor of higher education shall develop informational materials that illustrate cost saving estimates for each of the options listed under division (B) (10) of this section. The chancellor shall develop a list of individual college courses that are transferable under section 3333.16 of the Revised Code.	23533 23534 23535 23536 23537 23538
(C) (1) Beginning in the 2015-2016 school year, each district shall identify students who are at risk of dropping out of school using a method that is both research-based and locally-based and that is developed with input from the district's classroom teachers and guidance counselors. If a student is identified as at risk of dropping out of school, the district shall develop a student success plan that addresses the student's academic pathway to a successful graduation and the role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway.	23539 23540 23541 23542 23543 23544 23545 23546 23547 23548
(2) Prior to developing a student success plan for a student, the district shall invite the student's parent, guardian, or custodian to assist in developing the plan. If the student's parent, guardian, or custodian does not participate in the development of the plan, the district shall provide to the parent, guardian, or custodian a copy of the student's success	23549 23550 23551 23552 23553 23554

plan and a statement of the importance of a high school diploma 23555
and the academic pathways available to the student in order to 23556
successfully graduate. 23557

(3) Following the development of a student success plan 23558
for a student, the district shall provide career advising to the 23559
student that is aligned with the plan and, beginning in the 23560
2015-2016 school year, the district's plan to provide career 23561
advising created under division (B) (2) of this section. 23562

(D) (1) ~~Not later than December 1, 2014, the~~ The department 23563
of education and workforce shall develop and post on its web 23564
site model policies on career advising and model student success 23565
plans. 23566

(2) ~~Not later than July 1, 2015, the~~ The department shall 23567
create an online clearinghouse of research related to proven 23568
practices for policies on career advising and student success 23569
plans that districts may access when fulfilling the requirements 23570
of this section. 23571

(3) The department shall develop and make available 23572
informational materials for students in grades seven and eight 23573
about career opportunities available to them, including in- 23574
demand jobs as defined in section 3333.94 of the Revised Code, 23575
and how a career-technical education may help them satisfy 23576
graduation conditions under section 3313.618 of the Revised 23577
Code. 23578

Sec. 3313.6024. (A) ~~Annually, beginning in the 2019-2020-~~ 23579
~~school year,~~ each school district shall report to the department 23580
of education and workforce, in the manner prescribed by the 23581
department, the types of prevention-focused programs, services, 23582
and supports used to assist students in developing the knowledge 23583

and skills to engage in healthy behaviors and decision-making 23584
and to increase their awareness of the dangers and consequences 23585
of risky behaviors, including substance abuse, suicide, 23586
bullying, and other harmful behaviors. The district shall report 23587
the following information regarding such programs, services, and 23588
supports for each building operated by the district and for each 23589
of grades kindergarten through twelve served by the building: 23590

(1) Curriculum and instruction provided during the school 23591
day; 23592

(2) Programs and supports provided outside of the 23593
classroom or outside of the school day; 23594

(3) Professional development for teachers, administrators, 23595
and other staff; 23596

(4) Partnerships with community coalitions and 23597
organizations to provide prevention services and resources to 23598
students and their families; 23599

(5) School efforts to engage parents and the community; 23600

(6) Activities designed to communicate with and learn from 23601
other schools or professionals with expertise in prevention 23602
education. 23603

(B) The department may use information reported under this 23604
section, and any other information collected by the department 23605
pursuant to law, as a factor in the distribution of any funding 23606
available for prevention-focused programs, services, and 23607
supports. 23608

Sec. 3313.6027. Subject to divisions (D) to (F) of section 23609
3313.603 of the Revised Code, this section applies to students 23610
who enter ninth grade for the first time on or after July 1, 23611

2010, but prior to July 1, 2022. 23612

For students to whom this section applies, each school 23613
district and chartered nonpublic school shall integrate the 23614
study of economics and financial literacy, as expressed in the 23615
social studies academic content standards adopted by the ~~state-~~ 23616
~~board~~ department of education and workforce under division (A) 23617
(1) of section 3301.079 of the Revised Code and the academic 23618
content standards for financial literacy and entrepreneurship 23619
adopted under division (A) (2) of that section, into one or more 23620
existing social studies credits required under division (C) (7) 23621
of section 3313.603 of the Revised Code, or into the content of 23622
another class, so that every high school student receives 23623
instruction in those concepts. 23624

Sec. 3313.61. (A) A diploma shall be granted by the board 23625
of education of any city, exempted village, or local school 23626
district that operates a high school to any person to whom all 23627
of the following apply: 23628

(1) The person has successfully completed the curriculum 23629
in any high school or the individualized education program 23630
developed for the person by any high school pursuant to section 23631
3323.08 of the Revised Code, or has qualified under division (D) 23632
or (F) of section 3313.603 of the Revised Code, provided that no 23633
school district shall require a student to remain in school for 23634
any specific number of semesters or other terms if the student 23635
completes the required curriculum early; 23636

(2) Subject to section 3313.614 of the Revised Code, the 23637
person has met the assessment requirements of division (A) (2) (a) 23638
or (b) of this section, as applicable. 23639

(a) If the person entered the ninth grade prior to July 1, 23640

2014, the person either: 23641

(i) Has attained at least the applicable scores designated 23642
under division (B) (1) of section 3301.0710 of the Revised Code 23643
on all the assessments required by that division unless the 23644
person was excused from taking any such assessment pursuant to 23645
section 3313.532 of the Revised Code or unless division (H) or 23646
(L) of this section applies to the person; 23647

(ii) Has satisfied the alternative conditions prescribed 23648
in section 3313.615 of the Revised Code. 23649

(b) If the person entered the ninth grade on or after July 23650
1, 2014, the person has met the requirement prescribed by 23651
section 3313.618 of the Revised Code, except to the extent that 23652
the person is excused from an assessment prescribed by that 23653
section pursuant to section 3313.532 of the Revised Code or 23654
division (H) or (L) of this section. 23655

(3) The person is not eligible to receive an honors 23656
diploma granted pursuant to division (B) of this section. 23657

Except as provided in divisions (C), (E), (J), and (L) of 23658
this section, no diploma shall be granted under this division to 23659
anyone except as provided under this division. 23660

(B) In lieu of a diploma granted under division (A) of 23661
this section, an honors diploma shall be granted, in accordance 23662
with rules of the ~~state board~~ department of education and 23663
workforce, by any such district board to anyone who accomplishes 23664
all of the following: 23665

(1) Successfully completes the curriculum in any high 23666
school or the individualized education program developed for the 23667
person by any high school pursuant to section 3323.08 of the 23668
Revised Code; 23669

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B) (2) (a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code.

(3) Has met additional criteria established by the ~~state board~~ department for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

The ~~state board~~ department shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing

technical expertise for a career-technical student. In any case, 23699
the rules shall designate two or more criteria for the granting 23700
of each type of honors diploma the board establishes under this 23701
division and the number of such criteria that must be met for 23702
the granting of that type of diploma. The number of such 23703
criteria for any type of honors diploma shall be at least one 23704
less than the total number of criteria designated for that type 23705
and no one or more particular criteria shall be required of all 23706
persons who are to be granted that type of diploma. 23707

(C) Any district board administering any of the 23708
assessments required by section 3301.0710 of the Revised Code to 23709
any person requesting to take such assessment pursuant to 23710
division (B) (8) (b) of section 3301.0711 of the Revised Code 23711
shall award a diploma to such person if the person attains at 23712
least the applicable scores designated under division (B) (1) of 23713
section 3301.0710 of the Revised Code on all the assessments 23714
administered and if the person has previously attained the 23715
applicable scores on all the other assessments required by 23716
division (B) (1) of that section or has been exempted or excused 23717
from attaining the applicable score on any such assessment 23718
pursuant to division (H) or (L) of this section or from taking 23719
any such assessment pursuant to section 3313.532 of the Revised 23720
Code. 23721

(D) Each diploma awarded under this section shall be 23722
signed by the president and treasurer of the issuing board, the 23723
superintendent of schools, and the principal of the high school. 23724
Each diploma shall bear the date of its issue, be in such form 23725
as the district board prescribes, and be paid for out of the 23726
district's general fund. 23727

(E) A person who is a resident of Ohio and is eligible 23728

under ~~state board of education~~ the minimum standards of the 23729
director of education and workforce to receive a high school 23730
diploma based in whole or in part on credits earned while an 23731
inmate of a correctional institution operated by the state or 23732
any political subdivision thereof, shall be granted such diploma 23733
by the correctional institution operating the programs in which 23734
such credits were earned, and by the board of education of the 23735
school district in which the inmate resided immediately prior to 23736
the inmate's placement in the institution. The diploma granted 23737
by the correctional institution shall be signed by the director 23738
of the institution, and by the person serving as principal of 23739
the institution's high school and shall bear the date of issue. 23740

(F) Persons who are not residents of Ohio but who are 23741
inmates of correctional institutions operated by the state or 23742
any political subdivision thereof, and who are eligible under 23743
~~state board of education~~ the minimum standards of the director 23744
to receive a high school diploma based in whole or in part on 23745
credits earned while an inmate of the correctional institution, 23746
shall be granted a diploma by the correctional institution 23747
offering the program in which the credits were earned. The 23748
diploma granted by the correctional institution shall be signed 23749
by the director of the institution and by the person serving as 23750
principal of the institution's high school and shall bear the 23751
date of issue. 23752

(G) The ~~state board of education~~ department shall provide 23753
by rule for the administration of the assessments required by 23754
sections 3301.0710 and 3301.0712 of the Revised Code to inmates 23755
of correctional institutions. 23756

(H) Any person to whom all of the following apply shall be 23757
exempted from attaining the applicable score on the assessment 23758

in social studies designated under division (B) (1) of section 23759
3301.0710 of the Revised Code, any American history end-of- 23760
course examination and any American government end-of-course 23761
examination required under division (B) of section 3301.0712 of 23762
the Revised Code if such an exemption is prescribed by rule of 23763
the ~~state board~~ department under division (D) (3) of section 23764
3301.0712 of the Revised Code, or the test in citizenship 23765
designated under former division (B) of section 3301.0710 of the 23766
Revised Code as it existed prior to September 11, 2001: 23767

(1) The person is not a citizen of the United States; 23768

(2) The person is not a permanent resident of the United 23769
States; 23770

(3) The person indicates no intention to reside in the 23771
United States after the completion of high school. 23772

(I) Notwithstanding division (D) of section 3311.19 and 23773
division (D) of section 3311.52 of the Revised Code, this 23774
section and section 3313.611 of the Revised Code do not apply to 23775
the board of education of any joint vocational school district 23776
or any cooperative education school district established 23777
pursuant to divisions (A) to (C) of section 3311.52 of the 23778
Revised Code. 23779

(J) Upon receipt of a notice under division (D) of section 23780
3325.08 or division (D) of section 3328.25 of the Revised Code 23781
that a student has received a diploma under either section, the 23782
board of education receiving the notice may grant a high school 23783
diploma under this section to the student, except that such 23784
board shall grant the student a diploma if the student meets the 23785
graduation requirements that the student would otherwise have 23786
had to meet to receive a diploma from the district. The diploma 23787

granted under this section shall be of the same type the notice 23788
indicates the student received under section 3325.08 or 3328.25 23789
of the Revised Code. 23790

(K) As used in this division, "English learner" has the 23791
same meaning as in division (C) (3) of section 3301.0711 of the 23792
Revised Code. 23793

Notwithstanding division (C) (3) of section 3301.0711 of 23794
the Revised Code, no English learner who has not either attained 23795
the applicable scores designated under division (B) (1) of 23796
section 3301.0710 of the Revised Code on all the assessments 23797
required by that division, or met the requirement prescribed by 23798
section 3313.618 of the Revised Code, shall be awarded a diploma 23799
under this section. 23800

(L) (1) Any student described by division (A) (1) of this 23801
section who is subject to divisions (A) (1) to (3) of section 23802
3313.618 of the Revised Code may be awarded a diploma without 23803
meeting the requirements prescribed by those divisions provided 23804
an individualized education program specifically exempts the 23805
student from meeting such requirement. This division does not 23806
negate the requirement for a student to take the assessments 23807
prescribed by section 3301.0710 or under division (B) of section 23808
3301.0712 of the Revised Code, or alternate assessments required 23809
by division (C) (1) of section 3301.0711 of the Revised Code, for 23810
the purpose of assessing student progress as required by federal 23811
law. 23812

(2) Any student described by division (A) (1) of this 23813
section who is subject to division (B) of section 3313.618 of 23814
the Revised Code may be awarded a diploma without meeting the 23815
requirement prescribed by division (B) (1) of that section 23816
provided the student's individualized education program 23817

specifically exempts the student from meeting that requirement 23818
and either division (L) (2) (a) or (b) of this section applies to 23819
the student, as follows: 23820

(a) (i) The student took an alternate assessment in 23821
mathematics and English language arts administered to the 23822
student in accordance with division (C) (1) of section 3301.0711 23823
of the Revised Code and failed to attain a score established by 23824
the ~~state board~~ department on one or both assessments. 23825

(ii) The school district offered remedial support to the 23826
student in each subject area in which the student did not attain 23827
the established score and the student received that support. 23828

(iii) The student retook each alternate assessment in 23829
which the student did not attain the established score and the 23830
student did not attain the established score on the retake 23831
assessment. 23832

(b) (i) The student took the Algebra I and English language 23833
arts II end-of-course examinations and failed to attain the 23834
competency score as determined under division (B) (10) of section 23835
3301.0712 of the Revised Code on one or both examinations. 23836

(ii) The school district offered remedial support to the 23837
student in each subject area in which the student did not attain 23838
the competency score and the student received that support. 23839

(iii) The student retook each examination in which the 23840
student did not attain the competency score and the student did 23841
not attain the competency score on the retake examination. 23842

Sec. 3313.611. (A) The ~~state board~~ department of education 23843
and workforce shall adopt, by rule, standards for awarding high 23844
school credit equivalent to credit for completion of high school 23845
academic and vocational education courses to applicants for 23846

diplomas under this section. The standards may permit high	23847
school credit to be granted to an applicant for any of the	23848
following:	23849
(1) Work experiences or experiences as a volunteer;	23850
(2) Completion of academic, vocational, or self-	23851
improvement courses offered to persons over the age of twenty-	23852
one by a chartered public or nonpublic school;	23853
(3) Completion of academic, vocational, or self-	23854
improvement courses offered by an organization, individual, or	23855
educational institution other than a chartered public or	23856
nonpublic school;	23857
(4) Other life experiences considered by the board to	23858
provide knowledge and learning experiences comparable to that	23859
gained in a classroom setting.	23860
(B) The board of education of any city, exempted village,	23861
or local school district that operates a high school shall grant	23862
a diploma of adult education to any applicant if all of the	23863
following apply:	23864
(1) The applicant is a resident of the district;	23865
(2) The applicant is over the age of twenty-one and has	23866
not been issued a diploma as provided in section 3313.61 of the	23867
Revised Code;	23868
(3) Subject to section 3313.614 of the Revised Code, the	23869
applicant has met the assessment requirements of division (B) (3)	23870
(a) or (b) of this section, as applicable.	23871
(a) Prior to July 1, 2014, the applicant either:	23872
(i) Has attained the applicable scores designated under	23873

division (B) (1) of section 3301.0710 of the Revised Code on all 23874
of the assessments required by that division or was excused or 23875
exempted from any such assessment pursuant to section 3313.532 23876
or was exempted from attaining the applicable score on any such 23877
assessment pursuant to division (H) or (L) of section 3313.61 of 23878
the Revised Code; 23879

(ii) Has satisfied the alternative conditions prescribed 23880
in section 3313.615 of the Revised Code. 23881

(b) On or after July 1, 2014, has met the requirement 23882
prescribed by section 3313.618 of the Revised Code, except and 23883
only to the extent that the applicant is excused from some 23884
portion of that section pursuant to section 3313.532 of the 23885
Revised Code or division (H) or (L) of section 3313.61 of the 23886
Revised Code. 23887

(4) The district board determines, in accordance with the 23888
standards adopted under division (A) of this section, that the 23889
applicant has attained sufficient high school credits, including 23890
equivalent credits awarded under such standards, to qualify as 23891
having successfully completed the curriculum required by the 23892
district for graduation. 23893

(C) If a district board determines that an applicant is 23894
not eligible for a diploma under division (B) of this section, 23895
it shall inform the applicant of the reason the applicant is 23896
ineligible and shall provide a list of any courses required for 23897
the diploma for which the applicant has not received credit. An 23898
applicant may reapply for a diploma under this section at any 23899
time. 23900

(D) If a district board awards an adult education diploma 23901
under this section, the president and treasurer of the board and 23902

the superintendent of schools shall sign it. Each diploma shall 23903
bear the date of its issuance, be in such form as the district 23904
board prescribes, and be paid for from the district's general 23905
fund, except that the ~~state board~~ department may by rule 23906
prescribe standard language to be included on each diploma. 23907

(E) As used in this division, "English learner" has the 23908
same meaning as in division (C) (3) of section 3301.0711 of the 23909
Revised Code. 23910

Notwithstanding division (C) (3) of section 3301.0711 of 23911
the Revised Code, no English learner who has not either attained 23912
the applicable scores designated under division (B) (1) of 23913
section 3301.0710 of the Revised Code on all the assessments 23914
required by that division, or has not met the requirement 23915
prescribed by section 3313.618 of the Revised Code, shall be 23916
awarded a diploma under this section. 23917

Sec. 3313.612. (A) No nonpublic school chartered by the 23918
~~state board~~ director of education and workforce shall grant a 23919
high school diploma to any person unless, subject to section 23920
3313.614 of the Revised Code, the person has met the assessment 23921
requirements of division (A) (1) or (2) of this section, as 23922
applicable. 23923

(1) If the person entered the ninth grade prior to July 1, 23924
2014, the person has attained at least the applicable scores 23925
designated under division (B) (1) of section 3301.0710 of the 23926
Revised Code on all the assessments required by that division, 23927
or has satisfied the alternative conditions prescribed in 23928
section 3313.615 of the Revised Code. 23929

(2) If the person entered the ninth grade on or after July 23930
1, 2014, the person has met the requirement prescribed by 23931

section 3313.618 or 3313.619 of the Revised Code.	23932
(B) This section does not apply to any of the following:	23933
(1) Any person with regard to any assessment from which the person was excused pursuant to division (C) (1) (c) of section 3301.0711 of the Revised Code;	23934 23935 23936
(2) Except as provided in division (B) (4) of this section, any person who attends a nonpublic school accredited through the independent schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code;	23937 23938 23939 23940 23941
(3) Any person with regard to the social studies assessment under division (B) (1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board <u>department of education and workforce</u> under division (D) (3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:	23942 23943 23944 23945 23946 23947 23948 23949 23950 23951 23952
(a) The person is not a citizen of the United States;	23953
(b) The person is not a permanent resident of the United States;	23954 23955
(c) The person indicates no intention to reside in the United States after completion of high school.	23956 23957
(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L) (4) of section	23958 23959

3301.0711 of the Revised Code. In the case of such a student, 23960
the student's chartered nonpublic school shall determine the 23961
student's eligibility for graduation based on the standards of 23962
the school's accrediting body. 23963

(C) As used in this division, "English learner" has the 23964
same meaning as in division (C) (3) of section 3301.0711 of the 23965
Revised Code. 23966

Notwithstanding division (C) (3) of section 3301.0711 of 23967
the Revised Code, no English learner who has not either attained 23968
the applicable scores designated under division (B) (1) of 23969
section 3301.0710 of the Revised Code on all the assessments 23970
required by that division, or met the requirement prescribed by 23971
section 3313.618 or 3313.619 of the Revised Code, shall be 23972
awarded a diploma under this section. 23973

(D) The ~~state board~~ department shall not impose additional 23974
requirements or assessments for the granting of a high school 23975
diploma under this section that are not prescribed by this 23976
section. 23977

(E) The department ~~of education~~ shall furnish the 23978
assessment administered by a nonpublic school pursuant to 23979
division (B) (1) of section 3301.0712 of the Revised Code. 23980

Sec. 3313.614. (A) As used in this section, a person 23981
"fulfills the curriculum requirement for a diploma" at the time 23982
one of the following conditions is satisfied: 23983

(1) The person successfully completes the high school 23984
curriculum of a school district, a community school, a chartered 23985
nonpublic school, or a correctional institution. 23986

(2) The person successfully completes the individualized 23987
education program developed for the person under section 3323.08 23988

of the Revised Code. 23989

(3) A board of education issues its determination under 23990
section 3313.611 of the Revised Code that the person qualifies 23991
as having successfully completed the curriculum required by the 23992
district. 23993

(B) This division specifies the assessment requirements 23994
that must be fulfilled as a condition toward granting high 23995
school diplomas under sections 3313.61, 3313.611, 3313.612, and 23996
3325.08 of the Revised Code. 23997

(1) A person who fulfills the curriculum requirement for a 23998
diploma before September 15, 2000, is not required to pass any 23999
proficiency test or achievement test in science as a condition 24000
to receiving a diploma. 24001

(2) A person who began ninth grade for the first time 24002
prior to July 1, 2003, is not required to pass the Ohio 24003
graduation test prescribed under division (B) (1) of section 24004
3301.0710 or any assessment prescribed under division (B) (2) of 24005
that section in any subject as a condition to receiving a 24006
diploma once the person has passed the ninth grade proficiency 24007
test in the same subject, so long as the person passed the ninth 24008
grade proficiency test prior to September 15, 2008. However, any 24009
such person who passes the Ohio graduation test in any subject 24010
prior to passing the ninth grade proficiency test in the same 24011
subject shall be deemed to have passed the ninth grade 24012
proficiency test in that subject as a condition to receiving a 24013
diploma. For this purpose, the ninth grade proficiency test in 24014
citizenship substitutes for the Ohio graduation test in social 24015
studies. If a person began ninth grade prior to July 1, 2003, 24016
but does not pass a ninth grade proficiency test or the Ohio 24017
graduation test in a particular subject before September 15, 24018

2008, and passage of a test in that subject is a condition for 24019
the person to receive a diploma, the person must pass the Ohio 24020
graduation test instead of the ninth grade proficiency test in 24021
that subject to receive a diploma. 24022

(3) (a) Except as provided in division (B) (3) (b) of this 24023
section, a person who begins ninth grade for the first time on 24024
or after July 1, 2003, in a school district, community school, 24025
or chartered nonpublic school is not eligible to receive a 24026
diploma based on passage of ninth grade proficiency tests. Each 24027
such person who begins ninth grade prior to July 1, 2014, must 24028
pass Ohio graduation tests to meet the assessment requirements 24029
applicable to that person as a condition to receiving a diploma 24030
or satisfy one of the conditions prescribed in division (B) (3) 24031
(b) of this section. 24032

(b) A person who began ninth grade for the first time 24033
prior to July 1, 2014, shall be eligible to receive a diploma if 24034
the person meets the requirement prescribed by section 3313.618 24035
or 3313.619 of the Revised Code. 24036

(c) A person who began ninth grade for the first time 24037
prior to July 1, 2014, and who has not attained at least the 24038
applicable scores designated under division (B) (1) of section 24039
3301.0710 of the Revised Code on all the assessments required by 24040
that division shall be eligible to receive a diploma if the 24041
person meets the requirement prescribed by rule of the ~~state-~~ 24042
~~board-~~ department of education and workforce as prescribed under 24043
division (B) (3) (d) of this section. 24044

(d) ~~Not later than December 31, 2015, the state board of-~~ 24045
~~education-~~ The department shall adopt rules prescribing the 24046
manner in which a person who began ninth grade for the first 24047
time prior to July 1, 2014, may be eligible for a high school 24048

diploma by combining the requirement prescribed by section 24049
3313.618 or 3313.619 of the Revised Code and the requirement to 24050
attain at least the applicable scores designated under division 24051
(B) (1) of section 3301.0710 of the Revised Code on the 24052
assessments required by that division. The rules shall ensure 24053
that the combined requirements require a demonstration of 24054
mastery that is equivalent or greater to the expectations of the 24055
assessments prescribed by division (B) (1) of section 3301.0710 24056
of the Revised Code. The rules shall include the following: 24057

(i) The date by which a person who began ninth grade for 24058
the first time prior to July 1, 2014, may be eligible for a high 24059
school diploma under division (B) (3) (c) of this section; 24060

(ii) Methods of replacing individual assessments 24061
prescribed by division (B) (1) of section 3301.0710 of the 24062
Revised Code; 24063

(iii) Methods of integrating the pathways prescribed by 24064
division (A) of section 3313.618 or section 3313.619 of the 24065
Revised Code. 24066

(4) Except as provided in division (B) (3) (b) of this 24067
section, a person who begins ninth grade on or after July 1, 24068
2014, is not eligible to receive a diploma based on passage of 24069
the Ohio graduation tests. Each such person must meet the 24070
requirement prescribed by section 3313.618 or 3313.619 of the 24071
Revised Code. 24072

(C) This division specifies the curriculum requirement 24073
that shall be completed as a condition toward granting high 24074
school diplomas under sections 3313.61, 3313.611, 3313.612, and 24075
3325.08 of the Revised Code. 24076

(1) A person who is under twenty-two years of age when the 24077

person fulfills the curriculum requirement for a diploma shall 24078
complete the curriculum required by the school district or 24079
school issuing the diploma for the first year that the person 24080
originally enrolled in high school, except for a person who 24081
qualifies for graduation from high school under either division 24082
(D) or (F) of section 3313.603 of the Revised Code. 24083

(2) Once a person fulfills the curriculum requirement for 24084
a diploma, the person is never required, as a condition of 24085
receiving a diploma, to meet any different curriculum 24086
requirements that take effect pending the person's passage of 24087
proficiency tests or achievement tests or assessments, including 24088
changes mandated by section 3313.603 of the Revised Code, the 24089
~~state board department~~, a school district board of education, or 24090
a governing authority of a community school or chartered 24091
nonpublic school. 24092

Sec. 3313.615. This section shall apply to diplomas 24093
awarded after September 15, 2006, to students who are required 24094
to take the five Ohio graduation tests prescribed by division 24095
(B) (1) of section 3301.0710 of the Revised Code. This section 24096
does not apply to any student who enters ninth grade for the 24097
first time on or after July 1, 2014. 24098

(A) As an alternative to the requirement that a person 24099
attain the scores designated under division (B) (1) of section 24100
3301.0710 of the Revised Code on all the assessments required 24101
under that division in order to be eligible for a high school 24102
diploma or an honors diploma under sections 3313.61, 3313.612, 24103
or 3325.08 of the Revised Code or for a diploma of adult 24104
education under section 3313.611 of the Revised Code, a person 24105
who has attained at least the applicable scores designated under 24106
division (B) (1) of section 3301.0710 of the Revised Code on all 24107

but one of the assessments required by that division and from 24108
which the person was not excused or exempted, pursuant to 24109
division (L) of section 3313.61, division (B) (1) of section 24110
3313.612, or section 3313.532 of the Revised Code, may be 24111
awarded a diploma or honors diploma if the person has satisfied 24112
all of the following conditions: 24113

(1) On the one assessment required under division (B) (1) 24114
of section 3301.0710 of the Revised Code for which the person 24115
failed to attain the designated score, the person missed that 24116
score by ten points or less; 24117

(2) Has a ninety-seven per cent school attendance rate in 24118
each of the last four school years, excluding any excused 24119
absences; 24120

(3) Has not been expelled from school under section 24121
3313.66 of the Revised Code in any of the last four school 24122
years; 24123

(4) Has a grade point average of at least 2.5 out of 4.0, 24124
or its equivalent as designated in rules adopted by the ~~state-~~ 24125
~~board~~ department of education and workforce, in the subject area 24126
of the assessment required under division (B) (1) of section 24127
3301.0710 of the Revised Code for which the person failed to 24128
attain the designated score; 24129

(5) Has completed the high school curriculum requirements 24130
prescribed in section 3313.603 of the Revised Code or has 24131
qualified under division (D) or (F) of that section; 24132

(6) Has taken advantage of any intervention programs 24133
provided by the school district or school in the subject area 24134
described in division (A) (4) of this section and has a ninety- 24135
seven per cent attendance rate, excluding any excused absences, 24136

in any of those programs that are provided at times beyond the 24137
normal school day, school week, or school year or has received 24138
comparable intervention services from a source other than the 24139
school district or school; 24140

(7) Holds a letter recommending graduation from each of 24141
the person's high school teachers in the subject area described 24142
in division (A) (4) of this section and from the person's high 24143
school principal. 24144

(B) The ~~state board of education~~ department shall 24145
establish rules designating grade point averages equivalent to 24146
the average specified in division (A) (4) of this section for use 24147
by school districts and schools with different grading systems. 24148

(C) Any student who is exempt from attaining the 24149
applicable score designated under division (B) (1) of section 24150
3301.0710 of the Revised Code on the Ohio graduation test in 24151
social studies pursuant to division (H) of section 3313.61 or 24152
division (B) (3) of section 3313.612 of the Revised Code shall 24153
not qualify for a high school diploma under this section, 24154
unless, notwithstanding the exemption, the student attains the 24155
applicable score on that assessment. If the student attains the 24156
applicable score on that assessment, the student may qualify for 24157
a diploma under this section in the same manner as any other 24158
student who is required to take the five Ohio graduation tests 24159
prescribed by division (B) (1) of section 3301.0710 of the 24160
Revised Code. 24161

Sec. 3313.618. (A) In addition to the curriculum 24162
requirements specified by the board of education of a school 24163
district or governing authority of a chartered nonpublic school, 24164
each student entering ninth grade for the first time on or after 24165
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 24166

one of the following conditions or the conditions prescribed 24167
under division (B) of this section in order to qualify for a 24168
high school diploma: 24169

(1) Be remediation-free, in accordance with standards 24170
adopted under division (F) of section 3345.061 of the Revised 24171
Code, on each of the nationally standardized assessments in 24172
English, mathematics, and reading; 24173

(2) Attain a score specified under division (B) (5) (c) of 24174
section 3301.0712 of the Revised Code on the end-of-course 24175
examinations prescribed under division (B) of section 3301.0712 24176
of the Revised Code. 24177

(3) Attain a score that demonstrates workforce readiness 24178
and employability on a nationally recognized job skills 24179
assessment selected by the ~~state board~~ department of education 24180
and workforce under division ~~(G)~~ (F) of section 3301.0712 of the 24181
Revised Code and obtain either an industry-recognized credential 24182
or a license issued by a state agency or board for practice in a 24183
vocation that requires an examination for issuance of that 24184
license. 24185

For the purposes of this division, the industry-recognized 24186
credentials and licenses shall be as approved under section 24187
3313.6113 of the Revised Code. 24188

A student may choose to qualify for a high school diploma 24189
by satisfying any of the separate requirements prescribed by 24190
divisions (A) (1) to (3) of this section. If the student's school 24191
district or school does not administer the examination 24192
prescribed by one of those divisions that the student chooses to 24193
take to satisfy the requirements of this section, the school 24194
district or school may require that student to arrange for the 24195

applicable scores to be sent directly to the district or school	24196
by the company or organization that administers the examination.	24197
(B) In addition to the curriculum requirements specified	24198
by the district board or school governing authority, each	24199
student entering ninth grade for the first time on or after July	24200
1, 2019, shall satisfy the following conditions in order to	24201
qualify for a high school diploma:	24202
(1) Except as otherwise provided in division (D) of this	24203
section, attain a competency score as determined under division	24204
(B) (10) of section 3301.0712 of the Revised Code on each of the	24205
Algebra I and English language arts II end-of-course	24206
examinations prescribed under division (B) (2) of section	24207
3301.0712 of the Revised Code.	24208
School districts and chartered nonpublic schools shall	24209
offer remedial support to any student who fails to attain a	24210
competency score on one or both of the Algebra I and English	24211
language arts II end-of-course examinations.	24212
Following the first administration of the exam, if a	24213
student fails to attain a competency score on one or both of the	24214
Algebra I and English language arts II end-of-course	24215
examinations that student must retake the respective examination	24216
at least once.	24217
If a student fails to attain a competency score on a	24218
retake examination, the student may demonstrate competency in	24219
the failed subject area through one of the following options:	24220
(a) Earn course credit taken through the college credit	24221
plus program established under Chapter 3365. of the Revised Code	24222
in the failed subject area;	24223
(b) Complete two of the following options, one of which	24224

must be foundational: 24225

(i) Foundational options to demonstrate competency, which 24226
include earning a cumulative score of proficient or higher on 24227
three or more state technical assessments aligned with section 24228
3313.903 of the Revised Code in a single career pathway, 24229
obtaining an industry-recognized credential, or group of 24230
credentials, approved under section 3313.6113 of the Revised 24231
Code that is at least equal to the total number of points 24232
established under that section to qualify for a high school 24233
diploma, obtaining a license approved under section 3313.6113 of 24234
the Revised Code that is issued by a state agency or board for 24235
practice in a vocation that requires an examination for issuance 24236
of that license, completing a pre-apprenticeship aligned with 24237
options established under section 3313.904 of the Revised Code 24238
in the student's chosen career field, completing an 24239
apprenticeship registered with the apprenticeship council 24240
established under section 4139.02 of the Revised Code in the 24241
student's chosen career field, or providing evidence of 24242
acceptance into an apprenticeship program after high school that 24243
is restricted to participants eighteen years of age or older; 24244

(ii) Supporting options to demonstrate competency, which 24245
include completing two hundred fifty hours of a work-based 24246
learning experience with evidence of positive evaluations, 24247
obtaining an OhioMeansJobs-readiness seal under section 24248
3313.6112 of the Revised Code, or attaining a workforce 24249
readiness score, as determined by the ~~department of education,~~ 24250
on the nationally recognized job skills assessment selected by 24251
the ~~state board department~~ under division ~~(G)~~ (F) of section 24252
3301.0712 of the Revised Code. 24253

(c) Provide evidence that the student has enlisted in a 24254

branch of the armed services of the United States as defined in	24255
section 5910.01 of the Revised Code.	24256
(d) Be remediation-free, in accordance with standards	24257
adopted under division (F) of section 3345.061 of the Revised	24258
Code, in the failed subject area on a nationally standardized	24259
assessment prescribed under division (B) (1) of section 3301.0712	24260
of the Revised Code. For English language arts II, a student	24261
must be remediation-free in the subjects of English and reading	24262
on the nationally standardized assessment.	24263
Subject to division (L) (2) of section 3313.61 of the	24264
Revised Code, for any students receiving special education and	24265
related services under Chapter 3323. of the Revised Code, the	24266
individualized education program developed for the student under	24267
that chapter shall specify the manner in which the student will	24268
participate in the assessments administered under this division	24269
or an alternate assessment in accordance with division (C) (1) of	24270
section 3301.0711 of the Revised Code.	24271
(2) Earn at least two of the state diploma seals	24272
prescribed under division (A) of section 3313.6114 of the	24273
Revised Code, at least one of which shall be any of the	24274
following:	24275
(a) The state seal of biliteracy established under section	24276
3313.6111 of the Revised Code;	24277
(b) The OhioMeansJobs-readiness seal established under	24278
section 3313.6112 of the Revised Code;	24279
(c) One of the state diploma seals established under	24280
divisions (C) (1) to (7) of section 3313.6114 of the Revised	24281
Code.	24282
(C) A student who transfers into an Ohio public or	24283

chartered nonpublic high school from another state or enrolls in 24284
such a high school after receiving home instruction or attending 24285
a nonchartered, nontax-supported school in the previous school 24286
year shall meet the requirements of division (B) of this section 24287
in order to qualify for a high school diploma under that 24288
division. However, any such student who transfers or enrolls 24289
after the start of the student's twelfth grade year and fails to 24290
attain a competency score on the Algebra I or English language 24291
arts II end-of-course examination shall not be required to 24292
retake the applicable examination prior to demonstrating 24293
competency in the failed subject area under the options 24294
prescribed in divisions (B) (1) (a) to (d) of this section. 24295

(D) A chartered nonpublic school student subject to 24296
division (L) (3) (a) (ii) of section 3301.0711 of the Revised Code 24297
shall be considered to have demonstrated competency for the 24298
purposes of division (B) (1) of this section if the student earns 24299
a remediation-free score in the areas of English, mathematics, 24300
and reading, in accordance with standards adopted under division 24301
(F) of section 3345.061 of the Revised Code, on a nationally 24302
standardized assessment prescribed under division (B) (1) of 24303
section 3301.0712 of the Revised Code. No such student shall be 24304
required to take the Algebra I or English language arts II end- 24305
of-course examination under this section. 24306

(E) The ~~state board of education~~ department shall not 24307
create or require any additional assessment for the granting of 24308
any type of high school diploma other than as prescribed by this 24309
section. Except as provided in sections 3313.6111, 3313.6112, 24310
and 3313.6114 of the Revised Code, the ~~state board~~ department or 24311
the ~~superintendent of public instruction~~ director of education 24312
and workforce shall not create any endorsement or designation 24313
that may be affiliated with a high school diploma. 24314

Sec. 3313.619. (A) In lieu of the assessment requirements 24315
prescribed by division (A) of section 3313.618 of the Revised 24316
Code or the requirements to demonstrate competency and earn 24317
diploma seals prescribed by division (B) of that section, a 24318
chartered nonpublic school may grant a high school diploma to a 24319
student who attains at least the designated score on an 24320
assessment approved by the department of education and workforce 24321
under division (B) of this section and selected by the school's 24322
governing authority. 24323

(B) For purposes of division (A) of this section, the 24324
department shall approve assessments that meet the conditions 24325
specified under division (C) of this section and shall designate 24326
passing scores for each of those assessments. 24327

(C) Each assessment approved under division (B) of this 24328
section shall be nationally norm-referenced, have internal 24329
consistency reliability coefficients of at least "0.8," be 24330
standardized, have specific evidence of content, concurrent, or 24331
criterion validity, have evidence of norming studies in the 24332
previous ten years, have a measure of student achievement in 24333
core academic areas, and have high validity evidenced by the 24334
alignment of the assessment with nationally recognized content. 24335

(D) Nothing in this section shall prohibit a chartered 24336
nonpublic school from granting a high school diploma to a 24337
student if the student satisfies the applicable requirements 24338
prescribed by section 3313.618 of the Revised Code. 24339

Sec. 3313.6111. (A) The ~~state board~~ department of 24340
education and workforce shall establish the state seal of 24341
biliteracy, which may be attached or affixed to the high school 24342
transcript of a student enrolled in a public or chartered 24343
nonpublic school. The state seal of biliteracy shall demonstrate 24344

the attainment of a high level of proficiency by a graduate of a public or chartered nonpublic high school in one or more languages in addition to English, sufficient for meaningful use in college and a career. The purpose of the state seal of biliteracy shall be to:

- (1) Encourage students to study languages;
- (2) Certify the attainment of biliteracy;
- (3) Provide employers with a method of identifying individuals with language and biliteracy skills;
- (4) Provide institutions of higher education with an additional method to recognize applicants for admission;
- (5) Prepare students with twenty-first century skills;
- (6) Recognize the value of foreign language and native language instruction in public schools; and
- (7) Strengthen inter-group relationships, affirm the value of diversity, and honor the multiple cultures and languages of a community.

(B) (1) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school may attach or affix the state seal of biliteracy to the transcript of a student enrolled in the school who meets the requirements prescribed under division (C) (1) of this section. A district or school shall not be required to attach or affix the state seal of biliteracy on the transcript of a student enrolled in the school.

- (2) Each school district, community school, STEM school,

college-preparatory boarding school, and chartered nonpublic 24373
school shall maintain appropriate records to identify students 24374
who have completed the requirements for earning a state seal of 24375
biliteracy as prescribed under division (C) (1) of this section, 24376
and if the district or school has a policy of attaching or 24377
affixing the state seal of biliteracy to student transcripts, 24378
the district or school shall make the appropriate designation on 24379
the transcript of a student who completes the requirements. 24380

(C) ~~The state board of education~~ department shall do the 24381
following: 24382

(1) Establish the requirements and criteria for earning a 24383
state seal of biliteracy, including assessments of foreign 24384
language and English proficiency. 24385

(2) ~~Direct the department of education to prepare~~ Prepare 24386
and deliver to participating school districts, community 24387
schools, STEM schools, college-preparatory boarding schools, and 24388
chartered nonpublic schools an appropriate mechanism for 24389
assigning a state seal of biliteracy on a student's transcript 24390
indicating that the student has been assigned the seal; 24391

(3) ~~Direct the department to provide~~ Provide any other 24392
information ~~the state board~~ it considers necessary for school 24393
districts, community schools, STEM schools, college-preparatory 24394
boarding schools, and chartered nonpublic schools to participate 24395
in the assigning of a state seal of biliteracy; 24396

(4) Adopt rules in accordance with Chapter 119. of the 24397
Revised Code to implement the provisions of this section. 24398

(D) A student shall not be charged a fee to be assigned a 24399
state seal of biliteracy on their transcript. A student may be 24400
required to pay a fee to demonstrate proficiency in a language, 24401

including the cost of a standardized test to determine 24402
proficiency in a language. 24403

(E) As used in this section, "foreign language" refers to 24404
any language other than English, including modern languages, 24405
Latin, American sign language, native American languages, and 24406
native languages. 24407

Sec. 3313.6112. (A) The ~~superintendent of public~~ 24408
~~instruction~~ department of education and workforce, in 24409
consultation with the chancellor of higher education and the 24410
governor's office of workforce transformation, shall establish 24411
the OhioMeansJobs-readiness seal, which may be attached or 24412
affixed to the high school diploma and transcript of a student 24413
enrolled in a public or chartered nonpublic school. 24414

(B) A school district, community school established under 24415
Chapter 3314. of the Revised Code, STEM school established under 24416
Chapter 3326. of the Revised Code, college-preparatory boarding 24417
school established under Chapter 3328. of the Revised Code, or 24418
chartered nonpublic school shall attach or affix the 24419
OhioMeansJobs-readiness seal to the diploma and transcript of a 24420
student enrolled in the school who meets the requirements 24421
prescribed under division (C)(1) of this section. 24422

(C) The ~~state superintendent~~ department of education and 24423
workforce, in consultation with the chancellor and the 24424
governor's office of workforce transformation, shall do the 24425
following: 24426

(1) Establish the requirements and criteria for earning an 24427
OhioMeansJobs-readiness seal, including demonstration of work- 24428
readiness and work ethic competencies such as teamwork, problem- 24429
solving, reliability, punctuality, and computer technology 24430

competency;	24431
(2) Develop a standardized form for students to complete	24432
and have validated prior to graduation by at least three	24433
individuals, each of whom must be an employer, teacher, business	24434
mentor, community leader, faith-based leader, school leader, or	24435
coach of the student;	24436
(3) Prepare and deliver to all school districts, community	24437
schools, STEM schools, college-preparatory boarding schools, and	24438
chartered nonpublic schools an appropriate mechanism for	24439
assigning an OhioMeansJobs-readiness seal on a student's diploma	24440
and transcript indicating that the student has been assigned the	24441
seal;	24442
(4) Provide any other information the state superintendent	24443
<u>department</u> considers necessary for school districts, community	24444
schools, STEM schools, college-preparatory boarding schools, and	24445
chartered nonpublic schools to assign an OhioMeansJobs-readiness	24446
seal.	24447
(D) A student shall not be charged a fee to be assigned an	24448
OhioMeansJobs-readiness seal on the student's diploma and	24449
transcript.	24450
Sec. 3313.6113. (A) The superintendent of public	24451
instruction <u>director of education and workforce</u> , in collaboration	24452
with the governor's office of workforce transformation and	24453
representatives of business organizations, shall establish a	24454
committee to develop a list of industry-recognized credentials	24455
and licenses that may be used to qualify for a high school	24456
diploma under section 3313.618 of the Revised Code and shall be	24457
used for state report card purposes under section 3302.03 of the	24458
Revised Code. The state superintendent shall appoint the members	24459

~~of the committee not later than January 1, 2018.~~ 24460

(B) The committee shall do the following: 24461

(1) Establish criteria for acceptable industry-recognized 24462
credentials and licenses aligned with the in-demand jobs list 24463
published by the department of job and family services; 24464

(2) Review the list of industry-recognized credentials and 24465
licenses that was in existence on January 1, 2018, and update 24466
the list as it considers necessary; 24467

(3) Review and update the list of industry-recognized 24468
credentials and licenses at least biennially; 24469

(4) Assign a point value for each industry-recognized 24470
credential and establish the total number of points for 24471
industry-recognized credentials that a student must earn to 24472
qualify for a high school diploma under sections 3313.618 and 24473
3313.6114 of the Revised Code; 24474

(5) Update the list of industry-recognized credentials to 24475
include a driver's license obtained by a student through a 24476
driver education course offered by a school district in 24477
accordance with section 3301.17 of the Revised Code. 24478

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 24479
(D) (1) (j) (v) of section 3302.03 of the Revised Code, the 24480
department of education and workforce shall include only those 24481
students who earn an industry-recognized credential, or group of 24482
credentials, at least equal to the total number of points 24483
established by the committee under this section to qualify for a 24484
high school diploma. 24485

Sec. 3313.6114. (A) The ~~state board~~ department of 24486
education and workforce shall establish a system of state 24487

diploma seals for the purposes of allowing a student to qualify 24488
for graduation under section 3313.618 of the Revised Code. State 24489
diploma seals may be attached or affixed to the high school 24490
diploma of a student enrolled in a public or chartered nonpublic 24491
school. The system of state diploma seals shall consist of all 24492
of the following: 24493

(1) The state seal of biliteracy established under section 24494
3313.6111 of the Revised Code; 24495

(2) The OhioMeansJobs-readiness seal established under 24496
section 3313.6112 of the Revised Code; 24497

(3) The state diploma seals prescribed under division (C) 24498
of this section. 24499

(B) A school district, community school established under 24500
Chapter 3314. of the Revised Code, STEM school established under 24501
Chapter 3326. of the Revised Code, college-preparatory boarding 24502
school established under Chapter 3328. of the Revised Code, or 24503
chartered nonpublic school shall attach or affix the state seals 24504
prescribed under division (C) of this section to the diploma and 24505
transcript of a student enrolled in the district or school who 24506
meets the requirements established under that division. 24507

(C) The ~~state board~~ department shall establish all of the 24508
following state diploma seals: 24509

(1) An industry-recognized credential seal. A student 24510
shall meet the requirement for this seal by doing either of the 24511
following: 24512

(a) Earning an industry-recognized credential, or group of 24513
credentials, approved under section 3313.6113 of the Revised 24514
Code that is both of the following: 24515

(i) At least equal to the total number of points established under section 3313.6113 of the Revised Code to qualify for a high school diploma;	24516 24517 24518
(ii) Aligned to a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code.	24519 24520 24521
(b) Obtaining a license approved under section 3313.6113 of the Revised Code that is issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.	24522 24523 24524 24525
(2) A college-ready seal. A student shall meet the requirement for this seal by attaining a score that is remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code.	24526 24527 24528 24529 24530 24531
(3) A military enlistment seal. A student shall meet the requirement for this seal by doing either of the following:	24532 24533
(a) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code;	24534 24535 24536
(b) Participating in a junior reserve officer training program approved by the congress of the United States under title 10 of the United States Code.	24537 24538 24539
(4) A citizenship seal. A student shall meet the requirement for this seal by doing any of the following:	24540 24541
(a) Demonstrating at least a proficient level of skill as prescribed under division (B) (5) (a) of section 3301.0712 of the	24542 24543

Revised Code on both the American history and American 24544
government end-of-course examinations prescribed under division 24545
(B) (2) of section 3301.0712 of the Revised Code; 24546

(b) Attaining a score level prescribed under division (B) 24547
(5) (d) of section 3301.0712 of the Revised Code that is at least 24548
the equivalent of a proficient level of skill in appropriate 24549
advanced placement or international baccalaureate examinations 24550
in lieu of the American history and American government end-of- 24551
course examinations; 24552

(c) In lieu of the American history and American 24553
government end-of-course examinations, attaining a final course 24554
grade that is the equivalent of a "B" or higher in either: 24555

(i) An American history course and an American government 24556
course that are offered by the student's high school; 24557

(ii) Appropriate courses taken through the college credit 24558
plus program established under Chapter 3365. of the Revised 24559
Code. 24560

(d) In the case of a student who takes an alternate 24561
assessment in accordance with division (C) (1) of section 24562
3301.0711 of the Revised Code, attaining a score established by 24563
the ~~state board~~ department on the alternate assessment in social 24564
studies; 24565

(e) In the case of a student who transfers into an Ohio 24566
public or chartered nonpublic high school from another state or 24567
who enrolls in an Ohio public or chartered nonpublic high school 24568
after receiving home instruction or attending a nonchartered, 24569
nontax-supported school in the previous school year, attaining a 24570
final course grade that is the equivalent of a "B" or higher in 24571
courses that correspond with the American history and American 24572

government end-of-course examinations and that the student 24573
completed in the state from which the student transferred or 24574
completed while receiving home instruction or attending a 24575
nonchartered, nontax-supported school. Division (C) (4) (e) of 24576
this section does not apply to any such student with respect to 24577
an American history or American government course for which an 24578
end-of-course examination is associated that the student takes 24579
after enrolling in the high school. 24580

(5) A science seal. A student shall meet the requirement 24581
for this seal by doing any of the following: 24582

(a) Demonstrating at least a proficient level of skill as 24583
prescribed under division (B) (5) (a) of section 3301.0712 of the 24584
Revised Code on the science end-of-course examination prescribed 24585
under division (B) (2) of section 3301.0712 of the Revised Code; 24586

(b) Attaining a score level prescribed under division (B) 24587
(5) (d) of section 3301.0712 of the Revised Code that is at least 24588
the equivalent of a proficient level of skill in an appropriate 24589
advanced placement or international baccalaureate examination in 24590
lieu of the science end-of-course examination; 24591

(c) In lieu of the science end-of-course examination, 24592
attaining a final course grade that is the equivalent of a "B" 24593
or higher in either: 24594

(i) A science course listed in divisions (C) (5) (c) (i) to 24595
(iii) of section 3313.603 of the Revised Code that is offered by 24596
the student's high school; 24597

(ii) An appropriate course taken through the college 24598
credit plus program established under Chapter 3365. of the 24599
Revised Code. 24600

(d) In the case of a student who takes an alternate 24601

assessment in accordance with division (C) (1) of section 24602
3301.0711 of the Revised Code, attaining a score established by 24603
the ~~state board~~ department on the alternate assessment in 24604
science; 24605

(e) In the case of a student who transfers into an Ohio 24606
public or chartered nonpublic high school from another state or 24607
enrolls in an Ohio public or chartered nonpublic high school 24608
after receiving home instruction or attending a nonchartered, 24609
nontax-supported school in the previous school year, attaining a 24610
final course grade that is the equivalent of a "B" or higher in 24611
a course that corresponds with the science end-of-course 24612
examination and that the student completed in the state from 24613
which the student transferred or completed while receiving home 24614
instruction or attending a nonchartered, nontax-supported 24615
school. Division (C) (5) (e) of this section does not apply to any 24616
such student who takes a science course for which an end-of- 24617
course examination is associated after enrolling in the high 24618
school. 24619

(6) An honors diploma seal. A student shall meet the 24620
requirement for this seal by meeting the additional criteria for 24621
an honors diploma under division (B) of section 3313.61 of the 24622
Revised Code. 24623

(7) A technology seal. A student shall meet the 24624
requirement for this seal by doing any of the following: 24625

(a) Subject to division (B) (5) (d) of section 3301.0712 of 24626
the Revised Code, attaining a score level that is at least the 24627
equivalent of a proficient level of skill in an appropriate 24628
advanced placement or international baccalaureate examination; 24629

(b) Attaining a final course grade that is the equivalent 24630

of a "B" or higher in an appropriate course taken through the 24631
college credit plus program established under Chapter 3365. of 24632
the Revised Code; 24633

(c) Completing a course offered through the student's 24634
district or school that meets guidelines developed by the 24635
~~department of education~~. However, a district or school shall not 24636
be required to offer a course that meets those guidelines 24637
~~developed by the department~~. 24638

(d) In the case of a student who transfers into an Ohio 24639
public or chartered nonpublic high school from another state or 24640
enrolls in an Ohio public or chartered nonpublic high school 24641
after receiving home instruction or attending a nonchartered, 24642
nontax-supported school in the previous school year, attaining a 24643
final course grade that is the equivalent of a "B" or higher in 24644
an appropriate course, as determined by the district or school, 24645
that the student completed in the state from which the student 24646
transferred or completed while receiving home instruction or 24647
attending a nonchartered, nontax-supported school. 24648

(8) A community service seal. A student shall meet the 24649
requirement for this seal by completing a community service 24650
project that is aligned with guidelines adopted by the student's 24651
district board or school governing authority. 24652

(9) A fine and performing arts seal. A student shall meet 24653
the requirement for this seal by demonstrating skill in the fine 24654
or performing arts according to an evaluation that is aligned 24655
with guidelines adopted by the student's district board or 24656
school governing authority. 24657

(10) A student engagement seal. A student shall meet the 24658
requirement for this seal by participating in extracurricular 24659

activities such as athletics, clubs, or student government to a 24660
meaningful extent, as determined by guidelines adopted by the 24661
student's district board or school governing authority. 24662

(D) (1) Each district or school shall develop guidelines 24663
for at least one of the state seals prescribed under divisions 24664
(C) (8) to (10) of this section. 24665

(2) For the purposes of determining whether a student who 24666
transfers to a district or school has satisfied the state 24667
diploma seal requirement under division (B) (2) of section 24668
3313.618 of the Revised Code, each district or school shall 24669
recognize a state diploma seal prescribed under divisions (C) (8) 24670
to (10) of this section and earned by a student at another 24671
district or a different public or chartered nonpublic school 24672
regardless of whether the district or school to which the 24673
student transfers has developed guidelines under this section 24674
for that state seal. 24675

(3) In guidelines developed for a state diploma seal 24676
prescribed under divisions (C) (8) to (10) of this section, each 24677
district or school shall include a method to give, to the extent 24678
feasible, a student who transfers into the district or school a 24679
proportional amount of credit for any progress the student was 24680
making toward earning that state seal at the school district or 24681
different public or chartered nonpublic school from which the 24682
student transfers. 24683

(E) Each district or school shall maintain appropriate 24684
records to identify students who have met the requirements 24685
prescribed under division (C) of this section for earning the 24686
state seals established under that division. 24687

(F) The department shall prepare and deliver to each 24688

district or school an appropriate mechanism for assigning a 24689
state diploma seal established under division (C) of this 24690
section. 24691

(G) A student shall not be charged a fee to be assigned a 24692
state seal prescribed under division (C) of this section on the 24693
student's diploma and transcript. 24694

Sec. 3313.64. (A) As used in this section and in section 24695
3313.65 of the Revised Code: 24696

(1) (a) Except as provided in division (A) (1) (b) of this 24697
section, "parent" means either parent, unless the parents are 24698
separated or divorced or their marriage has been dissolved or 24699
annulled, in which case "parent" means the parent who is the 24700
residential parent and legal custodian of the child. When a 24701
child is in the legal custody of a government agency or a person 24702
other than the child's natural or adoptive parent, "parent" 24703
means the parent with residual parental rights, privileges, and 24704
responsibilities. When a child is in the permanent custody of a 24705
government agency or a person other than the child's natural or 24706
adoptive parent, "parent" means the parent who was divested of 24707
parental rights and responsibilities for the care of the child 24708
and the right to have the child live with the parent and be the 24709
legal custodian of the child and all residual parental rights, 24710
privileges, and responsibilities. 24711

(b) When a child is the subject of a power of attorney 24712
executed under sections 3109.51 to 3109.62 of the Revised Code, 24713
"parent" means the grandparent designated as attorney in fact 24714
under the power of attorney. When a child is the subject of a 24715
caretaker authorization affidavit executed under sections 24716
3109.64 to 3109.73 of the Revised Code, "parent" means the 24717
grandparent that executed the affidavit. 24718

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code. 24719
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(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services. 24722
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(4) Except as used in division (C) (2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies: 24726
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(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services. 24730
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(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose. 24733
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(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state. 24736
24737
24738

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code. 24739
24740

(5) "Agency" means all of the following: 24741

(a) A public children services agency; 24742

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through 24743
24744
24745
24746

commitment, agreement, or surrender, and places children in 24747
family homes for the purpose of adoption; 24748

(c) Comparable agencies of other states or countries that 24749
have complied with applicable requirements of section 2151.39 of 24750
the Revised Code or as applicable, sections 5103.20 to 5103.22 24751
or 5103.23 to 5103.237 of the Revised Code. 24752

(6) A child is placed for adoption if either of the 24753
following occurs: 24754

(a) An agency to which the child has been permanently 24755
committed or surrendered enters into an agreement with a person 24756
pursuant to section 5103.16 of the Revised Code for the care and 24757
adoption of the child. 24758

(b) The child's natural parent places the child pursuant 24759
to section 5103.16 of the Revised Code with a person who will 24760
care for and adopt the child. 24761

(7) "Preschool child with a disability" has the same 24762
meaning as in section 3323.01 of the Revised Code. 24763

(8) "Child," unless otherwise indicated, includes 24764
preschool children with disabilities. 24765

(9) "Active duty" means active duty pursuant to an 24766
executive order of the president of the United States, an act of 24767
the congress of the United States, or section 5919.29 or 5923.21 24768
of the Revised Code. 24769

(B) Except as otherwise provided in section 3321.01 of the 24770
Revised Code for admittance to kindergarten and first grade, a 24771
child who is at least five but under twenty-two years of age and 24772
any preschool child with a disability shall be admitted to 24773
school as provided in this division. 24774

(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 24775
24776

(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 24777
24778
24779
24780
24781

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 24782
24783
24784

(b) The child resides in a home. 24785

(c) The child requires special education. 24786

(3) A child who is not entitled under division (B) (2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 24787
24788
24789
24790
24791
24792

(a) The placement for adoption has been terminated. 24793

(b) Another school district is required to admit the child under division (B) (1) of this section. 24794
24795

Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code. 24796
24797
24798
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24800

(C) A district shall not charge tuition for children admitted under division (B) (1) or (3) of this section. If the 24801
24802

district admits a child under division (B) (2) of this section, 24803
tuition shall be paid to the district that admits the child as 24804
provided in divisions (C) (1) to (3) of this section, unless 24805
division (C) (4) of this section applies to the child: 24806

(1) If the child receives special education in accordance 24807
with Chapter 3323. of the Revised Code, the school district of 24808
residence, as defined in section 3323.01 of the Revised Code, 24809
shall pay tuition for the child in accordance with section 24810
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 24811
regardless of who has custody of the child or whether the child 24812
resides in a home. 24813

(2) For a child that does not receive special education in 24814
accordance with Chapter 3323. of the Revised Code, except as 24815
otherwise provided in division (C) (2) (d) of this section, if the 24816
child is in the permanent or legal custody of a government 24817
agency or person other than the child's parent, tuition shall be 24818
paid by: 24819

(a) The district in which the child's parent resided at 24820
the time the court removed the child from home or at the time 24821
the court vested legal or permanent custody of the child in the 24822
person or government agency, whichever occurred first; 24823

(b) If the parent's residence at the time the court 24824
removed the child from home or placed the child in the legal or 24825
permanent custody of the person or government agency is unknown, 24826
tuition shall be paid by the district in which the child resided 24827
at the time the child was removed from home or placed in legal 24828
or permanent custody, whichever occurred first; 24829

(c) If a school district cannot be established under 24830
division (C) (2) (a) or (b) of this section, tuition shall be paid 24831

by the district determined as required by section 2151.362 of 24832
the Revised Code by the court at the time it vests custody of 24833
the child in the person or government agency; 24834

(d) If at the time the court removed the child from home 24835
or vested legal or permanent custody of the child in the person 24836
or government agency, whichever occurred first, one parent was 24837
in a residential or correctional facility or a juvenile 24838
residential placement and the other parent, if living and not in 24839
such a facility or placement, was not known to reside in this 24840
state, tuition shall be paid by the district determined under 24841
division (D) of section 3313.65 of the Revised Code as the 24842
district required to pay any tuition while the parent was in 24843
such facility or placement; 24844

(e) If the department of education and workforce has 24845
determined, pursuant to division (A) (2) of section 2151.362 of 24846
the Revised Code, that a school district other than the one 24847
named in the court's initial order, or in a prior determination 24848
of the department, is responsible to bear the cost of educating 24849
the child, the district so determined shall be responsible for 24850
that cost. 24851

(3) If the child is not in the permanent or legal custody 24852
of a government agency or person other than the child's parent 24853
and the child resides in a home, tuition shall be paid by one of 24854
the following: 24855

(a) The school district in which the child's parent 24856
resides; 24857

(b) If the child's parent is not a resident of this state, 24858
the home in which the child resides. 24859

(4) Division (C) (4) of this section applies to any child 24860

who is admitted to a school district under division (B) (2) of 24861
this section, resides in a home that is not a foster home, a 24862
home maintained by the department of youth services, a detention 24863
facility established under section 2152.41 of the Revised Code, 24864
or a juvenile facility established under section 2151.65 of the 24865
Revised Code, and receives educational services at the home or 24866
facility in which the child resides pursuant to a contract 24867
between the home or facility and the school district providing 24868
those services. 24869

If a child to whom division (C) (4) of this section applies 24870
is a special education student, a district may choose whether to 24871
receive a tuition payment for that child under division (C) (4) 24872
of this section or to receive a payment for that child under 24873
section 3323.14 of the Revised Code. If a district chooses to 24874
receive a payment for that child under section 3323.14 of the 24875
Revised Code, it shall not receive a tuition payment for that 24876
child under division (C) (4) of this section. 24877

If a child to whom division (C) (4) of this section applies 24878
is not a special education student, a district shall receive a 24879
tuition payment for that child under division (C) (4) of this 24880
section. 24881

In the case of a child to which division (C) (4) of this 24882
section applies, the total educational cost to be paid for the 24883
child shall be determined by a formula approved by the 24884
department of education and workforce, which formula shall be 24885
designed to calculate a per diem cost for the educational 24886
services provided to the child for each day the child is served 24887
and shall reflect the total actual cost incurred in providing 24888
those services. The department shall certify the total 24889
educational cost to be paid for the child to both the school 24890

district providing the educational services and, if different, 24891
the school district that is responsible to pay tuition for the 24892
child. The department shall deduct the certified amount from the 24893
state basic aid funds payable under Chapter 3317. of the Revised 24894
Code to the district responsible to pay tuition and shall pay 24895
that amount to the district providing the educational services 24896
to the child. 24897

(D) Tuition required to be paid under divisions (C) (2) and 24898
(3) (a) of this section shall be computed in accordance with 24899
section 3317.08 of the Revised Code. Tuition required to be paid 24900
under division (C) (3) (b) of this section shall be computed in 24901
accordance with section 3317.081 of the Revised Code. If a home 24902
fails to pay the tuition required by division (C) (3) (b) of this 24903
section, the board of education providing the education may 24904
recover in a civil action the tuition and the expenses incurred 24905
in prosecuting the action, including court costs and reasonable 24906
attorney's fees. If the prosecuting attorney or city director of 24907
law represents the board in such action, costs and reasonable 24908
attorney's fees awarded by the court, based upon the prosecuting 24909
attorney's, director's, or one of their designee's time spent 24910
preparing and presenting the case, shall be deposited in the 24911
county or city general fund. 24912

(E) A board of education may enroll a child free of any 24913
tuition obligation for a period not to exceed sixty days, on the 24914
sworn statement of an adult resident of the district that the 24915
resident has initiated legal proceedings for custody of the 24916
child. 24917

(F) In the case of any individual entitled to attend 24918
school under this division, no tuition shall be charged by the 24919
school district of attendance and no other school district shall 24920

be required to pay tuition for the individual's attendance. 24921

Notwithstanding division (B), (C), or (E) of this section: 24922

(1) All persons at least eighteen but under twenty-two 24923
years of age who live apart from their parents, support 24924
themselves by their own labor, and have not successfully 24925
completed the high school curriculum or the individualized 24926
education program developed for the person by the high school 24927
pursuant to section 3323.08 of the Revised Code, are entitled to 24928
attend school in the district in which they reside. 24929

(2) Any child under eighteen years of age who is married 24930
is entitled to attend school in the child's district of 24931
residence. 24932

(3) A child is entitled to attend school in the district 24933
in which either of the child's parents is employed if the child 24934
has a medical condition that may require emergency medical 24935
attention. The parent of a child entitled to attend school under 24936
division (F)(3) of this section shall submit to the board of 24937
education of the district in which the parent is employed a 24938
statement from the child's physician certifying that the child's 24939
medical condition may require emergency medical attention. The 24940
statement shall be supported by such other evidence as the board 24941
may require. 24942

(4) Any child residing with a person other than the 24943
child's parent is entitled, for a period not to exceed twelve 24944
months, to attend school in the district in which that person 24945
resides if the child's parent files an affidavit with the 24946
superintendent of the district in which the person with whom the 24947
child is living resides stating all of the following: 24948

(a) That the parent is serving outside of the state in the 24949

armed services of the United States; 24950

(b) That the parent intends to reside in the district upon 24951
returning to this state; 24952

(c) The name and address of the person with whom the child 24953
is living while the parent is outside the state. 24954

(5) Any child under the age of twenty-two years who, after 24955
the death of a parent, resides in a school district other than 24956
the district in which the child attended school at the time of 24957
the parent's death is entitled to continue to attend school in 24958
the district in which the child attended school at the time of 24959
the parent's death for the remainder of the school year, subject 24960
to approval of that district board. 24961

(6) A child under the age of twenty-two years who resides 24962
with a parent who is having a new house built in a school 24963
district outside the district where the parent is residing is 24964
entitled to attend school for a period of time in the district 24965
where the new house is being built. In order to be entitled to 24966
such attendance, the parent shall provide the district 24967
superintendent with the following: 24968

(a) A sworn statement explaining the situation, revealing 24969
the location of the house being built, and stating the parent's 24970
intention to reside there upon its completion; 24971

(b) A statement from the builder confirming that a new 24972
house is being built for the parent and that the house is at the 24973
location indicated in the parent's statement. 24974

(7) A child under the age of twenty-two years residing 24975
with a parent who has a contract to purchase a house in a school 24976
district outside the district where the parent is residing and 24977
who is waiting upon the date of closing of the mortgage loan for 24978

the purchase of such house is entitled to attend school for a 24979
period of time in the district where the house is being 24980
purchased. In order to be entitled to such attendance, the 24981
parent shall provide the district superintendent with the 24982
following: 24983

(a) A sworn statement explaining the situation, revealing 24984
the location of the house being purchased, and stating the 24985
parent's intent to reside there; 24986

(b) A statement from a real estate broker or bank officer 24987
confirming that the parent has a contract to purchase the house, 24988
that the parent is waiting upon the date of closing of the 24989
mortgage loan, and that the house is at the location indicated 24990
in the parent's statement. 24991

The district superintendent shall establish a period of 24992
time not to exceed ninety days during which the child entitled 24993
to attend school under division (F) (6) or (7) of this section 24994
may attend without tuition obligation. A student attending a 24995
school under division (F) (6) or (7) of this section shall be 24996
eligible to participate in interscholastic athletics under the 24997
auspices of that school, provided the board of education of the 24998
school district where the student's parent resides, by a formal 24999
action, releases the student to participate in interscholastic 25000
athletics at the school where the student is attending, and 25001
provided the student receives any authorization required by a 25002
public agency or private organization of which the school 25003
district is a member exercising authority over interscholastic 25004
sports. 25005

(8) A child whose parent is a full-time employee of a 25006
city, local, or exempted village school district, or of an 25007
educational service center, may be admitted to the schools of 25008

the district where the child's parent is employed, or in the case of a child whose parent is employed by an educational service center, in the district that serves the location where the parent's job is primarily located, provided the district board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.

The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The ~~state board~~ department of education and workforce shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required

by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F) (11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter

3323. of the Revised Code and notwithstanding Chapter 3327. of 25099
the Revised Code, the board of education of neither school 25100
district involved in the agreement is required to provide 25101
transportation for the student to and from the school where the 25102
student attends. 25103

A student attending a school of a district pursuant to 25104
this division shall be allowed to participate in all student 25105
activities, including interscholastic athletics, at the school 25106
where the student is attending on the same basis as any student 25107
who has always attended the schools of that district while of 25108
compulsory school age. 25109

(13) All school districts shall comply with the "McKinney- 25110
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 25111
the education of homeless children. Each city, local, and 25112
exempted village school district shall comply with the 25113
requirements of that act governing the provision of a free, 25114
appropriate public education, including public preschool, to 25115
each homeless child. 25116

When a child loses permanent housing and becomes a 25117
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 25118
child who is such a homeless person changes temporary living 25119
arrangements, the child's parent or guardian shall have the 25120
option of enrolling the child in either of the following: 25121

(a) The child's school of origin, as defined in 42 25122
U.S.C.A. 11432(g) (3) (C); 25123

(b) The school that is operated by the school district in 25124
which the shelter where the child currently resides is located 25125
and that serves the geographic area in which the shelter is 25126
located. 25127

(14) A child under the age of twenty-two years who resides 25128
with a person other than the child's parent is entitled to 25129
attend school in the school district in which that person 25130
resides if both of the following apply: 25131

(a) That person has been appointed, through a military 25132
power of attorney executed under section 574(a) of the "National 25133
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 25134
(1993), 10 U.S.C. 1044b, or through a comparable document 25135
necessary to complete a family care plan, as the parent's agent 25136
for the care, custody, and control of the child while the parent 25137
is on active duty as a member of the national guard or a reserve 25138
unit of the armed forces of the United States or because the 25139
parent is a member of the armed forces of the United States and 25140
is on a duty assignment away from the parent's residence. 25141

(b) The military power of attorney or comparable document 25142
includes at least the authority to enroll the child in school. 25143

The entitlement to attend school in the district in which 25144
the parent's agent under the military power of attorney or 25145
comparable document resides applies until the end of the school 25146
year in which the military power of attorney or comparable 25147
document expires. 25148

(G) A board of education, after approving admission, may 25149
waive tuition for students who will temporarily reside in the 25150
district and who are either of the following: 25151

(1) Residents or domiciliaries of a foreign nation who 25152
request admission as foreign exchange students; 25153

(2) Residents or domiciliaries of the United States but 25154
not of Ohio who request admission as participants in an exchange 25155
program operated by a student exchange organization. 25156

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 25157
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 25158
attend school or participate in a special education program in a 25159
school district other than in the district where the child is 25160
entitled to attend school under division (B) of this section. 25161

(I) (1) Notwithstanding anything to the contrary in this 25162
section or section 3313.65 of the Revised Code, a child under 25163
twenty-two years of age may attend school in the school district 25164
in which the child, at the end of the first full week of October 25165
of the school year, was entitled to attend school as otherwise 25166
provided under this section or section 3313.65 of the Revised 25167
Code, if at that time the child was enrolled in the schools of 25168
the district but since that time the child or the child's parent 25169
has relocated to a new address located outside of that school 25170
district and within the same county as the child's or parent's 25171
address immediately prior to the relocation. The child may 25172
continue to attend school in the district, and at the school to 25173
which the child was assigned at the end of the first full week 25174
of October of the current school year, for the balance of the 25175
school year. Division (I) (1) of this section applies only if 25176
both of the following conditions are satisfied: 25177

(a) The board of education of the school district in which 25178
the child was entitled to attend school at the end of the first 25179
full week in October and of the district to which the child or 25180
child's parent has relocated each has adopted a policy to enroll 25181
children described in division (I) (1) of this section. 25182

(b) The child's parent provides written notification of 25183
the relocation outside of the school district to the 25184
superintendent of each of the two school districts. 25185

(2) At the beginning of the school year following the 25186

school year in which the child or the child's parent relocated 25187
outside of the school district as described in division (I) (1) 25188
of this section, the child is not entitled to attend school in 25189
the school district under that division. 25190

(3) Any person or entity owing tuition to the school 25191
district on behalf of the child at the end of the first full 25192
week in October, as provided in division (C) of this section, 25193
shall continue to owe such tuition to the district for the 25194
child's attendance under division (I) (1) of this section for the 25195
lesser of the balance of the school year or the balance of the 25196
time that the child attends school in the district under 25197
division (I) (1) of this section. 25198

(4) A pupil who may attend school in the district under 25199
division (I) (1) of this section shall be entitled to 25200
transportation services pursuant to an agreement between the 25201
district and the district in which the child or child's parent 25202
has relocated unless the districts have not entered into such 25203
agreement, in which case the child shall be entitled to 25204
transportation services in the same manner as a pupil attending 25205
school in the district under interdistrict open enrollment as 25206
described in division (E) of section 3313.981 of the Revised 25207
Code, regardless of whether the district has adopted an open 25208
enrollment policy as described in division (B) (1) (b) or (c) of 25209
section 3313.98 of the Revised Code. 25210

(J) This division does not apply to a child receiving 25211
special education. 25212

A school district required to pay tuition pursuant to 25213
division (C) (2) or (3) of this section or section 3313.65 of the 25214
Revised Code shall have an amount deducted under division (C) of 25215
section 3317.023 of the Revised Code equal to its own tuition 25216

rate for the same period of attendance. A school district 25217
entitled to receive tuition pursuant to division (C) (2) or (3) 25218
of this section or section 3313.65 of the Revised Code shall 25219
have an amount credited under division (C) of section 3317.023 25220
of the Revised Code equal to its own tuition rate for the same 25221
period of attendance. If the tuition rate credited to the 25222
district of attendance exceeds the rate deducted from the 25223
district required to pay tuition, the department of education 25224
and workforce shall pay the district of attendance the 25225
difference from amounts deducted from all districts' payments 25226
under division (C) of section 3317.023 of the Revised Code but 25227
not credited to other school districts under such division and 25228
from appropriations made for such purpose. The treasurer of each 25229
school district shall, by the fifteenth day of January and July, 25230
furnish the ~~superintendent of public instruction~~ director of 25231
education and workforce a report of the names of each child who 25232
attended the district's schools under divisions (C) (2) and (3) 25233
of this section or section 3313.65 of the Revised Code during 25234
the preceding six calendar months, the duration of the 25235
attendance of those children, the school district responsible 25236
for tuition on behalf of the child, and any other information 25237
that the ~~superintendent~~ director requires. 25238

Upon receipt of the report the ~~superintendent~~ director, 25239
pursuant to division (C) of section 3317.023 of the Revised 25240
Code, shall deduct each district's tuition obligations under 25241
divisions (C) (2) and (3) of this section or section 3313.65 of 25242
the Revised Code and pay to the district of attendance that 25243
amount plus any amount required to be paid by the state. 25244

(K) In the event of a disagreement, the ~~superintendent of~~ 25245
~~public instruction~~ director of education and workforce shall 25246
determine the school district in which the parent resides. 25247

(L) Nothing in this section requires or authorizes, or 25248
shall be construed to require or authorize, the admission to a 25249
public school in this state of a pupil who has been permanently 25250
excluded from public school attendance by the ~~superintendent of~~ 25251
~~public instruction director~~ pursuant to sections 3301.121 and 25252
3313.662 of the Revised Code. 25253

(M) In accordance with division (B)(1) of this section, a 25254
child whose parent is a member of the national guard or a 25255
reserve unit of the armed forces of the United States and is 25256
called to active duty, or a child whose parent is a member of 25257
the armed forces of the United States and is ordered to a 25258
temporary duty assignment outside of the district, may continue 25259
to attend school in the district in which the child's parent 25260
lived before being called to active duty or ordered to a 25261
temporary duty assignment outside of the district, as long as 25262
the child's parent continues to be a resident of that district, 25263
and regardless of where the child lives as a result of the 25264
parent's active duty status or temporary duty assignment. 25265
However, the district is not responsible for providing 25266
transportation for the child if the child lives outside of the 25267
district as a result of the parent's active duty status or 25268
temporary duty assignment. 25269

Sec. 3313.642. (A) Except as provided in division (B) of 25270
this section and notwithstanding the provisions of sections 25271
3313.48 and 3313.64 of the Revised Code, the board of education 25272
of a city, exempted village, or local school district shall not 25273
be required to furnish, free of charge, to the pupils attending 25274
the public schools any materials used in a course of instruction 25275
with the exception of the necessary textbooks or electronic 25276
textbooks required to be furnished without charge pursuant to 25277
section 3329.06 of the Revised Code. The board may, however, 25278

make provision by appropriations transferred from the general 25279
fund of the district or otherwise for furnishing free of charge 25280
any materials used in a course of instruction to such pupils as 25281
it determines are in serious financial need of such materials. 25282

(B) No board of education of a school district shall 25283
charge a fee to a pupil who is eligible for a free lunch under 25284
the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 25285
1751, as amended, and the "Child Nutrition Act of 1966," 80 25286
Stat. 885, 42 U.S.C. 1771, as amended, for any materials needed 25287
to enable the pupil to participate fully in a course of 25288
instruction. The prohibition in this division against charging a 25289
fee does not apply to any fee charged for any of the following: 25290

(1) Any materials needed to enable a pupil to participate 25291
fully in extracurricular activities or in any pupil enrichment 25292
program that is not a course of instruction; 25293

(2) Any tools, equipment, and materials that are necessary 25294
for workforce-readiness training within a career-technical 25295
education program that, to the extent the tools, equipment, and 25296
materials are not consumed, may be retained by the student upon 25297
course completion. 25298

(C) Boards of education may adopt rules and regulations 25299
prescribing each of the following: 25300

(1) A schedule of fees for materials used in a course of 25301
instruction; 25302

(2) A schedule of charges which may be imposed upon pupils 25303
for the loss, damage, or destruction of school apparatus, 25304
equipment, musical instruments, library material, textbooks, or 25305
electronic textbooks required to be furnished without charge, 25306
and for damage to school buildings. 25307

Except as provided in division (D) of this section, boards 25308
of education may enforce the payment of such fees and charges by 25309
withholding the grades and credits of the pupils concerned. 25310

(D) No board of education shall withhold the grades, 25311
credits, official transcripts, diploma, IEPs, or 504 plans of a 25312
pupil for nonpayment of fees for materials used in a course of 25313
instruction imposed under division (C)(1) of this section, if a 25314
complaint has been filed at any time in a juvenile court 25315
alleging that the pupil is an abused, neglected, or dependent 25316
child or if the pupil has been adjudicated an abused, neglected, 25317
or dependent child. 25318

A board shall require that the grades, credits, official 25319
transcripts, IEPs, or 504 plan of a pupil described in this 25320
division be transferred immediately upon the receipt of either 25321
another district's or school's request for those records under 25322
section 3313.672 of the Revised Code or a juvenile judge's order 25323
under section 2151.272 of the Revised Code. 25324

A board that is required to transfer records under 25325
division (D) of this section may request a copy of any order 25326
regarding the child's custody or placement issued pursuant to a 25327
complaint filed under section 2151.27 of the Revised Code. 25328
However, a board shall not withhold records required to be 25329
transferred under that division pending receipt of a copy of the 25330
order. 25331

(E) Each board of education annually shall report to the 25332
department of education and workforce the number of pupils for 25333
whom the board sends transcripts under division (D) of this 25334
section and the total amount of unpaid fees lost due to 25335
compliance with that division. 25336

(F) As used in this section:	25337
(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	25338 25339
(2) "504 plan" means a plan based on an evaluation conducted in accordance with section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794, as amended.	25340 25341 25342
Sec. 3313.643. Every student and teacher of a school, college, or other educational institution shall wear industrial quality eye protective devices at all times while participating in or observing any of the following courses:	25343 25344 25345 25346
(A) Vocational, technical, industrial arts, fine arts, chemical, physical, or combined chemical-physical educational activities, involving exposure to:	25347 25348 25349
(1) Hot molten metals or other molten materials;	25350
(2) Milling, sawing, drilling, turning, shaping, cutting, grinding, buffing, or stamping of any solid materials;	25351 25352
(3) Heat treatment, tempering, or kiln firing of any metal or other materials;	25353 25354
(4) Gas or electric arc welding or other forms of welding processes;	25355 25356
(5) Repair or servicing of any vehicle;	25357
(6) Caustic or explosive materials †.	25358
(B) Chemical, physical, or combined chemical-physical laboratories involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards.	25359 25360 25361
Such devices may be furnished for all students and teachers, purchased and sold at cost to students and teachers,	25362 25363

or made available for a moderate rental fee, and shall be 25364
furnished for all visitors to such shops and laboratories. 25365

The ~~superintendent of public instruction,~~ director of 25366
education and workforce or any other appropriate educational 25367
authority designated by the ~~superintendent~~ director, shall 25368
prepare and circulate to each public and private educational 25369
institution in this state instructions and recommendations for 25370
implementing the eye safety provisions of this section. The 25371
bureau of workers' compensation shall ensure compliance with 25372
this section. 25373

"Industrial quality eye protective devices" as used in 25374
this section, means devices meeting the standards of the 25375
American national standard practice for occupational and 25376
educational eye and face protection, Z87.1-1968, approved by the 25377
American national standards institute, inc., and subsequent 25378
revisions thereof, provided such revisions are approved and 25379
adopted by the industrial commission. 25380

Sec. 3313.644. The board of education of any school 25381
district may contract with the state department of education and 25382
workforce or other state agency or with any agency of the 25383
federal government for the education or training of out-of- 25384
school youth or adults regardless of their place of residence. 25385
The board of education may permit the attendance, under such 25386
contract, of such students or trainees who are not residents of 25387
the school district only if the contract provides for the 25388
reimbursement to the school district of the entire actual cost 25389
of educating or training such nonresident students or trainees 25390
and regardless of the ratio of nonresident students or trainees 25391
to resident students or trainees. 25392

Sec. 3313.645. A board of education may admit to the 25393

schools of its district, free of any tuition obligation, any 25394
resident of the district not otherwise eligible to be admitted 25395
who meets criteria established by the ~~state board~~ department of 25396
education and workforce. The ~~state board~~ department shall adopt 25397
rules establishing criteria for the admission of persons to 25398
schools under this division. The rules may authorize 25399
restrictions or limitations on the classes or programs in which 25400
such persons may participate. 25401

For participation in vocational education programs the 25402
district operates or participates in pursuant to sections 25403
3313.90 and 3313.91 of the Revised Code, a board of education 25404
may admit the following individuals to the schools of its 25405
district free of any tuition obligation and without regard to 25406
age: 25407

(A) Any resident to the district who has successfully 25408
completed the individualized education program developed for the 25409
person by any high school pursuant to section 3323.08 of the 25410
Revised Code; 25411

(B) Any person employed by the district in a position for 25412
which a license issued by the state board of education under 25413
section 3319.22 to 3319.31 of the Revised Code is not required 25414
who seeks admission to a class or program related to the 25415
person's position and is authorized by the district's 25416
superintendent to be admitted to the class or program. The 25417
superintendent shall determine whether the class or program is 25418
related to the employee's position. 25419

Sec. 3313.646. (A) The board of education of a school 25420
district, except a cooperative education district established 25421
pursuant to section 3311.521 of the Revised Code, may establish 25422
and operate a program to provide services to preschool-age 25423

children, provided the board has demonstrated a need for the 25424
program. A board may use school funds in support of preschool 25425
programs. The board shall maintain, operate, and admit children 25426
to any such program pursuant to rules adopted by such board and 25427
the rules of the ~~state board~~ department of education and 25428
workforce adopted under sections 3301.52 to 3301.57 of the 25429
Revised Code. 25430

A board of education may establish fees or tuition, which 25431
may be graduated in proportion to family income, for 25432
participation in a preschool program. In cases where payment of 25433
fees or tuition would create a hardship for the child's parent 25434
or guardian, the board may waive any such fees or tuition. 25435

(B) No board of education that is not receiving funds 25436
under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 25437
9831, on March 17, 1989, shall compete for funds under the "Head 25438
Start Act" with any grantee receiving funds under that act. 25439

(C) A board of education may contract with any of the 25440
following preschool providers to provide services to preschool- 25441
age children, other than those services for which the district 25442
is eligible to receive funding under section 3317.0213 of the 25443
Revised Code: 25444

(1) Any organization receiving funds under the "Head Start 25445
Act"; 25446

(2) Any nonsectarian eligible nonpublic school as defined 25447
in division (H) of section 3301.52 of the Revised Code; 25448

(3) Any child care provider licensed under Chapter 5104. 25449
of the Revised Code. 25450

Boards may contract to provide services to preschool-age 25451
children only with such organizations whose staff meet the 25452

requirements of rules adopted under section 3301.53 of the Revised Code or those of the child development associate credential established by the national association for the education of young children.

(D) A contract entered into under division (C) of this section may provide for the board of education to lease school facilities to the preschool provider or to furnish transportation, utilities, or staff for the preschool program.

(E) The treasurer of any board of education operating a preschool program pursuant to this section shall keep an account of all funds used to operate the program in the same manner as the treasurer would any other funds of the district pursuant to this chapter.

Sec. 3313.647. As used in this division, "graduate" means a person who has received a diploma from a district pursuant to section 3313.61 of the Revised Code.

Pursuant to rules adopted by the ~~state board department of~~ education and workforce, a city, local, exempted village, or joint vocational school district may establish a policy guaranteeing a specific level of competency of certain graduates of the district. The guarantee policy shall specify that any graduate meeting specified criteria established by the board is capable of performing specified functions at a level established in the policy. Any employer or potential employer of a graduate who is guaranteed under such a policy may submit a written statement to the board of education stating the guaranteed graduate of its district does not meet the level of competency specified in the district's guarantee policy. Upon receipt of such statement the board of education shall provide an opportunity for additional education to the graduate, regardless

of the graduate's age or place of residence, until such 25483
individual attains the competency level specified in the policy. 25484
No fee shall be charged to any person or government entity for 25485
such additional education. A school board may expend school 25486
funds for a guarantee program; however, no student participating 25487
in the program shall be included in the formula ADM of the 25488
district as determined under section 3317.03 of the Revised Code 25489
or included as a participant in any other program, if such 25490
inclusion would result in additional state funds to the school 25491
district. 25492

The ~~state board of education department~~ shall adopt rules 25493
for the adoption of a policy under this section and for the 25494
additional education program described under this section. 25495

Sec. 3313.6410. This section applies to any school that is 25496
operated by a school district and in which the enrolled students 25497
work primarily on assignments in nonclassroom-based learning 25498
opportunities provided via an internet- or other computer-based 25499
instructional method. 25500

(A) Any school to which this section applies shall 25501
withdraw from the school any student who, for two consecutive 25502
school years of enrollment in the school, has failed to 25503
participate in the spring administration of any assessment 25504
prescribed under section 3301.0710 or 3301.0712 of the Revised 25505
Code for the student's grade level and was not excused from the 25506
assessment pursuant to division (C)(1) or (3) of section 25507
3301.0711 of the Revised Code, regardless of whether a waiver 25508
was granted for the student under division (E) of section 25509
3317.03 of the Revised Code. The school shall report any such 25510
student's data verification code, as assigned pursuant to 25511
section 3301.0714 of the Revised Code, to the department of 25512

education and workforce to be added to the list maintained by 25513
the department under section 3314.26 of the Revised Code. 25514

(B) No school to which this section applies shall receive 25515
any state funds under Chapter 3317. of the Revised Code for any 25516
enrolled student whose data verification code appears on the 25517
list maintained by the department under section 3314.26 of the 25518
Revised Code. Notwithstanding any provision of the Revised Code 25519
to the contrary, the parent of any such student shall pay 25520
tuition to the school district that operates the school in an 25521
amount equal to the state funds the district otherwise would 25522
receive for that student, as determined by the department. A 25523
school to which this section applies may withdraw any student 25524
for whom the parent does not pay tuition as required by this 25525
division. 25526

Sec. 3313.65. (A) As used in this section and section 25527
3313.64 of the Revised Code: 25528

(1) A person is "in a residential facility" if the person 25529
is a resident or a resident patient of an institution, home, or 25530
other residential facility that is: 25531

(a) Licensed as a nursing home, residential care facility, 25532
or home for the aging by the director of health under section 25533
3721.02 of the Revised Code; 25534

(b) Maintained as a county home or district home by the 25535
board of county commissioners or a joint board of county 25536
commissioners under Chapter 5155. of the Revised Code; 25537

(c) Operated or administered by a board of alcohol, drug 25538
addiction, and mental health services under section 340.037 of 25539
the Revised Code, or provides residential care pursuant to 25540
contracts made under section 340.036 of the Revised Code; 25541

(d) Maintained as a state institution for the mentally ill	25542
under Chapter 5119. of the Revised Code;	25543
(e) Licensed by the department of mental health and	25544
addiction services under section 5119.33 or 5119.34 of the	25545
Revised Code;	25546
(f) Licensed as a residential facility by the department	25547
of developmental disabilities under section 5123.19 of the	25548
Revised Code;	25549
(g) Operated by the veteran's administration or another	25550
agency of the United States government;	25551
(h) Operated by the Ohio veterans' home.	25552
(2) A person is "in a correctional facility" if any of the	25553
following apply:	25554
(a) The person is an Ohio resident and is:	25555
(i) Imprisoned, as defined in section 1.05 of the Revised	25556
Code;	25557
(ii) Serving a term in a community-based correctional	25558
facility or a district community-based correctional facility;	25559
(iii) Required, as a condition of parole, a post-release	25560
control sanction, a community control sanction, transitional	25561
control, or early release from imprisonment, as a condition of	25562
shock parole or shock probation granted under the law in effect	25563
prior to July 1, 1996, or as a condition of a furlough granted	25564
under the version of section 2967.26 of the Revised Code in	25565
effect prior to March 17, 1998, to reside in a halfway house or	25566
other community residential center licensed under section	25567
2967.14 of the Revised Code or a similar facility designated by	25568
the court of common pleas that established the condition or by	25569

the adult parole authority. 25570

(b) The person is imprisoned in a state correctional 25571
institution of another state or a federal correctional 25572
institution but was an Ohio resident at the time the sentence 25573
was imposed for the crime for which the person is imprisoned. 25574

(3) A person is "in a juvenile residential placement" if 25575
the person is an Ohio resident who is under twenty-one years of 25576
age and has been removed, by the order of a juvenile court, from 25577
the place the person resided at the time the person became 25578
subject to the court's jurisdiction in the matter that resulted 25579
in the person's removal. 25580

(4) "Community control sanction" has the same meaning as 25581
in section 2929.01 of the Revised Code. 25582

(5) "Post-release control sanction" has the same meaning 25583
as in section 2967.01 of the Revised Code. 25584

(B) If the circumstances described in division (C) of this 25585
section apply, the determination of what school district must 25586
admit a child to its schools and what district, if any, is 25587
liable for tuition shall be made in accordance with this 25588
section, rather than section 3313.64 of the Revised Code. 25589

(C) A child who does not reside in the school district in 25590
which the child's parent resides and for whom a tuition 25591
obligation previously has not been established under division 25592
(C) (2) of section 3313.64 of the Revised Code shall be admitted 25593
to the schools of the district in which the child resides if at 25594
least one of the child's parents is in a residential or 25595
correctional facility or a juvenile residential placement and 25596
the other parent, if living and not in such a facility or 25597
placement, is not known to reside in this state. 25598

(D) Regardless of who has custody or care of the child, 25599
whether the child resides in a home, or whether the child 25600
receives special education, if a district admits a child under 25601
division (C) of this section, tuition shall be paid to that 25602
district as follows: 25603

(1) If the child's parent is in a juvenile residential 25604
placement, by the district in which the child's parent resided 25605
at the time the parent became subject to the jurisdiction of the 25606
juvenile court; 25607

(2) If the child's parent is in a correctional facility, 25608
by the district in which the child's parent resided at the time 25609
the sentence was imposed; 25610

(3) If the child's parent is in a residential facility, by 25611
the district in which the parent resided at the time the parent 25612
was admitted to the residential facility, except that if the 25613
parent was transferred from another residential facility, 25614
tuition shall be paid by the district in which the parent 25615
resided at the time the parent was admitted to the facility from 25616
which the parent first was transferred; 25617

(4) In the event of a disagreement as to which school 25618
district is liable for tuition under division (C) (1), (2), or 25619
(3) of this section, the ~~superintendent of public instruction~~ 25620
director of education and workforce shall determine which 25621
district shall pay tuition. 25622

(E) If a child covered by division (D) of this section 25623
receives special education in accordance with Chapter 3323. of 25624
the Revised Code, the tuition shall be paid in accordance with 25625
section 3323.13 or 3323.14 of the Revised Code. Tuition for 25626
children who do not receive special education shall be paid in 25627

accordance with division (J) of section 3313.64 of the Revised Code. 25628
25629

Sec. 3313.66. (A) (1) Except as provided under division (B) 25630
(2) of this section, and subject to section 3313.668 of the 25631
Revised Code, the superintendent of schools of a city, exempted 25632
village, or local school district, or the principal of a public 25633
school may suspend a pupil from school for not more than ten 25634
school days. The board of education of a city, exempted village, 25635
or local school district may adopt a policy granting assistant 25636
principals and other administrators the authority to suspend a 25637
pupil from school for a period of time as specified in the 25638
policy of the board of education, not to exceed ten school days. 25639
If at the time an out-of-school suspension is imposed there are 25640
fewer than ten school days remaining in the school year in which 25641
the incident that gives rise to the suspension takes place, the 25642
superintendent shall not apply any remaining part of the period 25643
of the suspension to the following school year. The 25644
superintendent may instead require the pupil to participate in a 25645
community service program or another alternative consequence for 25646
a number of hours equal to the remaining part of the period of 25647
the suspension. The pupil shall be required to begin the pupil's 25648
community service or alternative consequence during the first 25649
full week day of summer break. Each school district, in its 25650
discretion, may develop an appropriate list of alternative 25651
consequences. In the event that a pupil fails to complete 25652
community service or the assigned alternative consequence, the 25653
school district may determine the next course of action, which 25654
shall not include requiring the pupil to serve the remaining 25655
time of the out-of-school suspension at the beginning of the 25656
following school year. 25657

No pupil shall be issued an out-of-school suspension 25658

unless prior to the suspension the superintendent or principal
does both of the following:

(a) Gives the pupil written notice of the intention to
suspend the pupil and the reasons for the intended suspension
and, if the proposed suspension is based on a violation listed
in division (A) of section 3313.662 of the Revised Code and if
the pupil is sixteen years of age or older, includes in the
notice a statement that the superintendent may seek to
permanently exclude the pupil if the pupil is convicted of or
adjudicated a delinquent child for that violation;

(b) Provides the pupil an opportunity to appear at an
informal hearing before the principal, assistant principal,
superintendent, or superintendent's designee and challenge the
reason for the intended suspension or otherwise to explain the
pupil's actions.

(2) If a pupil is issued an in-school suspension, the
superintendent or principal shall ensure the pupil is serving
the suspension in a supervised learning environment.

(3) Each school district board shall adopt a policy
establishing parameters for completing and grading assignments
missed because of a pupil's suspension.

(a) The policy shall provide the pupil an opportunity to
do both of the following:

(i) Complete any classroom assignments missed because of
the suspension;

(ii) Receive at least partial credit for a completed
assignment.

(b) The policy may permit grade reductions on account of

the pupil's suspension. 25687

(c) The policy shall prohibit the receipt of a failing 25688
grade on a completed assignment solely on account of the pupil's 25689
suspension. 25690

(B) (1) Except as provided under division (B) (2), (3), or 25691
(4) of this section, and subject to section 3313.668 of the 25692
Revised Code, the superintendent of schools of a city, exempted 25693
village, or local school district may expel a pupil from school 25694
for a period not to exceed the greater of eighty school days or 25695
the number of school days remaining in the semester or term in 25696
which the incident that gives rise to the expulsion takes place, 25697
unless the expulsion is extended pursuant to division (F) of 25698
this section. If at the time an expulsion is imposed there are 25699
fewer than eighty school days remaining in the school year in 25700
which the incident that gives rise to the expulsion takes place, 25701
the superintendent may apply any remaining part or all of the 25702
period of the expulsion to the following school year. 25703

(2) (a) Unless a pupil is permanently excluded pursuant to 25704
section 3313.662 of the Revised Code, the superintendent of 25705
schools of a city, exempted village, or local school district 25706
shall expel a pupil from school for a period of one year for 25707
bringing a firearm to a school operated by the board of 25708
education of the district or onto any other property owned or 25709
controlled by the board, except that the superintendent may 25710
reduce this requirement on a case-by-case basis in accordance 25711
with the policy adopted by the board under section 3313.661 of 25712
the Revised Code. 25713

(b) The superintendent of schools of a city, exempted 25714
village, or local school district may expel a pupil from school 25715
for a period of one year for bringing a firearm to an 25716

interscholastic competition, an extracurricular event, or any 25717
other school program or activity that is not located in a school 25718
or on property that is owned or controlled by the district. The 25719
superintendent may reduce this disciplinary action on a case-by- 25720
case basis in accordance with the policy adopted by the board 25721
under section 3313.661 of the Revised Code. 25722

(c) Any expulsion pursuant to division (B)(2) of this 25723
section shall extend, as necessary, into the school year 25724
following the school year in which the incident that gives rise 25725
to the expulsion takes place. As used in this division, 25726
"firearm" has the same meaning as provided pursuant to the "Gun- 25727
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 25728

(3) The board of education of a city, exempted village, or 25729
local school district may adopt a resolution authorizing the 25730
superintendent of schools to expel a pupil from school for a 25731
period not to exceed one year for bringing a knife capable of 25732
causing serious bodily injury to a school operated by the board, 25733
onto any other property owned or controlled by the board, or to 25734
an interscholastic competition, an extracurricular event, or any 25735
other program or activity sponsored by the school district or in 25736
which the district is a participant, or for possessing a firearm 25737
or knife capable of serious bodily injury, at a school, on any 25738
other property owned or controlled by the board, or at an 25739
interscholastic competition, an extracurricular event, or any 25740
other school program or activity, which firearm or knife was 25741
initially brought onto school board property by another person. 25742
The resolution may authorize the superintendent to extend such 25743
an expulsion, as necessary, into the school year following the 25744
school year in which the incident that gives rise to the 25745
expulsion takes place. 25746

(4) The board of education of a city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for committing an act that is a criminal offense when committed by an adult and that results in serious physical harm to persons as defined in division (A) (5) of section 2901.01 of the Revised Code or serious physical harm to property as defined in division (A) (6) of section 2901.01 of the Revised Code while the pupil is at school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(5) The board of education of any city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for making a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(6) No pupil shall be expelled under division (B) (1), (2), (3), (4), or (5) of this section unless, prior to the pupil's expulsion, the superintendent does both of the following:

(a) Gives the pupil and the pupil's parent, guardian, or

custodian written notice of the intention to expel the pupil; 25777

(b) Provides the pupil and the pupil's parent, guardian, 25778
custodian, or representative an opportunity to appear in person 25779
before the superintendent or the superintendent's designee to 25780
challenge the reasons for the intended expulsion or otherwise to 25781
explain the pupil's actions. 25782

The notice required in this division shall include the 25783
reasons for the intended expulsion, notification of the 25784
opportunity of the pupil and the pupil's parent, guardian, 25785
custodian, or representative to appear before the superintendent 25786
or the superintendent's designee to challenge the reasons for 25787
the intended expulsion or otherwise to explain the pupil's 25788
action, and notification of the time and place to appear. The 25789
time to appear shall not be earlier than three nor later than 25790
five school days after the notice is given, unless the 25791
superintendent grants an extension of time at the request of the 25792
pupil or the pupil's parent, guardian, custodian, or 25793
representative. If an extension is granted after giving the 25794
original notice, the superintendent shall notify the pupil and 25795
the pupil's parent, guardian, custodian, or representative of 25796
the new time and place to appear. If the proposed expulsion is 25797
based on a violation listed in division (A) of section 3313.662 25798
of the Revised Code and if the pupil is sixteen years of age or 25799
older, the notice shall include a statement that the 25800
superintendent may seek to permanently exclude the pupil if the 25801
pupil is convicted of or adjudicated a delinquent child for that 25802
violation. 25803

(7) A superintendent of schools of a city, exempted 25804
village, or local school district shall initiate expulsion 25805
proceedings pursuant to this section with respect to any pupil 25806

who has committed an act warranting expulsion under the 25807
district's policy regarding expulsion even if the pupil has 25808
withdrawn from school for any reason after the incident that 25809
gives rise to the hearing but prior to the hearing or decision 25810
to impose the expulsion. If, following the hearing, the pupil 25811
would have been expelled for a period of time had the pupil 25812
still been enrolled in the school, the expulsion shall be 25813
imposed for the same length of time as on a pupil who has not 25814
withdrawn from the school. 25815

(C) (1) Subject to division (C) (2) of this section, if a 25816
pupil's presence poses a continuing danger to persons or 25817
property or an ongoing threat of disrupting the academic process 25818
taking place either within a classroom or elsewhere on the 25819
school premises, the superintendent or a principal or assistant 25820
principal may remove a pupil from curricular activities or from 25821
the school premises, and a teacher may remove a pupil from 25822
curricular activities under the teacher's supervision, without 25823
the notice and hearing requirements of division (A) or (B) of 25824
this section. As soon as practicable after making such a 25825
removal, the teacher shall submit in writing to the principal 25826
the reasons for such removal. 25827

(2) A pupil in any of grades pre-kindergarten through 25828
three may be removed pursuant to division (C) (1) of this section 25829
only for the remainder of the school day and shall be permitted 25830
to return to curricular and extracurricular activities on the 25831
school day following the day in which the student was removed. 25832

(a) A school district or school that returns a student in 25833
any of grades pre-kindergarten through three to curricular and 25834
extracurricular activities on the next school day shall not be 25835
required to follow division (C) (3) of this section with regard 25836

to that student. 25837

(b) A school district shall not initiate a suspension or 25838
expulsion proceeding against a student in any of grades pre- 25839
kindergarten through three who was removed from a curricular or 25840
extracurricular activity under division (C) of this section 25841
unless the student has committed an act described in division 25842
(B) (1) (a) or (b) of section 3313.668 of the Revised Code. 25843

(3) If a pupil is removed under division (C) (1) or (2) of 25844
this section from a curricular activity or from the school 25845
premises, written notice of the hearing and of the reason for 25846
the removal shall be given to the pupil as soon as practicable 25847
prior to the hearing, which shall be held on the next school day 25848
after the initial removal is ordered. The hearing shall be held 25849
in accordance with division (A) of this section unless it is 25850
probable that the pupil may be subject to expulsion, in which 25851
case a hearing in accordance with division (B) of this section 25852
shall be held, except that the hearing shall be held on the next 25853
school day after the date of the initial removal. The individual 25854
who ordered, caused, or requested the removal to be made shall 25855
be present at the hearing. 25856

(4) If the superintendent or the principal reinstates a 25857
pupil in a curricular activity under the teacher's supervision 25858
prior to the hearing following a removal under this division, 25859
the teacher, upon request, shall be given in writing the reasons 25860
for such reinstatement. 25861

(D) The superintendent or principal, within one school day 25862
after the time of a pupil's expulsion or suspension, shall 25863
notify in writing the parent, guardian, or custodian of the 25864
pupil of the expulsion or suspension. In the case of an 25865
expulsion, the superintendent or principal, within one school 25866

day after the time of a pupil's expulsion, also shall notify in 25867
writing the treasurer of the board of education. Each notice 25868
shall include the reasons for the expulsion or suspension, 25869
notification of the right of the pupil or the pupil's parent, 25870
guardian, or custodian to appeal the expulsion or suspension to 25871
the board of education or to its designee, to be represented in 25872
all appeal proceedings, to be granted a hearing before the board 25873
or its designee in order to be heard against the suspension or 25874
expulsion, and to request that the hearing be held in executive 25875
session, notification that the expulsion may be subject to 25876
extension pursuant to division (F) of this section if the pupil 25877
is sixteen years of age or older, and notification that the 25878
superintendent may seek the pupil's permanent exclusion if the 25879
suspension or expulsion was based on a violation listed in 25880
division (A) of section 3313.662 of the Revised Code that was 25881
committed when the child was sixteen years of age or older and 25882
if the pupil is convicted of or adjudicated a delinquent child 25883
for that violation. 25884

In accordance with the policy adopted by the board of 25885
education under section 3313.661 of the Revised Code, the notice 25886
provided under this division shall specify the manner and date 25887
by which the pupil or the pupil's parent, guardian, or custodian 25888
shall notify the board of the pupil's, parent's, guardian's, or 25889
custodian's intent to appeal the expulsion or suspension to the 25890
board or its designee. 25891

Any superintendent expelling a pupil under this section 25892
for more than twenty school days or for any period of time if 25893
the expulsion will extend into the following semester or school 25894
year shall, in the notice required under this division, provide 25895
the pupil and the pupil's parent, guardian, or custodian with 25896
information about services or programs offered by public and 25897

private agencies that work toward improving those aspects of the 25898
pupil's attitudes and behavior that contributed to the incident 25899
that gave rise to the pupil's expulsion. The information shall 25900
include the names, addresses, and phone numbers of the 25901
appropriate public and private agencies. 25902

(E) A pupil or the pupil's parent, guardian, or custodian 25903
may appeal the pupil's expulsion by a superintendent or 25904
suspension by a superintendent, principal, assistant principal, 25905
or other administrator to the board of education or to its 25906
designee. If the pupil or the pupil's parent, guardian, or 25907
custodian intends to appeal the expulsion or suspension to the 25908
board or its designee, the pupil or the pupil's parent, 25909
guardian, or custodian shall notify the board in the manner and 25910
by the date specified in the notice provided under division (D) 25911
of this section. The pupil or the pupil's parent, guardian, or 25912
custodian may be represented in all appeal proceedings and shall 25913
be granted a hearing before the board or its designee in order 25914
to be heard against the suspension or expulsion. At the request 25915
of the pupil or of the pupil's parent, guardian, custodian, or 25916
attorney, the board or its designee may hold the hearing in 25917
executive session but shall act upon the suspension or expulsion 25918
only at a public meeting. The board, by a majority vote of its 25919
full membership or by the action of its designee, may affirm the 25920
order of suspension or expulsion, reinstate the pupil, or 25921
otherwise reverse, vacate, or modify the order of suspension or 25922
expulsion. 25923

The board or its designee shall make a verbatim record of 25924
hearings held under this division. The decisions of the board or 25925
its designee may be appealed under Chapter 2506. of the Revised 25926
Code. 25927

This section shall not be construed to require notice and hearing in accordance with division (A), (B), or (C) of this section in the case of normal disciplinary procedures in which a pupil is removed from a curricular activity for a period of less than one school day and is not subject to suspension or expulsion.

(F) (1) If a pupil is expelled pursuant to division (B) of this section for committing any violation listed in division (A) of section 3313.662 of the Revised Code and the pupil was sixteen years of age or older at the time of committing the violation, if a complaint, indictment, or information is filed alleging that the pupil is a delinquent child based upon the commission of the violation or the pupil is prosecuted as an adult for the commission of the violation, and if the resultant juvenile court or criminal proceeding is pending at the time that the expulsion terminates, the superintendent of schools that expelled the pupil may file a motion with the court in which the proceeding is pending requesting an order extending the expulsion for the lesser of an additional eighty days or the number of school days remaining in the school year. Upon the filing of the motion, the court immediately shall schedule a hearing and give written notice of the time, date, and location of the hearing to the superintendent and to the pupil and the pupil's parent, guardian, or custodian. At the hearing, the court shall determine whether there is reasonable cause to believe that the pupil committed the alleged violation that is the basis of the expulsion and, upon determining that reasonable cause to believe the pupil committed the violation does exist, shall grant the requested extension.

(2) If a pupil has been convicted of or adjudicated a delinquent child for a violation listed in division (A) of

section 3313.662 of the Revised Code for an act that was 25959
committed when the child was sixteen years of age or older, if 25960
the pupil has been expelled pursuant to division (B) of this 25961
section for that violation, and if the board of education of the 25962
school district of the school from which the pupil was expelled 25963
has adopted a resolution seeking the pupil's permanent 25964
exclusion, the superintendent may file a motion with the court 25965
that convicted the pupil or adjudicated the pupil a delinquent 25966
child requesting an order to extend the expulsion until an 25967
adjudication order or other determination regarding permanent 25968
exclusion is issued by the ~~superintendent of public instruction~~ 25969
director of education and workforce pursuant to section 3301.121 25970
and division (D) of section 3313.662 of the Revised Code. Upon 25971
the filing of the motion, the court immediately shall schedule a 25972
hearing and give written notice of the time, date, and location 25973
of the hearing to the superintendent of the school district, the 25974
pupil, and the pupil's parent, guardian, or custodian. At the 25975
hearing, the court shall determine whether there is reasonable 25976
cause to believe the pupil's continued attendance in the public 25977
school system may endanger the health and safety of other pupils 25978
or school employees and, upon making that determination, shall 25979
grant the requested extension. 25980

(G) The failure of the superintendent or the board of 25981
education to provide the information regarding the possibility 25982
of permanent exclusion in the notice required by divisions (A), 25983
(B), and (D) of this section is not jurisdictional, and the 25984
failure shall not affect the validity of any suspension or 25985
expulsion procedure that is conducted in accordance with this 25986
section or the validity of a permanent exclusion procedure that 25987
is conducted in accordance with sections 3301.121 and 3313.662 25988
of the Revised Code. 25989

(H) With regard to suspensions and expulsions pursuant to 25990
divisions (A) and (B) of this section by the board of education 25991
of any city, exempted village, or local school district, this 25992
section shall apply to any student, whether or not the student 25993
is enrolled in the district, attending or otherwise 25994
participating in any curricular program provided in a school 25995
operated by the board or provided on any other property owned or 25996
controlled by the board. 25997

(I) Whenever a student is expelled under this section, the 25998
expulsion shall result in removal of the student from the 25999
student's regular school setting. However, during the period of 26000
the expulsion, the board of education of the school district 26001
that expelled the student or any board of education admitting 26002
the student during that expulsion period may provide educational 26003
services to the student in an alternative setting. 26004

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 26005
3313.64, and 3313.65 of the Revised Code, any school district, 26006
after offering an opportunity for a hearing, may temporarily 26007
deny admittance to any pupil if one of the following applies: 26008

(a) The pupil has been suspended from the schools of 26009
another district under division (A) of this section and the 26010
period of suspension, as established under that division, has 26011
not expired; 26012

(b) The pupil has been expelled from the schools of 26013
another district under division (B) of this section and the 26014
period of the expulsion, as established under that division or 26015
as extended under division (F) of this section, has not expired. 26016

If a pupil is temporarily denied admission under this 26017
division, the pupil shall be admitted to school in accordance 26018

with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised Code no later than upon expiration of the suspension or expulsion period, as applicable.

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 3313.65 of the Revised Code, any school district, after offering an opportunity for a hearing, may temporarily deny admittance to any pupil if the pupil has been expelled or otherwise removed for disciplinary purposes from a public school in another state and the period of expulsion or removal has not expired. If a pupil is temporarily denied admission under this division, the pupil shall be admitted to school in accordance with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised Code no later than the earlier of the following:

(a) Upon expiration of the expulsion or removal period imposed by the out-of-state school;

(b) Upon expiration of a period established by the district, beginning with the date of expulsion or removal from the out-of-state school, that is no greater than the period of expulsion that the pupil would have received under the policy adopted by the district under section 3313.661 of the Revised Code had the offense that gave rise to the expulsion or removal by the out-of-state school been committed while the pupil was enrolled in the district.

(K) As used in this section:

(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.

(2) "In-school suspension" means the pupil will serve all of the suspension in a supervised learning environment within a school setting.

Sec. 3313.662. (A) The ~~superintendent of public~~ 26048
~~instruction~~director of education and workforce, pursuant to this 26049
section and the adjudication procedures of section 3301.121 of 26050
the Revised Code, may issue an adjudication order that 26051
permanently excludes a pupil from attending any of the public 26052
schools of this state if the pupil is convicted of, or 26053
adjudicated a delinquent child for, committing, when the pupil 26054
was sixteen years of age or older, an act that would be a 26055
criminal offense if committed by an adult and if the act is any 26056
of the following: 26057

(1) A violation of section 2923.122 of the Revised Code; 26058

(2) A violation of section 2923.12 of the Revised Code, of 26059
a substantially similar municipal ordinance, or of section 26060
2925.03 of the Revised Code that was committed on property owned 26061
or controlled by, or at an activity held under the auspices of, 26062
a board of education of a city, local, exempted village, or 26063
joint vocational school district; 26064

(3) A violation of section 2925.11 of the Revised Code, 26065
other than a violation of that section that would be a minor 26066
drug possession offense, that was committed on property owned or 26067
controlled by, or at an activity held under the auspices of, the 26068
board of education of a city, local, exempted village, or joint 26069
vocational school district; 26070

(4) A violation of section 2903.01, 2903.02, 2903.03, 26071
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 26072
section 2907.12 of the Revised Code that was committed on 26073
property owned or controlled by, or at an activity held under 26074
the auspices of, a board of education of a city, local, exempted 26075
village, or joint vocational school district, if the victim at 26076
the time of the commission of the act was an employee of that 26077

board of education; 26078

(5) Complicity in any violation described in division (A) 26079
(1), (2), (3), or (4) of this section that was alleged to have 26080
been committed in the manner described in division (A) (1), (2), 26081
(3), or (4) of this section, regardless of whether the act of 26082
complicity was committed on property owned or controlled by, or 26083
at an activity held under the auspices of, a board of education 26084
of a city, local, exempted village, or joint vocational school 26085
district. 26086

(B) A pupil may be suspended or expelled in accordance 26087
with section 3313.66 of the Revised Code prior to being 26088
permanently excluded from public school attendance under this 26089
section and section 3301.121 of the Revised Code. 26090

(C) (1) If the superintendent of a city, local, exempted 26091
village, or joint vocational school district in which a pupil 26092
attends school obtains or receives proof that the pupil has been 26093
convicted of committing when the pupil was sixteen years of age 26094
or older a violation listed in division (A) of this section or 26095
adjudicated a delinquent child for the commission when the pupil 26096
was sixteen years of age or older of a violation listed in 26097
division (A) of this section, the superintendent may issue to 26098
the board of education of the school district a request that the 26099
pupil be permanently excluded from public school attendance, if 26100
both of the following apply: 26101

(a) After obtaining or receiving proof of the conviction 26102
or adjudication, the superintendent or the superintendent's 26103
designee determines that the pupil's continued attendance in 26104
school may endanger the health and safety of other pupils or 26105
school employees and gives the pupil and the pupil's parent, 26106
guardian, or custodian written notice that the superintendent 26107

intends to recommend to the board of education that the board 26108
adopt a resolution requesting the ~~superintendent of public~~ 26109
~~instruction~~ director of education and workforce to permanently 26110
exclude the pupil from public school attendance. 26111

(b) The superintendent or the superintendent's designee 26112
forwards to the board of education the superintendent's written 26113
recommendation that includes the determinations the 26114
superintendent or designee made pursuant to division (C) (1) (a) 26115
of this section and a copy of the proof the superintendent 26116
received showing that the pupil has been convicted of or 26117
adjudicated a delinquent child for a violation listed in 26118
division (A) of this section that was committed when the pupil 26119
was sixteen years of age or older. 26120

(2) Within fourteen days after receipt of a recommendation 26121
from the superintendent pursuant to division (C) (1) (b) of this 26122
section that a pupil be permanently excluded from public school 26123
attendance, the board of education of a city, local, exempted 26124
village, or joint vocational school district, after review and 26125
consideration of all of the following available information, may 26126
adopt a resolution requesting the ~~superintendent of public~~ 26127
~~instruction~~ director of education and workforce to permanently 26128
exclude the pupil who is the subject of the recommendation from 26129
public school attendance: 26130

(a) The academic record of the pupil and a record of any 26131
extracurricular activities in which the pupil previously was 26132
involved; 26133

(b) The disciplinary record of the pupil and any available 26134
records of the pupil's prior behavioral problems other than the 26135
behavioral problems contained in the disciplinary record; 26136

(c) The social history of the pupil;	26137
(d) The pupil's response to the imposition of prior discipline and sanctions imposed for behavioral problems;	26138 26139
(e) Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;	26140 26141 26142
(f) Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;	26143 26144
(g) Evidence regarding the probable danger posed to the health and safety of other pupils or of school employees by the continued presence of the pupil in a public school setting;	26145 26146 26147
(h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting;	26148 26149 26150
(i) Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the pupil to remain in a public school setting without posing a significant danger to the health and safety of other pupils or of school employees and without posing a threat of the disruption of the teaching of any district's graded course of study.	26151 26152 26153 26154 26155 26156 26157
(3) If the board does not adopt a resolution requesting the superintendent of public instruction <u>director</u> to permanently exclude the pupil, it immediately shall send written notice of that fact to the <u>district</u> superintendent who sought the resolution, to the pupil who was the subject of the proposed resolution, and to that pupil's parent, guardian, or custodian.	26158 26159 26160 26161 26162 26163
(D) (1) Upon adoption of a resolution under division (C) of	26164

this section, the board of education immediately shall forward 26165
to the ~~superintendent of public instruction~~ director of 26166
education and workforce the written resolution, proof of the 26167
conviction or adjudication that is the basis of the resolution, 26168
a copy of the pupil's entire school record, and any other 26169
relevant information and shall forward a copy of the resolution 26170
to the pupil who is the subject of the recommendation and to 26171
that pupil's parent, guardian, or custodian. 26172

(2) The board of education that adopted and forwarded the 26173
resolution requesting the permanent exclusion of the pupil to 26174
the ~~superintendent of public instruction~~ director promptly shall 26175
designate a representative of the school district to present the 26176
case for permanent exclusion to the superintendent or the 26177
referee appointed by the superintendent. The representative of 26178
the school district may be an attorney admitted to the practice 26179
of law in this state. At the adjudication hearing held pursuant 26180
to section 3301.121 of the Revised Code, the representative of 26181
the school district shall present evidence in support of the 26182
requested permanent exclusion. 26183

(3) Upon receipt of a board of education's resolution 26184
requesting the permanent exclusion of a pupil from public school 26185
attendance, the ~~superintendent of public instruction~~ director, in 26186
accordance with the adjudication procedures of section 3301.121 26187
of the Revised Code, promptly shall issue an adjudication order 26188
that either permanently excludes the pupil from attending any of 26189
the public schools of this state or that rejects the resolution 26190
of the board of education. 26191

(E) Notwithstanding any provision of section 3313.64 of 26192
the Revised Code or an order of any court of this state that 26193
otherwise requires the admission of the pupil to a school, no 26194

school official in a city, local, exempted village, or joint 26195
vocational school district knowingly shall admit to any school 26196
in the school district a pupil who has been permanently excluded 26197
from public school attendance by the ~~superintendent of public~~ 26198
~~instruction~~director of education and workforce. 26199

(F) (1) (a) Upon determining that the school attendance of a 26200
pupil who has been permanently excluded from public school 26201
attendance no longer will endanger the health and safety of 26202
other students or school employees, the superintendent of any 26203
city, local, exempted village, or joint vocational school 26204
district in which the pupil desires to attend school may issue 26205
to the board of education of the school district a 26206
recommendation, including the reasons for the recommendation, 26207
that the permanent exclusion of a pupil be revoked and the pupil 26208
be allowed to return to the public schools of the state. 26209

If any violation which in whole or in part gave rise to 26210
the permanent exclusion of any pupil involved the pupil's 26211
bringing a firearm to a school operated by the board of 26212
education of a school district or onto any other property owned 26213
or operated by such a board, no superintendent shall recommend 26214
under this division an effective date for the revocation of the 26215
pupil's permanent exclusion that is less than one year after the 26216
date on which the last such firearm incident occurred. However, 26217
on a case-by-case basis, a superintendent may recommend an 26218
earlier effective date for such a revocation for any of the 26219
reasons for which the superintendent may reduce the one-year 26220
expulsion requirement in division (B) (2) of section 3313.66 of 26221
the Revised Code. 26222

(b) Upon receipt of the recommendation of the 26223
superintendent that a permanent exclusion of a pupil be revoked, 26224

the board of education of a city, local, exempted village, or 26225
joint vocational school district may adopt a resolution by a 26226
majority vote of its members requesting the ~~superintendent of~~ 26227
~~public instruction~~ director of education and workforce to revoke 26228
the permanent exclusion of the pupil. Upon adoption of the 26229
resolution, the board of education shall forward a copy of the 26230
resolution, the reasons for the resolution, and any other 26231
relevant information to the ~~superintendent of public~~ 26232
~~instruction~~ director. 26233

(c) Upon receipt of a resolution of a board of education 26234
requesting the revocation of a permanent exclusion of a pupil, 26235
the ~~superintendent of public instruction~~ director, in accordance 26236
with the adjudication procedures of Chapter 119. of the Revised 26237
Code, shall issue an adjudication order that revokes the 26238
permanent exclusion of the pupil from public school attendance 26239
or that rejects the resolution of the board of education. 26240

(2) (a) A pupil who has been permanently excluded pursuant 26241
to this section and section 3301.121 of the Revised Code may 26242
request the superintendent of any city, local, exempted village, 26243
or joint vocational school district in which the pupil desires 26244
to attend school to admit the pupil on a probationary basis for 26245
a period not to exceed ninety school days. Upon receiving the 26246
request, the superintendent may enter into discussions with the 26247
pupil and with the pupil's parent, guardian, or custodian or a 26248
person designated by the pupil's parent, guardian, or custodian 26249
to develop a probationary admission plan designed to assist the 26250
pupil's probationary admission to the school. The plan may 26251
include a treatment program, a behavioral modification program, 26252
or any other program reasonably designed to meet the educational 26253
needs of the child and the disciplinary requirements of the 26254
school. 26255

If any violation which in whole or in part gave rise to 26256
the permanent exclusion of the pupil involved the pupil's 26257
bringing a firearm to a school operated by the board of 26258
education of any school district or onto any other property 26259
owned or operated by such a board, no plan developed under this 26260
division for the pupil shall include an effective date for the 26261
probationary admission of the pupil that is less than one year 26262
after the date on which the last such firearm incident occurred 26263
except that on a case-by-case basis, a plan may include an 26264
earlier effective date for such an admission for any of the 26265
reasons for which the superintendent of the district may reduce 26266
the one-year expulsion requirement in division (B) (2) of section 26267
3313.66 of the Revised Code. 26268

(b) If the superintendent of a school district, a pupil, 26269
and the pupil's parent, guardian, or custodian or a person 26270
designated by the pupil's parent, guardian, or custodian agree 26271
upon a probationary admission plan prepared pursuant to division 26272
(F) (2) (a) of this section, the superintendent of the school 26273
district shall issue to the board of education of the school 26274
district a recommendation that the pupil be allowed to attend 26275
school within the school district under probationary admission, 26276
the reasons for the recommendation, and a copy of the agreed 26277
upon probationary admission plan. Within fourteen days after the 26278
board of education receives the recommendation, reasons, and 26279
plan, the board may adopt the recommendation by a majority vote 26280
of its members. If the board adopts the recommendation, the 26281
pupil may attend school under probationary admission within that 26282
school district for a period not to exceed ninety days or any 26283
additional probationary period permitted under divisions (F) (2) 26284
(d) and (e) of this section in accordance with the probationary 26285
admission plan prepared pursuant to division (F) (2) (a) of this 26286

section. 26287

(c) If a pupil who is permitted to attend school under 26288
probationary admission pursuant to division (F)(2)(b) of this 26289
section fails to comply with the probationary admission plan 26290
prepared pursuant to division (F)(2)(a) of this section, the 26291
superintendent of the school district immediately may remove the 26292
pupil from the school and issue to the board of education of the 26293
school district a recommendation that the probationary admission 26294
be revoked. Within five days after the board of education 26295
receives the recommendation, the board may adopt the 26296
recommendation to revoke the pupil's probationary admission by a 26297
majority vote of its members. If a majority of the board does 26298
not adopt the recommendation to revoke the pupil's probationary 26299
admission, the pupil shall continue to attend school in 26300
compliance with the pupil's probationary admission plan. 26301

(d) If a pupil who is permitted to attend school under 26302
probationary admission pursuant to division (F)(2)(b) of this 26303
section complies with the probationary admission plan prepared 26304
pursuant to division (F)(2)(a) of this section, the pupil or the 26305
pupil's parent, guardian, or custodian, at any time before the 26306
expiration of the ninety-day probationary admission period, may 26307
request the superintendent of the school district to extend the 26308
terms and period of the pupil's probationary admission for a 26309
period not to exceed ninety days or to issue a recommendation 26310
pursuant to division (F)(1) of this section that the pupil's 26311
permanent exclusion be revoked and the pupil be allowed to 26312
return to the public schools of this state. 26313

(e) If a pupil is granted an extension of the pupil's 26314
probationary admission pursuant to division (F)(2)(d) of this 26315
section, the pupil or the pupil's parent, guardian, or 26316

custodian, in the manner described in that division, may 26317
request, and the superintendent and board, in the manner 26318
described in that division, may recommend and grant, subsequent 26319
probationary admission periods not to exceed ninety days each. 26320
If a pupil who is permitted to attend school under an extension 26321
of a probationary admission plan complies with the probationary 26322
admission plan prepared pursuant to the extension, the pupil or 26323
the pupil's parent, guardian, or custodian may request a 26324
revocation of the pupil's permanent exclusion in the manner 26325
described in division (F) (2) (d) of this section. 26326

(f) Any extension of a probationary admission requested by 26327
a pupil or a pupil's parent, guardian, or custodian pursuant to 26328
divisions (F) (2) (d) or (e) of this section shall be subject to 26329
the adoption and approval of a probationary admission plan in 26330
the manner described in divisions (F) (2) (a) and (b) of this 26331
section and may be terminated as provided in division (F) (2) (c) 26332
of this section. 26333

(g) If the pupil has complied with any probationary 26334
admission plan and the superintendent issues a recommendation 26335
that seeks revocation of the pupil's permanent exclusion 26336
pursuant to division (F) (1) of this section, the pupil's 26337
compliance with any probationary admission plan may be 26338
considered along with other relevant factors in any 26339
determination or adjudication conducted pursuant to division (F) 26340
(1) of this section. 26341

(G) (1) Except as provided in division (G) (2) of this 26342
section, any information regarding the permanent exclusion of a 26343
pupil shall be included in the pupil's official records and 26344
shall be included in any records sent to any school district 26345
that requests the pupil's records. 26346

(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:

(a) An institution that is a residential facility, that receives and cares for children, that is maintained by the department of youth services, and that operates a school chartered by the ~~state board~~ director of education and workforce under section 3301.16 of the Revised Code;

(b) Any on-premises school operated by an out-of-home care entity, other than a school district, that is chartered by the ~~state board~~ director of education and workforce under section 3301.16 of the Revised Code;

(c) Any school operated in connection with an out-of-home care entity or a nonresidential youth treatment program that

enters into a contract or agreement with a school district for 26376
the provision of educational services in a setting other than a 26377
setting that is a building or structure owned or controlled by 26378
the board of education of the school district during normal 26379
school hours. 26380

(2) This section does not prohibit any person who has been 26381
permanently excluded pursuant to this section and section 26382
3301.121 of the Revised Code from seeking a certificate of high 26383
school equivalence. A person who has been permanently excluded 26384
may be permitted to participate in a course of study in 26385
preparation for a high school equivalency test approved by the 26386
department of education and workforce pursuant to division (B) 26387
of section 3301.80 of the Revised Code, except that the person 26388
shall not participate during normal school hours in that course 26389
of study in any building or structure owned or controlled by the 26390
board of education of a school district. 26391

(3) This section does not relieve any school district from 26392
any requirement under section 2151.362 or 3313.64 of the Revised 26393
Code to pay for the cost of educating any child who has been 26394
permanently excluded pursuant to this section and section 26395
3301.121 of the Revised Code. 26396

(I) As used in this section: 26397

(1) "Permanently exclude" means to forever prohibit an 26398
individual from attending any public school in this state that 26399
is operated by a city, local, exempted village, or joint 26400
vocational school district. 26401

(2) "Permanent exclusion" means the prohibition of a pupil 26402
forever from attending any public school in this state that is 26403
operated by a city, local, exempted village, or joint vocational 26404

school district. 26405

(3) "Out-of-home care" has the same meaning as in section 26406
2151.011 of the Revised Code. 26407

(4) "Certificate of high school equivalence" has the same 26408
meaning as in section 4109.06 of the Revised Code. 26409

(5) "Nonresidential youth treatment program" means a 26410
program designed to provide services to persons under the age of 26411
eighteen in a setting that does not regularly provide long-term 26412
overnight care, including settlement houses, diversion and 26413
prevention programs, run-away centers, and alternative education 26414
programs. 26415

(6) "Firearm" has the same meaning as provided pursuant to 26416
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 26417
8001(a) (2). 26418

(7) "Minor drug possession offense" has the same meaning 26419
as in section 2925.01 of the Revised Code. 26420

Sec. 3313.671. (A) (1) Except as otherwise provided in 26421
division (B) of this section, no pupil, at the time of initial 26422
entry or at the beginning of each school year, to an elementary 26423
or high school for which the ~~state board~~ director of education 26424
and workforce prescribes minimum standards pursuant to division 26425
(D) of section 3301.07 of the Revised Code, shall be permitted 26426
to remain in school for more than fourteen days unless the pupil 26427
presents written evidence satisfactory to the person in charge 26428
of admission, that the pupil has been immunized by a method of 26429
immunization approved by the department of health pursuant to 26430
section 3701.13 of the Revised Code against mumps, 26431
poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and 26432
rubella or is in the process of being immunized. 26433

(2) Except as provided in division (B) of this section, no pupil who begins kindergarten at an elementary school subject to the ~~state board of education's~~ director's minimum standards shall be permitted to remain in school for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized by a department of health-approved method of immunization or is in the process of being immunized against both of the following:

(a) During or after the school year beginning in 1999, hepatitis B;

(b) During or after the school year beginning in 2006, chicken pox.

(3) Except as provided in division (B) of this section, during and after the school year beginning in 2016, no pupil who is the age or older than the age at which immunization against meningococcal disease is recommended by the state department of health shall be permitted to remain in a school subject to the ~~state board of education's~~ director's minimum standards for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized by a department of health-approved method of immunization, or is in the process of being immunized, against meningococcal disease.

(4) As used in divisions (A) (1), (2), and (3) of this section, "in the process of being immunized" means the pupil has been immunized against mumps, rubeola, rubella, and chicken pox, and if the pupil has not been immunized against poliomyelitis, diphtheria, pertussis, tetanus, hepatitis B, and meningococcal disease, the pupil has received at least the first dose of the

immunization sequence, and presents written evidence to the 26464
pupil's building principal or chief administrative officer of 26465
each subsequent dose required to obtain immunization at the 26466
intervals prescribed by the director of health. Any student 26467
previously admitted under the "in process of being immunized" 26468
provision and who has not complied with the immunization 26469
intervals prescribed by the director of health shall be excluded 26470
from school on the fifteenth day of the following school year. 26471
Any student so excluded shall be readmitted upon showing 26472
evidence to the student's building principal or chief 26473
administrative officer of progress on the director of health's 26474
interval schedule. 26475

(B) (1) A pupil who has had natural rubeola, and presents a 26476
signed statement from the pupil's parent, guardian, or physician 26477
to that effect, is not required to be immunized against rubeola. 26478

(2) A pupil who has had natural mumps, and presents a 26479
signed statement from the pupil's parent, guardian, or physician 26480
to that effect, is not required to be immunized against mumps. 26481

(3) A pupil who has had natural chicken pox, and presents 26482
a signed statement from the pupil's parent, guardian, or 26483
physician to that effect, is not required to be immunized 26484
against chicken pox. 26485

(4) A pupil who presents a written statement of the 26486
pupil's parent or guardian in which the parent or guardian 26487
declines to have the pupil immunized for reasons of conscience, 26488
including religious convictions, is not required to be 26489
immunized. 26490

(5) A child whose physician certifies in writing that such 26491
immunization against any disease is medically contraindicated is 26492

not required to be immunized against that disease. 26493

(C) As used in this division, "chicken pox epidemic" means 26494
the occurrence of cases of chicken pox in numbers greater than 26495
expected in the school's population or for a particular period 26496
of time. 26497

Notwithstanding division (B) of this section, a school may 26498
deny admission to a pupil otherwise exempted from the chicken 26499
pox immunization requirement if the director of the state 26500
department of health notifies the school's principal or chief 26501
administrative officer that a chicken pox epidemic exists in the 26502
school's population. The denial of admission shall cease when 26503
the director notifies the principal or officer that the epidemic 26504
no longer exists. 26505

The board of education or governing body of each school 26506
subject to this section shall adopt a policy that prescribes 26507
methods whereby the academic standing of a pupil who is denied 26508
admission during a chicken pox epidemic may be preserved. 26509

(D) Boards of health, legislative authorities of municipal 26510
corporations, and boards of township trustees on application of 26511
the board of education of the district or proper authority of 26512
any school affected by this section, shall provide at the public 26513
expense, without delay, the means of immunization against mumps, 26514
poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 26515
and hepatitis B to pupils who are not so provided by their 26516
parents or guardians. 26517

(E) The department of health shall specify the age at 26518
which immunization against meningococcal disease, as required by 26519
division (A) (3) of this section, is recommended, and approve a 26520
method of immunization against meningococcal disease. 26521

Sec. 3313.674. (A) Except as provided in division (D) of 26522
this section, the board of education of each city, exempted 26523
village, or local school district and the governing authority of 26524
each chartered nonpublic school may require each student 26525
enrolled in kindergarten, third grade, fifth grade, and ninth 26526
grade to undergo a screening for body mass index and weight 26527
status category. 26528

(B) The board or governing authority may provide any 26529
screenings authorized by this section itself, contract with 26530
another entity for provision of the screenings, or request the 26531
parent or guardian of each student subject to the screening to 26532
obtain the screening from a provider selected by the parent or 26533
guardian and to submit the results to the board or governing 26534
authority. If the board or governing authority provides the 26535
screenings itself or contracts with another entity for provision 26536
of the screenings, the board or governing authority shall 26537
protect student privacy by ensuring that each student is 26538
screened alone and not in the presence of other students or 26539
staff. 26540

(C) Each school year, each board or governing authority 26541
electing to require the screening shall provide the parent or 26542
guardian of each student subject to the screening with 26543
information about the screening program. If the board or 26544
governing authority requests parents and guardians to obtain a 26545
screening from a provider of their choosing, the board or 26546
governing authority shall provide them with a list of providers 26547
and information about screening services available in the 26548
community to parents and guardians who cannot afford a private 26549
provider. 26550

(D) If the parent or guardian of a student subject to the 26551

screening signs and submits to the board or governing authority 26552
a written statement indicating that the parent or guardian does 26553
not wish to have the student undergo the screening, the board or 26554
governing authority shall not require the student to be 26555
screened. 26556

(E) The board or governing authority shall notify the 26557
parent or guardian of each student screened under this section 26558
of any health risks associated with the student's results and 26559
shall provide the parent or guardian with information about 26560
appropriately addressing the risks. For this purpose, the 26561
department of health, in consultation with the department of 26562
education and workforce, shall develop a list of documents, 26563
pamphlets, or other resources that may be distributed to parents 26564
and guardians under this division. 26565

(F) The board or governing authority shall maintain the 26566
confidentiality of each student's individual screening results 26567
at all times. No board or governing authority shall report a 26568
student's individual screening results to any person other than 26569
the student's parent or guardian. 26570

(G) In a manner prescribed by rule of the director of 26571
health, each board or governing authority electing to require 26572
the screening shall report aggregated body mass index and weight 26573
status category data collected under this section, and any other 26574
demographic data required by the director, to the department of 26575
health. In the case of a school district, data shall be 26576
aggregated for the district as a whole and not for individual 26577
schools within the district, unless the district operates only 26578
one school. In the case of a chartered nonpublic school, data 26579
shall be aggregated for the school as a whole. The department 26580
annually may publish the data reported under this division, 26581

aggregated by county. For each county in which a district, 26582
community school, STEM school, or chartered nonpublic school has 26583
elected not to require the screening for a school year for which 26584
data is published, the department shall note that the data for 26585
the county in which the district or school is located is 26586
incomplete. The department may share data reported under this 26587
division with other governmental entities for the purpose of 26588
monitoring population health, making reports, or public health 26589
promotional activities. 26590

Sec. 3313.71. School physicians may make examinations, 26591
which shall include tests to determine the existence of hearing 26592
defects, and diagnoses of all children referred to them. They 26593
may make such examination of teachers and other school employees 26594
and inspection of school buildings as in their opinion the 26595
protection of health of the pupils, teachers, and other school 26596
employees requires. 26597

Boards of education shall require and provide, in 26598
accordance with section 3313.67 of the Revised Code, such tests 26599
and examinations for tuberculosis of pupils in selected grades 26600
and of school employees as may be required by the director of 26601
health. 26602

Boards may require annual tuberculin tests of any grades. 26603
All pupils with positive reactions to the test shall have chest 26604
x-rays and all positive reactions and x-ray findings shall be 26605
reported promptly to the county record bureau of tuberculosis 26606
cases provided for in section 339.74 of the Revised Code. Boards 26607
shall waive the required test where a pupil presents a written 26608
statement from the pupil's family physician certifying that such 26609
test has been given and that such pupil is free from 26610
tuberculosis in a communicable stage, or that such test is 26611

inadvisable for medical reasons, or from the pupil's parent or guardian objecting to such test because of religious convictions. 26612
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Whenever a pupil, teacher, or other school employee is found to be ill or suffering from tuberculosis in a communicable stage or other communicable disease, the school physician shall promptly send such pupil, teacher, or other school employee home, with a statement, in the case of a pupil, to the pupil's parents or guardian, briefly setting forth the discovered facts, and advising that the family physician be consulted. School physicians shall keep accurate card-index records of all examinations, and said records, that they may be uniform throughout the state, shall be according to the form prescribed by the ~~state board~~ department of education and workforce, and the reports shall be made according to the method of ~~said that~~ form. If the parent or guardian of any pupil or any teacher or other school employee, after notice from the board of education, furnishes within two weeks thereafter the written certificate of any reputable physician that the pupil, teacher, or other school employee has been examined, in such cases the service of the school physician shall be dispensed with, and such certificate shall be furnished by such parent or guardian, as required by the board of education. Such individual records shall not be open to the public and shall be solely for the use of the boards of education and boards of health officer. If any teacher or other school employee is found to have tuberculosis in a communicable stage or other communicable disease, the teacher's or employee's employment shall be discontinued or suspended upon such terms as to salary as the board deems just until the school physician has certified to a recovery from such disease. The methods of making the tuberculin tests and chest x-rays required 26615
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by this section shall be such as are approved by the director of health. 26643
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This section shall apply to all elementary and high schools for which the ~~state board~~ director of education and workforce sets minimum standards pursuant to section 3301.07 of the Revised Code. 26645
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Sec. 3313.7110. (A) The board of education of each city, local, exempted village, or joint vocational school district may procure epinephrine autoinjectors for each school operated by the district to have on the school premises for use in emergency situations identified under division (C) (5) of this section by doing one of the following: 26649
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(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section 4723.483, 4730.433, or 4731.96 of the Revised Code, personally furnish the epinephrine autoinjectors to the school or school district or issue a prescription for them in the name of the school or district; 26655
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(2) Having the district's superintendent obtain a prescriber-issued protocol that includes definitive orders for epinephrine autoinjectors and the dosages of epinephrine to be administered through them. 26661
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A district board that elects to procure epinephrine autoinjectors under this section is encouraged to maintain, at all times, at least two epinephrine autoinjectors at each school operated by the district. 26665
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(B) A district board that elects to procure epinephrine autoinjectors under this section shall require the district's superintendent to adopt a policy governing their maintenance and 26669
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use. Before adopting the policy, the superintendent shall 26672
consult with a licensed health professional authorized to 26673
prescribe drugs. 26674

(C) The policy adopted under division (B) of this section 26675
shall do all of the following: 26676

(1) Identify the one or more locations in each school 26677
operated by the district in which an epinephrine autoinjector 26678
must be stored; 26679

(2) Specify the conditions under which an epinephrine 26680
autoinjector must be stored, replaced, and disposed; 26681

(3) Specify the individuals employed by or under contract 26682
with the district board, in addition to a school nurse or an 26683
athletic trainer, licensed under Chapter 4755. of the Revised 26684
Code, who may access and use an epinephrine autoinjector to 26685
provide a dosage of epinephrine to an individual in an emergency 26686
situation identified under division (C) (5) of this section; 26687

(4) Specify any training that employees or contractors 26688
specified under division (C) (3) of this section, other than a 26689
school nurse or athletic trainer, must complete before being 26690
authorized to access and use an epinephrine autoinjector; 26691

(5) Identify the emergency situations, including when an 26692
individual exhibits signs and symptoms of anaphylaxis, in which 26693
a school nurse, athletic trainer, or other employees or 26694
contractors specified under division (C) (3) of this section may 26695
access and use an epinephrine autoinjector; 26696

(6) Specify that assistance from an emergency medical 26697
service provider must be requested immediately after an 26698
epinephrine autoinjector is used; 26699

(7) Specify the individuals, in addition to students, 26700
school employees or contractors, and school visitors, to whom a 26701
dosage of epinephrine may be administered through an epinephrine 26702
autoinjector in an emergency situation specified under division 26703
(C) (5) of this section. 26704

(D) (1) The following are not liable in damages in a civil 26705
action for injury, death, or loss to person or property that 26706
allegedly arises from an act or omission associated with 26707
procuring, maintaining, accessing, or using an epinephrine 26708
autoinjector under this section, unless the act or omission 26709
constitutes willful or wanton misconduct: 26710

(a) A school or school district; 26711

(b) A member of a district board of education; 26712

(c) A district or school employee or contractor; 26713

(d) A licensed health professional authorized to prescribe 26714
drugs who personally furnishes or prescribes epinephrine 26715
autoinjectors, consults with a superintendent, or issues a 26716
protocol pursuant to this section. 26717

(2) This section does not eliminate, limit, or reduce any 26718
other immunity or defense that a school or school district, 26719
member of a district board of education, district or school 26720
employee or contractor, or licensed health professional may be 26721
entitled to under Chapter 2744. or any other provision of the 26722
Revised Code or under the common law of this state. 26723

(E) A school district board of education may accept 26724
donations of epinephrine autoinjectors from a wholesale 26725
distributor of dangerous drugs or a manufacturer of dangerous 26726
drugs, as defined in section 4729.01 of the Revised Code, and 26727
may accept donations of money from any person to purchase 26728

epinephrine autoinjectors. 26729

(F) A district board that elects to procure epinephrine 26730
autoinjectors under this section shall report to the department 26731
of education and workforce each procurement and occurrence in 26732
which an epinephrine autoinjector is used from a school's supply 26733
of epinephrine autoinjectors. 26734

(G) As used in this section, "licensed health professional 26735
authorized to prescribe drugs" and "prescriber" have the same 26736
meanings as in section 4729.01 of the Revised Code. 26737

Sec. 3313.7111. (A) With the approval of its governing 26738
authority, a chartered or nonchartered nonpublic school may 26739
procure epinephrine autoinjectors in the manner prescribed by 26740
section 3313.7110 of the Revised Code. A chartered or 26741
nonchartered nonpublic school that elects to do so shall comply 26742
with all provisions of that section as if it were a school 26743
district. 26744

(B) (1) The following are not liable in damages in a civil 26745
action for injury, death, or loss to person or property that 26746
allegedly arises from an act or omission associated with 26747
procuring, maintaining, accessing, or using an epinephrine 26748
autoinjector under this section, unless the act or omission 26749
constitutes willful or wanton misconduct: 26750

(a) A chartered or nonchartered nonpublic school; 26751

(b) A member of a chartered or nonchartered nonpublic 26752
school governing authority; 26753

(c) An employee or contractor of the school; 26754

(d) A licensed health professional authorized to prescribe 26755
drugs who personally furnishes or prescribes epinephrine 26756

autoinjectors, provides a consultation, or issues a protocol 26757
pursuant to this section. 26758

(2) This division does not eliminate, limit, or reduce any 26759
other immunity or defense that a chartered or nonchartered 26760
nonpublic school or governing authority, member of a chartered 26761
or nonchartered nonpublic school governing authority, chartered 26762
or nonchartered nonpublic school employee or contractor, or 26763
licensed health professional may be entitled to under any other 26764
provision of the Revised Code or the common law of this state. 26765

(C) A chartered or nonchartered nonpublic school may 26766
accept donations of epinephrine autoinjectors from a wholesale 26767
distributor of dangerous drugs or a manufacturer of dangerous 26768
drugs, as defined in section 4729.01 of the Revised Code, and 26769
may accept donations of money from any person to purchase 26770
epinephrine autoinjectors. 26771

(D) A chartered or nonchartered nonpublic school that 26772
elects to procure epinephrine autoinjectors under this section 26773
shall report to the department of education and workforce each 26774
procurement and occurrence in which an epinephrine autoinjector 26775
is used from the school's supply of epinephrine autoinjectors. 26776

Sec. 3313.7112. (A) As used in this section: 26777

(1) "Board of education" means a board of education of a 26778
city, local, exempted village, or joint vocational school 26779
district. 26780

(2) "Governing authority" means a governing authority of a 26781
chartered nonpublic school. 26782

(3) "Licensed health care professional" means any of the 26783
following: 26784

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	26785 26786 26787
(b) A registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	26788 26789 26790
(c) A physician assistant licensed under Chapter 4730. of the Revised Code.	26791 26792
(4) "Local health department" means a department operated by a board of health of a city or general health district or the authority having the duties of a board of health as described in section 3709.05 of the Revised Code.	26793 26794 26795 26796
(5) "School employee" or "employee" means either of the following:	26797 26798
(a) A person employed by a board of education or governing authority;	26799 26800
(b) A licensed health care professional employed by or under contract with a local health department who is assigned to a school in a city, local, exempted village, or joint vocational school district or a chartered nonpublic school.	26801 26802 26803 26804
(6) "Treating practitioner" means any of the following who has primary responsibility for treating a student's diabetes and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student:	26805 26806 26807 26808 26809
(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	26810 26811 26812

(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code;

(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(7) "504 plan" means a plan based on an evaluation conducted in accordance with section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794, as amended.

(B) (1) Each board of education or governing authority shall ensure that each student enrolled in the school district or chartered nonpublic school who has diabetes receives appropriate and needed diabetes care in accordance with an order signed by the student's treating practitioner. The diabetes care to be provided includes any of the following:

(a) Checking and recording blood glucose levels and ketone levels or assisting the student with checking and recording these levels;

(b) Responding to blood glucose levels that are outside of the student's target range;

(c) In the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed;

(d) Administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses;

(e) Providing oral diabetes medications;	26842
(f) Understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the order of the student's treating practitioner;	26843 26844 26845
(g) Following the treating practitioner's instructions regarding meals, snacks, and physical activity;	26846 26847
(h) Administering diabetes medication, as long as the conditions prescribed in division (C) of this section are satisfied.	26848 26849 26850
(2) Not later than fourteen days after receipt of an order signed by the treating practitioner of a student with diabetes, the board of education or governing authority shall inform the student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes. The department of education <u>and workforce</u> shall develop a 504 plan information sheet for use by a board of education or governing authority when informing a student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes.	26851 26852 26853 26854 26855 26856 26857 26858 26859 26860 26861
(C) Notwithstanding division (B) of section 3313.713 of the Revised Code or any other provision of the Revised Code, diabetes medication may be administered under this section by a school nurse or, in the absence of a school nurse, a school employee who is trained in diabetes care under division (E) of this section. Medication administration may be provided under this section only when the conditions prescribed in division (C) of section 3313.713 of the Revised Code are satisfied.	26862 26863 26864 26865 26866 26867 26868 26869
Notwithstanding division (D) of section 3313.713 of the	26870

Revised Code, medication that is to be administered under this 26871
section may be kept in an easily accessible location. 26872

(D) (1) The department of education and workforce shall 26873
adopt nationally recognized guidelines, as determined by the 26874
department, for the training of school employees in diabetes 26875
care for students. In doing so, the department shall consult 26876
with the department of health, the American diabetes 26877
association, and the Ohio school nurses association. The 26878
department may consult with any other organizations as 26879
determined appropriate by the department. 26880

(2) The guidelines shall address all of the following 26881
issues: 26882

(a) Recognizing the symptoms of hypoglycemia and 26883
hyperglycemia; 26884

(b) The appropriate treatment for a student who exhibits 26885
the symptoms of hypoglycemia or hyperglycemia; 26886

(c) Recognizing situations that require the provision of 26887
emergency medical assistance to a student; 26888

(d) Understanding the appropriate treatment for a student, 26889
based on an order issued by the student's treating practitioner, 26890
if the student's blood glucose level is not within the target 26891
range indicated by the order; 26892

(e) Understanding the instructions in an order issued by a 26893
student's treating practitioner concerning necessary 26894
medications; 26895

(f) Performing blood glucose and ketone tests for a 26896
student in accordance with an order issued by the student's 26897
treating practitioner and recording the results of those tests; 26898

(g) Administering insulin, glucagon, or other medication	26899
to a student in accordance with an order issued by the student's	26900
treating practitioner and recording the results of the	26901
administration;	26902
(h) Understanding the relationship between the diet	26903
recommended in an order issued by a student's treating	26904
practitioner and actions that may be taken if the recommended	26905
diet is not followed.	26906
(E) (1) To ensure that a student with diabetes receives the	26907
diabetes care specified in division (B) of this section, a board	26908
of education or governing authority may provide training that	26909
complies with the guidelines developed under division (D) of	26910
this section to a school employee at each school attended by a	26911
student with diabetes. With respect to any training provided,	26912
all of the following apply:	26913
(a) The training shall be coordinated by a school nurse	26914
or, if the school does not employ a school nurse, a licensed	26915
health care professional with expertise in diabetes who is	26916
approved by the school to provide the training.	26917
(b) The training shall take place prior to the beginning	26918
of each school year or, as needed, not later than fourteen days	26919
after receipt by the board of education or governing authority	26920
of an order signed by the treating practitioner of a student	26921
with diabetes.	26922
(c) On completion of the training, the board of education	26923
or governing authority, in a manner it determines, shall	26924
determine whether each employee trained is competent to provide	26925
diabetes care.	26926
(d) The school nurse or approved licensed health care	26927

professional with expertise in diabetes care shall promptly 26928
provide all necessary follow-up training and supervision to an 26929
employee who receives training. 26930

(2) The principal of a school attended by a student with 26931
diabetes or another school official authorized to act on behalf 26932
of the principal may distribute a written notice to each 26933
employee containing all of the following: 26934

(a) A statement that the school is required to provide 26935
diabetes care to a student with diabetes and is seeking 26936
employees who are willing to be trained to provide that care; 26937

(b) A description of the tasks to be performed; 26938

(c) A statement that participation is voluntary and that 26939
the school district or governing authority will not take action 26940
against an employee who does not agree to provide diabetes care; 26941

(d) A statement that training will be provided by a 26942
licensed health care professional to an employee who agrees to 26943
provide care; 26944

(e) A statement that a trained employee is immune from 26945
liability under division (J) of this section; 26946

(f) The name of the individual who should be contacted if 26947
an employee is interested in providing diabetes care. 26948

(3) No employee of a board of education or governing 26949
authority shall be subject to a penalty or disciplinary action 26950
under school or district policies for refusing to volunteer to 26951
be trained in diabetes care. 26952

(4) No board or governing authority shall discourage 26953
employees from agreeing to provide diabetes care under this 26954
section. 26955

(F) A board of education or governing authority may 26956
provide training in the recognition of hypoglycemia and 26957
hyperglycemia and actions to take in response to emergency 26958
situations involving these conditions to both of the following: 26959

(1) A school employee who has primary responsibility for 26960
supervising a student with diabetes during some portion of the 26961
school day; 26962

(2) A bus driver employed by a school district or 26963
chartered nonpublic school responsible for the transportation of 26964
a student with diabetes. 26965

(G) A student with diabetes shall be permitted to attend 26966
the school the student would otherwise attend if the student did 26967
not have diabetes and the diabetes care specified in division 26968
(B) of this section shall be provided at the school. A board of 26969
education or governing authority shall not restrict a student 26970
who has diabetes from attending the school on the basis that the 26971
student has diabetes, that the school does not have a full-time 26972
school nurse, or that the school does not have an employee 26973
trained in diabetes care. The school shall not require or 26974
pressure a parent, guardian, or other person having care or 26975
charge of a student to provide diabetes care for the student 26976
with diabetes at school or school-related activities. 26977

(H) (1) Notwithstanding section 3313.713 of the Revised 26978
Code or any policy adopted under that section and except as 26979
provided in division (H) (2) of this section, on written request 26980
of the parent, guardian, or other person having care or charge 26981
of a student and authorization by the student's treating 26982
practitioner, a student with diabetes shall be permitted during 26983
regular school hours and school-sponsored activities to attend 26984
to the care and management of the student's diabetes in 26985

accordance with the order issued by the student's treating 26986
practitioner if the student's treating practitioner determines 26987
that the student is capable of performing diabetes care tasks. 26988
The student shall be permitted to perform diabetes care tasks in 26989
a classroom, in any area of the school or school grounds, and at 26990
any school-related activity, and to possess on the student's 26991
self at all times all necessary supplies and equipment to 26992
perform these tasks. If the student or the parent, guardian, or 26993
other person having care or charge of the student so requests, 26994
the student shall have access to a private area for performing 26995
diabetes care tasks. 26996

(2) If the student performs any diabetes care tasks or 26997
uses medical equipment for purposes other than the student's own 26998
care, the board of education or governing authority may revoke 26999
the student's permission to attend to the care and management of 27000
the student's diabetes. 27001

(I) (1) Notwithstanding any other provision of the Revised 27002
Code to the contrary, a licensed health care professional shall 27003
be permitted to provide training to a school employee under 27004
division (E) of this section or to supervise the employee in 27005
performing diabetes care tasks. 27006

(2) Nothing in this section diminishes the rights of 27007
eligible students or the obligations of school districts or 27008
governing authorities under the "Individuals with Disabilities 27009
Education Act," 20 U.S.C. 1400 et seq., section 504 of the 27010
"Rehabilitation Act," 29 U.S.C. 794, or the "Americans with 27011
Disabilities Act," 42 U.S.C. 12101 et seq. 27012

(J) (1) A school or school district, a member of a board or 27013
governing authority, or a district or school employee is not 27014
liable in damages in a civil action for injury, death, or loss 27015

to person or property allegedly arising from providing care or 27016
performing duties under this section unless the act or omission 27017
constitutes willful or wanton misconduct. 27018

This section does not eliminate, limit, or reduce any 27019
other immunity or defense that a school or school district, 27020
member of a board of education or governing authority, or 27021
district or school employee may be entitled to under Chapter 27022
2744. or any other provision of the Revised Code or under the 27023
common law of this state. 27024

(2) A school employee shall not be subject to disciplinary 27025
action under school or district policies for providing care or 27026
performing duties under this section. 27027

(3) A school nurse or other licensed health care 27028
professional shall be immune from disciplinary action by the 27029
board of nursing or any other regulatory board for providing 27030
care or performing duties under this section if the care 27031
provided or duties performed are consistent with applicable 27032
professional standards. 27033

(K) (1) Not later than the last day of December of each 27034
year, a board of education or governing authority shall report 27035
to the department of education and workforce both of the 27036
following: 27037

(a) The number of students with diabetes enrolled in the 27038
school district or chartered nonpublic school during the 27039
previous school year; 27040

(b) The number of errors associated with the 27041
administration of diabetes medication to students with diabetes 27042
during the previous school year. 27043

(2) Not later than the last day of March of each year, the 27044

department shall issue a report summarizing the information 27045
received by the department under division (K) (1) of this section 27046
for the previous school year. The department shall make the 27047
report available on its internet web site. 27048

Sec. 3313.7113. (A) As used in this section, "inhaler" 27049
means a device that delivers medication to alleviate asthmatic 27050
symptoms, is manufactured in the form of a metered dose inhaler 27051
or dry powdered inhaler, and may include a spacer, holding 27052
chamber, or other device that attaches to the inhaler and is 27053
used to improve the delivery of the medication. 27054

(B) The board of education of each city, local, exempted 27055
village, or joint vocational school district may procure 27056
inhalers for each school operated by the district to have on the 27057
school premises for use in emergency situations identified under 27058
division (D) (5) of this section. A district board that elects to 27059
procure inhalers under this section is encouraged to maintain, 27060
at all times, at least two inhalers at each school operated by 27061
the district. 27062

(C) A district board that elects to procure inhalers under 27063
this section shall require the district's superintendent to 27064
adopt a policy governing their maintenance and use. Before 27065
adopting the policy, the superintendent shall consult with a 27066
licensed health professional authorized to prescribe drugs, as 27067
defined in section 4729.01 of the Revised Code. 27068

(D) A component of a policy adopted by a superintendent 27069
under division (C) of this section shall be a prescriber-issued 27070
protocol specifying definitive orders for inhalers, including 27071
the dosages of medication to be administered through them, the 27072
number of times that each inhaler may be used before disposal, 27073
and the methods of disposal. The policy also shall do all of the 27074

following:	27075
(1) Identify the one or more locations in each school operated by the district in which an inhaler must be stored;	27076 27077
(2) Specify the conditions under which an inhaler must be stored, replaced, and disposed;	27078 27079
(3) Specify the individuals employed by or under contract with the district board, in addition to a school nurse or an athletic trainer, licensed under Chapter 4755. of the Revised Code, who may access and use an inhaler to provide a dosage of medication to an individual in an emergency situation identified under division (D) (5) of this section;	27080 27081 27082 27083 27084 27085
(4) Specify any training that employees or contractors specified under division (D) (3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use an inhaler;	27086 27087 27088 27089
(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of asthma, in which a school nurse, athletic trainer, or other employees or contractors specified under division (D) (3) of this section may access and use an inhaler;	27090 27091 27092 27093 27094
(6) Specify that assistance from an emergency medical service provider must be requested immediately after an employee or contractor, other than a school nurse, athletic trainer, or another licensed health professional, uses an inhaler;	27095 27096 27097 27098
(7) Specify the individuals, in addition to students, school employees or contractors, and school visitors, to whom a dosage of medication may be administered through an inhaler in an emergency situation specified under division (D) (5) of this section.	27099 27100 27101 27102 27103

(E) A school or school district, a member of a district board of education, or a district or school employee or contractor is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct.

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

(F) A school district board of education may accept donations of inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(G) A district board that elects to procure inhalers under this section shall report to the department of education and workforce each procurement and occurrence in which an inhaler is used from a school's supply of inhalers.

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

(B) With the approval of its governing authority, a chartered or nonchartered nonpublic school may procure inhalers in the manner prescribed by section 3313.7113 of the Revised Code. A chartered or nonchartered nonpublic school that elects

to do so shall comply with all provisions of that section as if 27133
it were a school district. 27134

(C) A chartered or nonchartered nonpublic school, a member 27135
of a chartered or nonchartered nonpublic school governing 27136
authority, or an employee or contractor of the school is not 27137
liable in damages in a civil action for injury, death, or loss 27138
to person or property that allegedly arises from an act or 27139
omission associated with procuring, maintaining, accessing, or 27140
using an inhaler under this section, unless the act or omission 27141
constitutes willful or wanton misconduct. 27142

(D) A chartered or nonchartered nonpublic school may 27143
accept donations of inhalers from a wholesale distributor of 27144
dangerous drugs or a manufacturer of dangerous drugs, as defined 27145
in section 4729.01 of the Revised Code, and may accept donations 27146
of money from any person to purchase inhalers. 27147

(E) A chartered or nonchartered nonpublic school that 27148
elects to procure inhalers under this section shall report to 27149
the department of education and workforce each procurement and 27150
occurrence in which an inhaler is used from the school's supply 27151
of inhalers. 27152

Sec. 3313.7115. (A) As used in this section, "licensed 27153
health professional authorized to prescribe drugs" and 27154
"prescriber" have the same meanings as in section 4729.01 of the 27155
Revised Code. 27156

(B) The board of education of each city, local, exempted 27157
village, or joint vocational school district may procure 27158
injectable or nasally administered glucagon for each school 27159
operated by the district to have on the school premises for use 27160
in emergency situations identified under division (D) (5) of this 27161

section by doing one of the following:	27162
(1) Having a licensed health professional authorized to	27163
prescribe drugs, acting in accordance with section 4723.484,	27164
4730.434, or 4731.92 of the Revised Code, personally furnish the	27165
injectable or nasally administered glucagon to the school or	27166
school district or issue a prescription for the drug in the name	27167
of the school or district;	27168
(2) Having the district's superintendent obtain a	27169
prescriber-issued protocol that includes definitive orders for	27170
injectable or nasally administered glucagon and the dosages to	27171
be administered.	27172
A district board that elects to procure injectable or	27173
nasally administered glucagon under this section is encouraged	27174
to maintain, at all times, at least two doses of the drug at	27175
each school operated by the district.	27176
(C) A district board that elects to procure injectable or	27177
nasally administered glucagon under this section shall require	27178
the district's superintendent to adopt a policy governing	27179
maintenance and use of the drug. Before adopting the policy, the	27180
superintendent shall consult with a licensed health professional	27181
authorized to prescribe drugs.	27182
(D) The policy adopted under division (C) of this section	27183
shall do all of the following:	27184
(1) Identify the one or more locations in each school	27185
operated by the district in which injectable or nasally	27186
administered glucagon must be stored;	27187
(2) Specify the conditions under which injectable or	27188
nasally administered glucagon must be stored, replaced, and	27189
disposed;	27190

(3) Specify the individuals employed by or under contract with the district board, in addition to a school nurse licensed under section 3319.221 of the Revised Code or an athletic trainer licensed under Chapter 4755. of the Revised Code, who may access and use injectable or nasally administered glucagon in an emergency situation identified under division (D) (5) of this section;	27191 27192 27193 27194 27195 27196 27197
(4) Specify any training that employees or contractors specified under division (D) (3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use injectable or nasally administered glucagon;	27198 27199 27200 27201 27202
(5) Identify the emergency situations in which a school nurse, athletic trainer, or other employees or contractors specified under division (D) (3) of this section may access and use injectable or nasally administered glucagon;	27203 27204 27205 27206
(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered;	27207 27208 27209
(7) Specify the individuals, if any, in addition to students, to whom a dose of glucagon may be administered in an emergency situation specified under division (D) (5) of this section.	27210 27211 27212 27213
(E) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:	27214 27215 27216 27217 27218 27219

(a) A school or school district;	27220
(b) A member of a district board of education;	27221
(c) A district or school employee or contractor;	27222
(d) A licensed health professional authorized to prescribe	27223
drugs who personally furnishes or prescribes injectable or	27224
nasally administered glucagon, consults with a superintendent,	27225
or issues a protocol pursuant to this section.	27226
(2) This section does not eliminate, limit, or reduce any	27227
other immunity or defense that a school or school district,	27228
member of a district board of education, district or school	27229
employee or contractor, or licensed health professional may be	27230
entitled to under Chapter 2744. or any other provision of the	27231
Revised Code or under the common law of this state.	27232
(F) A school district board of education may accept	27233
donations of injectable or nasally administered glucagon from a	27234
wholesale distributor of dangerous drugs or manufacturer of	27235
dangerous drugs, as defined in section 4729.01 of the Revised	27236
Code, and may accept donations of money from any person to	27237
purchase the drug.	27238
(G) A district board that elects to procure injectable or	27239
nasally administered glucagon under this section shall report to	27240
the department of education <u>and workforce</u> each procurement and	27241
each occurrence in which a dose of the drug is used from a	27242
school's supply.	27243
Sec. 3313.7116. (A) With the approval of its governing	27244
authority, a chartered or nonchartered nonpublic school may	27245
procure injectable or nasally administered glucagon in the	27246
manner prescribed by section 3313.7115 of the Revised Code. A	27247
chartered or nonchartered nonpublic school that elects to do so	27248

shall comply with all provisions of that section as if it were a school district. 27249
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(B) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct: 27251
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(a) A chartered or nonchartered nonpublic school; 27257

(b) A member of a chartered or nonchartered nonpublic school governing authority; 27258
27259

(c) An employee or contractor of the school; 27260

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section. 27261
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(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered or nonchartered nonpublic school or governing authority, member of a chartered or nonchartered nonpublic school governing authority, chartered or nonchartered nonpublic school employee or contractor, or licensed health professional may be entitled to under any other provision of the Revised Code or the common law of this state. 27265
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(C) A chartered or nonchartered nonpublic school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug. 27272
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(D) A chartered or nonchartered nonpublic school that 27278
elects to procure injectable or nasally administered glucagon 27279
under this section shall report to the department of education 27280
and workforce each procurement and each occurrence in which a 27281
dose of the drug is used from the school's supply. 27282

Sec. 3313.81. The board of education of any city, exempted 27283
village, or local school district may establish food service, 27284
provide facilities and equipment, and pay operating costs in the 27285
schools under its control for the preparation and serving of 27286
lunches, and other meals or refreshments to the pupils, 27287
employees of the board of education employed therein, and to 27288
other persons taking part in or patronizing any activity in 27289
connection with the schools. A board of education that operates 27290
such a food service may also provide meals at cost to residents 27291
of the school district who are sixty years of age or older or 27292
may contract with public or private nonprofit organizations 27293
providing services to the elderly to provide nutritious meals 27294
for persons who are sixty years of age or older. Restrictions or 27295
limitations upon the privileges or use of facilities by any 27296
pupil, employee, person taking part in or patronizing a school- 27297
related activity, or elderly person must be applied equally to 27298
all pupils, all employees, all persons taking part in or 27299
patronizing a school-related activity, or elderly persons, 27300
respectively, except that a board may expend school funds other 27301
than funds from federally reimbursed moneys or student payments 27302
to provide meals at no charge to senior citizens performing 27303
volunteer services in the district's schools in accordance with 27304
a volunteer program approved by the board. 27305

Such facilities shall be under the management and control 27306
of the board and the operation of such facilities for school 27307
food service purposes or to provide meals for the elderly shall 27308

not be for profit. In the operation of such facilities for 27309
school food service purposes there shall be established a food 27310
service fund in the treasurer's cash journal, which shall be 27311
separate from all other funds of the board. All receipts and 27312
disbursements in connection with the operation of food service 27313
for school food service purposes and the maintenance, 27314
improvement, and purchase of equipment for school food service 27315
purposes shall be paid directly into and disbursed from the food 27316
service fund which shall be kept in a legally designated 27317
depository of the board. Revenues for the operation, 27318
maintenance, improvement, and purchase of equipment shall be 27319
provided by the food service fund, appropriations transferred 27320
from the general fund, federal funds, and from other proper 27321
sources. Records of receipts and disbursements resulting from 27322
the provision of meals for the elderly shall be separately 27323
maintained, in accordance with section 3313.29 of the Revised 27324
Code. 27325

The enforcement of this section shall be under 27326
jurisdiction of the ~~state board~~ department of education and 27327
workforce. 27328

Sec. 3313.811. No board, the principal or teacher of any 27329
schoolroom, or class organization of any school district shall 27330
sell or offer for sale, or supervise the sale of uniform school 27331
supplies, foods, candies, or like supplies for profit on the 27332
school premises except when the profit derived from such sale is 27333
to be used for school purposes or for any activity in connection 27334
with the school on whose premises such uniform school supplies, 27335
food, candies, or supplies are sold or offered for sale. No 27336
individual student or class of students, acting as an agent for 27337
any person or group of persons directly connected with the 27338
school shall sell or offer for sale for profit outside the 27339

school building, any such articles, except when the profit 27340
derived from such sale is to be used for school purposes or for 27341
any activity in connection with the school. 27342

Uniform school supplies are those adopted by the board for 27343
use in the schools of the district. 27344

The enforcement of this section shall be under the 27345
jurisdiction of the ~~state board~~ department of education and 27346
workforce. 27347

The school district board of education shall provide 27348
revolving accounts for the purchase and sale of uniform school 27349
supplies either by appropriations from the general fund or 27350
accumulation from sales or receipts. Such accounts shall be kept 27351
separate from other transactions of the board. 27352

Sec. 3313.813. (A) As used in this section: 27353

(1) "Outdoor education center" means a public or nonprofit 27354
private entity that provides to pupils enrolled in any public or 27355
chartered nonpublic elementary or secondary school an outdoor 27356
educational curriculum that the school considers to be part of 27357
its educational program. 27358

(2) "Outside-school-hours care center" has the meaning 27359
established in 7 C.F.R. 226.2. 27360

(B) The ~~state board~~ department of education and workforce 27361
shall establish standards for a school lunch program, school 27362
breakfast program, child and adult care food program, special 27363
food service program for children, summer food service program 27364
for children, special milk program for children, food service 27365
equipment assistance program, and commodity distribution program 27366
established under the "National School Lunch Act," 60 Stat. 230 27367
(1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act 27368

of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended. Any board of 27369
education of a school district, nonprofit private school, 27370
outdoor education center, child care institution, outside- 27371
school-hours care center, or summer camp desiring to participate 27372
in such a program or required to participate under this section 27373
shall, if eligible to participate under the "National School 27374
Lunch Act," as amended, or the "Child Nutrition Act of 1966," as 27375
amended, make application to the ~~state board of education~~ 27376
department for assistance. The board shall administer the 27377
allocation and distribution of all state and federal funds for 27378
these programs. 27379

(C) The ~~state board of education~~ department shall require 27380
the board of education of each school district to establish and 27381
maintain a school breakfast, lunch, and summer food service 27382
program pursuant to the "National School Lunch Act" and the 27383
"Child Nutrition Act of 1966," as described in divisions (C) (1) 27384
to (4) of this section. 27385

(1) The ~~state board~~ department shall require the board of 27386
education in each school district to establish a breakfast 27387
program in every school where at least one-fifth of the pupils 27388
in the school are eligible under federal requirements for free 27389
breakfasts and to establish a lunch program in every school 27390
where at least one-fifth of the pupils are eligible for free 27391
lunches. The board of education required to establish a 27392
breakfast program under this division may make a charge in 27393
accordance with federal requirements for each reduced price 27394
breakfast or paid breakfast to cover the cost incurred in 27395
providing that meal. 27396

(2) The ~~state board~~ department shall require the board of 27397
education in each school district to establish a breakfast 27398

program in every school in which the parents of at least one- 27399
half of the children enrolled in the school have requested that 27400
the breakfast program be established. The board of education 27401
required to establish a program under this division may make a 27402
charge in accordance with federal requirements for each meal to 27403
cover all or part of the costs incurred in establishing such a 27404
program. 27405

A breakfast program established under division (C) (1) or 27406
(2) of this section shall be operated in accordance with section 27407
3313.818 of the Revised Code in any school meeting the 27408
conditions prescribed by that section. 27409

(3) The ~~state board~~ department shall require the board of 27410
education in each school district to establish one of the 27411
following for summer intervention services described in division 27412
(D) of section 3301.0711 or provided under section 3313.608 of 27413
the Revised Code, and any other summer intervention program 27414
required by law: 27415

(a) An extension of the school breakfast program pursuant 27416
to the "National School Lunch Act" and the "Child Nutrition Act 27417
of 1966"; 27418

(b) An extension of the school lunch program pursuant to 27419
those acts; 27420

(c) A summer food service program pursuant to those acts. 27421

(4) (a) If the board of education of a school district 27422
determines that, for financial reasons, it cannot comply with 27423
division (C) (1) or (3) of this section, the district board may 27424
choose not to comply with either or both divisions, except as 27425
provided in divisions (C) (4) (b) and (c) of this section. The 27426
district board publicly shall communicate to the residents of 27427

the district, in the manner it determines appropriate, its 27428
decision not to comply. 27429

(b) If a district board chooses not to comply with 27430
division (C)(1) of this section, the ~~state board department~~ 27431
nevertheless shall require the district board to establish a 27432
breakfast program in every school where at least one-third of 27433
the pupils in the school are eligible under federal requirements 27434
for free breakfasts and to establish a lunch program in every 27435
school where at least one-third of the pupils are eligible for 27436
free lunches. The district board may make a charge in accordance 27437
with federal requirements for each reduced price breakfast or 27438
paid breakfast to cover the cost incurred in providing that 27439
meal. 27440

(c) If the board of education of a school district chooses 27441
not to comply with division (C)(3) of this section, the ~~state-~~ 27442
~~board department~~ nevertheless shall require the district board 27443
to permit an approved summer food service program sponsor to use 27444
school facilities located in a school building attendance area 27445
where at least one-half of the pupils are eligible for free 27446
lunches. 27447

The department ~~of education~~ shall post in a prominent 27448
location on the department's web site a list of approved summer 27449
food service program sponsors that may use school facilities 27450
under this division. 27451

Subject to the provisions of sections 3313.75 and 3313.77 27452
of the Revised Code, a school district may charge the summer 27453
food service program sponsor a reasonable fee for the use of 27454
school facilities that may include the actual cost of custodial 27455
services, charges for the use of school equipment, and a 27456
prorated share of the utility costs as determined by the 27457

district board. A school district shall require the summer food 27458
service program sponsor to indemnify and hold harmless the 27459
district from any potential liability resulting from the 27460
operation of the summer food service program under this 27461
division. For this purpose, the district shall either add the 27462
summer food service program sponsor, as an additional insured 27463
party, to the district's existing liability insurance policy or 27464
require the summer food service program sponsor to submit 27465
evidence of a separate liability insurance policy, for an amount 27466
approved by the district board. The summer food service program 27467
sponsor shall be responsible for any costs incurred in obtaining 27468
coverage under either option. 27469

(d) If a school district cannot for good cause comply with 27470
the requirements of division (C) (2) or (4) (b) or (c) of this 27471
section at the time the ~~state board~~ department determines that a 27472
district is subject to these requirements, the ~~state board~~ 27473
department shall grant a reasonable extension of time. Good 27474
cause for an extension of time shall include, but need not be 27475
limited to, economic impossibility of compliance with the 27476
requirements at the time the ~~state board~~ department determines 27477
that a district is subject to them. 27478

(D) (1) The ~~state board~~ department shall accept the 27479
application of any outdoor education center in the state making 27480
application for participation in a program pursuant to division 27481
(B) of this section. 27482

(2) For purposes of participation in any program pursuant 27483
to this section, the board shall certify any outdoor education 27484
center making application as an educational unit that is part of 27485
the educational system of the state, if the center: 27486

(a) Meets the definition of an outdoor education center; 27487

(b) Provides its outdoor education curriculum to pupils on 27488
an overnight basis so that pupils are in residence at the center 27489
for more than twenty-four consecutive hours; 27490

(c) Operates under public or nonprofit private ownership 27491
in a single building or complex of buildings. 27492

(3) The board shall approve any outdoor education center 27493
certified under this division for participation in the program 27494
for which the center is making application on the same basis as 27495
any other applicant for that program. 27496

(E) Any school district board of education or chartered 27497
nonpublic school that participates in a breakfast program 27498
pursuant to this section may offer breakfast to pupils in their 27499
classrooms during the school day. However, any school that is 27500
subject to section 3313.818 of the Revised Code shall offer 27501
breakfast to pupils in accordance with that section. 27502

(F) Notwithstanding anything in this section to the 27503
contrary, in each fiscal year in which the general assembly 27504
appropriates funds for purposes of this division, the board of 27505
education of each school district and each chartered nonpublic 27506
school that participates in a breakfast program pursuant to this 27507
section shall provide a breakfast free of charge to each pupil 27508
who is eligible under federal requirements for a reduced price 27509
breakfast. 27510

Sec. 3313.814. (A) As used in this section and sections 27511
3313.816 and 3313.817 of the Revised Code: 27512

(1) "A la carte item" means an individually priced food or 27513
beverage item that is available for sale to students through any 27514
of the following: 27515

(a) A school food service program; 27516

(b) A vending machine located on school property;	27517
(c) A store operated by the school, a student association, or other school-sponsored organization.	27518 27519
"A la carte item" does not include any food or beverage item available for sale in connection with a school-sponsored fundraiser held outside of the regular school day, any other school-sponsored event held outside of the regular school day, or an interscholastic athletic event. "A la carte item" also does not include any food or beverage item that is part of a reimbursable meal and that is available for sale as an individually priced item in a serving portion of the same size as in the reimbursable meal, regardless of whether the food or beverage item is included in the reimbursable meal served on a particular school day.	27520 27521 27522 27523 27524 27525 27526 27527 27528 27529 27530
(2) "Added sweeteners" means any additives that enhance the sweetness of a beverage, including processed sugar. "Added sweeteners" do not include any natural sugars found in fruit juices that are a component of the beverage.	27531 27532 27533 27534
(3) "Extended school day" means the period before and after the regular school day during which students participate in school-sponsored extracurricular activities, latchkey programs as defined in section 3313.207 of the Revised Code, or other academic or enrichment programs.	27535 27536 27537 27538 27539
(4) "Regular school day" means the period each school day between the designated arrival time for students and the end of the final instructional period.	27540 27541 27542
(5) "Reimbursable meal" means a meal that is provided to students through a school breakfast or lunch program established under the "National School Lunch Act," 60 Stat. 230 (1946), 42	27543 27544 27545

U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 27546
80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 27547
criteria for reimbursement established by the United States 27548
department of agriculture. 27549

(6) "School food service program" means a school food 27550
service program operated under section 3313.81 or 3313.813 of 27551
the Revised Code. 27552

(B) Each school district board of education and each 27553
chartered nonpublic school governing authority shall adopt and 27554
enforce nutrition standards governing the types of food and 27555
beverages that may be sold on the premises of its schools, and 27556
specifying the time and place each type of food or beverage may 27557
be sold. 27558

(1) In adopting the standards, the board or governing 27559
authority shall do all of the following: 27560

(a) Consider the nutritional value of each food or 27561
beverage; 27562

(b) Consult with a dietitian licensed under Chapter 4759. 27563
of the Revised Code, a dietetic technician registered by the 27564
commission on dietetic registration, or a school nutrition 27565
specialist certified or credentialed by the school nutrition 27566
association. The person with whom the board or governing 27567
authority consults may be an employee of the board or governing 27568
authority, a person contracted by the board or governing 27569
authority, or a volunteer, provided the person meets the 27570
requirements of this division. 27571

(c) Consult the dietary guidelines for Americans jointly 27572
developed by the United States department of agriculture and the 27573
United States department of health and human services and, to 27574

the maximum extent possible, incorporate the guidelines into the standards. 27575
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(2) No food or beverage may be sold on any school premises except in accordance with the standards adopted by the board or governing authority. 27577
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(3) The standards shall comply with sections 3313.816 and 3313.817 of the Revised Code, but nothing in this section shall prohibit the standards from being more restrictive than otherwise required by those sections. 27580
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(C) The nutrition standards adopted under this section shall prohibit the placement of vending machines in any classroom where students are provided instruction, unless the classroom also is used to serve students meals. This division does not apply to vending machines that sell only milk, reimbursable meals, or food and beverage items that are part of a reimbursable meal and are available for sale as individually priced items in serving portions of the same size as in the reimbursable meal. 27584
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(D) Each board or governing authority shall designate staff to be responsible for ensuring that the school district or school meets the nutrition standards adopted under this section. The staff shall prepare an annual report regarding the district's or school's compliance with the standards and include it in the report to the department of education and workforce prescribed in section 3301.68 of the Revised Code. The board or governing authority annually shall schedule a presentation on the nutrition standards report at one of its regular meetings. Each district or school shall make copies of the nutrition standards report available to the public upon request. 27593
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(E) The ~~state board~~department of education and workforce shall formulate and adopt guidelines, which boards of education and chartered nonpublic schools may follow in enforcing and implementing this section.

Sec. 3313.815. (A) Any school district or nonpublic school that operates a food service program pursuant to section 3313.81 or 3313.813 of the Revised Code shall require at least one employee who has received instruction in methods to prevent choking and has demonstrated an ability to perform the Heimlich maneuver to be present while students are being served food.

The department of education and workforce shall establish guidelines for use by districts and schools in implementing this section.

(B) Any nonpublic school or employee of a nonpublic school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by an act or omission of the nonpublic school or an employee of the nonpublic school in connection with performance of the duties required under division (A) of this section unless such act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

(C) This section does not create a new cause of action or substantive legal right against any person.

Sec. 3313.817. (A) When the department of education and workforce is able to obtain free of charge computer software for assessing the nutritional value of foods that does all of the following, the department shall make that software available free of charge to each public and chartered nonpublic school:

(1) Rates the healthiness of foods based on nutrient

density;	27633
(2) Assesses the amount of calories, total fat, saturated fat, trans fat, sugar, protein, fiber, calcium, iron, vitamin A, and vitamin C in each food item;	27634 27635 27636
(3) Evaluates the nutritional value of foods based on the dietary guidelines for Americans jointly developed by the United States department of agriculture and United States department of health and human services as they pertain to children and adolescents.	27637 27638 27639 27640 27641
(B) Each public and chartered nonpublic school shall use the software provided by the department under this section to determine the nutritional value of each a la carte food item available for sale at the school.	27642 27643 27644 27645
(C) When the department provides software under this section, each public and chartered nonpublic school shall comply with all of the following requirements:	27646 27647 27648
(1) No a la carte food item shall be in the lowest rated category of foods designated by the software.	27649 27650
(2) In the first school year in which the school is subject to this section, at least twenty per cent of the a la carte food items available for sale from each of the following sources during the regular and extended school day shall be in the highest rated category of foods designated by the software and in each school year thereafter, at least forty per cent of the a la carte food items available for sale from each of the following sources during the regular and extended school day shall be in that category:	27651 27652 27653 27654 27655 27656 27657 27658 27659
(a) A school food service program;	27660

(b) A vending machine located on school property;	27661
(c) A store operated by the school, a student association, or other school-sponsored organization.	27662 27663
(3) Each a la carte food item that is not in the highest rated category of foods designated by the software shall meet at least two of the following criteria:	27664 27665 27666
(a) It contains at least five grams of protein.	27667
(b) It contains at least ten per cent of the recommended daily value of fiber.	27668 27669
(c) It contains at least ten per cent of the recommended daily value of calcium.	27670 27671
(d) It contains at least ten per cent of the recommended daily value of iron.	27672 27673
(e) It contains at least ten per cent of the recommended daily value of vitamin A.	27674 27675
(f) It contains at least ten per cent of the recommended daily value of vitamin C.	27676 27677
(D) As an alternative to complying with division (C) of this section, a public or chartered nonpublic school may comply with the most recent guidelines for competitive foods issued by the alliance for a healthier generation with respect to the sale of a la carte food items.	27678 27679 27680 27681 27682
Sec. 3313.818. (A) (1) The department of education <u>and</u> <u>workforce</u> shall establish a program under which public schools that meet the conditions prescribed in this section shall offer breakfast to all students either before or during the school day. Each of the following shall apply:	27683 27684 27685 27686 27687

(a) In the first school year after ~~the effective date of~~ 27688
~~this section~~ October 17, 2019, the program shall apply to any 27689
public school in which seventy per cent or more of the students 27690
enrolled in the school during the previous school year were 27691
eligible under federal requirements for free or reduced-price 27692
breakfasts or lunches. 27693

(b) In the second school year after ~~the effective date of~~ 27694
~~this section~~ October 17, 2019, the program shall apply to any 27695
public school in which sixty per cent or more of the students 27696
enrolled in the school during the previous school year were 27697
eligible under federal requirements for free or reduced-price 27698
breakfasts or lunches. 27699

(c) In the third school year after the enactment date of 27700
this section and every school year thereafter, the program shall 27701
apply to any public school in which fifty per cent or more of 27702
the students enrolled in the school during the previous school 27703
year were eligible under federal requirements for free or 27704
reduced-price breakfasts or lunches. 27705

(2) The district superintendent or building principal, in 27706
consultation with the building staff, shall determine the model 27707
for serving breakfast under the program. Each breakfast served 27708
under the program shall comply with federal meal patterns and 27709
nutritional standards and with section 3313.814 of the Revised 27710
Code. A school district board of education may make a charge in 27711
accordance with federal requirements for each meal to cover all 27712
or part of the costs incurred in operating the program. 27713

(B) The department shall publish a list of public schools 27714
that meet the conditions of division (A) of this section. The 27715
department shall offer technical assistance to school districts 27716
and schools regarding the implementation of a school breakfast 27717

program that complies with this section and the submission of 27718
claims for reimbursement under the federal school breakfast 27719
program. 27720

(C) (1) The department shall monitor each school 27721
participating in the program and ensure that each participating 27722
school complies with the requirements of this section. 27723

(2) If the board of education of a school district 27724
determines that, for financial reasons, a school under the 27725
board's control cannot comply with the requirements of this 27726
section or the board already has a successful breakfast program 27727
or partnership in place, the district board may choose not to 27728
comply with those requirements. 27729

(D) Not later than the thirty-first day of December of 27730
each school year, the department shall provide statistical 27731
reports on its web site that specify the number and percentage 27732
of students participating in school breakfast programs 27733
disaggregated by school district and individual schools, 27734
including community schools, established under Chapter 3314. of 27735
the Revised Code, and STEM schools, established under Chapter 27736
3326. of the Revised Code. 27737

(E) Not later than the thirty-first day of December of 27738
each school year, the department shall prepare a report on the 27739
implementation and effectiveness of the program established 27740
under this section and submit the report to the general 27741
assembly, in accordance with section 101.68 of the Revised Code, 27742
and to the governor. The report shall include: 27743

(1) The number of students and participation rates in the 27744
free and reduced-price breakfast programs under this section for 27745
each school building; 27746

(2) The type of breakfast model used by each school building participating in the breakfast program; 27747
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(3) The number of students and participation rates in free or reduced-price lunch for each school building. 27749
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Sec. 3313.821. The ~~superintendent of public instruction~~department of education and workforce, in consultation with the governor's executive workforce board, shall establish standards for the operation of business advisory councils established by the board of education of a school district or the governing board of an educational service center under section 3313.82 of the Revised Code. The standards adopted by the ~~state superintendent department~~ shall include at least the following requirements: 27751
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(A) Each advisory council and the board of education or governing board that established it shall develop a plan by which the advisory council shall advise the board of at least those matters specified by the board pursuant to section 3313.82 of the Revised Code. 27760
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(B) Each plan developed pursuant to division (A) of this section shall be filed with the department of education and workforce. 27765
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(C) Each business advisory council shall meet with its school board at least quarterly. 27768
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(D) Each business advisory council and its school board shall file a joint statement, not later than the first day of March of each school year, describing how the school district or service center and its business advisory council has fulfilled their responsibilities pursuant to this section and section 3313.82 of the Revised Code. 27770
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Sec. 3313.843. (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to any cooperative education school district.

(B) (1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

(3) Services provided under an agreement entered into under division (B) (1) or (2) of this section shall be specified in the agreement, and may include any of the following: supervisory teachers; in-service and continuing education programs for district personnel; curriculum services; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; assistance in the provision of special accommodations and classes for students with disabilities; or any other services the district board and service center governing board agree can be better provided by the service center and are not provided under an agreement entered into under section 3313.845 of the Revised Code. Services included in

the agreement shall be provided to the district in the manner 27806
specified in the agreement. The district board of education 27807
shall reimburse the educational service center governing board 27808
pursuant to division (H) of this section. 27809

(C) Any agreement entered into pursuant to this section 27810
shall be filed with the department of education and workforce by 27811
the first day of July of the school year for which the agreement 27812
is in effect. 27813

(D) (1) An agreement for services from an educational 27814
service center entered into under this section may be terminated 27815
by the school district board of education, at its option, by 27816
notifying the governing board of the service center by March 1, 27817
2012, or by the first day of January of any odd-numbered year 27818
thereafter, that the district board intends to terminate the 27819
agreement in that year, and that termination shall be effective 27820
on the thirtieth day of June of that year. The failure of a 27821
district board to notify an educational service center of its 27822
intent to terminate an agreement by March 1, 2012, shall result 27823
in renewal of the existing agreement for the following school 27824
year. Thereafter, the failure of a district board to notify an 27825
educational service center of its intent to terminate an 27826
agreement by the first day of January of an odd-numbered year 27827
shall result in renewal of the existing agreement for the 27828
following two school years. 27829

(2) If the school district that terminates an agreement 27830
for services under division (D) (1) of this section is also 27831
subject to the requirement of division (B) (1) of this section, 27832
the district board shall enter into a new agreement with any 27833
educational service center so that the new agreement is 27834
effective on the first day of July of that same year. 27835

(3) If all moneys owed by a school district to an educational service center under an agreement for services terminated under division (D)(1) of this section have been paid in full by the effective date of the termination, the governing board of the service center shall submit an affidavit to the department certifying that fact not later than fifteen days after the termination's effective date. Notwithstanding anything in the Revised Code to the contrary, until the department receives such an affidavit, it shall not make any payments to any other educational service center with which the district enters into an agreement under this section for services that the educational service center provides to the district.

(E) An educational service center may apply to any state or federal agency for competitive grants. It may also apply to any private entity for additional funds.

(F) Not later than January 1, 2014, each educational service center shall post on its web site a list of all of the services that it provides and the corresponding cost for each of those services.

(G) (1) For purposes of calculating any state operating subsidy to be paid to an educational service center for the operation of that service center and any services required under Title XXXIII of the Revised Code to be provided by the service center to a school district, the service center's student count shall be the sum of the total student counts of all the school districts with which the educational service center has entered into an agreement under this section.

(2) When a district enters into a new agreement with a new educational service center, the department ~~of education~~ shall ensure that the state operating subsidy for services provided to

the district is paid to the new educational service center and 27866
that the educational service center with which the district 27867
previously had an agreement is no longer paid a state operating 27868
subsidy for providing services to that district. 27869

(H) Pursuant to division (B) of section 3317.023 of the 27870
Revised Code, the department annually shall deduct from each 27871
school district that enters into an agreement with an 27872
educational service center under this section, and pay to the 27873
service center, an amount equal to six dollars and fifty cents 27874
times the school district's total student count. The district 27875
board of education, or the district superintendent acting on 27876
behalf of the district board, may agree to pay an amount in 27877
excess of six dollars and fifty cents per student in total 27878
student count. If a majority of the boards of education, or 27879
superintendents acting on behalf of the boards, of the districts 27880
that entered into an agreement under this section approve an 27881
amount in excess of six dollars and fifty cents per student in 27882
total student count, each district shall pay the excess amount 27883
to the service center. 27884

(I) (1) An educational service center may enter into a 27885
contract to purchase supplies, materials, equipment, and 27886
services, which may include those specified in division (B) of 27887
this section or Chapter 3312. of the Revised Code, or the 27888
delivery of such services, on behalf of a school district or 27889
political subdivision that has entered into an agreement with 27890
the service center under this section or section 3313.844, 27891
3313.845, or 3313.846 of the Revised Code. 27892

(2) Purchases made by a school district or political 27893
subdivision that has entered into an agreement with the service 27894
center as described in this division are exempt from competitive 27895

bidding required by law for the purchase of supplies, materials, 27896
equipment, or services. No political subdivision shall make any 27897
purchase under this division when the political subdivision has 27898
received bids for such purchase, unless the same terms, 27899
conditions, and specifications at a lower price can be made for 27900
such purchase under this division. 27901

(J) Any school district, community school, or STEM school 27902
that has entered into an agreement with an educational service 27903
center under this section or section 3313.844 or 3313.845 of the 27904
Revised Code shall be in compliance with federal law and exempt 27905
from competitive bidding requirements for personnel-based 27906
services pursuant to the authority granted to the Ohio 27907
department of education and workforce under federal law, 27908
provided the service center has met the following conditions: 27909

(1) It is in compliance with division (F) of this section. 27910

(2) It has been designated "high performing" under rule of 27911
~~the state board of education department.~~ 27912

(3) It has been found to be substantially in compliance 27913
with audit rules and guidelines in its most recent audit by the 27914
auditor of state. 27915

(K) For purposes of this section, a school district's 27916
"total student count" means the average daily student enrollment 27917
reported on the most recent report card issued for the district 27918
pursuant to section 3302.03 of the Revised Code. 27919

Sec. 3313.844. The governing authority of a community 27920
school established under Chapter 3314. of the Revised Code and 27921
the governing board of an educational service center may enter 27922
into an agreement, through adoption of identical resolutions, 27923
under which the service center board will provide services to 27924

the community school. Services provided under the agreement and 27925
the amount and manner in which the community school will pay for 27926
such services shall be mutually agreed to by the school's 27927
governing authority and the service center board, and shall be 27928
specified in the service agreement. If specified in the 27929
agreement as the manner of payment, the department of education 27930
and workforce shall pay the service center the amount due to it 27931
under the agreement and shall deduct that amount from the 27932
payments made to the community school under Chapter 3314. of the 27933
Revised Code. Any agreement entered into under this section 27934
shall be valid only if a copy is filed with the department. 27935

Sec. 3313.845. The board of education of a city, exempted 27936
village, local, or joint vocational school district and the 27937
governing board of an educational service center may enter into 27938
an agreement under which the educational service center will 27939
provide services to the school district. Services provided under 27940
the agreement and the amount to be paid for such services shall 27941
be mutually agreed to by the district board of education and the 27942
service center governing board, and shall be specified in the 27943
agreement. Payment for services specified in the agreement shall 27944
be made pursuant to the terms of that agreement. If specified in 27945
the agreement as the manner of payment, the department of 27946
education and workforce shall pay the service center the amount 27947
due to it under the agreement and shall deduct that amount from 27948
the payments made to the city, exempted village, local, or joint 27949
vocational school district under Chapter 3317. of the Revised 27950
Code. Any agreement entered into pursuant to this section shall 27951
be valid only if a copy is filed with the department. 27952

The authority granted under this section to the boards of 27953
education of city, exempted village, and local school districts 27954
is in addition to the authority granted to such boards under 27955

section 3313.843 of the Revised Code. 27956

Sec. 3313.846. The governing board of an educational 27957
service center may enter into a contract with any political 27958
subdivision as defined in section 2744.01 of the Revised Code, 27959
not including school districts, community schools, or STEM 27960
schools contracting for services under section 3313.843, 27961
3313.844, 3313.845, or 3326.45 of the Revised Code, under which 27962
the educational service center will provide services to the 27963
political subdivision. Services provided under the contract and 27964
the amount to be paid for such services shall be mutually agreed 27965
to by the parties and shall be specified in the contract. The 27966
political subdivision shall directly pay an educational service 27967
center for services specified in the contract. The board of the 27968
educational service center shall file a copy of each contract 27969
entered into under this section with the department of education 27970
and workforce by the first day the contract is in effect. 27971

Sec. 3313.90. As used in this section, "formula ADM" has 27972
the same meaning as in section 3317.02 of the Revised Code. 27973
Notwithstanding division (D) of section 3311.19 and division (D) 27974
of section 3311.52 of the Revised Code, the provisions of this 27975
section that apply to a city school district do not apply to any 27976
joint vocational or cooperative education school district. 27977

(A) Except as provided in division (B) of this section, 27978
each city, local, and exempted village school district shall, by 27979
one of the following means, provide to students enrolled in 27980
grades seven through twelve career-technical education adequate 27981
to prepare a student enrolled therein for an occupation: 27982

(1) Establishing and maintaining a career-technical 27983
education program that meets standards adopted by the ~~state~~ 27984
~~board~~ department of education and workforce; 27985

(2) Being a member of a joint vocational school district 27986
that meets standards adopted by the ~~state board~~ department; 27987

(3) Contracting for career-technical education with a 27988
joint vocational school district or another school district that 27989
meets the standards adopted by the ~~state board~~ department. 27990

The standards of the ~~state board of education~~ department 27991
shall include criteria for the participation by nonpublic 27992
students in career-technical education programs without 27993
financial assessment, charge, or tuition to such student except 27994
such assessments, charges, or tuition paid by resident public 27995
school students in such programs. Such nonpublic school students 27996
shall be included in the formula ADM of the school district 27997
maintaining the career-technical education program as part-time 27998
students in proportion to the time spent in the career-technical 27999
education program. 28000

By the thirtieth day of October of each year, the 28001
~~superintendent of public instruction~~ director of education and 28002
workforce shall determine and certify to the superintendent of 28003
each school district subject to this section either that the 28004
district is in compliance with the requirements of this section 28005
for the current school year or that the district is not in 28006
compliance. If the ~~superintendent~~ director certifies that the 28007
district is not in compliance, ~~he~~ the director shall notify the 28008
board of education of the district of the actions necessary to 28009
bring the district into compliance with this section. 28010

In meeting standards established by the ~~state board of~~ 28011
~~education~~ department, school districts, where practicable, shall 28012
provide career-technical education programs in high schools. A 28013
minimum enrollment of fifteen hundred students in grades nine 28014
through twelve is established as a base for comprehensive 28015

career-technical education course offerings. Beginning with the 28016
2015-2016 school year, this base shall increase to a minimum 28017
enrollment of two thousand two hundred fifty students in grades 28018
seven through twelve. A school district may meet this 28019
requirement alone, through a cooperative arrangement pursuant to 28020
section 3313.92 of the Revised Code, through school district 28021
consolidation, by membership in a joint vocational school 28022
district, by contract with a school district, by contract with a 28023
school licensed by any state agency established by the Revised 28024
Code which school operates its courses offered for contracting 28025
with public schools under standards as to staffing and 28026
facilities comparable to those prescribed by the ~~state board of~~ 28027
~~education department~~ for public schools provided no instructor 28028
in such courses shall be required to be certificated by the 28029
~~state department of education~~, or in a combination of such ways. 28030
Exceptions to the minimum enrollment prescribed by this section 28031
may be made by the ~~state board of education department~~ based on 28032
sparsity of population or other factors indicating that 28033
comprehensive educational and career-technical education 28034
programs as required by this section can be provided through an 28035
alternate plan. 28036

(B) If the board of education of a city, local, or 28037
exempted village school district adopts a resolution that 28038
specifies the district's intent not to provide career-technical 28039
education to students enrolled in grades seven and eight for a 28040
particular school year and submits that resolution to the 28041
department by the thirtieth day of September of that school 28042
year, the department shall waive the requirement for that 28043
district to provide career-technical education to students 28044
enrolled in grades seven and eight for that particular school 28045
year. 28046

Sec. 3313.902. (A) As used in this section:	28047
(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of higher education.	28048 28049 28050
(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section.	28051 28052 28053
(3) "Approved program of study" means a program of study offered by an approved institution that satisfies the requirements of division (B) of this section.	28054 28055 28056
(4) An eligible student's "career pathway training program amount" means the following:	28057 28058
(a) If the student is enrolled in a tier one career pathway training program, \$4,800;	28059 28060
(b) If the student is enrolled in a tier two career pathway training program, \$3,200;	28061 28062
(c) If the student is enrolled in a tier three career pathway training program, \$1,600.	28063 28064
(5) "Eligible institution" means any of the following:	28065
(a) A community college established under Chapter 3354. of the Revised Code;	28066 28067
(b) A technical college established under Chapter 3357. of the Revised Code;	28068 28069
(c) A state community college established under Chapter 3358. of the Revised Code;	28070 28071
(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.	28072 28073

(6) "Eligible student" means an individual who is at least 28074
twenty years of age and has not received a high school diploma 28075
or a certificate of high school equivalence, as defined in 28076
section 4109.06 of the Revised Code. 28077

(7) A "tier one career pathway training program" is a 28078
career pathway training program that requires more than six 28079
hundred hours of technical training, as determined by the 28080
department of education and workforce. 28081

(8) A "tier two career pathway training program" is a 28082
career pathway training program that requires more than three 28083
hundred hours of technical training but less than six hundred 28084
hours of technical training, as determined by the department. 28085

(9) A "tier three career pathway training program" is a 28086
career pathway training program that requires three hundred 28087
hours or less of technical training, as determined by the 28088
department. 28089

(10) An eligible student's "work readiness training 28090
amount" means the following: 28091

(a) If the student's grade level upon initial enrollment 28092
in an approved program of study at an approved institution is 28093
below the ninth grade, as determined in accordance with rules 28094
adopted under division (E) of this section, \$1,500. 28095

(b) If the student's grade level upon initial enrollment 28096
in an approved program of study at an approved institution is at 28097
or above the ninth grade, as determined in accordance with rules 28098
adopted under division (E) of this section, \$750. 28099

(B) The adult diploma pilot program is hereby established 28100
to permit an eligible institution to obtain approval from the 28101
~~superintendent of public instruction~~ department of education and 28102

workforce and the chancellor to develop and offer a program of 28103
study that allows an eligible student to obtain a high school 28104
diploma. A program shall be eligible for this approval if it 28105
satisfies all of the following requirements: 28106

(1) The program allows an eligible student to complete the 28107
requirements for obtaining a high school diploma that are 28108
specified in rules adopted ~~by the superintendent~~ under division 28109
(E) of this section while also completing requirements for an 28110
approved industry credential or certificate. 28111

(2) The program includes career advising and outreach. 28112

(3) The program includes opportunities for students to 28113
receive a competency-based education. 28114

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 28115
3313.614, 3313.618, and 3313.619 of the Revised Code, the ~~state-~~ 28116
~~board of education~~ department shall grant a high school diploma 28117
to each eligible student who enrolls in an approved program of 28118
study at an approved institution and completes the requirements 28119
for obtaining a high school diploma that are specified in rules 28120
adopted ~~by the superintendent~~ under division (E) of this 28121
section. 28122

(D) (1) The department shall calculate the following amount 28123
for each eligible student enrolled in each approved 28124
institution's approved program of study: 28125

(The student's career pathway training program amount + the 28126
student's work readiness training amount) X 1.2 28127

(2) Except as provided in division (D) (4) of this section, 28128
the department shall pay the amount calculated for an eligible 28129
student under division (D) (1) of this section to the approved 28130
institution in which the student is enrolled in the following 28131

manner: 28132

(a) Twenty-five per cent of the amount calculated under 28133
division (D) (1) of this section shall be paid to the approved 28134
institution after the student successfully completes the first 28135
third of the approved program of study, as determined by the 28136
department; 28137

(b) Twenty-five per cent of the amount calculated under 28138
division (D) (1) of this section shall be paid to the approved 28139
institution after the student successfully completes the second 28140
third of the approved program of study, as determined by the 28141
department; 28142

(c) Fifty per cent of the amount calculated under division 28143
(D) (1) of this section shall be paid to the approved institution 28144
after the student successfully completes the final third of the 28145
approved program of study, as determined by the department. 28146

(3) Of the amount paid to an approved institution under 28147
division (D) (2) of this section, the institution may use the 28148
amount that is in addition to the student's career pathway 28149
training amount and the student's work readiness training amount 28150
for the associated services of the approved program of study. 28151
These services include counseling, advising, assessment, and 28152
other services as determined or required by the department. 28153

(4) If the ~~superintendent~~ department and the chancellor 28154
determine that ~~is it~~ it is appropriate for an entity other than 28155
the department to make full or partial payments for an eligible 28156
student under division (D) (2) of this section, that entity shall 28157
make those payments and the department shall not make those 28158
payments. 28159

(E) The ~~superintendent~~ director of education and workforce, 28160

in consultation with the chancellor, shall adopt rules for the 28161
implementation of the adult diploma pilot program, including all 28162
of the following: 28163

(1) The requirements for applying for program approval; 28164

(2) The requirements for obtaining a high school diploma 28165
through the program, including the requirement to obtain a 28166
passing score on an assessment that is appropriate for the 28167
career pathway training program that is being completed by the 28168
eligible student, and the date on which these requirements take 28169
effect; 28170

(3) The assessment or assessments that may be used to 28171
complete the assessment requirement for each career pathway 28172
training program under division (E) (2) of this section and the 28173
score that must be obtained on each assessment in order to pass 28174
the assessment; 28175

(4) Guidelines regarding the funding of the program under 28176
division (D) of this section, including a method of funding for 28177
students who transfer from one approved institution to another 28178
approved institution prior to completing an approved program of 28179
study; 28180

(5) Circumstances under which an eligible student may be 28181
charged for tuition, supplies, or associated fees while enrolled 28182
in an approved institution's approved program of study; 28183

(6) A requirement that an eligible student may not be 28184
charged for tuition, supplies, or associated fees while enrolled 28185
in an approved institution's approved program of study except in 28186
the circumstances described under division (E) (5) of this 28187
section; 28188

(7) The payment of federal funds that are to be used by 28189

approved programs of study at approved institutions. 28190

Sec. 3313.903. Except as otherwise required under federal 28191
law, the department of education and workforce shall consider an 28192
industry-recognized credential, as approved under section 28193
3313.6113 of the Revised Code, or a license issued by a state 28194
agency or board for practice in a vocation that requires an 28195
examination for issuance of that license as an acceptable 28196
measure of technical skill attainment and shall not require a 28197
student with such credential or license to take additional 28198
technical assessments. 28199

Additionally, the department shall not require a student 28200
who has participated in or will be participating in a 28201
credentialing assessment aligned to the student's career- 28202
technical education program or has participated in or will be 28203
participating in taking an examination for issuance of such a 28204
license aligned to the student's career-technical education 28205
program to take additional technical assessments. 28206

However, if the student does not participate in the 28207
credentialing assessment or license examination, the student 28208
shall take the applicable technical assessments prescribed by 28209
the department. 28210

The department shall develop, in consultation with the 28211
Ohio association for career and technical education, the Ohio 28212
association of career-technical superintendents, the Ohio 28213
association of city career-technical schools, and other 28214
stakeholders, procedures for identifying industry-recognized 28215
credentials and licenses aligned to a student's career-technical 28216
education program that can be used as an acceptable measure of 28217
technical skill, and for identifying students in the process of 28218
earning such credentials and licenses. The department shall 28219

consider the possibility of attaining college credit as a factor 28220
when identifying an acceptable measure of technical skill. 28221

Not later than the thirty-first day of May of each year, 28222
the department shall, in consultation with the Ohio association 28223
for career and technical education, the Ohio association of 28224
career-technical superintendents, and the Ohio association of 28225
comprehensive and compact career-technical schools, update a 28226
list developed by the department regarding technical assessments 28227
subject to this section. 28228

As used in this section, "technical assessments" shall not 28229
include the nationally recognized job skills assessment 28230
prescribed under division ~~(G)~~ (F) of section 3301.0712 of the 28231
Revised Code. 28232

Nothing in this section shall exempt a student who wishes 28233
to qualify for a high school diploma under division (A) (3) of 28234
section 3313.618 of the Revised Code from the requirement to 28235
attain a specified score on that assessment in order to qualify 28236
for a high school diploma under that section. 28237

Sec. 3313.904. The department of education and workforce 28238
and the department of job and family services, in consultation 28239
with the governor's office of workforce transformation, shall 28240
establish an option for career-technical education students to 28241
participate in pre-apprenticeship training programs that impart 28242
the skills and knowledge needed for successful participation in 28243
a registered apprenticeship occupation course. 28244

Sec. 3313.905. (A) Southern state community college shall 28245
establish and maintain, for a period of five years, the Ohio 28246
code-scholar pilot program to address technical workforce needs. 28247

(B) Not later than July 31, 2021, southern state community 28248

college shall appoint a program coordinator who shall be 28249
responsible for all of the following, as well as any other 28250
responsibilities as determined by the southern state community 28251
college board of trustees: 28252

(1) Form a coalition and act as the liaison between 28253
southern state community college and the coalition to develop 28254
the pilot program. 28255

The coalition shall include members from the following: 28256

(a) The department of education and workforce; 28257

(b) Educators in grades kindergarten through twelve; 28258

(c) Career technical education staff; 28259

(d) Educational service center staff; 28260

(e) Representatives of post-secondary institutions in the 28261
areas in which the pilot program is operating; 28262

(f) Federally and state-funded research organizations, as 28263
determined by the southern state community college board of 28264
trustees and the program coordinator; 28265

(g) Local businesses in the areas in which the pilot 28266
program is operating, as determined by the southern state 28267
community college board of trustees and the program coordinator. 28268

(2) In collaboration with the coalition, as described in 28269
division (B)(1) of this section, develop a curriculum for grades 28270
seven through twelve to be utilized by the pilot program that 28271
focuses on industry standards in the field of computer sciences, 28272
including coding, and is divided as follows: 28273

(a) For grades seven and eight, a focus on career 28274
exploration, career readiness initiatives, and an introduction 28275

to coding and computer sciences;	28276
(b) For grades nine through twelve, a focus on	28277
intermediate and advanced coding, computer sciences, and the	28278
potential for industry level credentialing.	28279
(3) Submit an annual report to southern state community	28280
college regarding the progress and implementation of the pilot	28281
program;	28282
(4) Determine the manner in which the pilot program shall	28283
recruit school districts and other participants for the fall of	28284
2021 from the following counties:	28285
(a) Southern Ohio, specifically, Fayette, Clinton, Adams,	28286
and Highland counties;	28287
(b) Brown county;	28288
(c) Pike county.	28289
(5) Develop a structured timeline by which the pilot	28290
program shall operate over the five-year period, with full	28291
administration beginning in the fall of 2022;	28292
(6) Determine the manner in which to incorporate the	28293
college credit plus program as established under Chapter 3365.	28294
of the Revised Code within the pilot program;	28295
(7) In collaboration with the designated department,	28296
advisor, and instructor, as appointed by southern state	28297
community college, develop a system for the articulation of	28298
credits earned under the pilot program and align them into a	28299
for-credit program at southern state community college;	28300
(8) Act as fiscal operator of the pilot program.	28301
(C) Upon completion of the pilot program, southern state	28302

community college, in collaboration with the program 28303
coordinator, shall submit a full report and any legislative 28304
recommendations to the General Assembly, in accordance with 28305
section 101.68 of the Revised Code, regarding the outcomes of 28306
the pilot program. 28307

Sec. 3313.906. (A) As used in this section, "digital 28308
learning" has the same meaning as in section 3301.079 of the 28309
Revised Code. 28310

(B) The ~~state board~~ department of education and workforce 28311
shall permit each career-technical education program approved 28312
under section 3317.161 of the Revised Code to provide remote or 28313
digital learning opportunities to students on a full-time or 28314
hybrid basis to the extent practicable. 28315

Sec. 3313.91. Notwithstanding division (D) of section 28316
3311.19 and division (D) of section 3311.52 of the Revised Code, 28317
the provisions of this section and section 3313.911 of the 28318
Revised Code that apply to a city school district do not apply 28319
to any joint vocational or cooperative education school district 28320
unless otherwise specified. 28321

The board of education of any city, local, exempted 28322
village, or joint vocational school district may contract with 28323
any public agency, board, or bureau, or with any private 28324
individual or firm for the purchase of any vocational education 28325
or vocational rehabilitation service for any resident of the 28326
district under the age of twenty-one years and may pay for such 28327
services with public funds. Any such vocational education or 28328
vocational rehabilitation service shall meet the same 28329
requirements, including those for teachers, facilities, and 28330
equipment, as those required of the public schools and be 28331
approved by the ~~state~~ department of education and workforce. 28332

The ~~state board of education department~~ may assign city, 28333
local, or exempted village school districts to joint vocational 28334
districts and pursuant to ~~state board~~ the department's rules, 28335
shall require such districts to enter into contractual 28336
agreements pursuant to section 3313.90 of the Revised Code so 28337
that special education students as well as others may receive 28338
suitable vocational services. Such rules shall prescribe a 28339
formula under which the district that contracts to receive the 28340
services agrees to pay an annual fee to the district providing 28341
the vocational education program. The amount of the fee shall be 28342
computed in accordance with a formula prescribed by ~~state board~~ 28343
the department's rule, but the rule shall permit the 28344
~~superintendent of public instruction~~ director of education and 28345
workforce to prescribe a lower fee than the amount required to 28346
be paid by the formula in cases where ~~he~~ the ~~director~~ 28347
determines either that the approved vocational course offerings 28348
of the district that is to pay the fee are of sufficient breadth 28349
to warrant a lower annual fee, or that the situation warrants a 28350
lower annual fee. 28351

Sec. 3313.911. The ~~state board~~ department of education and 28352
workforce may ~~adopt a resolution assigning~~ assign a city, 28353
exempted village, or local school district that is not a part of 28354
a joint vocational school district to membership in a joint 28355
vocational school district. ~~A copy of the resolution~~ The 28356
department shall ~~be certified to notify~~ the board of education 28357
of the joint vocational school district and the board of 28358
education of the district proposed to be assigned of the 28359
assignment. The board of education of the joint vocational 28360
school district shall advertise ~~a copy of the resolution~~ the 28361
assignment in a newspaper of general circulation in the district 28362
proposed to be assigned once each week for two weeks, or as 28363

provided in section 7.16 of the Revised Code, immediately 28364
following the certification of the ~~resolution-assignment~~ to the 28365
board. The assignment shall take effect on the ninety-first day 28366
after the ~~state board adopts the resolution~~ department notifies 28367
the board, unless prior to that date qualified electors residing 28368
in the school district proposed for assignment, equal in number 28369
to ten per cent of the qualified electors of that district 28370
voting at the last general election, file a petition against the 28371
assignment. 28372

The petition of referendum shall be filed with the 28373
treasurer of the board of education of the district proposed to 28374
be assigned to the joint vocational school district. The 28375
treasurer shall give the person presenting the petition a 28376
receipt showing the time of day, date, and purpose of the 28377
petition. The treasurer shall cause the board of elections to 28378
determine the sufficiency of signatures on the petition and if 28379
the signatures are found to be sufficient, shall present the 28380
petition to the board of education of the district. The board of 28381
education shall promptly certify the question to the board of 28382
elections for the purpose of having the question placed on the 28383
ballot at the next general, primary, or special election not 28384
earlier than sixty days after the date of the certification. 28385

Only those qualified electors residing in the district 28386
proposed for assignment to the joint vocational school district 28387
are qualified to vote on the question. If a majority of the 28388
electors voting on the question vote against the assignment, it 28389
shall not take place, and the ~~state board of education~~ 28390
department shall require the district to contract with the joint 28391
vocational school district or another school district as 28392
authorized by section 3313.91 of the Revised Code. 28393

If a majority of the electors voting on the question do 28394
not vote against the assignment, the assignment shall take 28395
immediate effect, and the board of education of the joint 28396
vocational school district shall notify the county auditor of 28397
the county in which the school district becoming a part of the 28398
joint vocational school district is located to have any 28399
outstanding levy of the joint vocational school district spread 28400
over the territory of the school district that has become a part 28401
of the joint vocational school district. 28402

The assignment of a school district to a joint vocational 28403
school district pursuant to this section is subject to any 28404
agreements made between the board of education of the assigned 28405
school district and the board of education of the joint 28406
vocational school district. Such an agreement may include 28407
provisions for a payment by the assigned school district to the 28408
joint vocational school district of an amount to be contributed 28409
toward the cost of the existing facilities of the joint 28410
vocational school district. 28411

Sec. 3313.92. (A) The boards of education of any two or 28412
more school districts may, subject to the approval of the 28413
~~superintendent of public instruction~~department of education and 28414
workforce, enter into agreements for the joint or cooperative 28415
construction, acquisition, or improvement of any building, 28416
structure, or facility benefiting the parties thereto, 28417
including, without limitation, schools and classrooms for the 28418
purpose of Chapter 3323. of the Revised Code, and for the 28419
management, operation, occupancy, use, maintenance, or repair 28420
thereof, or for the joint or cooperative participation in 28421
programs, projects, activities, or services in connection with 28422
such buildings, structures, or facilities, including 28423
participation in the Ohio education computer network established 28424

by section 3301.075 of the Revised Code. 28425

(B) Any agreement entered into under authority of this 28426
section shall, where appropriate, provide for: 28427

(1) The method by which the building, structure, or 28428
facility shall be constructed, acquired, or improved and by 28429
which it shall be managed, occupied, maintained, and repaired, 28430
and specifically a designation of one of the boards of education 28431
to take and have exclusive charge of any and all details of 28432
construction, acquisition, or improvement, including any 28433
advertising for bids and the award of any construction or 28434
improvement contract pursuant to the law applicable to such 28435
board of education; 28436

(2) The manner in which the title to the buildings, 28437
structures, or facilities, including the sites and interests in 28438
real estate necessary therefor, is to be held by one or more of 28439
such boards of education; 28440

(3) The management or administration of any such programs, 28441
projects, activities, services, or joint exercise of powers, 28442
which may include management or administration by one of said 28443
boards of education; 28444

(4) The manner of apportionment or sharing of all of the 28445
costs, or specified classes of costs, including without 28446
limitation costs of planning, construction, acquisition, 28447
improvement, management, operation, maintenance, or repair of 28448
such buildings, structures, or facilities, or of planning and 28449
conducting such programs or projects, or obtaining such 28450
services, which apportionment or sharing may be based on fixed 28451
amounts, or on ratios or formulas, or affected through tuitions 28452
to be contributed by the parties or in such manner therein 28453

provided.	28454
(C) Any agreement entered into under authority of this	28455
section may provide for:	28456
(1) An orderly process for making determinations as to	28457
planning, execution, implementation, and operation, which may	28458
include provisions for a committee, board, or commission, and	28459
for representation thereon;	28460
(2) Securing necessary personnel, including participation	28461
of teachers and other personnel from the respective school	28462
districts;	28463
(3) Standards or conditions for the admission or	28464
participation of students and others, including students from	28465
other school districts;	28466
(4) Conditions for admittance of other school districts to	28467
participation under the agreement;	28468
(5) Fixing or establishing the method of determining	28469
special charges to be made for particular services or materials;	28470
(6) The manner of amending, supplementing, terminating, or	28471
withdrawal or removal of any party from, the agreement, and the	28472
term of the agreement or an indefinite term;	28473
(7) Designation of the applicants for or recipients of any	28474
state, federal, or other aid, assistance, or loans available by	28475
reason of any activities conducted under the agreement;	28476
(8) Designation of one or more of the participating boards	28477
of education to maintain, prepare, and submit, on behalf of all	28478
parties to the agreement, any or all records and reports with	28479
regard to the activities conducted under the agreement,	28480
including without limitation those required under sections	28481

3301.14, 3313.50, 3319.32 to 3319.37, 3321.12, 3323.08, and	28482
3323.13 of the Revised Code;	28483
(9) Such other matters as the parties thereto may agree	28484
upon for the purposes of division (A) of this section.	28485
(D) For the purpose of paying or contributing its share	28486
under an agreement made under this section, a board of education	28487
may:	28488
(1) Appropriate any moneys from its general fund, and from	28489
any other funds not otherwise restricted by law, including funds	28490
for permanent improvements of such board of education where the	28491
contribution is to be made toward the cost of permanent	28492
improvements under the agreement;	28493
(2) Issue bonds, and notes in anticipation thereof, under	28494
Chapter 133. and section 3311.20 of the Revised Code for any	28495
permanent improvement, as defined in section 133.01 of the	28496
Revised Code, to be provided under such agreement;	28497
(3) Levy taxes, and issue notes in anticipation thereof,	28498
under Chapters 3311. and 5705. of the Revised Code pertaining to	28499
such board of education, provided that the purpose of such levy	28500
may include the provision of funds for either or both permanent	28501
improvements and current operating expenses required as the	28502
share of such board of education under such agreement;	28503
(4) Contribute real and personal property for use under	28504
such agreement without necessity for competitive bidding on	28505
disposition of such property.	28506
(E) Funds provided by the parties to an agreement entered	28507
into under this section, whether by appropriation, the levy of	28508
taxes, the issuance of bonds or notes, or otherwise, shall be	28509
transferred to and placed in a separate fund or funds of such	28510

participating board of education as is designated the fiscal 28511
agent for such purpose under the agreement, shall be 28512
appropriated to and shall be applied for the purposes provided 28513
in such agreement, and shall be subject to audit and, pursuant 28514
to any determinations to be made as provided under such 28515
agreement, shall be deposited, invested, and disbursed under the 28516
provisions of law applicable to the board of education in whose 28517
custody those funds are held; and the records and reports of 28518
such board of education under Chapter 117. of the Revised Code 28519
with respect to those funds shall be sufficient without 28520
necessity for reports thereon by the other boards of education 28521
participating under such agreement. 28522

(F) As used in this section, "construction, acquisition, 28523
or improvement of any building, structure, or facility" also 28524
includes acquisition of real estate and interests in real estate 28525
therefor, site improvements, and furniture, furnishings, and 28526
equipment therefor. Buildings, structures, or facilities 28527
constructed, acquired, or improved under this section may, 28528
subject to the agreement, be used for any lawful purpose by each 28529
party so long as the use thereof is an authorized proper use for 28530
that party. 28531

(G) Any agreement entered into under this section shall be 28532
subject to any laws hereafter enacted making express reference 28533
therein to this section and requiring the transfer of any 28534
functions exercised or properties held under such agreement to 28535
any public officer, board, or body heretofore or hereafter 28536
established, or requiring the termination of such agreement, or 28537
otherwise affecting the agreement. 28538

(H) The powers granted in this section are supplementary 28539
to, and not in derogation of or restriction upon, all other 28540

powers of boards of education of school districts, and are to be 28541
liberally construed to permit the achievement of the objectives 28542
of this section and to permit the boards of education to take 28543
advantage of federal grant and loan programs, provided that the 28544
exercise of such powers shall be subject to such audit and 28545
regulation as would be applicable if exercised under any other 28546
provision of the Revised Code. 28547

Sec. 3313.941. (A) As used in this section, "state agency" 28548
means every organized body, office, or agency established by the 28549
laws or constitution of this state for the exercise of any 28550
function of state government. 28551

(B) Whenever a school district board of education collects 28552
racial data for the students enrolled in the school district or 28553
whenever the department of education and workforce or any other 28554
state agency collects or requires the collection and reporting 28555
of racial data for students enrolled in any chartered public or 28556
nonpublic school, the data collection shall include a 28557
multiracial category. 28558

For the purpose of reporting student racial data required 28559
by the federal government, if the federal standards for 28560
reporting student racial data do not include a multiracial 28561
category, both of the following apply: 28562

(1) Students identified as multiracial for state or 28563
district purposes also shall be identified by an appropriate 28564
federal category. 28565

(2) The parent, guardian, or custodian of each student 28566
shall have the opportunity to designate the appropriate federal 28567
racial category for the student. 28568

Sec. 3313.97. Notwithstanding division (D) of section 28569

3311.19 and division (D) of section 3311.52 of the Revised Code, 28570
this section does not apply to any joint vocational or 28571
cooperative education school district. 28572

(A) As used in this section: 28573

(1) "Parent" has the same meaning as in section 3313.64 of 28574
the Revised Code. 28575

(2) "Alternative school" means a school building other 28576
than the one to which a student is assigned by the district 28577
superintendent. 28578

(3) "IEP" has the same meaning as in section 3323.01 of 28579
the Revised Code. 28580

(B) The board of education of each city, local, and 28581
exempted village school district shall adopt an open enrollment 28582
policy allowing students entitled to attend school in the 28583
district pursuant to section 3313.64 or 3313.65 of the Revised 28584
Code to enroll in an alternative school. Each policy shall 28585
provide for the following: 28586

(1) Application procedures, including deadlines for 28587
application and for notification of students and principals of 28588
alternative schools whenever a student's application is 28589
accepted. The policy shall require a student to apply only if 28590
the student wishes to attend an alternative school. 28591

(2) The establishment of district capacity limits by grade 28592
level, school building, and education program; 28593

(3) A requirement that students enrolled in a school 28594
building or living in any attendance area of the school building 28595
established by the superintendent or board be given preference 28596
over applicants; 28597

(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	28598 28599
Each policy may permit a student to permanently transfer to an alternative school so that the student need not reapply annually for permission to attend the alternative school.	28600 28601 28602
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting applicants to alternative schools shall not include:	28603 28604 28605
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	28606 28607
(2) Limitations on admitting applicants because of disabling conditions, except that a board may require a student receiving services under Chapter 3323. of the Revised Code to attend school where the services described in the student's IEP are available;	28608 28609 28610 28611 28612
(3) A requirement that the student be proficient in the English language;	28613 28614
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant to an alternative school.	28615 28616 28617 28618 28619 28620 28621
(D) (1) Notwithstanding Chapter 3327. of the Revised Code, and except as provided in division (D) (2) of this section, a district board is not required to provide transportation to a nondisabled student enrolled in an alternative school unless such student can be picked up and dropped off at a regular	28622 28623 28624 28625 28626

school bus stop designated in accordance with the board's 28627
transportation policy or unless the board is required to provide 28628
additional transportation to the student in accordance with a 28629
court-approved desegregation plan. 28630

(2) A district board shall provide transportation to any 28631
student described in 20 U.S.C. 6316(b)(1)(F) to the extent 28632
required by division ~~(E)~~ (D) of section 3302.04 of the Revised 28633
Code, except that no district board shall be required to provide 28634
transportation to any such student after the school in which the 28635
student was enrolled immediately prior to enrolling in the 28636
alternative school makes adequate yearly progress, as defined in 28637
section 3302.01 of the Revised Code, for two consecutive school 28638
years. 28639

(E) Each school board shall provide information about the 28640
policy adopted under this section and the application procedures 28641
and deadlines to the parent of each student in the district and 28642
to the general public. 28643

(F) The ~~state board~~ department of education and workforce 28644
shall monitor school districts to ensure compliance with this 28645
section and the districts' policies. 28646

Sec. 3313.974. As used in this section and in sections 28647
3313.975 to 3313.979 of the Revised Code: 28648

(A) "Individualized education program" and "child with a 28649
disability" have the same meanings as in section 3323.01 of the 28650
Revised Code. 28651

(B) "Separately educated student with a disability" means 28652
a child with a disability who has an individualized education 28653
program providing for the student to spend at least half of each 28654
school day in a class or setting separated from nondisabled 28655

students. 28656

(C) "Low-income family" means a family whose income is 28657
below the level which the ~~superintendent of public instruction-~~ 28658
department of education and workforce shall establish. 28659

(D) "Parent" has the same meaning as in section 3313.98 of 28660
the Revised Code. 28661

(E) "Registered private school" means a school registered 28662
with the ~~superintendent of public instruction~~ director of 28663
education and workforce pursuant to section 3313.976 of the 28664
Revised Code. 28665

(F) "Alternative school" means a registered private school 28666
located in a school district or a public school located in an 28667
adjacent school district. 28668

(G) "Tutorial assistance" means instructional services 28669
provided to a student outside of regular school hours approved 28670
by the commission on school choice pursuant to section 3313.976 28671
of the Revised Code. 28672

Sec. 3313.975. As used in this section and in sections 28673
3313.976 to 3313.979 of the Revised Code, "the pilot project 28674
school district" or "the district" means any school district 28675
included in the pilot project scholarship program pursuant to 28676
this section. 28677

(A) The ~~superintendent of public instruction~~ director of 28678
education and workforce shall establish a implement the pilot 28679
project scholarship program and shall include in such program 28680
any school districts that are or have ever been under federal 28681
court order requiring supervision and operational management of 28682
the district by the state superintendent or director. The 28683
program shall provide for a number of students residing in any 28684

such district to receive scholarships to attend alternative 28685
schools, and for an equal number of students to receive tutorial 28686
assistance grants while attending public school in any such 28687
district. 28688

(B) The ~~state superintendent~~ director shall establish an 28689
application process and deadline for accepting applications from 28690
students residing in the district to participate in the 28691
scholarship program. In the initial year of the program students 28692
may only use a scholarship to attend school in grades 28693
kindergarten through third. 28694

The ~~state superintendent~~ director shall award as many 28695
scholarships and tutorial assistance grants as can be funded 28696
given the amount appropriated for the program. 28697

(C) (1) The pilot project program shall continue in effect 28698
each year that the general assembly has appropriated sufficient 28699
money to fund scholarships and tutorial assistance grants. In 28700
each year the program continues, new students may receive 28701
scholarships in grades kindergarten to twelve. A student who has 28702
received a scholarship may continue to receive one until the 28703
student has completed grade twelve. 28704

(2) If the general assembly discontinues the scholarship 28705
program, all students who are attending an alternative school 28706
under the pilot project shall be entitled to continued 28707
admittance to that specific school through all grades that are 28708
provided in such school, under the same conditions as when they 28709
were participating in the pilot project. The ~~state~~ 28710
~~superintendent~~ director shall continue to make scholarship 28711
payments in accordance with section 3317.022 of the Revised Code 28712
for students who remain enrolled in an alternative school under 28713
this provision in any year that funds have been appropriated for 28714

this purpose. 28715

If funds are not appropriated, the tuition charged to the 28716
parents of a student who remains enrolled in an alternative 28717
school under this provision shall not be increased beyond the 28718
amount equal to the amount of the scholarship plus any 28719
additional amount charged that student's parent in the most 28720
recent year of attendance as a participant in the pilot project, 28721
except that tuition for all the students enrolled in such school 28722
may be increased by the same percentage. 28723

(D) Notwithstanding sections 124.39 and 3311.83 of the 28724
Revised Code, if the pilot project school district experiences a 28725
decrease in enrollment due to participation in a state-sponsored 28726
scholarship program pursuant to sections 3313.974 to 3313.979 of 28727
the Revised Code, the district board of education may enter into 28728
an agreement with any teacher it employs to provide to that 28729
teacher severance pay or early retirement incentives, or both, 28730
if the teacher agrees to terminate the employment contract with 28731
the district board, provided any collective bargaining agreement 28732
in force pursuant to Chapter 4117. of the Revised Code does not 28733
prohibit such an agreement for termination of a teacher's 28734
employment contract. 28735

Sec. 3313.976. (A) No private school may receive 28736
scholarship payments from parents pursuant to section 3317.022 28737
of the Revised Code until the chief administrator of the private 28738
school registers the school with the ~~superintendent of public~~ 28739
~~instruction~~ director of education and workforce. The ~~state~~ 28740
~~superintendent~~ director shall register any school that meets the 28741
following requirements: 28742

(1) The school does any of the following: 28743

(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district;	28744 28745 28746
(b) Offers any of grades kindergarten through twelve and is located within the boundaries of a city, local, or exempted village school district that is both:	28747 28748 28749
(i) Located in a municipal corporation with a population of fifteen thousand or more;	28750 28751
(ii) Located within five miles of the border of the pilot project school district.	28752 28753
(c) Offers all of grades pre-kindergarten through eight, but not any of grades nine through twelve, and is located within the boundaries of a city, local, or exempted village school district that is:	28754 28755 28756 28757
(i) Located in a municipal corporation with a population of greater than ten thousand but less than thirteen thousand;	28758 28759
(ii) Located within five miles of the border of the pilot project school district;	28760 28761
(iii) Located in the same county as the pilot project school district.	28762 28763
(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;	28764 28765 28766 28767 28768 28769
(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except	28770 28771

that the ~~state superintendent~~ director at the ~~superintendent's~~ director's discretion may register nonchartered nonpublic schools meeting the other requirements of this division; 28772
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(4) The school does not discriminate on the basis of race, religion, or ethnic background; 28775
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(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 28777
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(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 28780
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(7) The school does not provide false or misleading information about the school to parents, students, or the general public; 28783
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(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section ~~5104.46~~ 5101.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any increase described in that division. 28786
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(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any increase described in that 28793
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division. The school shall permit such tuition, at the 28801
discretion of the parent, to be satisfied by the family's 28802
provision of in-kind contributions or services. 28803

(10) The school agrees not to charge any tuition to 28804
families of students in grades nine through twelve receiving a 28805
scholarship in excess of the actual tuition charge of the school 28806
less the scholarship amount established pursuant to division (A) 28807
(11) (a) of section 3317.022 of the Revised Code, excluding any 28808
increase described in that division. 28809

(11) It annually administers the applicable assessments 28810
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 28811
Revised Code to each scholarship student enrolled in the school 28812
in accordance with section 3301.0711 or 3301.0712 of the Revised 28813
Code and reports to the department of education the results of 28814
each such assessment administered to each scholarship student, 28815
unless one of the following applies to the student: 28816

(a) The student is excused from taking that assessment 28817
under federal law, the student's individualized education 28818
program, or division (C) (1) (c) (i) of section 3301.0711 of the 28819
Revised Code. 28820

(b) The student is enrolled in a chartered nonpublic 28821
school that meets the conditions specified in division (K) (2) or 28822
(L) (4) of section 3301.0711 of the Revised Code. 28823

(c) The student is enrolled in any of grades three to 28824
eight and takes an alternative standardized assessment under 28825
division (K) (1) of section 3301.0711 of the Revised Code. 28826

(d) The student is excused from taking the assessment 28827
prescribed under division (B) (1) of section 3301.0712 of the 28828
Revised Code pursuant to division (C) (1) (c) (ii) of section 28829

3301.0711 of the Revised Code. 28830

(B) The ~~state superintendent~~ director shall revoke the 28831
registration of any school if, after a hearing, the 28832
~~superintendent~~ director determines that the school is in 28833
violation of any of the provisions of division (A) of this 28834
section. 28835

(C) Any public school located in a school district 28836
adjacent to the pilot project school district may receive 28837
scholarship payments on behalf of parents pursuant to section 28838
3317.022 of the Revised Code if the superintendent of the 28839
district in which such public school is located notifies the 28840
~~state superintendent~~ director prior to the first day of March 28841
that the district intends to admit students from the pilot 28842
project school district for the ensuing school year pursuant to 28843
section 3327.06 of the Revised Code. 28844

(D) Any parent wishing to purchase tutorial assistance 28845
from any person or governmental entity pursuant to the pilot 28846
project program under sections 3313.974 to 3313.979 of the 28847
Revised Code shall apply to the ~~state superintendent~~ director. 28848
The ~~state superintendent~~ director shall approve providers who 28849
appear to possess the capability of furnishing the instructional 28850
services they are offering to provide. 28851

Sec. 3313.978. (A) Annually by the first day of November, 28852
the ~~superintendent of public instruction~~ director of education 28853
and workforce shall notify the pilot project school district of 28854
the number of initial scholarships that the ~~state superintendent~~ 28855
director will be awarding in each of grades kindergarten through 28856
twelve. 28857

The ~~state superintendent~~ director shall provide 28858

information about the scholarship program to all students 28859
residing in the district and shall accept applications from any 28860
such students during the application period established under 28861
division (H) of this section. 28862

(1) A student receiving a pilot project scholarship may 28863
utilize it at an alternative public school by notifying the 28864
district superintendent, of the name of the public school in an 28865
adjacent school district to which the student has been accepted 28866
pursuant to section 3327.06 of the Revised Code. 28867

(2) A student may decide to utilize a pilot project 28868
scholarship at a registered private school in the district if 28869
all of the following conditions are met: 28870

(a) The parent makes an application on behalf of the 28871
student to a registered private school. 28872

(b) The registered private school notifies the parent and 28873
the ~~state superintendent~~ director as follows that the student 28874
has been admitted: 28875

(i) By the school pursuant to division (A) of section 28876
3313.977 of the Revised Code; 28877

(ii) By the school pursuant to division (C) of section 28878
3313.977 of the Revised Code. 28879

(c) The student actually enrolls in the registered private 28880
school to which the student was first admitted or in another 28881
registered private school in the district or in a public school 28882
in an adjacent school district. 28883

(B) The ~~state superintendent~~ director of education and 28884
workforce shall also award in any school year tutorial 28885
assistance grants to a number of students equal to the number of 28886

students who receive scholarships under division (A) of this 28887
section. Tutorial assistance grants shall be awarded solely to 28888
students who are enrolled in the public schools of the district 28889
in a grade level covered by the pilot project. Tutorial 28890
assistance grants may be used solely to obtain tutorial 28891
assistance from a provider approved pursuant to division (D) of 28892
section 3313.976 of the Revised Code. 28893

All students wishing to obtain tutorial assistance grants 28894
shall make application to the ~~state superintendent~~ director by 28895
the first day of the school year in which the assistance will be 28896
used. The ~~state superintendent~~ director shall award assistance 28897
grants in accordance with criteria the ~~superintendent~~ director 28898
shall establish. 28899

(C) In the case of tutorial assistance grants, the grant 28900
amount shall not exceed the lesser of the provider's actual 28901
charges for such assistance or: 28902

(1) Before fiscal year 2007, a percentage established by 28903
the ~~state superintendent~~ director, not to exceed twenty per cent, 28904
of the amount of the pilot project school district's average 28905
basic scholarship amount; 28906

(2) In fiscal year 2007 and thereafter, four hundred 28907
dollars. 28908

(D) (1) Annually by the first day of November, the ~~state~~ 28909
~~superintendent~~ director shall estimate the maximum per-pupil 28910
scholarship amounts for the ensuing school year. The ~~state~~ 28911
~~superintendent~~ director shall make this estimate available to 28912
the general public at the offices of the district board of 28913
education together with the forms required by division (D) (2) of 28914
this section. 28915

(2) Annually by the fifteenth day of January, the chief administrator of each registered private school located in the pilot project district and the principal of each public school in such district shall complete a parental information form and forward it to the president of the board of education. The parental information form shall be prescribed by the department of education and workforce and shall provide information about the grade levels offered, the numbers of students, tuition amounts, achievement test results, and any sectarian or other organizational affiliations.

(E)(1) Only for the purpose of administering the pilot project scholarship program, the department may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(a) The school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code;

(b) If applicable, the community school in which the student is enrolled;

(c) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the

school year for which the scholarship is sought, the district 28945
shall assign a code to that student and submit the code to the 28946
department or parent by a date specified by the department. If 28947
the district does not assign a code to the student by the 28948
specified date, the department shall assign a code to the 28949
student. 28950

The department annually shall submit to each school 28951
district the name and data verification code of each student 28952
residing in the district who is entering kindergarten, who has 28953
been awarded a scholarship under the program, and for whom the 28954
department has assigned a code under this division. 28955

(3) The department shall not release any data verification 28956
code that it receives under division (E) of this section to any 28957
person except as provided by law. 28958

(F) Any document relative to the pilot project scholarship 28959
program that the department holds in its files that contains 28960
both a student's name or other personally identifiable 28961
information and the student's data verification code shall not 28962
be a public record under section 149.43 of the Revised Code. 28963

(G) (1) The department annually shall compile the scores 28964
attained by scholarship students enrolled in registered private 28965
schools on the assessments administered to the students pursuant 28966
to division (A) (11) of section 3313.976 of the Revised Code. The 28967
scores shall be aggregated as follows: 28968

(a) By school district, which shall include all 28969
scholarship students residing in the pilot project school 28970
district who are enrolled in a registered private school and 28971
were required to take an assessment pursuant to division (A) (11) 28972
of section 3313.976 of the Revised Code; 28973

(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code.	28974 28975 28976 28977
(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:	28978 28979 28980
(a) Grade level;	28981
(b) Race and ethnicity;	28982
(c) Gender;	28983
(d) Students who have participated in the scholarship program for three or more years;	28984 28985
(e) Students who have participated in the scholarship program for more than one year and less than three years;	28986 28987
(f) Students who have participated in the scholarship program for one year or less;	28988 28989
(g) Economically disadvantaged students.	28990
(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	28991 28992 28993 28994 28995 28996 28997 28998 28999 29000

(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.

(H) The department shall open the application period on the first day of February prior to the first day of July of the school year for which a scholarship is sought. Not later than forty-five days after an applicant submits to the department of education and workforce a completed application, the department ~~of education~~ shall determine whether that applicant is eligible for a scholarship and notify the applicant whether or not the applicant is eligible. The department ~~of education~~ shall award a scholarship to each student with an approved application. However, for any application submitted after the beginning of the school year, the department ~~of education~~ shall prorate the amount of the awarded scholarship based on how much of the school year remains.

Sec. 3313.979. Each grant to be used for payments to an approved tutorial assistance provider is payable to the approved tutorial assistance provider.

(A) By the fifteenth day of each month of the school year that any scholarship students are enrolled in a registered private school, the chief administrator of that school shall notify the ~~state superintendent~~ director of education and

<u>workforce of:</u>	29031
(1) The number of scholarship students who were reported to the school district as having been admitted by that private school pursuant to division (A) (2) (b) of section 3313.978 of the Revised Code and who were still enrolled in the private school as of the first day of such month;	29032 29033 29034 29035 29036
(2) The number of scholarship students who were reported to the school district as having been admitted by another private school pursuant to division (A) (2) (b) of section 3313.978 of the Revised Code and since the date of admission have transferred to the school providing the notification under division (A) of this section.	29037 29038 29039 29040 29041 29042
(B) Whenever an approved provider provides tutorial assistance to a student, the state superintendent <u>director</u> shall pay the approved provider for such costs upon receipt of a statement specifying the services provided and the costs of the services, which statement shall be signed by the provider and verified by the chief administrator having supervisory control over the tutoring site. The total payments to any approved provider under this division for all provider services to any individual student in any school year shall not exceed the grant amount provided in division (C) of section 3313.978 of the Revised Code.	29043 29044 29045 29046 29047 29048 29049 29050 29051 29052 29053
Sec. 3313.98. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section and sections 3313.981 to 3313.983 of the Revised Code that apply to a city school district do not apply to a joint vocational or cooperative education school district unless expressly specified.	29054 29055 29056 29057 29058 29059

(A) As used in this section and sections 3313.981 to 3313.983 of the Revised Code:	29060 29061
(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions:	29062 29063
(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.	29064 29065 29066 29067 29068 29069 29070 29071 29072
(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child.	29073 29074 29075 29076
(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.	29077 29078
(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.	29079 29080 29081
(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.	29082 29083 29084
(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.	29085 29086 29087

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

(6) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the secretary of health and human services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.

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

(8) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section.

(9) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district.

(10) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B) (1) The board of education of each city, local, and

exempted village school district shall adopt a resolution 29117
establishing for the school district one of the following 29118
policies: 29119

(a) A policy that entirely prohibits the enrollment of 29120
students from adjacent districts or other districts, other than 29121
students for whom tuition is paid in accordance with section 29122
3317.08 of the Revised Code; 29123

(b) A policy that permits enrollment of students from all 29124
adjacent districts in accordance with policy statements 29125
contained in the resolution; 29126

(c) A policy that permits enrollment of students from all 29127
other districts in accordance with policy statements contained 29128
in the resolution. 29129

(2) A policy permitting enrollment of students from 29130
adjacent or from other districts, as applicable, shall provide 29131
for all of the following: 29132

(a) Application procedures, including deadlines for 29133
application and for notification of students and the 29134
superintendent of the applicable district whenever an adjacent 29135
or other district student's application is approved. 29136

(b) Procedures for admitting adjacent or other district 29137
applicants free of any tuition obligation to the district's 29138
schools, including, but not limited to: 29139

(i) The establishment of district capacity limits by grade 29140
level, school building, and education program; 29141

(ii) A requirement that all native students wishing to be 29142
enrolled in the district will be enrolled and that any adjacent 29143
or other district students previously enrolled in the district 29144

shall receive preference over first-time applicants; 29145

(iii) Procedures to ensure that an appropriate racial 29146
balance is maintained in the district schools. 29147

(C) Except as provided in section 3313.982 of the Revised 29148
Code, the procedures for admitting adjacent or other district 29149
students, as applicable, shall not include: 29150

(1) Any requirement of academic ability, or any level of 29151
athletic, artistic, or other extracurricular skills; 29152

(2) Limitations on admitting applicants because of 29153
disability, except that a board may refuse to admit a student 29154
receiving services under Chapter 3323. of the Revised Code, if 29155
the services described in the student's IEP are not available in 29156
the district's schools; 29157

(3) A requirement that the student be proficient in the 29158
English language; 29159

(4) Rejection of any applicant because the student has 29160
been subject to disciplinary proceedings, except that if an 29161
applicant has been suspended or expelled by the student's 29162
district for ten consecutive days or more in the term for which 29163
admission is sought or in the term immediately preceding the 29164
term for which admission is sought, the procedures may include a 29165
provision denying admission of such applicant. 29166

(D) (1) Each school board permitting only enrollment of 29167
adjacent district students shall provide information about the 29168
policy adopted under this section, including the application 29169
procedures and deadlines, to the superintendent and the board of 29170
education of each adjacent district and, upon request, to the 29171
parent of any adjacent district student. 29172

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F) (1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section

3313.981 of the Revised Code. 29202

(G) The ~~state board~~ department of education and workforce shall monitor school districts to ensure compliance with this section and the districts' policies. The ~~board department~~ may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record-keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent or other district students, as applicable. If the ~~state board~~ department adopts such rules, no school board shall adopt a policy that conflicts with those rules. 29203
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(H) A resolution adopted by a board of education under this section that entirely prohibits the enrollment of students from adjacent and from other school districts does not abrogate any agreement entered into under section 3313.841 or 3313.92 of the Revised Code or any contract entered into under section 3313.90 of the Revised Code between the board of education adopting the resolution and the board of education of any adjacent or other district or prohibit these boards of education from entering into any such agreement or contract. 29213
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(I) Nothing in this section shall be construed to permit or require the board of education of a city, exempted village, or local school district to exclude any native student of the district from enrolling in the district. 29222
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Sec. 3313.981. (A) The ~~state board~~ department of education and workforce shall adopt rules requiring all of the following: 29226
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(1) The board of education of each city, exempted village, and local school district to annually report to the department ~~of education~~ all of the following: 29228
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(a) The number of adjacent district or other district students in grades kindergarten through twelve, as applicable, the number of adjacent district or other district students who are preschool children with disabilities, as applicable, and the number of adjacent district or other district joint vocational students, as applicable, enrolled in the district, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;

(b) The number of native students in grades kindergarten through twelve enrolled in adjacent or other districts and the number of native students who are preschool children with disabilities enrolled in adjacent or other districts, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;

(c) Each adjacent district or other district student's or adjacent district or other district joint vocational student's date of enrollment in the district;

(d) The full-time equivalent number of adjacent district or other district students enrolled in each of the categories of career-technical education programs or classes described in section 3317.014 of the Revised Code;

(e) Each native student's date of enrollment in an adjacent or other district.

(2) The board of education of each joint vocational school district to annually report to the department all of the following:

(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;

(b) The full-time equivalent number of adjacent district 29260
or other district joint vocational students enrolled in each 29261
category of career-technical education programs or classes 29262
described in section 3317.014 of the Revised Code; 29263

(c) For each adjacent district or other district joint 29264
vocational student, the city, exempted village, or local school 29265
district in which the student is also enrolled. 29266

(3) Prior to the end of each reporting period specified in 29267
section 3317.03 of the Revised Code, the superintendent of each 29268
city, local, or exempted village school district that admits 29269
adjacent district or other district students who are in grades 29270
kindergarten through twelve, adjacent district or other district 29271
students who are preschool children with disabilities, or 29272
adjacent district or other district joint vocational students in 29273
accordance with a policy adopted under division (B) of section 29274
3313.98 of the Revised Code to report to the department ~~of~~ 29275
~~education~~ each adjacent or other district's students and where 29276
those students who are enrolled in the superintendent's district 29277
under the policy are entitled to attend school under section 29278
3313.64 or 3313.65 of the Revised Code. 29279

The rules shall provide for the method of counting 29280
students who are enrolled for part of a school year in an 29281
adjacent or other district or as an adjacent district or other 29282
district joint vocational student. 29283

(B) From the payments made to a city, exempted village, or 29284
local school district under Chapter 3317. of the Revised Code 29285
and, if necessary, from the payments made to the district under 29286
sections 321.24 and 323.156 of the Revised Code, the department 29287
~~of education~~ shall annually subtract, for each native student 29288
who is a preschool child with a disability reported under 29289

division (A) (1) of this section who is enrolled in an adjacent 29290
or other district pursuant to policies adopted by such a 29291
district under division (B) of section 3313.98 of the Revised 29292
Code, \$4,000. 29293

(C) To the payments made to a city, exempted village, or 29294
local school district under Chapter 3317. of the Revised Code, 29295
the department ~~of education~~ shall annually add, for each 29296
adjacent district or other district student who is a preschool 29297
child with a disability reported under division (A) (1) of this 29298
section who is enrolled in the district, \$4,000. 29299

(D) No city, exempted village, or local school district 29300
shall receive a payment under division (C) of this section for a 29301
student if for the same school year that student is counted in 29302
the district's enrollment certified under section 3317.03 of the 29303
Revised Code. 29304

(E) Upon request of a parent, and provided the board 29305
offers transportation to native students of the same grade level 29306
and distance from school under section 3327.01 of the Revised 29307
Code, a city, exempted village, or local school board enrolling 29308
an adjacent or other district student shall provide 29309
transportation for the student within the boundaries of the 29310
board's district, except that the board shall be required to 29311
pick up and drop off a nonhandicapped student only at a regular 29312
school bus stop designated in accordance with the board's 29313
transportation policy. Pursuant to rules of the ~~state board of~~ 29314
education department, such board may reimburse the parent from 29315
funds received for pupil transportation under section 3317.0212 29316
of the Revised Code, or other provisions of law, for the 29317
reasonable cost of transportation from the student's home to the 29318
designated school bus stop if the student's family has an income 29319

below the federal poverty line. 29320

Sec. 3313.982. Notwithstanding division (C) (1) of section 29321
3313.97 and division (C) (1) of section 3313.98 of the Revised 29322
Code: 29323

(A) Any school district board operating any schools on 29324
October 1, 1989, admission to which was restricted to students 29325
possessing certain academic, athletic, artistic, or other 29326
skills, may continue to restrict admission to such schools. 29327

(B) Any district board that did not operate any schools 29328
described by division (A) of this section on October 1, 1989, 29329
and that desires to begin restricting admission to any school on 29330
the basis of student academic, athletic, artistic, or other 29331
skills, may submit a plan proposing such restricted admission to 29332
the ~~state board~~ department of education. If the ~~board~~ department 29333
finds that the plan will generally promote increased educational 29334
opportunities for students in the district and will not unduly 29335
restrict opportunities for some students, it may approve the 29336
plan and the district board may implement it during the next 29337
ensuing school year. 29338

Sec. 3314.011. (A) Every community school established 29339
under this chapter shall have a designated fiscal officer. 29340
Except as provided for in division (C) of this section, the 29341
fiscal officer shall be employed by or engaged under a contract 29342
with the governing authority of the community school. 29343

(B) Except as otherwise provided in section 3.061 of the 29344
Revised Code, the auditor of state shall require that the fiscal 29345
officer of any community school, before entering upon duties as 29346
fiscal officer of the school, execute a bond in an amount and 29347
with surety to be approved by the governing authority of the 29348

school, payable to the state, conditioned for the faithful 29349
performance of all the official duties required of the fiscal 29350
officer. The bond shall be deposited with the governing 29351
authority of the school, and a copy thereof, certified by the 29352
governing authority, shall be filed with the county auditor. 29353

(C) Prior to assuming the duties of fiscal officer, the 29354
fiscal officer designated under this section shall be licensed 29355
under section 3301.074 of the Revised Code. Any person serving 29356
as a fiscal officer of a community school on March 22, 2013, who 29357
is not licensed as a treasurer shall be permitted to serve as a 29358
fiscal officer for not more than one year following March 22, 29359
2013. Beginning on that date and thereafter, no community school 29360
shall permit any individual to serve as a fiscal officer without 29361
a license as required by this section. 29362

(D) (1) The governing authority of a community school may 29363
adopt a resolution waiving the requirement that the governing 29364
authority is the party responsible to employ or contract with 29365
the designated fiscal officer, as prescribed by division (A) of 29366
this section, so long as the school's sponsor also approves the 29367
resolution. The resolution shall be valid for one year. A new 29368
resolution shall be adopted for each year that the governing 29369
authority wishes to waive this requirement, so long as the 29370
school's sponsor also approves the resolution. 29371

No resolution adopted pursuant to this division may waive 29372
the requirement for a community school to have a designated 29373
fiscal officer. 29374

(2) If the governing authority adopts a resolution 29375
pursuant to division (D) (1) of this section, the school's 29376
designated fiscal officer annually shall meet with the governing 29377
authority to review the school's financial status. 29378

(3) The governing authority shall submit to the department 29379
of education and workforce a copy of each resolution adopted 29380
pursuant to division (D)(1) of this section. 29381

Sec. 3314.012. (A) ~~Within ninety days of September 28,~~ 29382
~~1999, the superintendent of public instruction~~ The director of 29383
education and workforce shall appoint representatives of the 29384
department of education and workforce, including employees who 29385
work with the education management information system, to a 29386
committee to develop report card models for community schools. 29387
The committee shall design model report cards appropriate for 29388
the various types of community schools approved to operate in 29389
the state. Sufficient models shall be developed to reflect the 29390
variety of grade levels served and the missions of the state's 29391
community schools. All models shall include both financial and 29392
academic data. ~~The initial models shall be developed by March-~~ 29393
~~31, 2000.~~ 29394

(B) Except as provided in section 3314.017 of the Revised 29395
Code, the department of education and workforce shall issue an 29396
annual report card for each community school, regardless of how 29397
long the school has been in operation. The report card shall 29398
report the academic and financial performance of the school 29399
utilizing one of the models developed under division (A) of this 29400
section. The report card shall include all information 29401
applicable to school buildings under section 3302.03 of the 29402
Revised Code. The ratings a community school receives under 29403
section 3302.03 of the Revised Code for its first two full 29404
school years shall not be considered toward automatic closure of 29405
the school under section 3314.35 of the Revised Code or any 29406
other matter that is based on report card ratings. 29407

(C) Upon receipt of a copy of a contract between a sponsor 29408

and a community school entered into under this chapter, the 29409
department of education shall notify the community school of the 29410
specific model report card that will be used for that school. 29411

(D) Report cards shall be distributed to the parents of 29412
all students in the community school, to the members of the 29413
board of education of the school district in which the community 29414
school is located, and to any person who requests one from the 29415
department. 29416

Sec. 3314.013. (A) Until May 22, 2013, no internet- or 29417
computer-based community school shall operate unless the school 29418
was open for instruction as of May 1, 2005. No entity described 29419
in division (C) (1) of section 3314.02 of the Revised Code shall 29420
enter into a contract to sponsor an internet- or computer-based 29421
community school, including a conversion school, between May 1, 29422
2005, and May 22, 2013, except as follows: 29423

(1) The entity may renew a contract that the entity 29424
entered into with an internet- or computer-based community 29425
school prior to May 1, 2005, if the school was open for 29426
operation as of that date. 29427

(2) The entity may assume sponsorship of an existing 29428
internet- or computer-based community school that was formerly 29429
sponsored by another entity and may enter into a contract with 29430
that community school in accordance with section 3314.03 of the 29431
Revised Code. 29432

If a sponsor entered into a contract with an internet- or 29433
computer-based community school, including a conversion school, 29434
but the school was not open for operation as of May 1, 2005, the 29435
contract shall be void and the entity shall not enter into 29436
another contract with the school until May 22, 2013. 29437

(B) (1) Beginning on July 1, 2013, up to five new internet- 29438
or computer-based community schools may open each year, subject 29439
to approval of the ~~superintendent of public instruction~~ director 29440
of education and workforce under division (B) (2) of this 29441
section. 29442

(2) The ~~superintendent of public instruction~~ director 29443
shall approve applications for new internet- or computer-based 29444
community schools from only those applicants demonstrating 29445
experience and quality. 29446

The ~~state board~~ department of education and workforce 29447
shall adopt rules prescribing measures to determine experience 29448
and quality of applicants in accordance with Chapter 119. of the 29449
Revised Code. The measures shall include, but not be limited to, 29450
the following considerations: 29451

- (a) The sponsor's experience with online schools; 29452
- (b) The operator's experience with online schools; 29453
- (c) The sponsor's and operator's previous record for 29454
student performance; 29455
- (d) A preference for operators with previous experience in 29456
Ohio. 29457

~~The state board shall adopt the rules so that they are~~ 29458
~~effective May 22, 2013.~~ 29459

(3) The ~~department of education~~ shall notify any new 29460
internet- or computer-based community school governed by 29461
division (B) of this section of whether the ~~superintendent~~ 29462
director has approved or disapproved the school's application to 29463
open for the 2013-2014 school year not later than July 1, 2013. 29464
Notwithstanding the dates prescribed for adoption and signing on 29465

sponsor contracts in division (D) of section 3314.02 of the Revised Code, or the date for opening a school for instruction required by division (A) (25) of section 3314.03 of the Revised Code, a new internet- or computer-based community school approved for opening for the 2013-2014 school year under division (B) of this section may open and operate in that school year regardless of whether it has complied with those contract and opening dates. For each school year thereafter, the school shall comply with all applicable provisions of this chapter.

(4) Notwithstanding divisions (B) (1) and (2) of this section, a sponsor rated "exemplary" on its most recent evaluation conducted under section 3314.016 of the Revised Code is permitted to open up to two new internet- or computer-based community schools that will primarily serve students enrolled in a dropout prevention and recovery program each year, not to exceed six new schools in a five-year period.

(C) Nothing in division (A) or (B) of this section prohibits an internet- or computer-based community school from increasing the number of grade levels it offers.

Sec. 3314.015. (A) The department of education and workforce shall be responsible for the oversight of any and all sponsors of the community schools established under this chapter and shall provide technical assistance to schools and sponsors in their compliance with applicable laws and the terms of the contracts entered into under section 3314.03 of the Revised Code and in the development and start-up activities of those schools. In carrying out its duties under this section, the department shall do all of the following:

(1) In providing technical assistance to proposing parties, governing authorities, and sponsors, conduct training

sessions and distribute informational materials;	29496
(2) Approve entities to be sponsors of community schools;	29497
(3) Monitor and evaluate, as required under section	29498
3314.016 of the Revised Code, the effectiveness of any and all	29499
sponsors in their oversight of the schools with which they have	29500
contracted;	29501
(4) By December thirty-first of each year, issue a report	29502
to the governor, the speaker of the house of representatives,	29503
the president of the senate, and the chairpersons of the house	29504
and senate committees principally responsible for education	29505
matters regarding the effectiveness of academic programs,	29506
operations, and legal compliance and of the financial condition	29507
of all community schools established under this chapter and on	29508
the performance of community school sponsors;	29509
(5) From time to time, make legislative recommendations to	29510
the general assembly designed to enhance the operation and	29511
performance of community schools.	29512
(B) (1) Except as provided in sections 3314.021 and	29513
3314.027 of the Revised Code, no entity shall enter into a	29514
preliminary agreement under division (C) (2) of section 3314.02	29515
of the Revised Code or renew an existing contract to sponsor a	29516
community school until it has received approval from the	29517
department of education to sponsor community schools under this	29518
chapter and has entered into a written agreement with the	29519
department regarding the manner in which the entity will conduct	29520
such sponsorship.	29521
On and after July 1, 2017, each entity that sponsors a	29522
community school in this state, except for an entity described	29523
in sections 3314.021 and 3314.027 of the Revised Code, shall	29524

attain approval from the department in order to continue 29525
sponsoring schools regardless of whether that entity intends to 29526
enter into a preliminary agreement or renew an existing 29527
contract. 29528

All new and renewed agreements between the department and 29529
a sponsor shall contain specific language addressing the 29530
parameters under which the department can intervene and 29531
potentially revoke sponsorship authority in the event that the 29532
sponsor is unwilling or unable to fulfill its obligations. 29533
Additionally, each agreement shall set forth any territorial 29534
restrictions and limits on the number of schools that entity may 29535
sponsor, provide for an annual evaluation process, and include a 29536
stipulation permitting the department to modify the agreement 29537
under the following circumstances: 29538

(a) Poor fiscal management; 29539

(b) Lack of academic progress. 29540

(2) The initial term of a sponsor's agreement with the 29541
department shall be for up to five years. 29542

(a) An agreement entered into with the department pursuant 29543
to this section may be renewed for a term of up to ten years 29544
using the following criteria: 29545

(i) The academic performance of students enrolled in each 29546
community school the entity sponsors, as determined by the 29547
department pursuant to division (B) (1) (a) of section 3314.016 of 29548
the Revised Code; 29549

(ii) The sponsor's adherence to quality practices, as 29550
determined by the department pursuant to division (B) (1) (b) of 29551
section 3314.016 of the Revised Code; 29552

(iii) The sponsor's compliance with all applicable laws and administrative rules. 29553
29554

(b) Each agreement between the department and a sponsor shall specify that entities with an overall rating of "exemplary" for at least two consecutive years shall not be subject to the limit on the number of community schools the entity may sponsor or any territorial restrictions on sponsorship, for so long as that entity continues to be rated "exemplary." 29555
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(c) The ~~state board of education~~ department shall adopt in accordance with Chapter 119. of the Revised Code rules containing criteria, procedures, and deadlines for processing applications for approval of sponsors, for oversight of sponsors, for notifying a sponsor of noncompliance with applicable laws and administrative rules under division (F) of this section, for revocation of the approval of sponsors under division (C) of this section, and for entering into written agreements with sponsors. The rules shall require an entity to submit evidence of the entity's ability and willingness to comply with the provisions of division (D) of section 3314.03 of the Revised Code. The rules also shall require all entities approved as sponsors to demonstrate a record of financial responsibility and successful implementation of educational programs. If an entity seeking approval to sponsor community schools in this state sponsors or operates schools in another state, at least one of the schools sponsored or operated by the entity must be comparable to or better than the performance of Ohio schools in need of continuous improvement under section 3302.03 of the Revised Code, as determined by the department. 29562
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Subject to section 3314.016 of the Revised Code, an entity 29582

that sponsors community schools may enter into preliminary 29583
agreements and sponsor up to one hundred schools, provided each 29584
school and the contract for sponsorship meets the requirements 29585
of this chapter. 29586

(3) The ~~state board of education~~ department shall 29587
determine, pursuant to criteria specified in rules adopted in 29588
accordance with Chapter 119. of the Revised Code, whether the 29589
mission proposed to be specified in the contract of a community 29590
school to be sponsored by a state university board of trustees 29591
or the board's designee under division (C)(1)(e) of section 29592
3314.02 of the Revised Code complies with the requirements of 29593
that division. Such determination of the ~~state board~~ department 29594
is final. 29595

(4) The ~~state board of education~~ department shall 29596
determine, pursuant to criteria specified in rules adopted in 29597
accordance with Chapter 119. of the Revised Code, if any tax- 29598
exempt entity under section 501(c)(3) of the Internal Revenue 29599
Code that is proposed to be a sponsor of a community school is 29600
an education-oriented entity for purpose of satisfying the 29601
condition prescribed in division (C)(1)(f)(iii) of section 29602
3314.02 of the Revised Code. Such determination of the ~~state~~ 29603
~~board~~ department is final. 29604

(C) If at any time the ~~state board of education~~ department 29605
finds that a sponsor is not in compliance or is no longer 29606
willing to comply with its contract with any community school or 29607
with the department's rules for sponsorship, the ~~state board or~~ 29608
~~designee~~ department shall conduct a hearing in accordance with 29609
Chapter 119. of the Revised Code on that matter. If after the 29610
hearing, the ~~state board or designee~~ department has confirmed 29611
the original finding, ~~the department of education~~ it may revoke 29612

the sponsor's approval to sponsor community schools. In that 29613
case, the department's office of Ohio school sponsorship, 29614
established under section 3314.029 of the Revised Code, may 29615
assume the sponsorship of any schools with which the sponsor has 29616
contracted until the earlier of the expiration of two school 29617
years or until a new sponsor as described in division (C) (1) of 29618
section 3314.02 of the Revised Code is secured by the school's 29619
governing authority. The office of Ohio school sponsorship may 29620
extend the term of the contract in the case of a school for 29621
which it has assumed sponsorship under this division as 29622
necessary to accommodate the term of the department's 29623
authorization to sponsor the school specified in this division. 29624
Community schools sponsored under this division shall not apply 29625
to the limit on directly authorized community schools under 29626
division (A) (3) of section 3314.029 of the Revised Code. 29627
However, nothing in this division shall preclude a community 29628
school affected by this division from applying for sponsorship 29629
under that section. 29630

(D) The decision of the department to disapprove an entity 29631
for sponsorship of a community school or to revoke approval for 29632
such sponsorship under division (C) of this section, may be 29633
appealed by the entity in accordance with section 119.12 of the 29634
Revised Code. 29635

(E) The department shall adopt procedures for use by a 29636
community school governing authority and sponsor when the school 29637
permanently closes and ceases operation, which shall include at 29638
least procedures for data reporting to the department, handling 29639
of student records, distribution of assets in accordance with 29640
section 3314.074 of the Revised Code, and other matters related 29641
to ceasing operation of the school. 29642

(F) (1) In lieu of revoking a sponsor's authority to 29643
sponsor community schools under division (C) of this section, if 29644
the department finds that a sponsor is not in compliance with 29645
applicable laws and administrative rules, the department shall 29646
declare in a written notice to the sponsor the specific laws or 29647
rules, or both, for which the sponsor is noncompliant. A sponsor 29648
notified under division (F) (1) of this section shall respond to 29649
the department not later than fourteen days after the 29650
notification with a proposed plan to remedy the conditions for 29651
which the sponsor was found to be noncompliant. The department 29652
shall approve or disapprove the plan not later than fourteen 29653
days after receiving it. If the plan is disapproved, the sponsor 29654
may submit a revised plan to the department not later than 29655
fourteen days after receiving notification of disapproval from 29656
the department or not later than sixty days after the date the 29657
sponsor received notification of noncompliance from the 29658
department, whichever is earlier. The department shall approve 29659
or disapprove the revised plan not later than fourteen days 29660
after receiving it or not later than sixty days after the date 29661
the sponsor received notification of noncompliance from the 29662
department, whichever is earlier. A sponsor may continue to make 29663
revisions by the deadlines prescribed in division (F) (1) of this 29664
section to any revised plan that is disapproved by the 29665
department until the sixtieth day after the date the sponsor 29666
received notification of noncompliance from the department. 29667

If a plan or a revised plan is approved, the sponsor shall 29668
implement it not later than sixty days after the date the 29669
sponsor received notification of noncompliance from the 29670
department or not later than thirty days after the plan is 29671
approved, whichever is later. If a sponsor does not respond to 29672
the department or implement an approved compliance plan by the 29673

deadlines prescribed by division (F) (1) of this section, or if a sponsor does not receive approval of a compliance plan on or before the sixtieth day after the date the sponsor received notification of noncompliance from the department, the department shall declare in written notice to the sponsor that the sponsor is in probationary status, and may limit the sponsor's ability to sponsor additional schools.

(2) A sponsor that has been placed on probationary status under division (F) (1) of this section may apply to the department for its probationary status to be lifted. The application for a sponsor's probationary status to be lifted shall include evidence, occurring after the initial notification of noncompliance, of the sponsor's compliance with applicable laws and administrative rules. Not later than fourteen days after receiving an application from the sponsor, the department shall decide whether or not to remove the sponsor's probationary status.

(G) In carrying out its duties under this chapter, the department shall not impose requirements on community schools or their sponsors that are not permitted by law or duly adopted rules.

(H) This section applies to entities that sponsor conversion community schools and new start-up schools.

(I) Nothing in divisions (C) to (F) of this section prohibits the department from taking any action permitted or required under the written agreement between the department and a sponsoring entity without a hearing on the matter, in the event that the sponsor is unwilling or unable to fulfill its obligations.

Sec. 3314.016. This section applies to any entity that 29703
sponsors a community school, regardless of whether section 29704
3314.021 or 3314.027 of the Revised Code exempts the entity from 29705
the requirement to be approved for sponsorship under divisions 29706
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 29707
office of Ohio school sponsorship established under section 29708
3314.029 of the Revised Code shall be rated under division (B) 29709
of this section, but divisions (A) and (C) of this section do 29710
not apply to the office. 29711

(A) An entity that sponsors a community school shall be 29712
permitted to enter into contracts under section 3314.03 of the 29713
Revised Code to sponsor additional community schools only if the 29714
entity meets all of the following criteria: 29715

(1) The entity is in compliance with all provisions of 29716
this chapter requiring sponsors of community schools to report 29717
data or information to the department of education and 29718
workforce. 29719

(2) The entity is not rated as "ineffective" under 29720
division (B) (6) of this section. 29721

(3) Except as set forth in sections 3314.021 and 3314.027 29722
of the Revised Code, the entity has received approval from and 29723
entered into an agreement with the department ~~of education~~ 29724
pursuant to section 3314.015 of the Revised Code. 29725

(B) (1) The department shall develop and implement an 29726
evaluation system that annually rates and assigns an overall 29727
rating to each entity that sponsors a community school. The 29728
department, not later than the first day of February of each 29729
year, shall post on the department's web site the framework for 29730
the evaluation system, including technical documentation that 29731

the department intends to use to rate sponsors for the next 29732
school year. The department shall solicit public comment on the 29733
evaluation system for thirty consecutive days. Not later than 29734
the first day of April of each year, the department shall 29735
compile and post on the department's web site all public 29736
comments that were received during the public comment period. 29737
The evaluation system shall be posted on the department's web 29738
site by the fifteenth day of July of each school year. Any 29739
changes to the evaluation system after that date shall take 29740
effect the following year. The evaluation system shall be based 29741
on the following components: 29742

(a) Academic performance of students enrolled in community 29743
schools sponsored by the same entity. The academic performance 29744
component shall be derived from the performance measures 29745
prescribed for the state report cards under section 3302.03 or 29746
3314.017 of the Revised Code, and shall be based on the 29747
performance of the schools for the school year for which the 29748
evaluation is conducted. In addition to the academic performance 29749
for a specific school year, the academic performance component 29750
shall also include year-to-year changes in the overall sponsor 29751
portfolio. For a community school for which no graded 29752
performance measures are applicable or available, the department 29753
shall use nonreport card performance measures specified in the 29754
contract between the community school and the sponsor under 29755
division (A) (4) of section 3314.03 of the Revised Code. 29756

(b) Adherence by a sponsor to the quality practices 29757
prescribed by the department under division (B) (3) of this 29758
section. For a sponsor that was rated "effective" or "exemplary" 29759
on its most recent rating, the department may evaluate that 29760
sponsor's adherence to quality practices once over a period of 29761
three years. If the department elects to evaluate a sponsor once 29762

over a period of three years, the most recent rating for a 29763
sponsor's adherence to quality practices shall be used when 29764
determining an annual overall rating conducted under this 29765
section. 29766

(c) Compliance with all applicable laws and administrative 29767
rules by an entity that sponsors a community school. 29768

Under the evaluation system prescribed under division (B) 29769
(1) of this section, the department shall not assign an overall 29770
rating of "ineffective" or lower to an entity that sponsors a 29771
community school solely because that entity received no points 29772
on one of the components prescribed under that division. 29773

(2) In calculating an academic performance component, the 29774
department shall exclude all community schools that have been in 29775
operation for not more than two full school years and all 29776
community schools described in division (A) (4) (b) of section 29777
3314.35 of the Revised Code. However, the academic performance 29778
of the community schools described in division (A) (4) (b) of 29779
section 3314.35 of the Revised Code shall be reported, but shall 29780
not be used as a factor when determining a sponsoring entity's 29781
rating under this section. 29782

(3) The department, in consultation with entities that 29783
sponsor community schools, shall prescribe quality practices for 29784
community school sponsors and develop an instrument to measure 29785
adherence to those quality practices. The quality practices 29786
shall be based on standards developed by the national 29787
association of charter school authorizers or any other 29788
nationally organized community school organization. 29789

(4) (a) The department may permit peer review of a 29790
sponsor's adherence to the quality practices prescribed under 29791

division (B) (3) of this section. Peer reviewers shall be limited 29792
to individuals employed by sponsors rated "effective" or 29793
"exemplary" on the most recent ratings conducted under this 29794
section. 29795

(b) The department shall require individuals participating 29796
in peer review under division (B) (4) (a) of this section to 29797
complete training approved or established by the department. 29798

(c) The department may enter into an agreement with 29799
another entity to provide training to individuals conducting 29800
peer review of sponsors. Prior to entering into an agreement 29801
with an entity, the department shall review and approve of the 29802
entity's training program. 29803

(5) The ~~state board~~ director of education and workforce 29804
shall adopt rules in accordance with Chapter 119. of the Revised 29805
Code prescribing standards for measuring compliance with 29806
applicable laws and rules under division (B) (1) (c) of this 29807
section. 29808

(6) The department annually shall rate all entities that 29809
sponsor community schools as either "exemplary," "effective," 29810
"ineffective," or "poor," based on the components prescribed by 29811
division (B) of this section, where each component is weighted 29812
equally. A separate rating shall be given by the department for 29813
each component of the evaluation system. 29814

The department shall publish the ratings between the first 29815
day of October and the fifteenth day of November. 29816

Prior to the publication of the final ratings, the 29817
department shall designate and provide notice of a period of at 29818
least ten business days during which each sponsor may review the 29819
information used by the department to determine the sponsor's 29820

rating on the components prescribed by division (B) (1) of this 29821
section. If the sponsor believes there is an error in the 29822
department's evaluation, the sponsor may request adjustments to 29823
the rating of any of those components based on documentation 29824
previously submitted as part of an evaluation. The sponsor shall 29825
provide to the department any necessary evidence or information 29826
to support the requested adjustments. The department shall 29827
review the evidence and information, determine whether an 29828
adjustment is valid, and promptly notify the sponsor of its 29829
determination and reasons. If any adjustments to the data could 29830
result in a change to the rating on the applicable component or 29831
to the overall rating, the department shall recalculate the 29832
ratings prior to publication. 29833

The department shall provide training on an annual basis 29834
regarding the evaluation system prescribed under this section. 29835
The training shall, at a minimum, describe methodology, 29836
timelines, and data required for the evaluation system. The 29837
first training session shall occur not later than March 2, 2016. 29838
Beginning in 2018, the training shall be made available to each 29839
entity that sponsors a community school by the fifteenth day of 29840
July of each year and shall include guidance on any changes made 29841
to the evaluation system. 29842

(7) (a) Entities with an overall rating of "exemplary" for 29843
the two most recent years in which the entity was evaluated may 29844
take advantage of the following incentives: 29845

(i) Renewal of the written agreement with the department, 29846
not to exceed ten years, provided that the entity consents to 29847
continued evaluation of adherence to quality practices as 29848
described in division (B) (1) (b) of this section; 29849

(ii) The ability to extend the term of the contract 29850

between the sponsoring entity and the community school beyond 29851
the term described in the written agreement with the department; 29852

(iii) An exemption from the preliminary agreement and 29853
contract adoption and execution deadline requirements prescribed 29854
in division (D) of section 3314.02 of the Revised Code; 29855

(iv) An exemption from the automatic contract expiration 29856
requirement, should a new community school fail to open by the 29857
thirtieth day of September of the calendar year in which the 29858
community school contract is executed; 29859

(v) No limit on the number of community schools the entity 29860
may sponsor; 29861

(vi) No territorial restrictions on sponsorship. 29862

An entity may continue to sponsor any community schools 29863
with which it entered into agreements under division (B) (7) (a) 29864
(v) or (vi) of this section while rated "exemplary," 29865
notwithstanding the fact that the entity later receives a lower 29866
overall rating. 29867

(b) Entities with an overall rating of "exemplary" or 29868
"effective" for the three most recent years in which the entity 29869
was evaluated shall be evaluated by the department once every 29870
three years. 29871

(c) (i) Entities that receive an overall rating of 29872
"ineffective" shall be prohibited from sponsoring any new or 29873
additional community schools during the time in which the 29874
sponsor is rated as "ineffective" and shall be subject to a 29875
quality improvement plan based on correcting the deficiencies 29876
that led to the "ineffective" rating, with timelines and 29877
benchmarks that have been established by the department. 29878

(ii) Entities that receive an overall rating of "ineffective" on their three most recent ratings shall have all sponsorship authority revoked. Within thirty days after receiving its third rating of "ineffective," the entity may appeal the revocation of its sponsorship authority to the ~~superintendent of public instruction~~ director, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the ~~state board of education~~ director shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(d) Entities that receive an overall rating of "poor" shall have all sponsorship authority revoked. Within thirty days after receiving a rating of "poor," the entity may appeal the revocation of its sponsorship authority to the ~~superintendent of public instruction~~ director, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the ~~state board of education~~ director shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(8) For the 2014-2015 school year and each school year thereafter, student academic performance prescribed under division (B)(1)(a) of this section shall include student academic performance data from community schools that primarily

serve students enrolled in a dropout prevention and recovery program. 29910
29911

(C) If the governing authority of a community school 29912
enters into a contract with a sponsor prior to the date on which 29913
the sponsor is prohibited from sponsoring additional schools 29914
under division (A) of this section and the school has not opened 29915
for operation as of that date, that contract shall be void and 29916
the school shall not open until the governing authority secures 29917
a new sponsor by entering into a contract with the new sponsor 29918
under section 3314.03 of the Revised Code. However, the 29919
department's office of Ohio school sponsorship, established 29920
under section 3314.029 of the Revised Code, may assume the 29921
sponsorship of the school until the earlier of the expiration of 29922
two school years or until a new sponsor is secured by the 29923
school's governing authority. A community school sponsored by 29924
the department under this division shall not be included when 29925
calculating the maximum number of directly authorized community 29926
schools permitted under division (A) (3) of section 3314.029 of 29927
the Revised Code. 29928

(D) When an entity's authority to sponsor schools is 29929
revoked pursuant to division (B) (7) (c) or (d) of this section, 29930
the office of Ohio school sponsorship shall assume sponsorship 29931
of any schools with which the original sponsor has contracted 29932
for the remainder of that school year. The office may continue 29933
sponsoring those schools until the earlier of: 29934

(1) The expiration of two school years from the time that 29935
sponsorship is revoked; 29936

(2) When a new sponsor is secured by the governing 29937
authority pursuant to division (C) (1) of section 3314.02 of the 29938
Revised Code. 29939

Any community school sponsored under this division shall 29940
not be counted for purposes of directly authorized community 29941
schools under division (A) (3) of section 3314.029 of the Revised 29942
Code. 29943

(E) The department shall recalculate the rating for the 29944
2017-2018 school year for each sponsor of a community school 29945
that receives recalculated ratings pursuant to division (I) of 29946
section 3314.017 of the Revised Code. 29947

Sec. 3314.017. (A) The ~~state board~~ department of education 29948
and workforce shall prescribe by rules, adopted in accordance 29949
with Chapter 119. of the Revised Code, an academic performance 29950
rating and report card system that satisfies the requirements of 29951
this section for community schools that primarily serve students 29952
enrolled in dropout prevention and recovery programs as 29953
described in division (A) (4) (a) of section 3314.35 of the 29954
Revised Code, to be used in lieu of the system prescribed under 29955
sections 3302.03 and 3314.012 of the Revised Code beginning with 29956
the 2012-2013 school year. Each such school shall comply with 29957
the testing and reporting requirements of the system as 29958
prescribed by the ~~state board~~ department. 29959

(B) Nothing in this section shall at any time relieve a 29960
school from its obligations under the "No Child Left Behind Act 29961
of 2001" to make "adequate yearly progress," as both that act 29962
and that term are defined in section 3302.01 of the Revised 29963
Code, or a school's amenability to the provisions of section 29964
3302.04 or 3302.041 of the Revised Code. The department ~~of~~ 29965
~~education~~ shall continue to report each school's performance as 29966
required by the act and to enforce applicable sanctions under 29967
section 3302.04 or 3302.041 of the Revised Code. 29968

(C) The rules adopted by the ~~state board~~ department shall 29969

prescribe the following performance indicators for the rating and report card system required by this section: 29970
29971

(1) Graduation rate for each of the following student cohorts: 29972
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(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class; 29974
29975
29976

(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate; 29977
29978
29979

(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate; 29980
29981
29982

(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate; 29983
29984
29985
29986

(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate. 29987
29988
29989
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(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the state high school achievement assessments required under division (B) (1) of section 3301.0710 of the Revised Code or the cumulative performance score on the end-of-course examinations prescribed under division (B) (2) of section 3301.0712 of the Revised Code, whichever applies, and other students enrolled in the school, regardless of grade level, who 29991
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are within three months of their twenty-second birthday and have 29999
attained the designated passing score on all of the state high 30000
school achievement assessments or the cumulative performance 30001
score on the end-of-course examinations, whichever applies, by 30002
their twenty-second birthday; 30003

(3) Annual measurable objectives as defined in section 30004
3302.01 of the Revised Code; 30005

(4) Growth in student achievement in reading, or 30006
mathematics, or both as measured by separate nationally norm- 30007
referenced assessments that have developed appropriate standards 30008
for students enrolled in dropout prevention and recovery 30009
programs, adopted or approved by the ~~state board~~ department. 30010

(D) (1) The ~~state board's~~ department's rules shall 30011
prescribe the expected performance levels and benchmarks for 30012
each of the indicators prescribed by division (C) of this 30013
section based on the data gathered by the department under 30014
division (G) of this section. Based on a school's level of 30015
attainment or nonattainment of the expected performance levels 30016
and benchmarks for each of the indicators, the department shall 30017
rate each school in one of the following categories: 30018

(a) Exceeds standards; 30019

(b) Meets standards; 30020

(c) Does not meet standards. 30021

(2) The ~~state board's~~ department's rules shall establish 30022
all of the following: 30023

(a) Not later than June 30, 2013, performance levels and 30024
benchmarks for the indicators described in divisions (C) (1) to 30025

(3) of this section; 30026

(b) Not later than December 31, 2014, both of the following:	30027 30028
(i) Performance levels and benchmarks for the indicator described in division (C) (4) of this section;	30029 30030
(ii) Standards for awarding a community school described in division (A) (4) (a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:	30031 30032 30033
(I) Thirty per cent of the score shall be based on the indicators described in division (C) (1) of this section that are applicable to the school year for which the overall designation is granted.	30034 30035 30036 30037
(II) Thirty per cent of the score shall be based on the indicators described in division (C) (4) of this section.	30038 30039
(III) Twenty per cent of the score shall be based on the indicators described in division (C) (2) of this section.	30040 30041
(IV) Twenty per cent of the score shall be based on the indicators described in division (C) (3) of this section.	30042 30043
(3) If both of the indicators described in divisions (C) (1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards."	30044 30045 30046 30047
The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.	30048 30049 30050 30051
(E) (1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in	30052 30053 30054

divisions (D) (1) (a) to (c) of this section, for each community	30055
school described in division (A) (4) (a) of section 3314.35 of the	30056
Revised Code:	30057
(a) The graduation rates as described in divisions (C) (1)	30058
(a) to (c) of this section;	30059
(b) The percentage of twelfth-grade students and other	30060
students who have attained a designated passing score on high	30061
school achievement assessments as described in division (C) (2)	30062
of this section;	30063
(c) The statewide average for the graduation rates and	30064
assessment passage rates described in divisions (C) (1) (a) to (c)	30065
and (C) (2) of this section;	30066
(d) Annual measurable objectives described in division (C)	30067
(3) of this section.	30068
(2) For the 2013-2014 school year, the department shall	30069
issue a report card including the following performance measures	30070
for each community school described in division (A) (4) (a) of	30071
section 3314.35 of the Revised Code:	30072
(a) The graduation rates described in divisions (C) (1) (a)	30073
to (d) of this section, including a performance rating as	30074
described in divisions (D) (1) (a) to (c) of this section;	30075
(b) The percentage of twelfth-grade students and other	30076
students who have attained a designated passing score on high	30077
school achievement assessments as described in division (C) (2)	30078
of this section, including a performance rating as described in	30079
divisions (D) (1) (a) to (c) of this section;	30080
(c) Annual measurable objectives described in division (C)	30081
(3) of this section, including a performance rating as described	30082

in divisions (D) (1) (a) to (c) of this section;	30083
(d) Both of the following without an assigned rating:	30084
(i) Growth in annual student achievement in reading and mathematics described in division (C) (4) of this section, if available;	30085 30086 30087
(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.	30088 30089 30090
(3) Beginning with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A) (4) (a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D) (1) (a) to (c) of this section:	30091 30092 30093 30094 30095 30096 30097
(a) The graduation rates as described in division (C) (1) of this section;	30098 30099
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section;	30100 30101 30102 30103
(c) Annual measurable objectives described in division (C) (3) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;	30104 30105 30106
(d) Growth in annual student achievement in reading and mathematics as described in division (C) (4) of this section;	30107 30108
(e) An overall performance designation for the school calculated under rules adopted under division (D) (2) of this	30109 30110

section. 30111

The department shall also include student outcome data, 30112
including postsecondary credit earned, nationally recognized 30113
career or technical certification, military enlistment, job 30114
placement, attendance rate, and progress on closing achievement 30115
gaps for each school. This information shall not be included in 30116
the calculation of a school's performance rating. 30117

(F) Not later than the thirty-first day of July of each 30118
year, the department shall submit preliminary report card data 30119
for overall academic performance for each performance measure 30120
prescribed in division (E) (3) of this section for each community 30121
school to which this section applies. 30122

(G) In developing the rating and report card system 30123
required by this section, during the 2012-2013 and 2013-2014 30124
school years, the department shall gather and analyze data as 30125
determined necessary from each community school described in 30126
division (A) (4) (a) of section 3314.35 of the Revised Code. Each 30127
such school shall cooperate with the department by supplying 30128
requested data and administering required assessments, including 30129
sample assessments for purposes of measuring student achievement 30130
growth as described in division (C) (4) of this section. The 30131
department shall consult with stakeholder groups in performing 30132
its duties under this division. 30133

The department shall also identify one or more states that 30134
have established or are in the process of establishing similar 30135
academic performance rating systems for dropout prevention and 30136
recovery programs and consult with the departments of education 30137
of those states in developing the system required by this 30138
section. 30139

(H) ~~Not later than December 31, 2014, the state board~~ The 30140
department shall review the performance levels and benchmarks 30141
for performance indicators in the report card issued under this 30142
section and may revise them based on the data collected under 30143
division (G) of this section. 30144

(I) For the purposes of division (F) of section 3314.351 30145
of the Revised Code, the department shall recalculate the 30146
ratings for each school under division (E) (3) of this section 30147
for the 2017-2018 school year and calculate the ratings under 30148
that division for the 2018-2019 school year using the indicators 30149
prescribed by division (C) of this section, as it exists on and 30150
after July 18, 2019. 30151

Sec. 3314.02. (A) As used in this chapter: 30152

(1) "Sponsor" means the board of education of a school 30153
district or the governing board of an educational service center 30154
that agrees to the conversion of all or part of a school or 30155
building under division (B) of this section, or an entity listed 30156
in division (C) (1) of this section, which has been approved by 30157
the department of education and workforce to sponsor community 30158
schools or is exempted by section 3314.021 or 3314.027 of the 30159
Revised Code from obtaining approval, and with which the 30160
governing authority of a community school enters into a contract 30161
under section 3314.03 of the Revised Code. 30162

(2) "Pilot project area" means the school districts 30163
included in the territory of the former community school pilot 30164
project established by former Section 50.52 of Am. Sub. H.B. No. 30165
215 of the 122nd general assembly. 30166

(3) "Challenged school district" means any of the 30167
following: 30168

(a) A school district that is part of the pilot project area;	30169 30170
(b) A school district that meets one of the following conditions:	30171 30172
(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;	30173 30174 30175 30176
(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;	30177 30178 30179 30180 30181
(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the district has received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C) (1) (e) of that section;	30182 30183 30184 30185 30186 30187 30188
(iv) For the 2021-2022 school year and for any school year thereafter, the district has received an overall performance rating of less than three stars under division (D) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received one star for progress under division (D) (3) (c) of that section.	30189 30190 30191 30192 30193 30194
(c) A big eight school district;	30195
(d) A school district ranked in the lowest five per cent of school districts according to performance index score under	30196 30197

section 3302.21 of the Revised Code. 30198

(4) "Big eight school district" means a school district 30199
that for fiscal year 1997 had both of the following: 30200

(a) A percentage of children residing in the district and 30201
participating in the predecessor of Ohio works first greater 30202
than thirty per cent, as reported pursuant to section 3317.10 of 30203
the Revised Code; 30204

(b) An average daily membership greater than twelve 30205
thousand, as reported pursuant to former division (A) of section 30206
3317.03 of the Revised Code. 30207

(5) "New start-up school" means a community school other 30208
than one created by converting all or part of an existing public 30209
school or educational service center building, as designated in 30210
the school's contract pursuant to division (A)(17) of section 30211
3314.03 of the Revised Code. 30212

(6) "Urban school district" means one of the state's 30213
twenty-one urban school districts as defined in division (O) of 30214
section 3317.02 of the Revised Code as that section existed 30215
prior to July 1, 1998. 30216

(7) "Internet- or computer-based community school" means a 30217
community school established under this chapter in which the 30218
enrolled students work primarily from their residences on 30219
assignments in nonclassroom-based learning opportunities 30220
provided via an internet- or other computer-based instructional 30221
method that does not rely on regular classroom instruction or 30222
via comprehensive instructional methods that include internet- 30223
based, other computer-based, and noncomputer-based learning 30224
opportunities unless a student receives career-technical 30225
education under section 3314.086 of the Revised Code. 30226

A community school that operates mainly as an internet- or 30227
computer-based community school and provides career-technical 30228
education under section 3314.086 of the Revised Code shall be 30229
considered an internet- or computer-based community school, even 30230
if it provides some classroom-based instruction, so long as it 30231
provides instruction via the methods described in this division. 30232

(8) "Operator" or "management company" means either of the 30233
following: 30234

(a) An individual or organization that manages the daily 30235
operations of a community school pursuant to a contract between 30236
the operator or management company and the school's governing 30237
authority; 30238

(b) A nonprofit organization that provides programmatic 30239
oversight and support to a community school under a contract 30240
with the school's governing authority and that retains the right 30241
to terminate its affiliation with the school if the school fails 30242
to meet the organization's quality standards. 30243

(9) "Alliance municipal school district" has the same 30244
meaning as in section 3311.86 of the Revised Code. 30245

(B) (1) Any person or group of individuals may initially 30246
propose under this division the conversion of all or a portion 30247
of a public school to a community school. The proposal shall be 30248
made to the board of education of the city, local, exempted 30249
village, or joint vocational school district in which the public 30250
school is proposed to be converted. 30251

(2) Any person or group of individuals may initially 30252
propose under this division the conversion of all or a portion 30253
of a building operated by an educational service center to a 30254
community school. The proposal shall be made to the governing 30255

board of the service center. 30256

On or after July 1, 2017, except as provided in section 30257
3314.027 of the Revised Code, any educational service center 30258
that sponsors a community school shall be approved by and enter 30259
into a written agreement with the department as described in 30260
section 3314.015 of the Revised Code. 30261

(3) Upon receipt of a proposal, and after an agreement has 30262
been entered into pursuant to section 3314.015 of the Revised 30263
Code, a board may enter into a preliminary agreement with the 30264
person or group proposing the conversion of the public school or 30265
service center building, indicating the intention of the board 30266
to support the conversion to a community school. A proposing 30267
person or group that has a preliminary agreement under this 30268
division may proceed to finalize plans for the school, establish 30269
a governing authority for the school, and negotiate a contract 30270
with the board. Provided the proposing person or group adheres 30271
to the preliminary agreement and all provisions of this chapter, 30272
the board shall negotiate in good faith to enter into a contract 30273
in accordance with section 3314.03 of the Revised Code and 30274
division (C) of this section. 30275

(4) The sponsor of a conversion community school proposed 30276
to open in an alliance municipal school district shall be 30277
subject to approval by the department of education and workforce 30278
for sponsorship of that school using the criteria established 30279
under division (A) of section 3311.87 of the Revised Code. 30280

Division (B) (4) of this section does not apply to a 30281
sponsor that, on or before September 29, 2015, was exempted 30282
under section 3314.021 or 3314.027 of the Revised Code from the 30283
requirement to be approved for sponsorship under divisions (A) 30284
(2) and (B) (1) of section 3314.015 of the Revised Code. 30285

(5) A school established in accordance with division (B) 30286
of this section that later enters into a sponsorship contract 30287
with an entity that is not a school district or educational 30288
service center shall, at the time of entering into the new 30289
contract, be deemed a community school established in accordance 30290
with division (C) of this section. 30291

(C) (1) Provided all other conditions of sponsorship and 30292
governance are satisfied, any person or group of individuals may 30293
propose under this division the establishment of a new start-up 30294
school regardless of the school's proposed location. The 30295
proposal may be made to any of the following entities: 30296

(a) The board of education of the district in which the 30297
school is proposed to be located; 30298

(b) The board of education of any joint vocational school 30299
district with territory in the county in which is located the 30300
majority of the territory of the district in which the school is 30301
proposed to be located; 30302

(c) The board of education of any other city, local, or 30303
exempted village school district having territory in the same 30304
county where the district in which the school is proposed to be 30305
located has the major portion of its territory; 30306

(d) The governing board of any educational service center, 30307
regardless of the location of the proposed school, may sponsor a 30308
new start-up school if all of the following are satisfied: 30309

(i) If applicable, it satisfies the requirements of 30310
division (E) of section 3311.86 of the Revised Code; 30311

(ii) It is approved to do so by the department; 30312

(iii) It enters into an agreement with the department 30313

under section 3314.015 of the Revised Code. 30314

(e) A sponsoring authority designated by the board of 30315
trustees of any of the thirteen state universities listed in 30316
section 3345.011 of the Revised Code or the board of trustees 30317
itself as long as a mission of the proposed school to be 30318
specified in the contract under division (A) (2) of section 30319
3314.03 of the Revised Code and as approved by the department 30320
under division (B) (3) of section 3314.015 of the Revised Code 30321
will be the practical demonstration of teaching methods, 30322
educational technology, or other teaching practices that are 30323
included in the curriculum of the university's teacher 30324
preparation program approved by the ~~state board of education~~ 30325
chancellor of higher education; 30326

(f) Any qualified tax-exempt entity under section 501(c) 30327
(3) of the Internal Revenue Code as long as all of the following 30328
conditions are satisfied: 30329

(i) The entity has been in operation for at least five 30330
years prior to applying to be a community school sponsor. 30331

(ii) The entity has assets of at least five hundred 30332
thousand dollars and a demonstrated record of financial 30333
responsibility. 30334

(iii) The department has determined that the entity is an 30335
education-oriented entity under division (B) (4) of section 30336
3314.015 of the Revised Code and the entity has a demonstrated 30337
record of successful implementation of educational programs. 30338

(iv) The entity is not a community school. 30339

(g) The mayor of a city in which the majority of the 30340
territory of a school district to which section 3311.60 of the 30341
Revised Code applies is located, regardless of whether that 30342

district has created the position of independent auditor as 30343
prescribed by that section. The mayor's sponsorship authority 30344
under this division is limited to community schools that are 30345
located in that school district. Such mayor may sponsor 30346
community schools only with the approval of the city council of 30347
that city, after establishing standards with which community 30348
schools sponsored by the mayor must comply, and after entering 30349
into a sponsor agreement with the department as prescribed under 30350
section 3314.015 of the Revised Code. The mayor shall establish 30351
the standards for community schools sponsored by the mayor not 30352
later than one hundred eighty days after July 15, 2013, and 30353
shall submit them to the department upon their establishment. 30354
The department shall approve the mayor to sponsor community 30355
schools in the district, upon receipt of an application by the 30356
mayor to do so. Not later than ninety days after the 30357
department's approval of the mayor as a community school 30358
sponsor, the department shall enter into the sponsor agreement 30359
with the mayor. 30360

Any entity described in division (C) (1) of this section 30361
may enter into a preliminary agreement pursuant to division (C) 30362
(2) of this section with the proposing person or group, provided 30363
that entity has been approved by and entered into a written 30364
agreement with the department pursuant to section 3314.015 of 30365
the Revised Code. 30366

(2) A preliminary agreement indicates the intention of an 30367
entity described in division (C) (1) of this section to sponsor 30368
the community school. A proposing person or group that has such 30369
a preliminary agreement may proceed to finalize plans for the 30370
school, establish a governing authority as described in division 30371
(E) of this section for the school, and negotiate a contract 30372
with the entity. Provided the proposing person or group adheres 30373

to the preliminary agreement and all provisions of this chapter, 30374
the entity shall negotiate in good faith to enter into a 30375
contract in accordance with section 3314.03 of the Revised Code. 30376

(3) A new start-up school that is established in a school 30377
district described in either division (A) (3) (b) or (d) of this 30378
section may continue in existence once the school district no 30379
longer meets the conditions described in either division, 30380
provided there is a valid contract between the school and a 30381
sponsor. 30382

(4) A copy of every preliminary agreement entered into 30383
under this division shall be filed with the ~~superintendent of~~ 30384
~~public instruction~~director of education and workforce. 30385

(D) A majority vote of the board of a sponsoring entity 30386
and a majority vote of the members of the governing authority of 30387
a community school shall be required to adopt a contract and 30388
convert the public school or educational service center building 30389
to a community school or establish the new start-up school. 30390
Beginning September 29, 2005, adoption of the contract shall 30391
occur not later than the fifteenth day of March, and signing of 30392
the contract shall occur not later than the fifteenth day of 30393
May, prior to the school year in which the school will open. The 30394
governing authority shall notify the department of education and 30395
workforce when the contract has been signed. Subject to sections 30396
3314.013 and 3314.016 of the Revised Code, an unlimited number 30397
of community schools may be established in any school district 30398
provided that a contract is entered into for each community 30399
school pursuant to this chapter. 30400

(E) (1) As used in this division, "immediate relatives" are 30401
limited to spouses, children, parents, grandparents, and 30402
siblings, as well as in-laws residing in the same household as 30403

the person serving on the governing authority. 30404

Each new start-up community school established under this 30405
chapter shall be under the direction of a governing authority 30406
which shall consist of a board of not less than five 30407
individuals. 30408

(2) (a) No person shall serve on the governing authority or 30409
operate the community school under contract with the governing 30410
authority under any of the following circumstances: 30411

(i) The person owes the state any money or is in a dispute 30412
over whether the person owes the state any money concerning the 30413
operation of a community school that has closed. 30414

(ii) The person would otherwise be subject to division (B) 30415
of section 3319.31 of the Revised Code with respect to refusal, 30416
limitation, or revocation of a license to teach, if the person 30417
were a licensed educator. 30418

(iii) The person has pleaded guilty to or been convicted 30419
of theft in office under section 2921.41 of the Revised Code, or 30420
has pleaded guilty to or been convicted of a substantially 30421
similar offense in another state. 30422

(b) No person shall serve on the governing authority or 30423
engage in the financial day-to-day management of the community 30424
school under contract with the governing authority unless and 30425
until that person has submitted to a criminal records check in 30426
the manner prescribed by section 3319.39 of the Revised Code. 30427

(c) Each sponsor of a community school shall annually 30428
verify that a finding for recovery has not been issued by the 30429
auditor of state against any individual or individuals who 30430
propose to create a community school or any member of the 30431
governing authority, the operator, or any employee of each 30432

community school with responsibility for fiscal operations or 30433
authorization to expend money on behalf of the school. 30434

(3) No person shall serve on the governing authorities of 30435
more than five start-up community schools at the same time 30436
unless both of the following apply: 30437

(a) The person serves in a volunteer capacity and receives 30438
no compensation under division (E) (5) of this section from any 30439
governing authority on which the person serves. 30440

(b) For any school that has an operator, the operator is a 30441
nonprofit organization. 30442

(4) (a) For a community school established under this 30443
chapter that is not sponsored by a school district or an 30444
educational service center, no present or former member, or 30445
immediate relative of a present or former member, of the 30446
governing authority shall be an owner, employee, or consultant 30447
of the community school's sponsor or operator, unless at least 30448
one year has elapsed since the conclusion of the person's 30449
membership on the governing authority. 30450

(b) For a community school established under this chapter 30451
that is sponsored by a school district or an educational service 30452
center, no present or former member, or immediate relative of a 30453
present or former member, of the governing authority shall: 30454

(i) Be an officer of the district board or service center 30455
governing board that serves as the community school's sponsor, 30456
unless at least one year has elapsed since the conclusion of the 30457
person's membership on the governing authority; 30458

(ii) Serve as an employee of, or a consultant for, the 30459
department, division, or section of the sponsoring district or 30460
service center that is directly responsible for sponsoring 30461

community schools, or have supervisory authority over such a 30462
department, division, or section, unless at least one year has 30463
elapsed since the conclusion of the person's membership on the 30464
governing authority. 30465

(5) The governing authority of a start-up or conversion 30466
community school may provide by resolution for the compensation 30467
of its members. However, no individual who serves on the 30468
governing authority of a start-up or conversion community school 30469
shall be compensated more than one hundred twenty-five dollars 30470
per meeting of that governing authority and no such individual 30471
shall be compensated more than a total amount of five thousand 30472
dollars per year for all governing authorities upon which the 30473
individual serves. Each member of the governing authority may be 30474
paid compensation for attendance at an approved training 30475
program, provided that such compensation shall not exceed sixty 30476
dollars a day for attendance at a training program three hours 30477
or less in length and one hundred twenty-five dollars a day for 30478
attendance at a training program longer than three hours in 30479
length. 30480

(6) No person who is the employee of a school district or 30481
educational service center shall serve on the governing 30482
authority of any community school sponsored by that school 30483
district or service center. 30484

(7) Each member of the governing authority of a community 30485
school shall annually file a disclosure statement setting forth 30486
the names of any immediate relatives or business associates 30487
employed by any of the following within the previous three 30488
years: 30489

(a) The sponsor or operator of that community school; 30490

(b) A school district or educational service center that 30491
has contracted with that community school; 30492

(c) A vendor that is or has engaged in business with that 30493
community school. 30494

(8) No person who is a member of a school district board 30495
of education shall serve on the governing authority of any 30496
community school. 30497

(F) (1) A new start-up school that is established prior to 30498
August 15, 2003, in an urban school district that is not also a 30499
big-eight school district may continue to operate after that 30500
date and the contract between the school's governing authority 30501
and the school's sponsor may be renewed, as provided under this 30502
chapter, after that date. 30503

(2) A community school that was established prior to June 30504
29, 1999, and is located in a county contiguous to the pilot 30505
project area and in a school district that was not a challenged 30506
school district may continue to operate after that date, 30507
provided the school complies with all provisions of this 30508
chapter. The contract between the school's governing authority 30509
and the school's sponsor may be renewed. 30510

(3) Any educational service center that, on June 30, 2007, 30511
sponsors a community school that is not located in a county 30512
within the territory of the service center or in a county 30513
contiguous to such county may continue to sponsor that community 30514
school on and after June 30, 2007, and may renew its contract 30515
with the school. 30516

(4) ~~On and after the effective date of this amendment, the~~ 30517
The department of education and workforce shall not restrict the 30518
establishment of a new start-up community school to those 30519

located in a challenged school district as was required by this 30520
section prior to ~~the effective date of this amendment~~September 30521
30, 2021. 30522

Sec. 3314.021. (A) This section applies to any entity that 30523
is exempt from taxation under section 501(c)(3) of the Internal 30524
Revenue Code and that satisfies the conditions specified in 30525
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 30526
Revised Code but does not satisfy the condition specified in 30527
division (C)(1)(f)(i) of that section. 30528

(B) Notwithstanding division (C)(1)(f)(i) of section 30529
3314.02 of the Revised Code, and subject to division (D)(2) of 30530
this section, an entity described in division (A) of this 30531
section may do both of the following without obtaining the 30532
department of ~~education's~~education and workforce's initial 30533
approval of its sponsorship under divisions (A)(2) and (B)(1) of 30534
section 3314.015 of the Revised Code: 30535

(1) Succeed the board of trustees of a state university 30536
located in the pilot project area or that board's designee as 30537
the sponsor of a community school established under this 30538
chapter; 30539

(2) Continue to sponsor that school in conformance with 30540
the terms of the contract between the board of trustees or its 30541
designee and the governing authority of the community school and 30542
renew that contract as provided in division (E) of section 30543
3314.03 of the Revised Code. 30544

(C) The entity that succeeds the board of trustees or the 30545
board's designee as sponsor of a community school under division 30546
(B) of this section also may enter into contracts to sponsor 30547
other community schools regardless of the proposed school's 30548

location, without obtaining the department's initial approval of 30549
its sponsorship of those schools under divisions (A) (2) and (B) 30550
(1) of section 3314.015 of the Revised Code as long as the 30551
contracts conform with and the entity complies with all other 30552
requirements of this chapter. 30553

(D) (1) Regardless of the entity's authority to sponsor 30554
community schools without the initial approval of the 30555
department, the entity is under the continuing oversight of the 30556
department in accordance with rules adopted under section 30557
3314.015 of the Revised Code. 30558

(2) If an entity described in division (A) of this section 30559
receives a rating below "effective" under division (B) of 30560
section 3314.016 of the Revised Code for two or more consecutive 30561
years, that entity shall receive approval from the department ~~of~~ 30562
~~education~~ to sponsor community schools and enter into a written 30563
agreement with the department in accordance with division (B) (1) 30564
of section 3314.015 of the Revised Code prior to entering into 30565
any further preliminary agreements under division (C) (2) of 30566
section 3314.02 of the Revised Code or renewing any existing 30567
contract to sponsor a community school. 30568

(E) (1) As used in division (E) of this section: 30569

(a) "Board of trustees" means a board of trustees of a 30570
state university located in the pilot project area. 30571

(b) "Rating" means a sponsor rating under section 3314.016 30572
of the Revised Code. 30573

(2) Notwithstanding anything to the contrary in division 30574
(B) (7) (b) of section 3314.016 of the Revised Code, for the 30575
purposes of that division, the department shall consider an 30576
entity that succeeded a board of trustees as the sponsor of a 30577

community school in accordance with division (B) (1) of this 30578
section to have received the same rating for the 2016-2017 30579
school year as the board of trustees, provided all of the 30580
following apply: 30581

(a) The department assigned the board of trustees a rating 30582
of either "effective" or "exemplary" for the 2016-2017 school 30583
year. 30584

(b) The department did not assign the entity its own 30585
rating for the 2016-2017 school year. 30586

(c) The department assigned the entity its own rating for 30587
the 2017-2018 school year. 30588

Sec. 3314.023. A sponsor shall provide monitoring, 30589
oversight, and technical assistance to each school that it 30590
sponsors. In order to provide monitoring, oversight, and 30591
technical assistance, a representative of the sponsor of a 30592
community school shall meet with the governing authority or 30593
fiscal officer of the school and shall review the financial and 30594
enrollment records of the school at least once every month. Not 30595
later than ten days after each review, the sponsor shall provide 30596
the governing authority and fiscal officer with a written report 30597
regarding the review. Copies of those financial and enrollment 30598
records shall be furnished to the community school sponsor and 30599
operator, members of the governing authority, and the fiscal 30600
officer designated in section 3314.011 of the Revised Code on a 30601
monthly basis. 30602

If a community school closes or is permanently closed, the 30603
designated fiscal officer shall deliver all financial and 30604
enrollment records to the school's sponsor within thirty days of 30605
the school's closure. If the fiscal officer fails to provide the 30606

records in a timely manner, or fails to faithfully perform any 30607
of the fiscal officer's other duties, the sponsor has the right 30608
of action against the fiscal officer to compel delivery of all 30609
financial and enrollment records of the school and shall, if 30610
necessary, seek recovery of any funds owed as a result of any 30611
finding of recovery by the auditor of state against the fiscal 30612
officer. 30613

For purposes of this chapter, "monitoring, oversight, and 30614
technical assistance" shall include the following: 30615

(A) Monitoring the community school's compliance with all 30616
laws applicable to the school and with the terms of the 30617
contract; 30618

(B) Monitoring and evaluating the academic and fiscal 30619
performance and the organization and operation of the community 30620
school on at least an annual basis. The evaluation of a school's 30621
academic and fiscal performance shall be based on the 30622
performance requirements specified in the contract between the 30623
sponsor and the governing authority under section 3314.03 of the 30624
Revised Code, the state report cards issued for the school under 30625
section 3302.03 or 3314.017 of the Revised Code, and any other 30626
analysis conducted by the department of education and workforce. 30627

(C) Reporting on an annual basis the results of the 30628
evaluation conducted under division (D) (2) of section 3314.03 of 30629
the Revised Code to the department of education and workforce 30630
and to the parents of students enrolled in the community school; 30631

(D) Providing technical assistance to the community school 30632
in complying with laws applicable to the school and terms of the 30633
contract; 30634

(E) Taking steps to intervene in the school's operation to 30635

correct problems in the school's overall performance, declaring 30636
the school to be on probationary status pursuant to section 30637
3314.073 of the Revised Code, suspending the operation of the 30638
school pursuant to section 3314.072 of the Revised Code, or 30639
terminating the contract of the school pursuant to section 30640
3314.07 of the Revised Code as determined necessary by the 30641
sponsor; 30642

(F) Having in place a plan of action to be undertaken in 30643
the event the community school experiences financial 30644
difficulties or closes prior to the end of a school year. 30645

(G) Other activities designed to specifically benefit the 30646
community school the entity sponsors. 30647

Sec. 3314.025. (A) Beginning with the 2016-2017 school 30648
year, each sponsor of a community school shall submit, not later 30649
than the fifteenth day of August of each year, a report to the 30650
department of education and workforce, using the format and 30651
manner prescribed by the department as set forth in division (B) 30652
of this section, describing the amount and type of expenditures 30653
made to provide monitoring, oversight, and technical assistance 30654
to the community schools it sponsors. The report shall also be 30655
submitted to the governing authority of the community school. 30656

(B) Not later than ninety days after the effective date of 30657
this section, the department shall establish requirements and a 30658
reporting procedure to aid each sponsor in complying with 30659
division (A) of this section. The department shall require that 30660
each report include at least the following types of expenditures 30661
made to provide oversight, monitoring, and technical assistance 30662
to the community school it sponsors: 30663

(1) Employee salaries, wages, benefits, and other 30664

compensation;	30665
(2) All purchased or contracted services;	30666
(3) Materials and supplies;	30667
(4) Equipment, furniture, and fixtures;	30668
(5) Facilities;	30669
(6) Other expenditures.	30670
(C) The report submitted under this section shall be a	30671
factor when evaluating a sponsor's compliance with applicable	30672
law and administrative rules as prescribed under division (B) (1)	30673
(c) of section 3314.016 of the Revised Code. The report also may	30674
be used as a factor when evaluating a sponsor's adherence to	30675
quality practices as prescribed under division (B) (1) (b) of that	30676
section.	30677
Sec. 3314.027. Notwithstanding the requirement for initial	30678
approval of sponsorship by the department of education <u>and</u>	30679
<u>workforce</u> prescribed in divisions (A) (2) and (B) (1) of section	30680
3314.015 of the Revised Code and any geographical restriction or	30681
mission requirement prescribed in division (C) (1) of section	30682
3314.02 of the Revised Code, an entity that has entered into a	30683
contract to sponsor a community school on April 8, 2003, may	30684
continue to sponsor the school in conformance with the terms of	30685
that contract and also may enter into new contracts to sponsor	30686
community schools after April 8, 2003, as long as the contracts	30687
conform to and the entity complies with all other provisions of	30688
this chapter.	30689
Regardless of the entity's authority to sponsor community	30690
schools without the initial approval of the department, each	30691
entity described in this section is under the continuing	30692

oversight of the department in accordance with rules adopted 30693
under section 3314.015 of the Revised Code. 30694

If an entity to which this section applies receives a 30695
rating below "effective" under division (B) of section 3314.016 30696
of the Revised Code for two or more consecutive years, that 30697
entity shall receive approval from the department of education 30698
and workforce to sponsor community schools and enter into a 30699
written agreement with the department in accordance with 30700
division (B)(1) of section 3314.015 of the Revised Code prior to 30701
entering into any further preliminary agreements under division 30702
(C)(2) of section 3314.02 of the Revised Code or renewing any 30703
existing contract to sponsor a community school. 30704

Sec. 3314.029. This section establishes the Ohio school 30705
sponsorship program. The department of education and workforce 30706
shall establish an office of Ohio school sponsorship to perform 30707
the department's duties prescribed by this section. 30708

(A)(1) Notwithstanding anything to the contrary in this 30709
chapter, any person, group of individuals, or entity may apply 30710
to the department for direct authorization to establish a 30711
community school and, upon approval of the application, may 30712
establish the school. Notwithstanding anything to the contrary 30713
in this chapter, the governing authority of an existing 30714
community school, upon the expiration or termination of its 30715
contract with the school's sponsor entered into under section 30716
3314.03 of the Revised Code, may apply to the department for 30717
direct authorization to continue operating the school and, upon 30718
approval of the application, may continue to operate the school. 30719
The department may establish a format and deadlines for an 30720
application. 30721

Each application submitted to the department shall include 30722

the following: 30723

(a) Evidence that the applicant will be able to comply 30724
with division (C) of this section; 30725

(b) A statement indicating that the applicant agrees to 30726
comply with all applicable provisions of this chapter, including 30727
the requirement to be established as a nonprofit corporation or 30728
public benefit corporation in accordance with division (A) (1) of 30729
section 3314.03 of the Revised Code; 30730

(c) A statement attesting that no unresolved finding of 30731
recovery has been issued by the auditor of state against any 30732
person, group of individuals, or entity that is a party to the 30733
application and that no person who is party to the application 30734
has been a member of the governing authority of any community 30735
school that has permanently closed and against which an 30736
unresolved finding of recovery has been issued by the auditor of 30737
state. In the case of an application submitted by the governing 30738
authority of an existing community school, a person who is party 30739
to the application shall include each individual member of that 30740
governing authority. 30741

(d) A statement that the school will be nonsectarian in 30742
its programs, admission policies, employment practices, and all 30743
other operations, and will not be operated by a sectarian school 30744
or religious institution; 30745

(e) A statement of whether the school is to be created by 30746
converting all or part of an existing public school or 30747
educational service center building or is to be a new start-up 30748
school. If it is a converted public school or service center 30749
building, the statement shall include a specification of any 30750
duties or responsibilities of an employer that the board of 30751

education or service center governing board that operated the 30752
school or building before conversion is delegating to the 30753
governing authority of the community school with respect to all 30754
or any specified group of employees, provided the delegation is 30755
not prohibited by a collective bargaining agreement applicable 30756
to such employees. 30757

(f) A statement that the school's teachers will be 30758
licensed in the manner prescribed by division (A)(10) of section 30759
3314.03 of the Revised Code; 30760

(g) A statement that the school will comply with all of 30761
the provisions of law enumerated in divisions (A)(11)(d) and (e) 30762
of section 3314.03 of the Revised Code and of division (A)(11) 30763
(h) of that section, if applicable; 30764

(h) A statement that the school's graduation and 30765
curriculum requirements will comply with division (A)(11)(f) of 30766
section 3314.03 of the Revised Code; 30767

(i) A description of each of the following: 30768

(i) The school's mission and educational program, the 30769
characteristics of the students the school is expected to 30770
attract, the ages and grade levels of students, and the focus of 30771
the curriculum; 30772

(ii) The school's governing authority, which shall be in 30773
compliance with division (E) of section 3314.02 of the Revised 30774
Code; 30775

(iii) The school's admission and dismissal policies, which 30776
shall be in compliance with divisions (A)(5) and (6) of section 30777
3314.03 of the Revised Code; 30778

(iv) The school's business plan, including a five-year 30779

financial forecast; 30780

(v) In the case of an application to establish a community 30781
school, the applicant's resources and capacity to establish and 30782
operate the school; 30783

(vi) The school's academic goals to be achieved and the 30784
method of measurement that will be used to determine progress 30785
toward those goals, which shall include the statewide 30786
achievement assessments; 30787

(vii) The facilities to be used by the school and their 30788
locations; 30789

(viii) A description of the learning opportunities that 30790
will be offered to students including both classroom-based and 30791
nonclassroom-based learning opportunities that are in compliance 30792
with criteria for student participation established by the 30793
department under division (H) (2) of section 3314.08 of the 30794
Revised Code. 30795

(2) Subject to division (A) (3) of this section, the 30796
department may approve or deny an application, taking into 30797
consideration the standards for quality authorizing, capacity 30798
requirements, financial constraints, or any other criteria it 30799
determines necessary and appropriate. ~~The department shall adopt~~ 30800
~~the criteria not later than sixty days after the effective date~~ 30801
~~of this amendment.~~ The department shall assign each applicant 30802
school a rating established for a new start-up community school 30803
or an existing community school, as applicable. 30804

~~The department of education~~ shall annually publish on its 30805
web site the criteria it uses to approve or deny an application 30806
submitted pursuant to this section. 30807

(3) For each of five school years, beginning with the 30808

school year that begins in the calendar year in which this 30809
section takes effect, the department may approve up to twenty 30810
applications for community schools to be established or to 30811
continue operation under division (A) of this section; however, 30812
of the twenty applications that may be approved each school 30813
year, only up to five may be for the establishment of new 30814
schools. 30815

(4) Notwithstanding division (A) (2) of this section, the 30816
department may deny an application submitted by the governing 30817
authority of an existing community school, if a previous sponsor 30818
of that school did not renew its contract or terminated its 30819
contract with the school entered into under section 3314.03 of 30820
the Revised Code. 30821

(5) In the case of a proposed new community school to be 30822
located in an alliance municipal school district, the department 30823
shall not approve the application of that community school 30824
unless both of the following apply: 30825

(a) The department approves the application using the 30826
requirements of divisions (A) (1) (a) to (h) of this section and 30827
the criteria developed under division (A) (2) of this section. 30828

(b) The department has determined that the applicant has 30829
requested and received a recommendation from the alliance in the 30830
manner prescribed by divisions (E) (1) and (2) of section 3311.86 30831
of the Revised Code. 30832

As used in this section, "alliance municipal school 30833
district" and "alliance" have the same meanings as in section 30834
3311.86 of the Revised Code. 30835

(B) The department and the governing authority of each 30836
community school authorized under this section shall enter into 30837

a contract under section 3314.03 of the Revised Code. 30838
Notwithstanding division (A) (13) of that section, the contract 30839
with an existing community school may begin at any time during 30840
the academic year. The length of the initial contract of any 30841
community school under this section may be for any term up to 30842
five years. The contract may be renewed in accordance with 30843
division (E) of that section. The contract may provide for the 30844
school's governing authority to pay a fee for oversight and 30845
monitoring of the school that does not exceed three per cent of 30846
the total amount of payments for operating expenses that the 30847
school receives from the state. 30848

(C) The department may require a community school 30849
authorized under this section to post and file with the 30850
~~superintendent of public instruction~~ director of education and 30851
workforce a bond payable to the state or to file with the ~~state~~ 30852
~~superintendent~~ director a guarantee, which shall be used to pay 30853
the state any moneys owed by the community school in the event 30854
the school closes. 30855

(D) Except as otherwise provided in this section, a 30856
community school authorized under this section shall comply with 30857
all applicable provisions of this chapter. The department may 30858
take any action that a sponsor may take under this chapter to 30859
enforce the school's compliance with this division and the terms 30860
of the contract entered into under division (B) of this section. 30861

(E) Not later than December 31, 2012, and annually 30862
thereafter, the department shall issue a report on the program, 30863
including information about the number of community schools 30864
participating in the program and their compliance with the 30865
provisions of this chapter. In its fifth report, the department 30866
shall include a complete evaluation of the program and 30867

recommendations regarding the program's continuation. Each 30868
report shall be provided to the general assembly, in accordance 30869
with section 101.68 of the Revised Code, and to the governor. 30870

Sec. 3314.0211. (A) No community school to which either of 30871
the following applies shall be eligible to merge with one or 30872
more other community schools under this section: 30873

(1) The school has met the performance criteria for 30874
required closure specified in division (A) of section 3314.35 or 30875
division (A) of section 3314.351 of the Revised Code for at 30876
least one of the two most recent school years. 30877

(2) The school has been notified of the sponsor's intent 30878
to terminate or not renew the school's contract pursuant to 30879
section 3314.07 of the Revised Code. 30880

(B) Two or more community schools may merge upon the 30881
adoption of a resolution by the governing authority of each 30882
school involved in the merger. Any merger shall take effect on 30883
the first day of July of the year specified in the resolution. 30884

(C) Not less than sixty days prior to the effective date 30885
of a merger under division (B) of this section, each community 30886
school involved in the merger shall do both of the following: 30887

(1) Provide a copy of the resolution to the school's 30888
sponsor; 30889

(2) Notify the department of education and workforce of 30890
all of the following: 30891

(a) The impending merger; 30892

(b) The effective date of the merger; 30893

(c) The school that will be designated as the surviving 30894

school in accordance with section 1702.41 of the Revised Code;	30895
(d) The entity that will sponsor the surviving school.	30896
(D) Notwithstanding anything to the contrary in the Revised Code, the governing authority of the surviving community school shall enter into a new contract with the school's sponsor under section 3314.03 of the Revised Code.	30897 30898 30899 30900
(E) No sponsor shall do either of the following:	30901
(1) Assign the sponsor's existing contract with a merging community school to the sponsor of the surviving community school;	30902 30903 30904
(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section.	30905 30906 30907
Division (E) of this section shall not apply to the office of Ohio school sponsorship established under section 3314.029 of the Revised Code.	30908 30909 30910
(F) (1) The department shall issue a report card under section 3302.03 or 3314.017 of the Revised Code for the surviving community school.	30911 30912 30913
(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.	30914 30915 30916 30917 30918 30919
(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code.	30920 30921 30922

Sec. 3314.03. A copy of every contract entered into under 30923
this section shall be filed with the ~~superintendent~~ director of 30924
~~public instruction~~ education and workforce. The department of 30925
education and workforce shall make available on its web site a 30926
copy of every approved, executed contract filed with the 30927
~~superintendent~~ director under this section. 30928

(A) Each contract entered into between a sponsor and the 30929
governing authority of a community school shall specify the 30930
following: 30931

(1) That the school shall be established as either of the 30932
following: 30933

(a) A nonprofit corporation established under Chapter 30934
1702. of the Revised Code, if established prior to April 8, 30935
2003; 30936

(b) A public benefit corporation established under Chapter 30937
1702. of the Revised Code, if established after April 8, 2003. 30938

(2) The education program of the school, including the 30939
school's mission, the characteristics of the students the school 30940
is expected to attract, the ages and grades of students, and the 30941
focus of the curriculum; 30942

(3) The academic goals to be achieved and the method of 30943
measurement that will be used to determine progress toward those 30944
goals, which shall include the statewide achievement 30945
assessments; 30946

(4) Performance standards, including but not limited to 30947
all applicable report card measures set forth in section 3302.03 30948
or 3314.017 of the Revised Code, by which the success of the 30949
school will be evaluated by the sponsor; 30950

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	30951 30952 30953
(6) (a) Dismissal procedures;	30954
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	30955 30956 30957 30958 30959 30960
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	30961 30962
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	30963 30964 30965 30966 30967 30968
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	30969 30970
(a) A detailed description of each facility used for instructional purposes;	30971 30972
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	30973 30974
(c) The annual mortgage principal and interest payments that are paid by the school;	30975 30976
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the	30977 30978

operator, if any. 30979

(10) Qualifications of teachers, including a requirement 30980
that the school's classroom teachers be licensed in accordance 30981
with sections 3319.22 to 3319.31 of the Revised Code, except 30982
that a community school may engage noncertificated persons to 30983
teach up to twelve hours or forty hours per week pursuant to 30984
section 3319.301 of the Revised Code. 30985

(11) That the school will comply with the following 30986
requirements: 30987

(a) The school will provide learning opportunities to a 30988
minimum of twenty-five students for a minimum of nine hundred 30989
twenty hours per school year. 30990

(b) The governing authority will purchase liability 30991
insurance, or otherwise provide for the potential liability of 30992
the school. 30993

(c) The school will be nonsectarian in its programs, 30994
admission policies, employment practices, and all other 30995
operations, and will not be operated by a sectarian school or 30996
religious institution. 30997

(d) The school will comply with sections 9.90, 9.91, 30998
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 30999
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 31000
3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 31001
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 31002
3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 31003
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 31004
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 31005
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 31006
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 31007

3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 31008
3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 31009
3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 31010
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 31011
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 31012
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 31013
and 4167. of the Revised Code as if it were a school district 31014
and will comply with section 3301.0714 of the Revised Code in 31015
the manner specified in section 3314.17 of the Revised Code. 31016

(e) The school shall comply with Chapter 102. and section 31017
2921.42 of the Revised Code. 31018

(f) The school will comply with sections 3313.61, 31019
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 31020
Revised Code, except that for students who enter ninth grade for 31021
the first time before July 1, 2010, the requirement in sections 31022
3313.61 and 3313.611 of the Revised Code that a person must 31023
successfully complete the curriculum in any high school prior to 31024
receiving a high school diploma may be met by completing the 31025
curriculum adopted by the governing authority of the community 31026
school rather than the curriculum specified in Title XXXIII of 31027
the Revised Code or any rules of the ~~state board of education~~ 31028
department. Beginning with students who enter ninth grade for 31029
the first time on or after July 1, 2010, the requirement in 31030
sections 3313.61 and 3313.611 of the Revised Code that a person 31031
must successfully complete the curriculum of a high school prior 31032
to receiving a high school diploma shall be met by completing 31033
the requirements prescribed in section 3313.6027 and division 31034
(C) of section 3313.603 of the Revised Code, unless the person 31035
qualifies under division (D) or (F) of that section. Each school 31036
shall comply with the plan for awarding high school credit based 31037
on demonstration of subject area competency, and beginning with 31038

the 2017-2018 school year, with the updated plan that permits 31039
students enrolled in seventh and eighth grade to meet curriculum 31040
requirements based on subject area competency adopted by the 31041
~~state board of education department~~ under divisions (J) (1) and 31042
(2) of section 3313.603 of the Revised Code. Beginning with the 31043
2018-2019 school year, the school shall comply with the 31044
framework for granting units of high school credit to students 31045
who demonstrate subject area competency through work-based 31046
learning experiences, internships, or cooperative education 31047
developed by the department under division (J) (3) of section 31048
3313.603 of the Revised Code. 31049

(g) The school governing authority will submit within four 31050
months after the end of each school year a report of its 31051
activities and progress in meeting the goals and standards of 31052
divisions (A) (3) and (4) of this section and its financial 31053
status to the sponsor and the parents of all students enrolled 31054
in the school. 31055

(h) The school, unless it is an internet- or computer- 31056
based community school, will comply with section 3313.801 of the 31057
Revised Code as if it were a school district. 31058

(i) If the school is the recipient of moneys from a grant 31059
awarded under the federal race to the top program, Division (A), 31060
Title XIV, Sections 14005 and 14006 of the "American Recovery 31061
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 31062
the school will pay teachers based upon performance in 31063
accordance with section 3317.141 and will comply with section 31064
3319.111 of the Revised Code as if it were a school district. 31065

(j) If the school operates a preschool program that is 31066
licensed by the department ~~of education~~ under sections 3301.52 31067
to 3301.59 of the Revised Code, the school shall comply with 31068

sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the ~~state board~~ department under section 3301.53 of the Revised Code.

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

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

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

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

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

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

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

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

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is

terminated or not renewed pursuant to section 3314.07 of the Revised Code; 31097
31098

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 31099
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(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 31110
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(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 31113
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31115
31116
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located; 31119
31120

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located; 31121
31122
31123

(c) Permit the enrollment of students who reside in any other district in the state. 31124
31125

(20) A provision recognizing the authority of the	31126
department of education to take over the sponsorship of the	31127
school in accordance with the provisions of division (C) of	31128
section 3314.015 of the Revised Code;	31129
(21) A provision recognizing the sponsor's authority to	31130
assume the operation of a school under the conditions specified	31131
in division (B) of section 3314.073 of the Revised Code;	31132
(22) A provision recognizing both of the following:	31133
(a) The authority of public health and safety officials to	31134
inspect the facilities of the school and to order the facilities	31135
closed if those officials find that the facilities are not in	31136
compliance with health and safety laws and regulations;	31137
(b) The authority of the department of education as the	31138
community school oversight body to suspend the operation of the	31139
school under section 3314.072 of the Revised Code if the	31140
department has evidence of conditions or violations of law at	31141
the school that pose an imminent danger to the health and safety	31142
of the school's students and employees and the sponsor refuses	31143
to take such action.	31144
(23) A description of the learning opportunities that will	31145
be offered to students including both classroom-based and non-	31146
classroom-based learning opportunities that is in compliance	31147
with criteria for student participation established by the	31148
department under division (H) (2) of section 3314.08 of the	31149
Revised Code;	31150
(24) The school will comply with sections 3302.04 and	31151
3302.041 of the Revised Code, except that any action required to	31152
be taken by a school district pursuant to those sections shall	31153
be taken by the sponsor of the school. However, the sponsor	31154

~~shall not be required to take any action described in division
(F) of section 3302.04 of the Revised Code.~~ 31155
31156

(25) Beginning in the 2006-2007 school year, the school 31157
will open for operation not later than the thirtieth day of 31158
September each school year, unless the mission of the school as 31159
specified under division (A) (2) of this section is solely to 31160
serve dropouts. In its initial year of operation, if the school 31161
fails to open by the thirtieth day of September, or within one 31162
year after the adoption of the contract pursuant to division (D) 31163
of section 3314.02 of the Revised Code if the mission of the 31164
school is solely to serve dropouts, the contract shall be void. 31165

(26) Whether the school's governing authority is planning 31166
to seek designation for the school as a STEM school equivalent 31167
under section 3326.032 of the Revised Code; 31168

(27) That the school's attendance and participation 31169
policies will be available for public inspection; 31170

(28) That the school's attendance and participation 31171
records shall be made available to the department of education, 31172
auditor of state, and school's sponsor to the extent permitted 31173
under and in accordance with the "Family Educational Rights and 31174
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 31175
and any regulations promulgated under that act, and section 31176
3319.321 of the Revised Code; 31177

(29) If a school operates using the blended learning 31178
model, as defined in section 3301.079 of the Revised Code, all 31179
of the following information: 31180

(a) An indication of what blended learning model or models 31181
will be used; 31182

(b) A description of how student instructional needs will 31183

be determined and documented;	31184
(c) The method to be used for determining competency,	31185
granting credit, and promoting students to a higher grade level;	31186
(d) The school's attendance requirements, including how	31187
the school will document participation in learning	31188
opportunities;	31189
(e) A statement describing how student progress will be	31190
monitored;	31191
(f) A statement describing how private student data will	31192
be protected;	31193
(g) A description of the professional development	31194
activities that will be offered to teachers.	31195
(30) A provision requiring that all moneys the school's	31196
operator loans to the school, including facilities loans or cash	31197
flow assistance, must be accounted for, documented, and bear	31198
interest at a fair market rate;	31199
(31) A provision requiring that, if the governing	31200
authority contracts with an attorney, accountant, or entity	31201
specializing in audits, the attorney, accountant, or entity	31202
shall be independent from the operator with which the school has	31203
contracted.	31204
(32) A provision requiring the governing authority to	31205
adopt an enrollment and attendance policy that requires a	31206
student's parent to notify the community school in which the	31207
student is enrolled when there is a change in the location of	31208
the parent's or student's primary residence.	31209
(33) A provision requiring the governing authority to	31210
adopt a student residence and address verification policy for	31211

students enrolling in or attending the school. 31212

(B) The community school shall also submit to the sponsor 31213
a comprehensive plan for the school. The plan shall specify the 31214
following: 31215

(1) The process by which the governing authority of the 31216
school will be selected in the future; 31217

(2) The management and administration of the school; 31218

(3) If the community school is a currently existing public 31219
school or educational service center building, alternative 31220
arrangements for current public school students who choose not 31221
to attend the converted school and for teachers who choose not 31222
to teach in the school or building after conversion; 31223

(4) The instructional program and educational philosophy 31224
of the school; 31225

(5) Internal financial controls. 31226

When submitting the plan under this division, the school 31227
shall also submit copies of all policies and procedures 31228
regarding internal financial controls adopted by the governing 31229
authority of the school. 31230

(C) A contract entered into under section 3314.02 of the 31231
Revised Code between a sponsor and the governing authority of a 31232
community school may provide for the community school governing 31233
authority to make payments to the sponsor, which is hereby 31234
authorized to receive such payments as set forth in the contract 31235
between the governing authority and the sponsor. The total 31236
amount of such payments for monitoring, oversight, and technical 31237
assistance of the school shall not exceed three per cent of the 31238
total amount of payments for operating expenses that the school 31239

receives from the state. 31240

(D) The contract shall specify the duties of the sponsor 31241
which shall be in accordance with the written agreement entered 31242
into with the department ~~of education~~ under division (B) of 31243
section 3314.015 of the Revised Code and shall include the 31244
following: 31245

(1) Monitor the community school's compliance with all 31246
laws applicable to the school and with the terms of the 31247
contract; 31248

(2) Monitor and evaluate the academic and fiscal 31249
performance and the organization and operation of the community 31250
school on at least an annual basis; 31251

(3) Report on an annual basis the results of the 31252
evaluation conducted under division (D)(2) of this section to 31253
the department ~~of education~~ and to the parents of students 31254
enrolled in the community school; 31255

(4) Provide technical assistance to the community school 31256
in complying with laws applicable to the school and terms of the 31257
contract; 31258

(5) Take steps to intervene in the school's operation to 31259
correct problems in the school's overall performance, declare 31260
the school to be on probationary status pursuant to section 31261
3314.073 of the Revised Code, suspend the operation of the 31262
school pursuant to section 3314.072 of the Revised Code, or 31263
terminate the contract of the school pursuant to section 3314.07 31264
of the Revised Code as determined necessary by the sponsor; 31265

(6) Have in place a plan of action to be undertaken in the 31266
event the community school experiences financial difficulties or 31267
closes prior to the end of a school year. 31268

(E) Upon the expiration of a contract entered into under 31269
this section, the sponsor of a community school may, with the 31270
approval of the governing authority of the school, renew that 31271
contract for a period of time determined by the sponsor, but not 31272
ending earlier than the end of any school year, if the sponsor 31273
finds that the school's compliance with applicable laws and 31274
terms of the contract and the school's progress in meeting the 31275
academic goals prescribed in the contract have been 31276
satisfactory. Any contract that is renewed under this division 31277
remains subject to the provisions of sections 3314.07, 3314.072, 31278
and 3314.073 of the Revised Code. 31279

(F) If a community school fails to open for operation 31280
within one year after the contract entered into under this 31281
section is adopted pursuant to division (D) of section 3314.02 31282
of the Revised Code or permanently closes prior to the 31283
expiration of the contract, the contract shall be void and the 31284
school shall not enter into a contract with any other sponsor. A 31285
school shall not be considered permanently closed because the 31286
operations of the school have been suspended pursuant to section 31287
3314.072 of the Revised Code. 31288

Sec. 3314.032. (A) On and after the effective date of this 31289
section, any new or renewed contract between the governing 31290
authority of a community school and an operator shall include at 31291
least the following: 31292

(1) Criteria to be used for early termination of the 31293
operator contract; 31294

(2) Required notification procedures and timeline for 31295
early termination or nonrenewal of the operator contract; 31296

(3) A stipulation of which entity owns all community 31297

school facilities and property including, but not limited to, 31298
equipment, furniture, fixtures, instructional materials and 31299
supplies, computers, printers, and other digital devices 31300
purchased by the governing authority or operator. Any 31301
stipulation regarding property ownership shall comply with the 31302
requirements of section 3314.0210 of the Revised Code. 31303

(B) (1) The operator with which the governing authority of 31304
a community school contracts for services shall not lease any 31305
parcel of real property to that community school until an 31306
independent professional in the real estate field verifies via 31307
addendum that at the time the lease was agreed to, the lease was 31308
commercially reasonable. 31309

(2) The independent professional described in division (B) 31310
(1) of this section shall be immune from civil liability for any 31311
decision rendered pursuant to this section. 31312

(C) Beginning with the 2016-2017 school year, the 31313
governing authority of a community school, with the assistance 31314
of the school's designated fiscal officer, shall adopt an annual 31315
budget by the thirty-first day of October of each year. 31316

~~Not later than ninety days after the effective date of~~ 31317
~~this section, the~~ The department of education and workforce 31318
shall develop a format for annual budgets of community schools. 31319
The format shall prescribe inclusion of the following 31320
information in a school's budget: 31321

(1) Administrative costs for the community school as a 31322
whole; 31323

(2) Instructional services costs for each category of 31324
service provided directly to students, compiled and reported in 31325
terms of average expenditure per pupil receiving the service; 31326

(3) The cost of instructional support services, such as 31327
services provided by a speech-language pathologist, classroom 31328
aide, multimedia aide, or librarian, provided directly to 31329
students; 31330

(4) The cost of administrative support services, such as 31331
the cost of personnel that develop the curriculum and the cost 31332
of personnel supervising or coordinating the delivery of the 31333
instructional services; 31334

(5) The cost of support or extracurricular services costs 31335
for services directly provided to students; 31336

(6) The cost of services provided directly to students by 31337
a nonlicensed employee related to support or extracurricular 31338
services, such as janitorial services, cafeteria services, or 31339
services of a sports trainer; 31340

(7) The cost of administrative services related to support 31341
or extracurricular services, such as the cost of any licensed or 31342
unlicensed employees that develop, supervise, coordinate, or 31343
otherwise are involved in administrating or aiding the delivery 31344
of services. 31345

(D) The governing authority of a community school shall be 31346
the sole entity responsible for the adoption of the school's 31347
annual budget, but the governing authority shall adopt such 31348
budget with the assistance of the school's designated fiscal 31349
officer. 31350

Sec. 3314.034. (A) Subject to division (B) of this 31351
section, any community school to which either of the following 31352
conditions apply shall be prohibited from entering into a 31353
contract with a new sponsor: 31354

(1) The community school has received, on the most recent 31355

report card issued for that school under section 3302.03 of the Revised Code, either of the following:

(a) A grade of "D" or "F" for the performance index score, under division (C)(1)(b) of section 3302.03 of the Revised Code, and an overall grade of "D" or "F" for the value-added progress dimension or another measure of student academic progress if adopted by the ~~state board~~ department of education and workforce, under division (C)(1)(e) of that section;

(b) A performance rating of less than three stars for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and a performance rating of less than three stars for progress under division (D)(3)(c) of that section.

(2) The community school is one in which a majority of the students are enrolled in a dropout prevention and recovery program, and it has received a rating of "does not meet standards" for the annual student growth measure and combined graduation rates on the most recent report card issued for the school under section 3314.017 of the Revised Code.

(B) A community school to which division (A) of this section applies may enter into a contract with a new sponsor if all of the following conditions are satisfied:

(1) The proposed sponsor received a rating of "effective" or higher pursuant to division (B)(6) of section 3314.016 of the Revised Code on its most recent evaluation conducted according to that section, or the proposed sponsor is the office of Ohio school sponsorship established in section 3314.029 of the Revised Code.

(2) The community school submits a request to enter into a new contract with a sponsor.

(3) The community school has not submitted a prior request 31385
that was granted. 31386

(4) The department grants the school's request pursuant to 31387
division (C) of this section. 31388

(C) A school shall submit a request to change sponsors 31389
under this section not later than on the fifteenth day of 31390
February of the year in which the school wishes to do so. The 31391
department shall grant or deny the request not later than thirty 31392
days after the department receives it. If the department denies 31393
the request, the community school may submit an appeal to the 31394
~~state board of education, which~~ director of education and 31395
workforce who shall hold a hearing in accordance with Chapter 31396
119. of the Revised Code. The community school shall file its 31397
notice of appeal to the ~~state board~~ director not later than ten 31398
days after receiving the decision from the department. The ~~state~~ 31399
~~board~~ director shall conduct the hearing not later than thirty 31400
days after receiving the school's notice of appeal and act upon 31401
the determination of the hearing officer not later than the 31402
twenty-fifth day of June of the year in which the school wishes 31403
to change sponsors. 31404

(D) Factors to be considered during a hearing held 31405
pursuant to division (C) of this section include, but are not 31406
limited to, the following: 31407

(1) The school's impact on the students and the community 31408
or communities it serves; 31409

(2) The quality and quantity of academic and 31410
administrative support the school receives from its current 31411
sponsor to help the school to improve; 31412

(3) The sponsor's annual evaluations of the community 31413

school under division (D) (2) of section 3314.03 of the Revised Code for the previous three years;

(4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;

(5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;

(6) The fiscal stability of the school;

(7) The results of any audits of the school by the auditor of state;

(8) The length of time the school has been under the oversight of its current sponsor;

(9) The number of times the school has changed sponsors prior to the current request;

(10) Parent and student satisfaction rates as demonstrated by surveys, if available.

Sec. 3314.035. Each community school shall post on the school's web site the name of each member of the school's governing authority. Each community school also shall provide, upon request, the name and address of each member of the governing authority to the sponsor of the school and the department of education and workforce.

Sec. 3314.038. Each community school shall annually submit to the department of education and workforce and auditor of state a report of each instance under which a student who is enrolled in that community school resides in a children's residential center as defined under section 5103.05 of the

Revised Code.	31442
Sec. 3314.039. The department of education <u>and workforce</u>	31443
shall compile and publish the following information, for each	31444
year since the 2010-2011 school year, in a simple, easily	31445
accessible location on its web site:	31446
(A) A single document identifying each community school	31447
that has closed during each year and the reason for the closure	31448
of each school;	31449
(B) A single document for each entity that submitted an	31450
application to sponsor schools that contains the following,	31451
where applicable:	31452
(1) The entity's application and most recent evaluation;	31453
(2) A designation of whether the entity's application was	31454
approved or denied;	31455
(3) All documentation used in determining whether to	31456
approve or deny the entity's application;	31457
(4) A short statement describing the rationale used in	31458
approving or denying the entity's application.	31459
(C) A single document containing the following	31460
information:	31461
(1) A list of all sponsor ratings for each school year for	31462
which ratings are available;	31463
(2) A list of each sponsor that is prohibited, as of the	31464
thirty-first day of December of each school year, from	31465
sponsoring new schools;	31466
(3) A list of each sponsor that sponsors or has sponsored	31467
a school that is or was subject to closure, and the reason for	31468

that closure. 31469

(D) The department shall update the document required 31470
pursuant to division (A) of this section on an annual basis. 31471

Sec. 3314.041. The governing authority of each community 31472
school and any operator of such school shall distribute to 31473
parents of students of the school upon their enrollment in the 31474
school the following statement in writing: 31475

"The _____ (here fill in name of the school) 31476
school is a community school established under Chapter 3314. of 31477
the Revised Code. The school is a public school and students 31478
enrolled in and attending the school are required to take 31479
proficiency tests and other examinations prescribed by law. In 31480
addition, there may be other requirements for students at the 31481
school that are prescribed by law. Students who have been 31482
excused from the compulsory attendance law for the purpose of 31483
home education as defined by the Administrative Code shall no 31484
longer be excused for that purpose upon their enrollment in a 31485
community school. For more information about this matter contact 31486
the school administration or the Ohio Department of Education 31487
and Workforce." 31488

Sec. 3314.05. (A) The contract between the community 31489
school and the sponsor shall specify the facilities to be used 31490
for the community school and the method of acquisition. Except 31491
as provided in divisions (B) (3) and (4) of this section, no 31492
community school shall be established in more than one school 31493
district under the same contract. 31494

(B) Division (B) of this section shall not apply to 31495
internet- or computer-based community schools. 31496

(1) A community school may be located in multiple 31497

facilities under the same contract only if the limitations on 31498
availability of space prohibit serving all the grade levels 31499
specified in the contract in a single facility or division (B) 31500
(2), (3), or (4) of this section applies to the school. The 31501
school shall not offer the same grade level classrooms in more 31502
than one facility. 31503

(2) A community school may be located in multiple 31504
facilities under the same contract and, notwithstanding division 31505
(B) (1) of this section, may assign students in the same grade 31506
level to multiple facilities, as long as all of the following 31507
apply: 31508

(a) The governing authority has entered into and maintains 31509
a contract with an operator of the type described in division 31510
(A) (8) (b) of section 3314.02 of the Revised Code. 31511

(b) The contract with that operator qualified the school 31512
to be established pursuant to division (A) of former section 31513
3314.016 of the Revised Code. 31514

(c) The school's rating under section 3302.03 of the 31515
Revised Code does not fall below a combination of any of the 31516
following for two or more consecutive years: 31517

(i) A rating of "in need of continuous improvement" under 31518
section 3302.03 of the Revised Code, as that section existed 31519
prior to March 22, 2013; 31520

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015- 31521
2016 school years, a rating of "C" for both the performance 31522
index score under division (A) (1) (b) or (B) (1) (b) and the value- 31523
added dimension under division (A) (1) (e) or (B) (1) (e) of section 31524
3302.03 of the Revised Code; or if the building serves only 31525
grades ten through twelve, the building received a grade of "C" 31526

for the performance index score under division (A) (1) (b) or (B) 31527
(1) (b) of section 3302.03 of the Revised Code; 31528

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 31529
2020-2021 school years, an overall grade of "C" under division 31530
(C) (3) of section 3302.03 of the Revised Code or an overall 31531
performance designation of "meets standards" under division (E) 31532
(3) (e) of section 3314.017 of the Revised Code; 31533

(iv) For the 2021-2022 school year and any school year 31534
thereafter, an overall performance rating of three stars under 31535
division (D) (3) of section 3302.03 of the Revised Code or an 31536
overall performance designation of "meets standards" under 31537
division (E) (3) (e) of section 3314.017 of the Revised Code. 31538

(3) On and after ~~the effective date of this~~ 31539
~~amendment~~ September 30, 2021, a new start-up community school may 31540
be established in two school districts under the same contract 31541
regardless of the proposed location of either district if both 31542
of the following apply: 31543

(a) The school operates not more than one facility in each 31544
school district and, in accordance with division (B) (1) of this 31545
section, the school does not offer the same grade level 31546
classrooms in both facilities; and 31547

(b) Transportation between the two facilities does not 31548
require more than thirty minutes of direct travel time as 31549
measured by school bus. 31550

(4) A community school may be located in multiple 31551
facilities under the same contract and, notwithstanding division 31552
(B) (1) of this section, may assign students in the same grade 31553
level to multiple facilities, as long as both of the following 31554
apply: 31555

(a) The facilities are all located in the same county.	31556
(b) Either of the following conditions are satisfied:	31557
(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located;	31558 31559 31560 31561
(ii) The community school is managed by an operator.	31562
In the case of a community school to which division (B) (4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation.	31563 31564 31565 31566 31567 31568 31569 31570 31571
(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings.	31572 31573 31574
(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.	31575 31576 31577 31578 31579 31580 31581 31582
(D) Two or more separate community schools may be located in the same facility.	31583 31584

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

(F) (1) In the case of a community school that exists prior to ~~the effective date of this amendment~~September 30, 2021, to which division (B) (3) of this section applies, if only one of the school districts in which the school is established was located in a challenged school district prior to ~~the effective date of this amendment~~September 30, 2021, that district continues to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter unless and until the school's governing authority designates a different school district as the school's primary location in accordance with division (F) (2) of this section. If both of the school districts in which the school is established were challenged school districts on that date, and the primary location was already designated by the school's governing authority pursuant to the requirements of this section as it existed prior to ~~the effective date of this amendment~~September 30, 2021, that designation remains unless and until the school's governing authority designates a different

primary location. 31616

(2) (a) On and after ~~the effective date of this~~ 31617
~~amendment~~ September 30, 2021, when a new start-up community 31618
school is established in two school districts under the same 31619
contract, the school's governing authority shall designate one 31620
of those districts to be considered the school's primary 31621
location and the district in which the school is located for the 31622
purposes of division (A) (19) of section 3314.03 and divisions 31623
(C) and (H) of section 3314.06 of the Revised Code and for all 31624
other purposes of this chapter and shall notify the department 31625
of education and workforce of that designation. 31626

(b) A community school governing authority that elects to 31627
modify a community school's primary location, whether in 31628
accordance with division (F) (1) of this section or otherwise, 31629
shall notify the department of that modification. 31630

Sec. 3314.06. The governing authority of each community 31631
school established under this chapter shall adopt admission 31632
procedures that specify the following: 31633

(A) That, except as otherwise provided in this section, 31634
admission to the school shall be open to any individual age five 31635
to twenty-two entitled to attend school pursuant to section 31636
3313.64 or 3313.65 of the Revised Code in a school district in 31637
the state. 31638

Additionally, except as otherwise provided in this 31639
section, admission to the school may be open on a tuition basis 31640
to any individual age five to twenty-two who is not a resident 31641
of this state. The school shall not receive state funds under 31642
section 3317.022 of the Revised Code for any student who is not 31643
a resident of this state. 31644

An individual younger than five years of age may be admitted to the school in accordance with division (A) (2) of section 3321.01 of the Revised Code. The school shall receive funds for an individual admitted under that division in the manner provided under section 3317.022 of the Revised Code.

If the school operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori accreditation council for teacher education, or the association Montessori internationale as its primary method of instruction, admission to the school may be open to individuals younger than five years of age but the school shall not receive funds under section 3317.022 of the Revised Code for those individuals. Notwithstanding anything to the contrary in this chapter, individuals younger than five years of age who are enrolled in a Montessori program shall be offered at least four hundred fifty-five hours of learning opportunities per school year.

If the school operates a preschool program that is licensed by the department of education and workforce under sections 3301.52 to 3301.59 of the Revised Code, admission to the school may be open to individuals who are younger than five years of age, but the school shall not receive funds under this chapter for those individuals.

(B) (1) That admission to the school may be limited to students who have attained a specific grade level or are within a specific age group; to students that meet a definition of "at-risk," as defined in the contract; to residents of a specific geographic area within the district, as defined in the contract; or to separate groups of autistic students and nondisabled students, as authorized in section 3314.061 of the Revised Code

and as defined in the contract. 31675

(2) For purposes of division (B)(1) of this section, "at-risk" students may include those students identified as gifted students under section 3324.03 of the Revised Code. 31676
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(C) Whether enrollment is limited to students who reside in the district in which the school is located or is open to residents of other districts, as provided in the policy adopted pursuant to the contract. 31679
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(D)(1) That there will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex except that: 31683
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31685

(a) The governing authority may do either of the following for the purpose described in division (G) of this section: 31686
31687

(i) Establish a single-gender school for either sex; 31688

(ii) Establish single-gender schools for each sex under the same contract, provided substantially equal facilities and learning opportunities are offered for both boys and girls. Such facilities and opportunities may be offered for each sex at separate locations. 31689
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(b) The governing authority may establish a school that simultaneously serves a group of students identified as autistic and a group of students who are not disabled, as authorized in section 3314.061 of the Revised Code. However, unless the total capacity established for the school has been filled, no student with any disability shall be denied admission on the basis of that disability. 31694
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(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws 31701
31702

regarding the education of students with disabilities. 31703

(E) That the school may not limit admission to students on 31704
the basis of intellectual ability, measures of achievement or 31705
aptitude, or athletic ability, except that a school may limit 31706
its enrollment to students as described in division (B) of this 31707
section. 31708

(F) That the community school will admit the number of 31709
students that does not exceed the capacity of the school's 31710
programs, classes, grade levels, or facilities. 31711

(G) That the purpose of single-gender schools that are 31712
established shall be to take advantage of the academic benefits 31713
some students realize from single-gender instruction and 31714
facilities and to offer students and parents residing in the 31715
district the option of a single-gender education. 31716

(H) That, except as otherwise provided under division (B) 31717
of this section or section 3314.061 of the Revised Code, if the 31718
number of applicants exceeds the capacity restrictions of 31719
division (F) of this section, students shall be admitted by lot 31720
from all those submitting applications, except preference shall 31721
be given to students attending the school the previous year and 31722
to students who reside in the district in which the school is 31723
located. Preference may be given to siblings of students 31724
attending the school the previous year. Preference also may be 31725
given to students who are the children of full-time staff 31726
members employed by the school, provided the total number of 31727
students receiving this preference is less than five per cent of 31728
the school's total enrollment. 31729

Notwithstanding divisions (A) to (H) of this section, in 31730
the event the racial composition of the enrollment of the 31731

community school is violative of a federal desegregation order, 31732
the community school shall take any and all corrective measures 31733
to comply with the desegregation order. 31734

Sec. 3314.072. The provisions of this section are enacted 31735
to promote the public health, safety, and welfare by 31736
establishing procedures under which the governing authorities of 31737
community schools established under this chapter will be held 31738
accountable for their compliance with the terms of the contracts 31739
they enter into with their school's sponsors and the law 31740
relating to the school's operation. Suspension of the operation 31741
of a school imposed under this section is intended to encourage 31742
the governing authority's compliance with the terms of the 31743
school's contract and the law and is not intended to be an 31744
alteration of the terms of that contract. 31745

(A) If a sponsor of a community school established under 31746
this chapter suspends the operation of that school pursuant to 31747
procedures set forth in this section, the governing authority 31748
shall not operate that school while the suspension is in effect. 31749
Any such suspension shall remain in effect until the sponsor 31750
notifies the governing authority that it is no longer in effect. 31751
The contract of a school of which operation is suspended under 31752
this section also may be subject to termination or nonrenewal 31753
under section 3314.07 of the Revised Code. 31754

(B) If at any time conditions at the school do not comply 31755
with a health and safety standard established by law for school 31756
buildings, the sponsor shall immediately suspend the operation 31757
of the school pursuant to procedures set forth in division (D) 31758
of this section. If the sponsor fails to take action to suspend 31759
the operation of a school to which this division applies, the 31760
department of education and workforce may take such action. 31761

(C) (1) For any of the reasons prescribed in ~~division~~ 31762
divisions (B) (1) (a) to (d) of section 3314.07 of the Revised 31763
Code, the sponsor of a community school established under this 31764
chapter may suspend the operation of the school only if it first 31765
issues to the governing authority notice of the sponsor's intent 31766
to suspend the operation of the contract. Such notice shall 31767
explain the reasons for the sponsor's intent to suspend 31768
operation of the contract and shall provide the school's 31769
governing authority with five business days to submit to the 31770
sponsor a proposal to remedy the conditions cited as reasons for 31771
the suspension. 31772

(2) The sponsor shall promptly review any proposed remedy 31773
timely submitted by the governing authority and either approve 31774
or disapprove the remedy. If the sponsor disapproves the remedy 31775
proposed by the governing authority, if the governing authority 31776
fails to submit a proposed remedy in the manner prescribed by 31777
the sponsor, or if the governing authority fails to implement 31778
the remedy as approved by the sponsor, the sponsor may suspend 31779
operation of the school pursuant to procedures set forth in 31780
division (D) of this section. 31781

(D) (1) If division (B) of this section applies or if the 31782
sponsor of a community school established under this chapter 31783
decides to suspend the operation of a school as permitted in 31784
division (C) (2) of this section, the sponsor shall promptly send 31785
written notice to the governing authority stating that the 31786
operation of the school is immediately suspended, and explaining 31787
the specific reasons for the suspension. The notice shall state 31788
that the governing authority has five business days to submit a 31789
proposed remedy to the conditions cited as reasons for the 31790
suspension or face potential contract termination. 31791

(2) Upon receipt of the notice of suspension prescribed 31792
under division (D) (1) of this section, the governing authority 31793
shall immediately notify the employees of the school and the 31794
parents of the students enrolled in the school of the suspension 31795
and the reasons therefore, and shall cease all school operations 31796
on the next business day. 31797

(E) (1) Beginning with the 2013-2014 school year, if the 31798
sponsor of a community school suspends the operation of that 31799
school pursuant to procedures set forth in this section, the 31800
school's contract with the sponsor under section 3314.03 of the 31801
Revised Code shall become void, if the governing authority of 31802
the school fails to provide a proposal to remedy the conditions 31803
cited by the sponsor as reasons for the suspension, to the 31804
satisfaction of the sponsor, by the thirtieth day of September 31805
of the school year immediately following the school year in 31806
which the operation of school was suspended. 31807

(2) If, prior to ~~the effective date of this amendment~~ 31808
September 29, 2013, the sponsor of a community school has 31809
suspended the operation of the school, the contract with the 31810
sponsor under section 3314.03 of the Revised Code shall become 31811
void if the governing authority of the school fails to provide 31812
by September 30, 2014, a proposal to remedy the conditions cited 31813
by the sponsor as reasons for the suspension, to the 31814
satisfaction of the sponsor. 31815

Sec. 3314.074. Divisions (A) and (B) of this section apply 31816
only to the extent permitted under Chapter 1702. of the Revised 31817
Code. 31818

(A) If any community school established under this chapter 31819
permanently closes and ceases its operation as a community 31820
school, the assets of that school shall be distributed first to 31821

the retirement funds of employees of the school, employees of 31822
the school, and private creditors who are owed compensation, and 31823
then any remaining funds shall be paid to the department of 31824
education and workforce for redistribution to the school 31825
districts in which the students who were enrolled in the school 31826
at the time it ceased operation were entitled to attend school 31827
under section 3313.64 or 3313.65 of the Revised Code. The amount 31828
distributed to each school district shall be proportional to the 31829
district's share of the total enrollment in the community 31830
school. For any community school that closes after fiscal year 31831
2021, any remaining funds shall be paid to the department ~~of~~ 31832
~~education~~ and deposited into the state general revenue fund. 31833

(B) If a community school closes and ceases to operate as 31834
a community school and the school has received computer hardware 31835
or software from the former Ohio SchoolNet commission or the 31836
former eTech Ohio commission, such hardware or software shall be 31837
turned over to the department ~~of education~~, which shall 31838
redistribute the hardware and software, to the extent such 31839
redistribution is possible, to school districts in conformance 31840
with the provisions of the programs as they were operated and 31841
administered by the former eTech Ohio commission. 31842

(C) If the assets of the school are insufficient to pay 31843
all persons or entities to whom compensation is owed, the 31844
prioritization of the distribution of the assets to individual 31845
persons or entities within each class of payees may be 31846
determined by decree of a court in accordance with this section 31847
and Chapter 1702. of the Revised Code. 31848

(D) A community school that engages in a merger or 31849
consolidation pursuant to division (B) of section 1702.41 of the 31850
Revised Code and becomes a single public benefit corporation 31851

shall not be required to distribute assets pursuant to divisions 31852
(A), (B), and (C) of this section, provided that the governing 31853
authority of the community school created by the merger or 31854
consolidation enters into a contract for sponsorship under 31855
section 3314.03 of the Revised Code with an entity rated 31856
"effective" or higher by the department ~~of education~~ pursuant to 31857
section 3314.016 of the Revised Code. 31858

Sec. 3314.08. (A) As used in this section: 31859

(1) "IEP" has the same meaning as in section 3323.01 of 31860
the Revised Code. 31861

(2) "Resident district" means the school district in which 31862
a student is entitled to attend school under section 3313.64 or 31863
3313.65 of the Revised Code. 31864

(B) The ~~state board~~ department of education and workforce 31865
shall adopt rules requiring the governing authority of each 31866
community school established under this chapter to annually 31867
report all of the following: 31868

(1) The number of students enrolled in grades one through 31869
twelve and the full-time equivalent number of students enrolled 31870
in kindergarten in the school who are not receiving special 31871
education and related services pursuant to an IEP; 31872

(2) The number of enrolled students in grades one through 31873
twelve and the full-time equivalent number of enrolled students 31874
in kindergarten, who are receiving special education and related 31875
services pursuant to an IEP; 31876

(3) The number of students reported under division (B) (2) 31877
of this section receiving special education and related services 31878
pursuant to an IEP for a disability described in each of 31879
divisions (A) to (F) of section 3317.013 of the Revised Code; 31880

(4) The full-time equivalent number of students reported under divisions (B) (1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) (1) to (5) of section 3317.014 of the Revised Code that are provided by the community school;	31881 31882 31883 31884 31885
(5) The number of students reported under divisions (B) (1) and (2) of this section who are not reported under division (B) (4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) (1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	31886 31887 31888 31889 31890 31891 31892
(6) The number of students reported under divisions (B) (1) and (2) of this section who are category one to three English learners described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;	31893 31894 31895 31896
(7) The number of students reported under divisions (B) (1) and (2) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B) (7) of this section based on anything other than family income.	31897 31898 31899 31900 31901
(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	31902 31903 31904
(9) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.	31905 31906 31907 31908 31909

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

A governing authority of a community school shall not include in its report under divisions (B) (1) to (9) of this section any student for whom tuition is charged under division (F) of this section.

(C) (1) (a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the ~~superintendent of public instruction~~ director of education and workforce documentation, as prescribed by the ~~superintendent~~ director, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

(b) The community school shall report under division (C) (1) (a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(2) In any fiscal year, a community school receiving funds under division (A) (7) of section 3317.022 of the Revised Code

shall spend those funds only for the purposes that the 31940
department designates as approved for career-technical education 31941
expenses. Career-technical education expenses approved by the 31942
department shall include only expenses connected to the delivery 31943
of career-technical programming to career-technical students. 31944
The department shall require the school to report data annually 31945
so that the department may monitor the school's compliance with 31946
the requirements regarding the manner in which funding received 31947
under division (A) (7) of section 3317.022 of the Revised Code 31948
may be spent. 31949

(3) Notwithstanding anything to the contrary in section 31950
3313.90 of the Revised Code, except as provided in division (C) 31951
(5) of this section, all funds received under division (A) (7) of 31952
section 3317.022 of the Revised Code shall be spent in the 31953
following manner: 31954

(a) At least seventy-five per cent of the funds shall be 31955
spent on curriculum development, purchase, and implementation; 31956
instructional resources and supplies; industry-based program 31957
certification; student assessment, credentialing, and placement; 31958
curriculum specific equipment purchases and leases; career- 31959
technical student organization fees and expenses; home and 31960
agency linkages; work-based learning experiences; professional 31961
development; and other costs directly associated with career- 31962
technical education programs including development of new 31963
programs. 31964

(b) Not more than twenty-five per cent of the funds shall 31965
be used for personnel expenditures. 31966

(4) A community school shall spend the funds it receives 31967
under division (A) (4) of section 3317.022 of the Revised Code in 31968
accordance with section 3317.25 of the Revised Code. 31969

(5) The department may waive the requirement in division 31970
(C) (3) of this section for any community school that exclusively 31971
provides one or more career-technical workforce development 31972
programs in arts and communications that are not equipment- 31973
intensive, as determined by the department. 31974

(6) For fiscal years 2022 and 2023, a community school 31975
shall spend the funds it receives under division (A) (5) of 31976
section 3317.022 of the Revised Code only for services for 31977
English learners. 31978

(D) A board of education sponsoring a community school may 31979
utilize local funds to make enhancement grants to the school or 31980
may agree, either as part of the contract or separately, to 31981
provide any specific services to the community school at no cost 31982
to the school. 31983

(E) A community school may not levy taxes or issue bonds 31984
secured by tax revenues. 31985

(F) No community school shall charge tuition for the 31986
enrollment of any student who is a resident of this state. A 31987
community school may charge tuition for the enrollment of any 31988
student who is not a resident of this state. 31989

(G) (1) (a) A community school may borrow money to pay any 31990
necessary and actual expenses of the school in anticipation of 31991
the receipt of any portion of the payments to be received by the 31992
school pursuant to section 3317.022 of the Revised Code. The 31993
school may issue notes to evidence such borrowing. The proceeds 31994
of the notes shall be used only for the purposes for which the 31995
anticipated receipts may be lawfully expended by the school. 31996

(b) A school may also borrow money for a term not to 31997
exceed fifteen years for the purpose of acquiring facilities. 31998

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

(H) The department ~~of education~~ shall adjust the amounts paid under section 3317.022 of the Revised Code to reflect any enrollment of students in community schools for less than the equivalent of a full school year. ~~The state board of education within ninety days after April 8, 2003, department~~ shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under section 3317.022 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools as provided under section 3317.022 of the Revised Code. For purposes of this division:

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

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

classroom-based learning opportunities and shall be in 32029
compliance with criteria and documentation requirements for 32030
student participation which shall be established by the 32031
department. Any student's instruction time in non-classroom- 32032
based learning opportunities shall be certified by an employee 32033
of the community school. A student's enrollment shall be 32034
considered to cease on the date on which any of the following 32035
occur: 32036

(a) The community school receives documentation from a 32037
parent terminating enrollment of the student. 32038

(b) The community school is provided documentation of a 32039
student's enrollment in another public or private school. 32040

(c) The community school ceases to offer learning 32041
opportunities to the student pursuant to the terms of the 32042
contract with the sponsor or the operation of any provision of 32043
this chapter. 32044

Except as otherwise specified in this paragraph, beginning 32045
in the 2011-2012 school year, any student who completed the 32046
prior school year in an internet- or computer-based community 32047
school shall be considered to be enrolled in the same school in 32048
the subsequent school year until the student's enrollment has 32049
ceased as specified in division (H)(2) of this section. The 32050
department shall continue paying amounts for the student under 32051
section 3317.022 of the Revised Code without interruption at the 32052
start of the subsequent school year. However, if the student 32053
without a legitimate excuse fails to participate in the first 32054
seventy-two consecutive hours of learning opportunities offered 32055
to the student in that subsequent school year, the student shall 32056
be considered not to have re-enrolled in the school for that 32057
school year and the department shall recalculate the payments to 32058

the school for that school year to account for the fact that the 32059
student is not enrolled. 32060

(3) The department shall determine each community school 32061
student's percentage of full-time equivalency based on the 32062
percentage of learning opportunities offered by the community 32063
school to that student, reported either as number of hours or 32064
number of days, is of the total learning opportunities offered 32065
by the community school to a student who attends for the 32066
school's entire school year. However, no internet- or computer- 32067
based community school shall be credited for any time a student 32068
spends participating in learning opportunities beyond ten hours 32069
within any period of twenty-four consecutive hours. Whether it 32070
reports hours or days of learning opportunities, each community 32071
school shall offer not less than nine hundred twenty hours of 32072
learning opportunities during the school year. 32073

(4) With respect to the calculation of full-time 32074
equivalency under division (H) (3) of this section, the 32075
department shall waive the number of hours or days of learning 32076
opportunities not offered to a student because the community 32077
school was closed during the school year due to disease 32078
epidemic, hazardous weather conditions, law enforcement 32079
emergencies, inoperability of school buses or other equipment 32080
necessary to the school's operation, damage to a school 32081
building, or other temporary circumstances due to utility 32082
failure rendering the school building unfit for school use, so 32083
long as the school was actually open for instruction with 32084
students in attendance during that school year for not less than 32085
the minimum number of hours required by this chapter. The 32086
department shall treat the school as if it were open for 32087
instruction with students in attendance during the hours or days 32088
waived under this division. 32089

(I) The department of education and workforce shall reduce 32090
the amounts paid under section 3317.022 of the Revised Code to 32091
reflect payments made to colleges under section 3365.07 of the 32092
Revised Code. 32093

(J) (1) No student shall be considered enrolled in any 32094
internet- or computer-based community school or, if applicable 32095
to the student, in any community school that is required to 32096
provide the student with a computer pursuant to division (C) of 32097
section 3314.22 of the Revised Code, unless both of the 32098
following conditions are satisfied: 32099

(a) The student possesses or has been provided with all 32100
required hardware and software materials and all such materials 32101
are operational so that the student is capable of fully 32102
participating in the learning opportunities specified in the 32103
contract between the school and the school's sponsor as required 32104
by division (A) (23) of section 3314.03 of the Revised Code; 32105

(b) The school is in compliance with division (A) of 32106
section 3314.22 of the Revised Code, relative to such student. 32107

(2) In accordance with policies adopted by the 32108
~~superintendent of public instruction~~ department of education and 32109
workforce, in consultation with the auditor of state, the 32110
department shall reduce the amounts otherwise payable under 32111
section 3317.022 of the Revised Code to any community school 32112
that includes in its program the provision of computer hardware 32113
and software materials to any student, if such hardware and 32114
software materials have not been delivered, installed, and 32115
activated for each such student in a timely manner or other 32116
educational materials or services have not been provided 32117
according to the contract between the individual community 32118
school and its sponsor. 32119

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

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

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

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

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

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

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

(b) The ~~board or its designee~~ director shall conduct an

informal hearing on the matter within thirty days of receipt of 32149
such an appeal and shall issue a decision within fifteen days of 32150
the conclusion of the hearing. 32151

~~(c) If the board has enlisted a designee to conduct the 32152
hearing, the designee shall certify its decision to the board. 32153
The board may accept the decision of the designee or may reject 32154
the decision of the designee and issue its own decision on the 32155
matter. 32156~~

~~(d) Any decision made by the ~~board~~ director under this 32157
division is final. 32158~~

(3) If it is decided that the community school owes moneys 32159
to the state, the department shall deduct such amount from the 32160
school's future payments in accordance with guidelines issued by 32161
the ~~superintendent of public instruction~~ director. 32162

(L) The department shall not pay to a community school 32163
under section 3317.022 of the Revised Code any amount for any of 32164
the following: 32165

(1) Any student who has graduated from the twelfth grade 32166
of a public or nonpublic high school; 32167

(2) Any student who is not a resident of the state; 32168

(3) Any student who was enrolled in the community school 32169
during the previous school year when assessments were 32170
administered under section 3301.0711 of the Revised Code but did 32171
not take one or more of the assessments required by that section 32172
and was not excused pursuant to division (C) (1) or (3) of that 32173
section, unless the ~~superintendent of public instruction~~ 32174
director grants the student a waiver from the requirement to 32175
take the assessment and a parent is not paying tuition for the 32176
student pursuant to section 3314.26 of the Revised Code. The 32177

~~superintendent~~ director may grant a waiver only for good cause 32178
in accordance with rules adopted by the ~~state board of education~~ 32179
department. 32180

(4) Any student who has attained the age of twenty-two 32181
years, except for veterans of the armed services whose 32182
attendance was interrupted before completing the recognized 32183
twelve-year course of the public schools by reason of induction 32184
or enlistment in the armed forces and who apply for enrollment 32185
in a community school not later than four years after 32186
termination of war or their honorable discharge. If, however, 32187
any such veteran elects to enroll in special courses organized 32188
for veterans for whom tuition is paid under federal law, or 32189
otherwise, the department shall not pay to a community school 32190
under section 3317.022 of the Revised Code any amount for that 32191
veteran. 32192

Sec. 3314.081. To the extent permitted by federal law, the 32193
department of education and workforce shall include community 32194
schools established under this chapter in its annual allocation 32195
of federal moneys under Title I of the "Elementary and Secondary 32196
Education Act of 1965," 20 U.S.C. 6301, et seq. 32197

Sec. 3314.083. If the department of education and 32198
workforce pays a joint vocational school district under division 32199
(C) (3) of section 3317.16 of the Revised Code for excess costs 32200
of providing special education and related services to a student 32201
with a disability who is enrolled in a community school, as 32202
calculated under division (C) (1) of that section, the department 32203
shall deduct the amount of that payment from the amount 32204
calculated for payment to the community school under section 32205
3317.022 of the Revised Code. 32206

Sec. 3314.087. (A) As used in this section: 32207

(1) "Career-technical program" means career-technical programs or classes described in division (A) (1), (2), (3), (4), or (5) of section 3317.014 of the Revised Code in which a student is enrolled.

(2) "Category one through five career-technical education ADM," and "FTE basis" have the same meanings as in section 3317.02 of the Revised Code.

(3) "Resident school district" means the city, exempted village, or local school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) Notwithstanding anything to the contrary in this chapter or Chapter 3317. of the Revised Code, a student enrolled in a community school may simultaneously enroll in the career-technical program operated by the career-technical planning district to which the student's resident district belongs. On an FTE basis, the student's resident school district shall count the student in the category one through five career-technical education ADM for the proportion of the time the student is enrolled in a career-technical program of the career-technical planning district to which the student's resident district belongs and, accordingly, the department of education and workforce shall calculate funds under Chapter 3317. of the Revised Code for the resident district attributable to the student for the proportion of time the student attends the career-technical program. The community school shall count the student in its enrollment report under section 3314.08 of the Revised Code and shall report to the department the proportion of time that the student attends classes at the community school. The department shall pay the community school the amount

computed for the student under section 3317.022 of the Revised Code in proportion to the fraction of the time on an FTE basis that the student attends classes at the community school. "Full-time equivalency" for a community school student, as defined in division (H) of section 3314.08 of the Revised Code, does not apply to the student.

Sec. 3314.091. (A) A school district is not required to provide transportation for any native student enrolled in a community school if the district board of education has entered into an agreement with the community school's governing authority that designates the community school as responsible for providing or arranging for the transportation of the district's native students to and from the community school. For any such agreement to be effective, it must be certified by the superintendent of public instruction director of education and workforce as having met all of the following requirements:

(1) It is submitted to the department of education and workforce by a deadline which shall be established by the department.

(2) In accordance with divisions (C) (1) and (2) of this section, it specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged.

(3) The transportation provided by the community school is subject to all provisions of the Revised Code and all rules adopted under the Revised Code pertaining to pupil transportation.

(4) The sponsor of the community school also has signed the agreement.

(B) (1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having parents transport their children to and from the school, but did not enter into an agreement to transport or arrange for transportation for those students under division (A) of this section, and if the governing authority of the community school by July 15, 2007, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school.

(2) Except as provided in division (B) (4) of this section, for any school year subsequent to the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school if the governing authority of the community school, by the first day of August, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school. If the governing authority of the community school has previously accepted responsibility for providing or arranging for the transportation of a district's native students to and from the community school, under division (B) (1) or (2) of this section, and has since relinquished that responsibility under division (B) (3) of this section, the governing authority shall not accept that responsibility again unless the district

board consents to the governing authority's acceptance of that responsibility. 32298
32299

(3) A governing authority's acceptance of responsibility 32300
under division (B)(1) or (2) of this section shall cover an 32301
entire school year, and shall remain in effect for subsequent 32302
school years unless the governing authority submits written 32303
notification to the district board that the governing authority 32304
is relinquishing the responsibility. However, a governing 32305
authority shall not relinquish responsibility for transportation 32306
before the end of a school year, and shall submit the notice 32307
relinquishing responsibility by the thirty-first day of January, 32308
in order to allow the school district reasonable time to prepare 32309
transportation for its native students enrolled in the school. 32310

(4) (a) For any school year that begins on or after July 1, 32311
2014, a school district is not required to provide 32312
transportation for any native student enrolled in a community 32313
school scheduled to open for operation in the current school 32314
year, if the governing authority of the community school, by the 32315
fifteenth day of April of the previous school year, submits 32316
written notification to the district board of education stating 32317
that the governing authority is accepting responsibility for 32318
providing or arranging for the transportation of the district's 32319
native students to and from the community school. 32320

(b) The governing authority of a community school that 32321
accepts responsibility for transporting its students under 32322
division (B)(4)(a) of this section shall comply with divisions 32323
(B)(2) and (3) of this section to renew or relinquish that 32324
authority for subsequent school years. 32325

(C)(1) A community school governing authority that enters 32326
into an agreement under division (A) of this section, or that 32327

accepts responsibility under division (B) of this section, shall 32328
provide or arrange transportation free of any charge for each of 32329
its enrolled students who is required to be transported under 32330
section 3327.01 of the Revised Code. The governing authority 32331
shall report to the department of education and workforce the 32332
number of students transported or for whom transportation is 32333
arranged under this section in accordance with rules adopted by 32334
~~the state board of education~~ department. 32335

(2) The governing authority may provide or arrange 32336
transportation for any other enrolled student who is not 32337
eligible for transportation in accordance with division (C) (1) 32338
of this section and may charge a fee for such service up to the 32339
actual cost of the service. 32340

(3) Notwithstanding anything to the contrary in division 32341
(C) (1) or (2) of this section, a community school governing 32342
authority shall provide or arrange transportation free of any 32343
charge for any disabled student enrolled in the school for whom 32344
the student's individualized education program developed under 32345
Chapter 3323. of the Revised Code specifies transportation. 32346

(D) A community school shall use payments received under 32347
division (H) of section 3317.0212 of the Revised Code solely to 32348
pay the costs of providing or arranging for the transportation 32349
of students who are eligible as specified in section 3327.01 of 32350
the Revised Code and division (C) (1) of this section, which may 32351
include payments to a parent, guardian, or other person in 32352
charge of a child in lieu of transportation. 32353

(E) Except when arranged through payment to a parent, 32354
guardian, or person in charge of a child, transportation 32355
provided or arranged for by a community school pursuant to an 32356
agreement under this section is subject to all provisions of the 32357

Revised Code, and all rules adopted under the Revised Code, 32358
pertaining to the construction, design, equipment, and operation 32359
of school buses and other vehicles transporting students to and 32360
from school. The drivers and mechanics of the vehicles are 32361
subject to all provisions of the Revised Code, and all rules 32362
adopted under the Revised Code, pertaining to drivers and 32363
mechanics of such vehicles. The community school also shall 32364
comply with sections 3313.201, 3327.09, and 3327.10 of the 32365
Revised Code, division (B) of section 3327.16 of the Revised 32366
Code and, subject to division (C)(1) of this section, sections 32367
3327.01 and 3327.02 of the Revised Code, as if it were a school 32368
district. 32369

Sec. 3314.10. (A)(1) The governing authority of any 32370
community school established under this chapter may employ 32371
teachers and nonteaching employees necessary to carry out its 32372
mission and fulfill its contract. 32373

(2) Except as provided under division (A)(3) of this 32374
section, employees hired under this section may organize and 32375
collectively bargain pursuant to Chapter 4117. of the Revised 32376
Code. Notwithstanding division (D)(1) of section 4117.06 of the 32377
Revised Code, a unit containing teaching and nonteaching 32378
employees employed under this section shall be considered an 32379
appropriate unit. Except as provided in divisions (B)(2)(b) and 32380
(c) of section 3307.01 of the Revised Code and in section 32381
3309.013 of the Revised Code, employment under this section is 32382
subject to either Chapter 3307. or 3309. of the Revised Code. 32383

(3) If a school is created by converting all or part of an 32384
existing public school rather than by establishment of a new 32385
start-up school, at the time of conversion, the employees of the 32386
community school shall remain part of any collective bargaining 32387

unit in which they were included immediately prior to the 32388
conversion and shall remain subject to any collective bargaining 32389
agreement for that unit in effect on the first day of July of 32390
the year in which the community school initially begins 32391
operation and shall be subject to any subsequent collective 32392
bargaining agreement for that unit, unless a petition is 32393
certified as sufficient under division (A) (6) of this section 32394
with regard to those employees. Any new employees of the 32395
community school shall also be included in the unit to which 32396
they would have been assigned had not the conversion taken place 32397
and shall be subject to the collective bargaining agreement for 32398
that unit unless a petition is certified as sufficient under 32399
division (A) (6) of this section with regard to those employees. 32400

Notwithstanding division (B) of section 4117.01 of the 32401
Revised Code, the board of education of a school district and 32402
not the governing authority of a community school shall be 32403
regarded, for purposes of Chapter 4117. of the Revised Code, as 32404
the "public employer" of the employees of a conversion community 32405
school subject to a collective bargaining agreement pursuant to 32406
division (A) (3) of this section unless a petition is certified 32407
under division (A) (6) of this section with regard to those 32408
employees. Only on and after the effective date of a petition 32409
certified as sufficient under division (A) (6) of this section 32410
shall division (A) (2) of this section apply to those employees 32411
of that community school and only on and after the effective 32412
date of that petition shall Chapter 4117. of the Revised Code 32413
apply to the governing authority of that community school with 32414
regard to those employees. 32415

(4) Notwithstanding sections 4117.03 to 4117.18 of the 32416
Revised Code and Section 4 of Amended Substitute Senate Bill No. 32417
133 of the 115th general assembly, the employees of a conversion 32418

community school who are subject to a collective bargaining 32419
agreement pursuant to division (A) (3) of this section shall 32420
cease to be subject to that agreement and all subsequent 32421
agreements pursuant to that division and shall cease to be part 32422
of the collective bargaining unit that is subject to that and 32423
all subsequent agreements, if a majority of the employees of 32424
that community school who are subject to that collective 32425
bargaining agreement sign and submit to the state employment 32426
relations board a petition requesting all of the following: 32427

(a) That all the employees of the community school who are 32428
subject to that agreement be removed from the bargaining unit 32429
that is subject to that agreement and be designated by the state 32430
employment relations board as a new and separate bargaining unit 32431
for purposes of Chapter 4117. of the Revised Code; 32432

(b) That the employee organization certified as the 32433
exclusive representative of the employees of the bargaining unit 32434
from which the employees are to be removed be certified as the 32435
exclusive representative of the new and separate bargaining unit 32436
for purposes of Chapter 4117. of the Revised Code; 32437

(c) That the governing authority of the community school 32438
be regarded as the "public employer" of these employees for 32439
purposes of Chapter 4117. of the Revised Code. 32440

(5) Notwithstanding sections 4117.03 to 4117.18 of the 32441
Revised Code and Section 4 of Amended Substitute Senate Bill No. 32442
133 of the 115th general assembly, the employees of a conversion 32443
community school who are subject to a collective bargaining 32444
agreement pursuant to division (A) (3) of this section shall 32445
cease to be subject to that agreement and all subsequent 32446
agreements pursuant to that division, shall cease to be part of 32447
the collective bargaining unit that is subject to that and all 32448

subsequent agreements, and shall cease to be represented by any 32449
exclusive representative of that collective bargaining unit, if 32450
a majority of the employees of the community school who are 32451
subject to that collective bargaining agreement sign and submit 32452
to the state employment relations board a petition requesting 32453
all of the following: 32454

(a) That all the employees of the community school who are 32455
subject to that agreement be removed from the bargaining unit 32456
that is subject to that agreement; 32457

(b) That any employee organization certified as the 32458
exclusive representative of the employees of that bargaining 32459
unit be decertified as the exclusive representative of the 32460
employees of the community school who are subject to that 32461
agreement; 32462

(c) That the governing authority of the community school 32463
be regarded as the "public employer" of these employees for 32464
purposes of Chapter 4117. of the Revised Code. 32465

(6) Upon receipt of a petition under division (A) (4) or 32466
(5) of this section, the state employment relations board shall 32467
check the sufficiency of the signatures on the petition. If the 32468
signatures are found sufficient, the board shall certify the 32469
sufficiency of the petition and so notify the parties involved, 32470
including the board of education, the governing authority of the 32471
community school, and any exclusive representative of the 32472
bargaining unit. The changes requested in a certified petition 32473
shall take effect on the first day of the month immediately 32474
following the date on which the sufficiency of the petition is 32475
certified under division (A) (6) of this section. 32476

(B) (1) The board of education of each city, local, and 32477

exempted village school district sponsoring a community school 32478
and the governing board of each educational service center in 32479
which a community school is located shall adopt a policy that 32480
provides a leave of absence of at least three years to each 32481
teacher or nonteaching employee of the district or service 32482
center who is employed by a conversion or new start-up community 32483
school sponsored by the district or located in the district or 32484
center for the period during which the teacher or employee is 32485
continuously employed by the community school. The policy shall 32486
also provide that any teacher or nonteaching employee may return 32487
to employment by the district or service center if the teacher 32488
or employee leaves or is discharged from employment with the 32489
community school for any reason, unless, in the case of a 32490
teacher, the board of the district or service center determines 32491
that the teacher was discharged for a reason for which the board 32492
would have sought to discharge the teacher under section 3311.82 32493
or 3319.16 of the Revised Code, in which case the board may 32494
proceed to discharge the teacher utilizing the procedures of 32495
that section. Upon termination of such a leave of absence, any 32496
seniority that is applicable to the person shall be calculated 32497
to include all of the following: all employment by the district 32498
or service center prior to the leave of absence; all employment 32499
by the community school during the leave of absence; and all 32500
employment by the district or service center after the leave of 32501
absence. The policy shall also provide that if any teacher 32502
holding valid certification returns to employment by the 32503
district or service center upon termination of such a leave of 32504
absence, the teacher shall be restored to the previous position 32505
and salary or to a position and salary similar thereto. If, as a 32506
result of teachers returning to employment upon termination of 32507
such leaves of absence, a school district or educational service 32508
center reduces the number of teachers it employs, it shall make 32509

such reductions in accordance with section 3319.171 of the Revised Code.

Unless a collective bargaining agreement providing otherwise is in effect for an employee of a conversion community school pursuant to division (A)(3) of this section, an employee on a leave of absence pursuant to this division shall remain eligible for any benefits that are in addition to benefits under Chapter 3307. or 3309. of the Revised Code provided by the district or service center to its employees provided the employee pays the entire cost associated with such benefits, except that personal leave and vacation leave cannot be accrued for use as an employee of a school district or service center while in the employ of a community school unless the district or service center board adopts a policy expressly permitting this accrual.

(2) While on a leave of absence pursuant to division (B)(1) of this section, a conversion community school shall permit a teacher to use sick leave accrued while in the employ of the school district from which the leave of absence was taken and prior to commencing such leave. If a teacher who is on such a leave of absence uses sick leave so accrued, the cost of any salary paid by the community school to the teacher for that time shall be reported to the department of education and workforce. The cost of employing a substitute teacher for that time shall be paid by the community school. The department of education and workforce shall add amounts to the payments made to a community school under this chapter as necessary to cover the cost of salary reported by a community school as paid to a teacher using sick leave so accrued pursuant to this section. The department shall subtract the amounts of any payments made to community schools under this division from payments made to such

sponsoring school district under Chapter 3317. of the Revised 32541
Code. 32542

A school district providing a leave of absence and 32543
employee benefits to a person pursuant to this division is not 32544
liable for any action of that person while the person is on such 32545
leave and employed by a community school. 32546

Sec. 3314.101. (A) As used in this section, "license" has 32547
the same meaning as in section 3319.31 of the Revised Code. 32548

(B) If a person who is employed by a community school 32549
established under this chapter or by an operator is arrested, 32550
summoned, or indicted for an alleged violation of an offense 32551
listed in division (C) of section 3319.31 of the Revised Code, 32552
if the person holds a license, or an offense listed in division 32553
(B)(1) of section 3319.39 of the Revised Code, if the person 32554
does not hold a license, the chief administrator of the 32555
community school in which that person works shall suspend that 32556
person from all duties that require the care, custody, or 32557
control of a child during the pendency of the criminal action 32558
against the person. If the person who is arrested, summoned, or 32559
indicted for an alleged violation of an offense listed in 32560
division (C) of section 3319.31 or division (B)(1) of section 32561
3319.39 of the Revised Code is the chief administrator of the 32562
community school, the governing authority of the school shall 32563
suspend the chief administrator from all duties that require the 32564
care, custody, or control of a child. 32565

(C) When a person who holds a license is suspended in 32566
accordance with this section, the chief administrator or 32567
governing authority that imposed the suspension promptly shall 32568
report the person's suspension to the department of education 32569
and workforce and state board of education. The report shall 32570

include the offense for which the person was arrested, summoned, 32571
or indicted. 32572

Sec. 3314.11. (A) The governing authority of each 32573
community school established under this chapter monthly shall 32574
review the residency records of students enrolled in that 32575
community school. Upon the enrollment of each student and on an 32576
annual basis, the governing authority shall verify to the 32577
department of education and workforce the school district in 32578
which the student is entitled to attend school under section 32579
3313.64 or 3313.65 of the Revised Code. 32580

The school district may review the determination made by 32581
the community school under division (A) of this section. 32582

(B) (1) For purposes of its initial reporting of the school 32583
districts in which its students are entitled to attend school, 32584
the governing authority of a community school shall adopt a 32585
policy that prescribes the number of documents listed in 32586
division (E) of this section required to verify a student's 32587
residency. This policy shall supersede any policy concerning the 32588
number of documents for initial residency verification adopted 32589
by the district the student is entitled to attend. 32590

(2) For purposes of the annual reporting of the school 32591
districts in which its students are entitled to attend school, 32592
the governing authority of a community school shall adopt a 32593
policy that prescribes the information required to verify a 32594
student's residency. This information may be obtained through 32595
any type of document, including any of the documents listed in 32596
division (E) of this section, or any type of communication with 32597
a government official authorized to provide such information. 32598

(C) For purposes of making the determinations required 32599

under this section, the school district in which a parent or 32600
child resides is the location the parent or student has 32601
established as the primary residence and where substantial 32602
family activity takes place. 32603

(D) If a community school's determination under division 32604
(A) of this section of the school district a student is entitled 32605
to attend under section 3313.64 or 3313.65 of the Revised Code 32606
differs from a district's determination, the community school 32607
that made the determination under division (A) of this section 32608
shall provide the school district with documentation of the 32609
student's residency and shall make a good faith effort to 32610
accurately identify the correct residence of the student. 32611

(E) For purposes of this section, the following documents 32612
may serve as evidence of primary residence: 32613

(1) A deed, mortgage, lease, current home owner's or 32614
renter's insurance declaration page, or current real property 32615
tax bill; 32616

(2) A utility bill or receipt of utility installation 32617
issued within ninety days of enrollment; 32618

(3) A paycheck or paystub issued to the parent or student 32619
within ninety days of the date of enrollment that includes the 32620
address of the parent's or student's primary residence; 32621

(4) The most current available bank statement issued to 32622
the parent or student that includes the address of the parent's 32623
or student's primary residence; 32624

(5) Any other official document issued to the parent or 32625
student that includes the address of the parent's or student's 32626
primary residence. The ~~superintendent of public instruction~~ 32627
department shall develop guidelines for determining what 32628

qualifies as an "official document" under this division. 32629

(F) When a student loses permanent housing and becomes a 32630
homeless child or youth, as defined in 42 U.S.C. 11434a, or when 32631
a child who is such a homeless child or youth changes temporary 32632
living arrangements, the district in which the student is 32633
entitled to attend school shall be determined in accordance with 32634
division (F) (13) of section 3313.64 of the Revised Code and the 32635
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et 32636
seq. 32637

(G) In the event of a disagreement as to which school 32638
district a student is entitled to attend, the community school, 32639
after complying with division (D) of this section, but not more 32640
than sixty days after the monthly deadline established by the 32641
department ~~of education~~ for reporting of community school 32642
enrollment, may present the matter to the ~~superintendent of~~ 32643
~~public instruction~~ director of education and workforce. Not later 32644
than thirty days after the community school presents the matter, 32645
the ~~state superintendent~~ director, or the ~~state superintendent's~~ 32646
director's designee, shall determine which district the student 32647
is entitled to attend and shall direct any necessary adjustments 32648
to payments under section 3317.022 of the Revised Code based on 32649
that determination. 32650

Sec. 3314.12. On or before the first day of November each 32651
year, the sponsor of each community school established under 32652
this chapter shall submit to the department of education and 32653
workforce, in accordance with guidelines adopted by the 32654
department for purposes of this section, a report that describes 32655
the special education and related services provided by that 32656
school to enrolled students during the previous fiscal year and 32657
the school's expenditures for those services. 32658

Sec. 3314.143. (A) With the approval of its governing authority, a community school established under this chapter may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 of the Revised Code. A community school that elects to do so shall comply with all provisions of that section as if it were a school district.

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

(a) A community school;

(b) A member of a community school governing authority;

(c) A community school employee or contractor;

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

(2) This division does not eliminate, limit, or reduce any other immunity or defense that a community school or governing authority, member of a community school governing authority, community school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(C) A community school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01

of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors. 32688
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(D) A community school that elects to procure epinephrine autoinjectors under this section shall report to the department of education and workforce each procurement and occurrence in which an epinephrine autoinjector is used from the school's supply of epinephrine autoinjectors. 32690
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Sec. 3314.144. (A) As used in this section, "inhaler" has the same meaning as in section 3313.7113 of the Revised Code. 32695
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(B) With the approval of its governing authority, a community school may procure inhalers in the manner prescribed by section 3313.7113 of the Revised Code. A community school that elects to do so shall comply with all provisions of that section as if it were a school district. 32697
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(C) A community school, a member of a community school governing authority, or a community school employee or contractor is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct. 32702
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This division does not eliminate, limit, or reduce any other immunity or defense that a community school or governing authority, member of a community school governing authority, or community school employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 32710
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(D) A community school may accept donations of inhalers 32716

from a wholesale distributor of dangerous drugs or a 32717
manufacturer of dangerous drugs, as defined in section 4729.01 32718
of the Revised Code, and may accept donations of money from any 32719
person to purchase inhalers. 32720

(E) A community school that elects to procure inhalers 32721
under this section shall report to the department of education 32722
and workforce each procurement and occurrence in which an 32723
inhaler is used from the school's supply of inhalers. 32724

Sec. 3314.147. (A) With the approval of its governing 32725
authority, a community school established under this chapter may 32726
procure injectable or nasally administered glucagon in the 32727
manner prescribed by section 3313.7115 of the Revised Code. A 32728
community school that elects to do so shall comply with all 32729
provisions of that section as if it were a school district. 32730

(B) (1) The following are not liable in damages in a civil 32731
action for injury, death, or loss to person or property that 32732
allegedly arises from an act or omission associated with 32733
procuring, maintaining, accessing, or using injectable or 32734
nasally administered glucagon under this section, unless the act 32735
or omission constitutes willful or wanton misconduct: 32736

(a) A community school; 32737

(b) A member of a community school governing authority; 32738

(c) A community school employee or contractor; 32739

(d) A licensed health professional authorized to prescribe 32740
drugs who personally furnishes or prescribes injectable or 32741
nasally administered glucagon, provides a consultation, or 32742
issues a protocol pursuant to this section. 32743

(2) This division does not eliminate, limit, or reduce any 32744

other immunity or defense that a community school or governing authority, member of a community school governing authority, community school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(C) A community school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.

(D) A community school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education and workforce each procurement and each occurrence in which a dose of the drug is used from the school's supply.

Sec. 3314.17. (A) Each community school established under this chapter shall participate in the statewide education management information system established under section 3301.0714 of the Revised Code. All provisions of that section and the rules adopted under that section apply to each community school as if it were a school district, except as modified for community schools under division (B) of this section. Each community school shall comply with division (C) of section 3301.0723 of the Revised Code.

(B) The rules adopted by the ~~state board~~ department of education and workforce under section 3301.0714 of the Revised Code may distinguish methods and timelines for community schools to annually report data, which methods and timelines differ from those prescribed for school districts. Any methods and timelines

prescribed for community schools shall be appropriate to the 32775
academic schedule and financing of community schools. The 32776
guidelines, however, shall not modify the actual data required 32777
to be reported under that section. 32778

(C) Each fiscal officer appointed under section 3314.011 32779
of the Revised Code is responsible for annually reporting the 32780
community school's data under section 3301.0714 of the Revised 32781
Code. If the ~~superintendent of public instruction~~ director of 32782
education and workforce determines that a community school 32783
fiscal officer has willfully failed to report data or has 32784
willfully reported erroneous, inaccurate, or incomplete data in 32785
any year, or has negligently reported erroneous, inaccurate, or 32786
incomplete data in the current and any previous year, the 32787
~~superintendent~~ director may impose a civil penalty of one 32788
hundred dollars on the fiscal officer after providing the 32789
officer with notice and an opportunity for a hearing in 32790
accordance with Chapter 119. of the Revised Code. The 32791
~~superintendent's~~ director's authority to impose civil penalties 32792
under this division does not preclude the state board of 32793
education from suspending or revoking the license of a community 32794
school employee under division (N) of section 3301.0714 of the 32795
Revised Code. 32796

(D) No community school shall acquire, change, or update 32797
its student administration software package to manage and report 32798
data required to be reported to the department unless it 32799
converts to a student software package that is certified by the 32800
department. 32801

Sec. 3314.18. (A) Subject to division (C) of this section, 32802
the governing authority of each community school shall establish 32803
a breakfast program pursuant to the "National School Lunch Act," 32804

60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, if at least one-fifth of the pupils in the school are eligible under federal requirements for free breakfasts, and shall establish a lunch program pursuant to those acts if at least one-fifth of the pupils are eligible for free lunches. The governing authority required to establish a breakfast program under this division may make a charge in accordance with federal requirements for each reduced price breakfast or paid breakfast to cover the cost incurred in providing that meal.

A breakfast program established under this section shall be operated in accordance with section 3313.818 of the Revised Code in any community school meeting the conditions prescribed by that section.

(B) Subject to division (C) of this section, the governing authority of each community school shall establish one of the following for summer intervention services described in division (D) of section 3301.0711 or provided under section 3313.608 of the Revised Code, and any other summer intervention program required by law:

(1) An extension of the school breakfast program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 1966";

(2) An extension of the school lunch program pursuant to those acts;

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

(C) If the governing authority of a community school determines that, for financial reasons, it cannot comply with division (A) or (B) of this section, the governing authority may

choose not to comply with either or both divisions. In that 32834
case, the governing authority shall communicate to the parents 32835
of its students, in the manner it determines appropriate, its 32836
decision not to comply. 32837

(D) The governing authority of each community school 32838
required to establish a school breakfast, school lunch, or 32839
summer food service program under this section shall apply for 32840
state and federal funds allocated by the ~~state board~~ department 32841
of education and workforce under division (B) of section 32842
3313.813 of the Revised Code and shall comply with the ~~state~~ 32843
~~board's~~ department's standards adopted under that division. 32844

(E) The governing authority of any community school 32845
required to establish a breakfast program under this section or 32846
that elects to participate in a breakfast program pursuant to 32847
the "National School Lunch Act" and the "Child Nutrition Act of 32848
1966" may offer breakfast to pupils in their classrooms during 32849
the school day. However, any community school that is subject to 32850
section 3313.818 of the Revised Code shall offer breakfast to 32851
pupils in accordance with that section. 32852

(F) Notwithstanding anything in this section to the 32853
contrary, in each fiscal year in which the general assembly 32854
appropriates funds for purposes of this division, the governing 32855
authority of each community school required to establish a 32856
breakfast program under this section or that elects to 32857
participate in a breakfast program pursuant to the "National 32858
School Lunch Act" and the "Child Nutrition Act of 1966" shall 32859
provide a breakfast free of charge to each pupil who is eligible 32860
under federal requirements for a reduced price breakfast. 32861

(G) This section does not apply to internet- or computer- 32862
based community schools. 32863

Sec. 3314.19. The sponsor of each community school shall 32864
provide the following assurances in writing to the department of 32865
education and workforce not later than ten business days prior 32866
to the opening of the school's first year of operation or, if 32867
the school is not an internet- or computer-based community 32868
school and it changes the building from which it operates, the 32869
opening of the first year it operates from the new building: 32870

(A) That a current copy of the contract between the 32871
sponsor and the governing authority of the school entered into 32872
under section 3314.03 of the Revised Code has been filed with 32873
the department and that any subsequent modifications to that 32874
contract will be filed with the department; 32875

(B) That the school has submitted to the sponsor a plan 32876
for providing special education and related services to students 32877
with disabilities and has demonstrated the capacity to provide 32878
those services in accordance with Chapter 3323. of the Revised 32879
Code and federal law; 32880

(C) That the school has a plan and procedures for 32881
administering the achievement and diagnostic assessments 32882
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 32883
the Revised Code; 32884

(D) That school personnel have the necessary training, 32885
knowledge, and resources to properly use and submit information 32886
to all databases maintained by the department for the collection 32887
of education data, including the education management 32888
information system established under section 3301.0714 of the 32889
Revised Code in accordance with methods and timelines 32890
established under section 3314.17 of the Revised Code; 32891

(E) That all required information about the school has 32892

been submitted to the Ohio education directory system or any	32893
successor system;	32894
(F) That the school will enroll at least the minimum	32895
number of students required by division (A) (11) (a) of section	32896
3314.03 of the Revised Code in the school year for which the	32897
assurances are provided;	32898
(G) That all classroom teachers are licensed in accordance	32899
with sections 3319.22 to 3319.31 of the Revised Code, except for	32900
noncertificated persons engaged to teach up to twelve hours or	32901
forty hours per week pursuant to section 3319.301 of the Revised	32902
Code;	32903
(H) That the school's fiscal officer is in compliance with	32904
section 3314.011 of the Revised Code;	32905
(I) That the school has complied with sections 3319.39 and	32906
3319.391 of the Revised Code with respect to all employees and	32907
that the school has conducted a criminal records check of each	32908
of its governing authority members;	32909
(J) That the school holds all of the following:	32910
(1) Proof of property ownership or a lease for the	32911
facilities used by the school;	32912
(2) A certificate of occupancy;	32913
(3) Liability insurance for the school, as required by	32914
division (A) (11) (b) of section 3314.03 of the Revised Code, that	32915
the sponsor considers sufficient to indemnify the school's	32916
facilities, staff, and governing authority against risk;	32917
(4) A satisfactory health and safety inspection;	32918
(5) A satisfactory fire inspection;	32919

(6) A valid food permit, if applicable.	32920
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	32921 32922 32923
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A) (25) of section 3314.03 of the Revised Code;	32924 32925 32926 32927
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	32928 32929 32930
(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:	32931 32932 32933 32934
(1) An indication of what blended learning model or models will be used;	32935 32936
(2) A description of how student instructional needs will be determined and documented;	32937 32938
(3) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	32939 32940
(4) The school's attendance requirements, including how the school will document participation in learning opportunities;	32941 32942 32943
(5) A statement describing how student progress will be monitored;	32944 32945
(6) A statement describing how private student data will	32946

be protected; 32947

(7) A description of the professional development 32948
activities that will be offered to teachers. 32949

Sec. 3314.191. Notwithstanding any provision to the 32950
contrary in the Revised Code, the department of education and 32951
workforce shall make no payment under section 3317.022 of the 32952
Revised Code to a community school opening for its first year of 32953
operation until the sponsor of that school confirms all of the 32954
following: 32955

(A) The school is in compliance with the provisions 32956
described in divisions (A), (H), (I), and (J) (3) of section 32957
3314.19 of the Revised Code. 32958

(B) The sponsor has approved the financial controls 32959
required by the comprehensive plan for the school under division 32960
(B) (5) of section 3314.03 of the Revised Code. 32961

(C) The school facilities will be ready and open for use 32962
by the date prescribed in the contract entered into under 32963
section 3314.03 of the Revised Code, and the sponsor has 32964
reviewed any lease, purchase agreement, permits required by 32965
statute or contract, and construction plans. 32966

(D) The chief administrator of the community school 32967
actively is managing daily operations at the school. 32968

(E) The projected enrollment reported to the department is 32969
accurate. 32970

Sec. 3314.20. (A) As used in this section: 32971

(1) "Base enrollment" for an internet- or computer-based 32972
community school means either of the following: 32973

(a) If the school was open for instruction on the	32974
effective date of this section September 29, 2013, the number of	32975
students enrolled in the school at the end of the 2012-2013	32976
school year;	32977
(b) If the school opens for instruction after the	32978
effective date of this section September 29, 2013, one thousand	32979
students.	32980
(2) "Enrollment limit" for an internet- or computer-based	32981
community school means the following:	32982
(a) For the 2014-2015 school year, the base enrollment	32983
increased by the prescribed annual rate of growth, as calculated	32984
by the department of education <u>and workforce.</u>	32985
(b) For the 2015-2016 school year and each school year	32986
thereafter, the previous school year's enrollment limit	32987
increased by the prescribed annual rate of growth, as calculated	32988
by the department.	32989
(3) "Prescribed annual rate of growth" for an internet- or	32990
computer-based community school means either of the following:	32991
(a) For a school with an enrollment limit equal to or	32992
greater than three thousand students, fifteen per cent.	32993
(b) For a school with an enrollment limit of less than	32994
three thousand students, twenty-five per cent.	32995
(B) Beginning in the 2014-2015 school year, no internet-	32996
or computer-based community school shall enroll more students	32997
than the number permitted by its enrollment limit.	32998
(C) If, in any school year, an internet- or computer-based	32999
community school enrolls more students than permitted under the	33000
enrollment limit, the department shall deduct from the community	33001

school the amount of state funds credited to the community 33002
school attributable to each student enrolled in excess of the 33003
enrollment limit, as determined by the department. 33004

Sec. 3314.21. (A) As used in this section: 33005

(1) "Harmful to juveniles" has the same meaning as in 33006
section 2907.01 of the Revised Code. 33007

(2) "Obscene" has the same meaning as in division (F) of 33008
section 2907.01 of the Revised Code as that division has been 33009
construed by the supreme court of this state. 33010

(3) "Teacher of record" means a teacher who is responsible 33011
for the overall academic development and achievement of a 33012
student and not merely the student's instruction in any single 33013
subject. 33014

(B) (1) It is the intent of the general assembly that 33015
teachers employed by internet- or computer-based community 33016
schools conduct visits with their students in person throughout 33017
the school year. 33018

(2) Each internet- or computer-based community school 33019
shall retain an affiliation with at least one full-time teacher 33020
of record licensed in accordance with division (A)(10) of 33021
section 3314.03 of the Revised Code. 33022

(3) Each student enrolled in an internet- or computer- 33023
based community school shall be assigned to at least one teacher 33024
of record. No teacher of record shall be primarily responsible 33025
for the academic development and achievement of more than one 33026
hundred twenty-five students enrolled in the internet- or 33027
computer-based community school that has retained that teacher. 33028

(C) For any internet- or computer-based community school, 33029

the contract between the sponsor and the governing authority of 33030
the school described in section 3314.03 of the Revised Code 33031
shall specify each of the following: 33032

(1) A requirement that the school use a filtering device 33033
or install filtering software that protects against internet 33034
access to materials that are obscene or harmful to juveniles on 33035
each computer provided to students for instructional use. The 33036
school shall provide such device or software at no cost to any 33037
student who works primarily from the student's residence on a 33038
computer obtained from a source other than the school. 33039

(2) A plan for fulfilling the intent of the general 33040
assembly specified in division (B)(1) of this section. The plan 33041
shall indicate the number of times teachers will visit each 33042
student throughout the school year and the manner in which those 33043
visits will be conducted. 33044

(3) That the school will set up a central base of 33045
operation and the sponsor will maintain a representative within 33046
fifty miles of that base of operation to provide monitoring and 33047
assistance. 33048

(D)(1) Annually, each internet- or computer-based 33049
community school shall prepare and submit to the department of 33050
education and workforce, in a time and manner prescribed by the 33051
department, a report that contains information about all of the 33052
following: 33053

(a) Classroom size; 33054

(b) The ratio of teachers to students per classroom; 33055

(c) The number of student-teacher meetings conducted in 33056
person or by video conference; 33057

(d) Any other information determined necessary by the department. 33058
33059

(2) The department annually shall prepare and ~~submit to~~ 33060
~~the state board of education issue~~ a report that contains the 33061
information received under division (D)(1) of this section. 33062

Sec. 3314.22. (A)(1) Each child enrolled in an internet- 33063
or computer-based community school is entitled to a computer 33064
supplied by the school; however, the parent of any child 33065
enrolled in the school may waive this entitlement in the manner 33066
specified in division (A)(3) of this section. In no case shall 33067
an internet- or computer-based community school provide a 33068
stipend or other substitute to an enrolled child or the child's 33069
parent in lieu of supplying a computer to the child. The 33070
prohibition contained in the preceding sentence is intended to 33071
clarify the meaning of this division as it existed prior to 33072
September 29, 2005, and is not intended to change that meaning 33073
in any way. 33074

(2) Notwithstanding division (A)(1) of this section, if 33075
more than one child living in a single residence is enrolled in 33076
an internet- or computer-based community school, at the option 33077
of the parent of those children, the school may supply less than 33078
one computer per child, as long as at least one computer is 33079
supplied to the residence. An internet- or computer-based 33080
community school may supply no computer at all only if the 33081
parent has waived the entitlement prescribed in division (A)(1) 33082
of this section in the manner specified in division (A)(3) of 33083
this section. The parent may amend the decision to accept less 33084
than one computer per child anytime during the school year, and, 33085
in such case, within thirty days after the parent notifies the 33086
school of such amendment, the school shall provide any 33087

additional computers requested by the parent up to the number 33088
necessary to comply with division (A) (1) of this section. 33089

(3) The parent of any child enrolled in an internet- or 33090
computer-based community school may waive the entitlement to one 33091
computer per child, and have no computer at all supplied by the 33092
school, if the school and parent set forth that waiver in 33093
writing with both parties attesting that there is a computer 33094
available to the child in the child's residence with sufficient 33095
hardware, software, programming, and connectivity so that the 33096
child may fully participate in all of the learning opportunities 33097
offered to the child by the school. The parent may amend the 33098
decision to waive the entitlement at any time during the school 33099
year and, in such case, within thirty days after the parent 33100
notifies the school of that decision, the school shall provide 33101
any additional computers requested by the parent up to the 33102
number necessary to comply with division (A) (1) of this section, 33103
regardless of whether there is any change in the conditions 33104
attested to in the waiver. 33105

(4) A copy of a waiver executed under division (A) (3) of 33106
this section shall be retained by the internet- or computer- 33107
based community school and the parent who attested to the 33108
conditions prescribed in that division. The school shall submit 33109
a copy of the waiver to the department of education and 33110
workforce immediately upon execution of the waiver. 33111

(5) The school shall notify the ~~department of education,~~ 33112
in the manner specified by the department, of any parent's 33113
decision under division (A) (2) of this section to accept less 33114
than one computer per child or the parent's amendment to that 33115
decision, and of any parent's decision to amend the waiver 33116
executed under division (A) (3) of this section. 33117

(B) Each internet- or computer-based community school 33118
shall provide to each parent who is considering enrolling the 33119
parent's child in the school and to the parent of each child 33120
already enrolled in the school a written notice of the 33121
provisions prescribed in division (A) of this section. 33122

(C) If a community school that is not an internet- or 33123
computer-based community school provides any of its enrolled 33124
students with nonclassroom-based learning opportunities provided 33125
via an internet- or other computer-based instructional method 33126
and requires such students to participate in any of those 33127
learning opportunities from their residences, the school shall 33128
be subject to this section and division (C) (1) of section 33129
3314.21 of the Revised Code relative to each such student in the 33130
same manner as an internet- or computer-based community school, 33131
unless both of the following conditions apply to the student: 33132

(1) The nonclassroom-based learning opportunities in which 33133
the student is required to participate from the student's 33134
residence are supplemental in nature or do not constitute a 33135
significant portion of the total classroom-based and 33136
nonclassroom-based learning opportunities provided to the 33137
student by the school; 33138

(2) The student's residence is equipped with a computer 33139
available for the student's use. 33140

Sec. 3314.232. ~~The superintendent of public instruction-~~ 33141
department of education and workforce shall establish by rule 33142
adopted in accordance with Chapter 119. of the Revised Code 33143
standards for learning management software to be used by 33144
internet- and computer-based community schools. 33145

Sec. 3314.24. (A) On or after July 1, 2004, no internet- 33146

or computer-based community school shall enter into a contract 33147
with a nonpublic school to use or rent any facility space at the 33148
nonpublic school for the provision of instructional services to 33149
students enrolled in the internet- or computer-based community 33150
school. 33151

(B) If an internet- or computer-based community school has 33152
a contract with a nonpublic school as described in division (A) 33153
of this section, the department of education and workforce shall 33154
not make any payments under section 3317.022 of the Revised Code 33155
to the internet- or computer-based community school for any 33156
student who is enrolled in the internet- or computer-based 33157
community school and receives any instructional services from 33158
the internet- or computer-based community school at the 33159
nonpublic school. 33160

Sec. 3314.26. (A) Each internet- or computer-based 33161
community school shall withdraw from the school any student who, 33162
for two consecutive school years of enrollment in the school, 33163
has failed to participate in the spring administration of any 33164
assessment prescribed under section 3301.0710 or 3301.0712 of 33165
the Revised Code for the student's grade level and was not 33166
excused from the assessment pursuant to division (C) (1) or (3) 33167
of section 3301.0711 of the Revised Code, regardless of whether 33168
a waiver was granted for the student under division (L) (3) of 33169
section 3314.08 of the Revised Code. The school shall report any 33170
such student's data verification code, as assigned pursuant to 33171
section 3301.0714 of the Revised Code, to the department of 33172
education and workforce. The department shall maintain a list of 33173
all data verification codes reported under this division and 33174
section 3313.6410 of the Revised Code and provide that list to 33175
each internet- or computer-based community school and to each 33176
school to which section 3313.6410 of the Revised Code applies. 33177

(B) No internet- or computer-based community school shall 33178
receive any state funds under this chapter for any enrolled 33179
student whose data verification code appears on the list 33180
maintained by the department under division (A) of this section. 33181

Notwithstanding any provision of the Revised Code to the 33182
contrary, the parent of any such student shall pay tuition to 33183
the internet- or computer-based community school in an amount 33184
equal to the state funds the school otherwise would receive for 33185
that student, as determined by the department. An internet- or 33186
computer-based community school may withdraw any student for 33187
whom the parent does not pay tuition as required by this 33188
division. 33189

Sec. 3314.27. No student enrolled in an internet- or 33190
computer-based community school may participate in more than ten 33191
hours of learning opportunities in any period of twenty-four 33192
consecutive hours. Any time such a student participates in 33193
learning opportunities beyond the limit prescribed in this 33194
section shall not count toward the annual minimum number of 33195
hours required to be provided to that student as prescribed in 33196
division (A)(11)(a) of section 3314.03 of the Revised Code. If 33197
any internet- or computer-based community school requires its 33198
students to participate in learning opportunities on the basis 33199
of days rather than hours, one day shall consist of a minimum of 33200
five hours of such participation. 33201

Each internet- or computer-based community school shall 33202
keep an accurate record of each individual student's 33203
participation in learning opportunities each day. The record 33204
shall be kept in such a manner that the information contained 33205
within it easily can be submitted to the department of education 33206
and workforce, upon request by the department or the auditor of 33207

state. 33208

Sec. 3314.271. (A) Each internet- or computer-based 33209
community school shall offer a student orientation course and 33210
shall notify each student who enrolls in that school of that 33211
student's opportunity to participate in the student orientation 33212
course. 33213

(B) The department of education and workforce shall 33214
provide guidance to internet- or computer-based community 33215
schools for developing and delivering the orientation course. 33216

(C) Each internet- or computer-based community school may, 33217
at the time of a particular student's enrollment in that school, 33218
ask the student's parent or guardian to estimate the length of 33219
time the student will attend the school. Any information 33220
collected pursuant to this division shall be included in an 33221
aggregated format in the school's annual report required by 33222
division (A) (11) (g) of section 3314.03 of the Revised Code. 33223

(D) Each internet- or computer-based community school, on 33224
a periodic basis throughout each school year, shall communicate 33225
with each student's parent, guardian, or custodian regarding the 33226
performance and progress of that student. Each internet- or 33227
computer-based community school also shall provide opportunities 33228
for parent-teacher conferences, shall document the school's 33229
requests for such conferences, and may permit students to 33230
participate in the conferences. Parent-teacher conferences may 33231
be conducted through electronic means. 33232

Sec. 3314.28. (A) Each internet- or computer-based 33233
community school established under this chapter shall submit to 33234
the school's sponsor a plan for providing special education and 33235
related services to disabled students enrolled in the school in 33236

accordance with division (A) (1) or (2) of this section. 33237

(1) If the school was established prior to ~~the effective date of this section~~ June 30, 2005, the plan shall be submitted 33238
to the sponsor on or before September 1, 2005, and on or before 33239
the first day of September in each year thereafter that the 33240
school is in operation. 33241
33242

(2) If the school is established after ~~the effective date of this section~~ June 30, 2005, the plan shall be submitted to 33243
the sponsor prior to the school's receipt of its first payment 33244
under this chapter and on or before the first day of September 33245
in each year thereafter that the school is in operation. 33246
33247

(B) Within thirty days after receiving the plan prescribed 33248
in division (A) of this section, the sponsor of each internet- 33249
or computer-based community school shall certify all of the 33250
following to the department of education and workforce: 33251

(1) A statement of whether the plan received is 33252
satisfactory to the sponsor; 33253

(2) If the plan received is not satisfactory to the 33254
sponsor, the sponsor's assurance that it will promptly assist 33255
the school in developing a plan that is satisfactory to the 33256
sponsor; 33257

(3) The sponsor's assurance that it will monitor the 33258
implementation of the plan; 33259

(4) The sponsor's assurance that it will take any 33260
necessary corrective action to ensure that the school's plan is 33261
properly and fully implemented. 33262

(C) The department shall develop guidelines for the 33263
content and format of the plan required under this section. 33264

Sec. 3314.29. (A) This section applies to any internet- or 33265
computer-based community school that meets all of the following 33266
conditions: 33267

(1) Serves all of grades kindergarten through twelve; 33268

(2) Has an enrollment of at least two thousand students; 33269

(3) Has a sponsor that was not rated ineffective or poor 33270
on its most recent evaluation under section 3314.016 of the 33271
Revised Code. 33272

(B) Beginning with the 2018-2019 school year, the 33273
governing authority of a community school to which this section 33274
applies may adopt a resolution to divide the school into two or 33275
three separate schools as follows: 33276

(1) If the school is divided into two schools, one school 33277
shall serve grades kindergarten through eight and one school 33278
shall serve grades nine through twelve. 33279

(2) If the school is divided into three schools, one 33280
school shall serve grades kindergarten through five, one school 33281
shall serve grades six through eight, and one school shall serve 33282
grades nine through twelve. 33283

(C) The resolution adopted by the governing authority 33284
shall not be effective unless approved by the school's sponsor. 33285
Following approval of the resolution by the sponsor, and by the 33286
fifteenth day of March prior to the school year in which it will 33287
take effect, the governing authority shall file the resolution 33288
with the department of education and workforce. The division of 33289
the schools shall be effective on the first day of July 33290
succeeding the date the resolution is filed with the department. 33291

(D) All of the following shall apply to each new school 33292

created as a result of the resolution authorized by this section	33293
and to the school that is divided as a result of the resolution:	33294
(1) Each school shall have the same governing authority.	33295
(2) The sponsor and governing authority shall enter into a	33296
separate contract under section 3314.03 of the Revised Code for	33297
each school.	33298
(3) No school shall primarily serve students enrolled in a	33299
dropout prevention and recovery program operated by the school.	33300
(4) No school shall be permitted to divide again under	33301
this section.	33302
(5) Notwithstanding anything to the contrary in division	33303
(B) (2) of section 3314.016 of the Revised Code, each school	33304
shall be included in the calculation of the academic performance	33305
component for purposes of rating the schools' sponsor under the	33306
evaluation system prescribed by that section.	33307
(6) Each school shall be subject to the laws contained in	33308
Chapter 3314. of the Revised Code, except as otherwise specified	33309
in this section.	33310
(E) The department shall issue a report card under section	33311
3314.012 of the Revised Code for each new school created as a	33312
result of the resolution authorized by this section and for the	33313
school that is divided as a result of the resolution. For	33314
purposes of the report cards and other reporting requirements	33315
under this chapter, the department shall assign the school that	33316
serves the highest grades the same internal retrieval number	33317
previously used by the school that is divided under this	33318
section. The department shall assign a new internal retrieval	33319
number to each other school resulting from the division.	33320

Notwithstanding division (B) of section 3314.012 of the Revised Code, the ratings a school receives on its report card for the first two full school years after the division under this section shall count toward closure of the school under section 3314.35 of the Revised Code and any other matter that is based on report card ratings or measures.

Sec. 3314.35. (A) (1) Except as provided in division (A) (4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009, but before July 1, 2011:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(b) The school satisfies all of the following conditions:

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.

(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education and workforce in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four

most recent school years. 33350

(2) Except as provided in division (A) (4) of this section, 33351
this section applies to any community school that meets one of 33352
the following criteria after July 1, 2011, but before July 1, 33353
2013: 33354

(a) The school does not offer a grade level higher than 33355
three and has been declared to be in a state of academic 33356
emergency under section 3302.03 of the Revised Code for two of 33357
the three most recent school years. 33358

(b) The school satisfies all of the following conditions: 33359

(i) The school offers any of grade levels four to eight 33360
but does not offer a grade level higher than nine. 33361

(ii) The school has been declared to be in a state of 33362
academic emergency under section 3302.03 of the Revised Code for 33363
two of the three most recent school years. 33364

(iii) In at least two of the three most recent school 33365
years, the school showed less than one standard year of academic 33366
growth in either reading or mathematics, as determined by the 33367
department in accordance with rules adopted under division (A) 33368
of section 3302.021 of the Revised Code. 33369

(c) The school offers any of grade levels ten to twelve 33370
and has been declared to be in a state of academic emergency 33371
under section 3302.03 of the Revised Code for two of the three 33372
most recent school years. 33373

(3) Except as provided in division (A) (4) of this section, 33374
this section applies to any community school that meets one of 33375
the following criteria on or after July 1, 2013: 33376

(a) The school does not offer a grade level higher than 33377

three and, for the three most recent school years, satisfies any 33378
of the following criteria: 33379

(i) The school has been declared to be in a state of 33380
academic emergency under section 3302.03 of the Revised Code, as 33381
it existed prior to March 22, 2013; 33382

(ii) The school has received a grade of "F" in improving 33383
literacy in grades kindergarten through three under division (B) 33384
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 33385

(iii) The school has received a performance rating of one 33386
star for early literacy under division (D) (3) (e) of section 33387
3302.03 of the Revised Code; 33388

(iv) The school has received an overall performance rating 33389
of less than two stars under division (D) (3) of section 3302.03 33390
of the Revised Code; 33391

(v) The school has received an overall grade of "F" under 33392
division (C) of section 3302.03 of the Revised Code. 33393

(b) The school offers any of grade levels four to eight 33394
but does not offer a grade level higher than nine and, for the 33395
three most recent school years, satisfies any of the following 33396
criteria: 33397

(i) The school has been declared to be in a state of 33398
academic emergency under section 3302.03 of the Revised Code, as 33399
it existed prior to March 22, 2013, and the school showed less 33400
than one standard year of academic growth in either reading or 33401
mathematics, as determined by the department in accordance with 33402
rules adopted under division (A) of section 3302.021 of the 33403
Revised Code; 33404

(ii) The school has received a grade of "F" for the 33405

performance index score under division (A) (1) (b), (B) (1) (b), or 33406
(C) (1) (b) and a grade of "F" for the value-added progress 33407
dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of 33408
section 3302.03 of the Revised Code; 33409

(iii) The school has received a performance rating of one 33410
star for both achievement under division (D) (3) (b) of section 33411
3302.03 of the Revised Code and progress under division (D) (3) 33412
(c) of that section; 33413

(iv) The school has received an overall grade of "F" under 33414
division (C) and a grade of "F" for the value-added progress 33415
dimension under division (C) (1) (e) of section 3302.03 of the 33416
Revised Code; 33417

(v) The school has received an overall performance rating 33418
of less than two stars under division (D) of section 3302.03 of 33419
the Revised Code and a performance rating of one star for 33420
progress under division (D) (3) (c) of that section. 33421

(c) The school offers any of grade levels ten to twelve 33422
and, for the three most recent school years, satisfies any of 33423
the following criteria: 33424

(i) The school has been declared to be in a state of 33425
academic emergency under section 3302.03 of the Revised Code, as 33426
it existed prior to March 22, 2013; 33427

(ii) The school has received a grade of "F" for the 33428
performance index score under division (A) (1) (b), (B) (1) (b), or 33429
(C) (1) (b) and has not met annual measurable objectives under 33430
division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 33431
of the Revised Code; 33432

(iii) The school has received a performance rating of "one 33433
star" for achievement under division (D) (3) (b) of section 33434

3302.03 of the Revised Code and has not met annual measurable 33435
objectives for gap closing under division (D) (3) (a) of that 33436
section, as determined by the department; 33437

(iv) The school has received an overall grade of "F" under 33438
division (C) and a grade of "F" for the value-added progress 33439
dimension under division (C) (1) (e) of section 3302.03 of the 33440
Revised Code; 33441

(v) The school has received an overall performance rating 33442
of less than two stars under division (D) of section 3302.03 of 33443
the Revised Code and a performance rating of one star for 33444
progress under division (D) (1) (b) of that section. 33445

For purposes of division (A) (3) of this section only, the 33446
department ~~of education~~ shall calculate the value-added progress 33447
dimension for a community school using assessment scores for 33448
only those students to whom the school has administered the 33449
achievement assessments prescribed by section 3301.0710 of the 33450
Revised Code for at least the two most recent school years but 33451
using value-added data from only the most recent school year. 33452

(4) This section does not apply to either of the 33453
following: 33454

(a) Any community school in which a majority of the 33455
students are enrolled in a dropout prevention and recovery 33456
program that is operated by the school. Rather, such schools 33457
shall be subject to closure only as provided in section 3314.351 33458
of the Revised Code. However, prior to July 1, 2014, a community 33459
school in which a majority of the students are enrolled in a 33460
dropout prevention and recovery program shall be exempt from 33461
this section only if it has been granted a waiver under section 33462
3314.36 of the Revised Code. 33463

(b) Any community school in which a majority of the 33464
enrolled students are children with disabilities receiving 33465
special education and related services in accordance with 33466
Chapter 3323. of the Revised Code. 33467

(B) Any community school to which this section applies 33468
shall permanently close at the conclusion of the school year in 33469
which the school first becomes subject to this section. The 33470
sponsor and governing authority of the school shall comply with 33471
all procedures for closing a community school adopted by the 33472
department under division (E) of section 3314.015 of the Revised 33473
Code. The governing authority of the school shall not enter into 33474
a contract with any other sponsor under section 3314.03 of the 33475
Revised Code after the school closes. 33476

(C) In accordance with division (B) of section 3314.012 of 33477
the Revised Code, the department shall not consider the 33478
performance ratings assigned to a community school for its first 33479
two years of operation when determining whether the school meets 33480
the criteria prescribed by division (A)(1) or (2) of this 33481
section. 33482

(D) Nothing in this section or in any other provision of 33483
the Revised Code prohibits the sponsor of a community school 33484
from exercising its option not to renew a contract for any 33485
reason or from terminating a contract prior to its expiration 33486
for any of the reasons set forth in section 3314.07 of the 33487
Revised Code. 33488

Sec. 3314.351. (A) This section applies to any community 33489
school in which a majority of the students are enrolled in a 33490
dropout prevention and recovery program. Except as provided in 33491
division (F) of this section, any such community school that has 33492
received a designation of "does not meet standards," as 33493

described in division (D) (1) of section 3314.017 of the Revised Code on the report card issued under that section, for the three most recent school years shall be subject to closure in accordance with this section.

(B) Not later than the first day of September in each school year, the department of education and workforce shall notify each school subject to closure under this section that the school must close not later than the thirtieth day of the following June.

A school so notified shall close as required.

(C) A school that opens on or after July 1, 2014, shall not be subject to closure under this section for its first two years of operation. A school that is in operation prior to July 1, 2014, shall not be subject to closure under this section until after August 31, 2016.

(D) The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(E) Nothing in this section or in any other provision of the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration for any of the reasons set forth in section 3314.07 of the Revised Code.

(F) Beginning in the 2019-2020 school year, no school shall be subject to closure under this section based on the

report card issued for that school for the 2017-2018 or 2018-33523
2019 school year if the school received an overall rating of 33524
"meets standards" or "exceeds standards" for the 2017-2018 or 33525
2018-2019 school year pursuant to division (I) of section 33526
3314.017 of the Revised Code. However, no school permanently 33527
closed under this section prior to the 2019-2020 school year 33528
shall be eligible to reopen based on the calculated or 33529
recalculated ratings under division (I) of section 3314.017 of 33530
the Revised Code. 33531

Sec. 3314.353. Each year, the department of education and 33532
workforce shall publish separate lists of the following: 33533

(A) Community schools that have become subject to 33534
permanent closure under section 3314.35 or 3314.351 of the 33535
Revised Code; 33536

(B) Community schools that are at risk of becoming subject 33537
to permanent closure under section 3314.35 or 3314.351 of the 33538
Revised Code if their academic performance, as prescribed in 33539
those sections, does not improve on the next state report cards 33540
issued under section 3302.03 or 3314.017 of the Revised Code. 33541

~~On and after the effective date of this amendment, the~~ The 33542
department of education and workforce shall not adopt any rules, 33543
enforce any procedures or policies, or otherwise restrict the 33544
establishment or sponsorship of a new start-up community school 33545
based upon whether the school's proposed location is in a 33546
challenged school district. 33547

Sec. 3314.354. Not later than the thirty-first day of July 33548
of each year, the department of education and workforce shall 33549
submit preliminary data on community schools at risk of becoming 33550
subject to permanent closure under section 3314.35 or 3314.351 33551

of the Revised Code.

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Sec. 3314.36. (A) Section 3314.35 of the Revised Code does not apply to any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver by the former department of education prior to July 1, 2014. ~~Until June 30, 2014, the department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:~~

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~~(1) The program serves only students not younger than sixteen years of age and not older than twenty one years of age.~~

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~~(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.~~

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~~(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B) (1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board of education under division (D) (5) of section 3301.0712 of the Revised Code, division (B) (2) of that section.~~

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~~(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two year degree program, acquiring a business and industry credential, or entering an apprenticeship.~~

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~~(5) The program provides counseling and support for the student related to the plan developed under division (A) (4) of~~

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~~this section during the remainder of the student's high school
experience.~~ 33581
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~~(6) Prior to receiving the waiver, the program has
submitted to the department an instructional plan that
demonstrates how the academic content standards adopted by the
state board of education under section 3301.079 of the Revised
Code will be taught and assessed.~~ 33583
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~~If the department does not act either to grant the waiver
or to reject the program application for the waiver within sixty
days as required under this section, the waiver shall be
considered to be granted.~~ 33588
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~~(B) Notwithstanding division (A) of this section, the
department shall not grant a waiver to any community school that
did not qualify for a waiver under this section when it
initially began operations, unless the state board of education
approves the waiver.~~ 33592
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~~(C) Beginning on July 1, 2014, all All community schools
in which a majority of the students are enrolled in a dropout
prevention and recovery program are subject to the provisions of
section 3314.351 of the Revised Code, regardless of whether a
waiver has been granted under this section prior to July 1,
2014. Thereafter, no waivers shall be granted under this
section.~~ 33597
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Sec. 3314.38. (A) An individual who is at least twenty-two
years of age and who is an eligible individual as defined in
section 3317.23 of the Revised Code may enroll for up to two
consecutive school years in a dropout prevention and recovery
program operated by a community school that is designed to allow
enrollees to earn a high school diploma. An individual enrolled
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under this division may elect to satisfy the requirements to 33610
earn a high school diploma by successfully completing a 33611
competency-based educational program, as defined in section 33612
3317.23 of the Revised Code, that complies with the standards 33613
adopted by the department of education and workforce under 33614
section 3317.231 of the Revised Code. The community school shall 33615
report that individual's enrollment on a full-time equivalency 33616
basis to the department. This report shall be in addition to the 33617
report required under division (B) of section 3314.08 of the 33618
Revised Code. An individual enrolled under this division shall 33619
not be assigned to classes or settings with students who are 33620
younger than eighteen years of age. 33621

(B) (1) For each community school that enrolls individuals 33622
under division (A) of this section, the department annually 33623
shall certify the enrollment and attendance, on a full-time 33624
equivalency basis, of each individual reported by the school 33625
under that division. 33626

(2) For each individual enrolled in a community school 33627
under division (A) of this section, the department annually 33628
shall pay the community school up to \$5,000, as determined by 33629
the department based on the extent of the individual's 33630
successful completion of the graduation requirements prescribed 33631
under division (A) (11) (f) of section 3314.03 of the Revised 33632
Code. 33633

(C) A community school that enrolls individuals under 33634
division (A) of this section shall be subject to the program 33635
administration standards adopted by the department under section 33636
3317.231 of the Revised Code, as applicable. 33637

Sec. 3314.50. No community school shall initiate 33638
operation, on or after the effective date of this amendment, 33639

unless the governing authority of the school has posted a bond 33640
in the amount of fifty thousand dollars with the auditor of 33641
state. The bond shall be used, in the event the school closes, 33642
to pay the auditor of state any moneys owed or that become owed 33643
by the school for the costs of audits conducted by the auditor 33644
of state or a public accountant under Chapter 117. of the 33645
Revised Code. 33646

The department of education and workforce shall notify the 33647
auditor of state of the proposed initiation of operations of any 33648
community school and shall provide the auditor of state with the 33649
certification of the sponsor of the community school of the 33650
compliance by the community school with all legal preconditions 33651
to the initiation of its operations, including compliance with 33652
this section. 33653

In lieu of the bond, the governing authority of the 33654
school, the school's sponsor, or an operator that has a contract 33655
with the school may deposit with the auditor of state cash in 33656
the amount of fifty thousand dollars as guarantee of payment 33657
under the provisions of this section. In lieu of a bond or a 33658
cash deposit, the school's sponsor or an operator that has a 33659
contract with the school may provide a written guarantee of 33660
payment, which shall obligate the school's sponsor or the 33661
operator that provides the written guarantee to pay the cost of 33662
audits of the school under this section up to the amount of 33663
fifty thousand dollars. Any such written guarantee shall be 33664
binding upon any successor entity that enters into a contract to 33665
sponsor or to operate the school, and any such entity, as a 33666
condition of its undertaking shall acknowledge and accept such 33667
obligation. 33668

In the event that a sponsor or operator has provided a 33669

written guarantee under this section, and, subsequent to the 33670
provision of the guarantee, the governing authority of the 33671
school posts a bond under this section, or the governing 33672
authority of the school, a sponsor, or an operator provides a 33673
cash deposit of fifty thousand dollars as required, the written 33674
guarantee shall cease to be of further effect. 33675

As soon as it is practicable to do so after the filing of 33676
a bond or the deposit of cash, the auditor of state shall 33677
deliver the bond or cash to the treasurer of state, who shall 33678
hold it in trust for the purposes prescribed in this section. 33679
The treasurer of state shall be responsible for the safekeeping 33680
of all bonds filed or cash deposited under this section. The 33681
auditor of state shall notify the ~~department of education~~ when 33682
the school's governing authority has filed the bond, deposited 33683
the cash guarantee, or submitted a written guarantee of payment. 33684

When the auditor of state conducts an audit of a community 33685
school that has closed and is subject to the requirements of 33686
this section, the auditor of state shall certify the amount of 33687
forfeiture to the treasurer of state, who shall assess the bond 33688
for the costs of the audit or shall pay money from the named 33689
insurer or from the school's cash deposit for the costs of the 33690
audit to reimburse the auditor of state or public accountant for 33691
costs incurred in conducting audits of the school. 33692

To the extent that the amount of the bond or the cash 33693
deposit is not needed to cover audit costs, the bond shall be of 33694
no further effect, and any cash balance shall be refunded by the 33695
treasurer of state to the entity which provided the bond. When 33696
the auditor of state conducts an audit of a community school 33697
that has closed and is subject to the requirements of this 33698
section, and, as to which, a written guarantee has been given 33699

under this section, the entity that provided the guarantee shall 33700
be solely and fully liable for any such audit costs, and shall 33701
promptly pay the costs of the audit up to fifty thousand 33702
dollars. 33703

No community school that is subject to the provisions of 33704
this section shall maintain or continue its operations absent 33705
the ongoing provision of a bond, a cash deposit, or a written 33706
guarantee as required by this section. 33707

Sec. 3314.51. (A) If the auditor of state or a public 33708
accountant, under section 117.41 of the Revised Code, declares a 33709
community school to be unauditabile, the auditor of state shall 33710
provide written notification of that declaration to the school, 33711
the school's sponsor, and the department of education and 33712
workforce. The auditor of state also shall post the notification 33713
on the auditor of state's web site. 33714

(B) If the community school's current fiscal officer held 33715
that position during the period for which the school is 33716
unauditabile, upon receipt of the notification under division (A) 33717
of this section, the governing authority of the school shall 33718
suspend the fiscal officer until the auditor of state or a 33719
public accountant has completed an audit of the school, except 33720
that if the school has an operator and the operator employs the 33721
fiscal officer, the operator shall suspend the fiscal officer 33722
for that period. Suspension of the fiscal officer may be with or 33723
without pay, as determined by the entity imposing the suspension 33724
based on the circumstances that prompted the auditor of state's 33725
declaration. The entity imposing the suspension shall appoint a 33726
person to assume the duties of the fiscal officer during the 33727
period of the suspension. If the appointee is not licensed as a 33728
treasurer under section 3301.074 of the Revised Code, the 33729

appointee shall be approved by the ~~superintendent of public-~~ 33730
~~instruction director of education and workforce~~ before assuming 33731
the duties of the fiscal officer. The state board of education 33732
may take action under section 3319.31 of the Revised Code to 33733
suspend, revoke, or limit the license of a fiscal officer who 33734
has been suspended under this division. 33735

(C) Notwithstanding any provision to the contrary in this 33736
chapter or in any other provision of law, the sponsor of the 33737
community school shall not enter into contracts with any 33738
additional community schools under section 3314.03 of the 33739
Revised Code between ninety days after the date of the 33740
declaration under division (A) of this section and the date the 33741
auditor of state or a public accountant has completed a 33742
financial audit of the school. 33743

(D) Not later than forty-five days after receiving the 33744
notification under division (A) of this section, the sponsor of 33745
the community school shall provide a written response to the 33746
auditor of state. The sponsor shall provide a copy of the 33747
response to the community school. The response shall include the 33748
following: 33749

(1) An overview of the process the sponsor will use to 33750
review and understand the circumstances that led to the 33751
community school becoming unauditable; 33752

(2) A plan for providing the auditor of state with the 33753
documentation necessary to complete an audit of the community 33754
school and for ensuring that all financial documents are 33755
available in the future; 33756

(3) The actions the sponsor will take to ensure that the 33757
plan described in division (D) (2) of this section is 33758

implemented. 33759

(E) If the community school fails to make reasonable 33760
efforts and continuing progress to bring its accounts, records, 33761
files, or reports into an auditable condition within ninety days 33762
after being declared unauditale, the auditor of state, in 33763
addition to requesting legal action under sections 117.41 and 33764
117.42 of the Revised Code, shall notify the school's sponsor 33765
and the department of the school's failure. If the auditor of 33766
state or a public accountant subsequently is able to complete a 33767
financial audit of the school, the auditor of state shall notify 33768
the school's sponsor and the department that the audit has been 33769
completed. 33770

(F) Notwithstanding any provision to the contrary in this 33771
chapter or in any other provision of law, upon notification by 33772
the auditor of state under division (E) of this section that the 33773
community school has failed to make reasonable efforts and 33774
continuing progress to bring its accounts, records, files, or 33775
reports into an auditable condition, the department shall 33776
immediately cease all payments to the school under this chapter 33777
and any other provision of law. Upon subsequent notification 33778
from the auditor of state under that division that the auditor 33779
of state or a public accountant was able to complete a financial 33780
audit of the community school, the department shall release all 33781
funds withheld from the school under this section. 33782

Sec. 3315.18. (A) The board of education of each city, 33783
exempted village, local, and joint vocational school district 33784
shall establish a capital and maintenance fund. Each board 33785
annually shall deposit into that fund an amount derived from 33786
revenues received by the district that would otherwise have been 33787
deposited in the general fund that is equal to three per cent of 33788

the statewide average base cost per pupil for the preceding 33789
fiscal year, as defined in section 3317.02 of the Revised Code, 33790
or another percentage if established by the auditor of state 33791
under division (B) of this section, multiplied by the district's 33792
student population for the preceding fiscal year, except that 33793
money received from a permanent improvement levy authorized by 33794
section 5705.21 of the Revised Code may replace general revenue 33795
moneys in meeting the requirements of this section. Money in the 33796
fund shall be used solely for acquisition, replacement, 33797
enhancement, maintenance, or repair of permanent improvements, 33798
as that term is defined in section 5705.01 of the Revised Code. 33799
Any money in the fund that is not used in any fiscal year shall 33800
carry forward to the next fiscal year. 33801

(B) ~~The state superintendent of public instruction~~ 33802
director of education and workforce and the auditor of state 33803
jointly shall adopt rules in accordance with Chapter 119. of the 33804
Revised Code defining what constitutes expenditures permitted by 33805
division (A) of this section. The auditor of state may designate 33806
a percentage, other than three per cent, of the statewide 33807
average base cost per pupil multiplied by the district's student 33808
population that must be deposited into the fund. 33809

(C) Within its capital and maintenance fund, a school 33810
district board of education may establish a separate account 33811
solely for the purpose of depositing funds transferred from the 33812
district's reserve balance account established under former 33813
division (H) of section 5705.29 of the Revised Code. After April 33814
10, 2001, a board may deposit all or part of the funds formerly 33815
included in such reserve balance account in the separate account 33816
established under this section. Funds deposited in this separate 33817
account and interest on such funds shall be utilized solely for 33818
the purpose of providing the district's portion of the basic 33819

project costs of any project undertaken in accordance with 33820
Chapter 3318. of the Revised Code. 33821

(D) (1) Notwithstanding division (A) of this section, in 33822
any year a district is in fiscal emergency status as declared 33823
pursuant to section 3316.03 of the Revised Code, the district 33824
may deposit an amount less than required by division (A) of this 33825
section, or make no deposit, into the district capital and 33826
maintenance fund for that year. 33827

(2) Notwithstanding division (A) of this section, in any 33828
fiscal year that a school district is either in fiscal watch 33829
status, as declared pursuant to section 3316.03 of the Revised 33830
Code, or in fiscal caution status, as declared pursuant to 33831
section 3316.031 of the Revised Code, the district may apply to 33832
the ~~superintendent of public instruction~~ director of education 33833
and workforce for a waiver from the requirements of division (A) 33834
of this section, under which the district may be permitted to 33835
deposit an amount less than required by that division or 33836
permitted to make no deposit into the district capital and 33837
maintenance fund for that year. The ~~superintendent~~ director may 33838
grant a waiver under division (D) (2) of this section if the 33839
district demonstrates to the satisfaction of the ~~superintendent~~ 33840
director that compliance with division (A) of this section that 33841
year will create an undue financial hardship on the district. 33842

(3) Notwithstanding division (A) of this section, not more 33843
often than one fiscal year in every three consecutive fiscal 33844
years, any school district that does not satisfy the conditions 33845
for the exemption described in division (D) (1) of this section 33846
or the conditions to apply for the waiver described in division 33847
(D) (2) of this section may apply to the ~~superintendent of public~~ 33848
~~instruction~~ director for a waiver from the requirements of 33849

division (A) of this section, under which the district may be 33850
permitted to deposit an amount less than required by that 33851
division or permitted to make no deposit into the district 33852
capital and maintenance fund for that year. The ~~superintendent-~~ 33853
director may grant a waiver under division (D)(3) of this 33854
section if the district demonstrates to the satisfaction of the 33855
~~superintendent-~~director that compliance with division (A) of 33856
this section that year will necessitate the reduction or 33857
elimination of a program currently offered by the district that 33858
is critical to the academic success of students of the district 33859
and that no reasonable alternatives exist for spending 33860
reductions in other areas of operation within the district that 33861
negate the necessity of the reduction or elimination of that 33862
program. 33863

(E) Notwithstanding any provision to the contrary in 33864
Chapter 4117. of the Revised Code, the requirements of this 33865
section prevail over any conflicting provisions of agreements 33866
between employee organizations and public employers entered into 33867
after November 21, 1997. 33868

(F) As used in this section, "student population" means 33869
the average, daily, full-time equivalent number of students in 33870
kindergarten through twelfth grade receiving any educational 33871
services from the school district during the first full school 33872
week in October, excluding students enrolled in adult education 33873
classes, but including all of the following: 33874

(1) Adjacent or other district students enrolled in the 33875
district under an open enrollment policy pursuant to section 33876
3313.98 of the Revised Code; 33877

(2) Students receiving services in the district pursuant 33878
to a compact, cooperative education agreement, or a contract, 33879

but who are entitled to attend school in another district 33880
pursuant to section 3313.64 or 3313.65 of the Revised Code; 33881

(3) Students for whom tuition is payable pursuant to 33882
sections 3317.081 and 3323.141 of the Revised Code. 33883

The department of education and workforce shall determine 33884
a district's student population using data reported to it under 33885
section 3317.03 of the Revised Code for the applicable fiscal 33886
year. 33887

Sec. 3315.181. As used in this section, "securities" has 33888
the same meaning as in section 133.01 of the Revised Code. 33889

Notwithstanding division (A) of section 3315.18 of the 33890
Revised Code, the board of education of a city, exempted 33891
village, local, or joint vocational school district, in meeting 33892
the amount required by that division to be deposited in the 33893
district's capital and maintenance fund, may replace general 33894
fund revenues with proceeds received from a permanent 33895
improvement levy authorized by section 5705.21 of the Revised 33896
Code only to the extent the proceeds are available to be used 33897
for the acquisition, replacement, enhancement, maintenance, or 33898
repair of permanent improvements as defined in section 5705.01 33899
of the Revised Code. In addition, the board may replace general 33900
fund revenues with proceeds received from any of the following 33901
sources in meeting the amount required by that division to be 33902
deposited in the fund: 33903

(A) Proceeds received from any securities whose use is 33904
limited to the acquisition, replacement, enhancement, 33905
maintenance, or repair of permanent improvements; 33906

(B) Insurance proceeds received as a result of the damage 33907
to or theft or destruction of a permanent improvement to the 33908

extent a board of education places the proceeds in a separate 33909
fund for the acquisition, replacement, enhancement, maintenance, 33910
or repair of permanent improvements; 33911

(C) Proceeds received from the sale of a permanent 33912
improvement to the extent the proceeds are paid into a separate 33913
fund for the construction or acquisition of permanent 33914
improvements; 33915

(D) Proceeds received from a tax levy authorized by 33916
section 3318.06 of the Revised Code to the extent the proceeds 33917
are available to be used for the maintenance of capital 33918
facilities; 33919

(E) Proceeds of certificates of participation issued as 33920
part of a lease-purchase agreement entered into under section 33921
3313.375 of the Revised Code; 33922

(F) Proceeds of any school district income tax levied 33923
under Chapter 5748. of the Revised Code for permanent 33924
improvements, to the extent the proceeds are available for the 33925
acquisition, replacement, enhancement, maintenance, or repair of 33926
permanent improvements; 33927

(G) Any other revenue source identified by the auditor of 33928
state, in consultation with the department of education and 33929
workforce, in rules adopted by the auditor of state. 33930

Sec. 3315.33. There is hereby established a fund to be 33931
known as the Ohio scholarship fund for teacher trainees for the 33932
public purpose of relieving the existing teacher shortage in 33933
public schools, to be administered and expended as prescribed in 33934
sections 3315.33 to 3315.35 of the Revised Code. Appropriations 33935
by the general assembly for the purpose of scholarships for 33936
teacher trainees shall be paid into this fund. 33937

Each scholarship for a teacher trainee shall have a 33938
maximum value of five hundred dollars annually and shall be 33939
awarded as follows: 33940

(A) The ~~state board~~ department of education and workforce 33941
shall prescribe standards and requirements which shall be met by 33942
persons who are eligible for such scholarships. Scholarships 33943
shall be allocated among the counties of the state on an 33944
equitable basis by the ~~state board of education~~ department, 33945
provided that not less than three such scholarships shall be 33946
available annually to residents of each county of the state. If, 33947
on the first day of September in each year, the ~~state board of~~ 33948
~~education~~ department finds that the number of eligible persons 33949
recommended from any county is less than the number of 33950
scholarships allocated to that county, it may reallocate the 33951
remaining scholarships among the counties in which the number of 33952
eligible persons exceeds the number of scholarships allocated. 33953
Such reallocation as may affect a county in one year shall not 33954
prejudice in any way the allocation to it in succeeding years. 33955

(B) In accordance with the requirements of sections 33956
3315.33, 3315.34, and 3315.35 of the Revised Code, the 33957
educational service center superintendent in each educational 33958
service center as committee chairperson shall appoint a 33959
committee consisting of one high school principal, one 33960
elementary school principal, and one classroom teacher. This 33961
committee shall select and recommend, on the basis of merit, a 33962
number of high school graduates, not to exceed the number 33963
allocated to each county by the ~~state board of education~~ 33964
department, who are interested in teaching and whose work and 33965
qualifications are such as to indicate that they possess the 33966
qualities which should be possessed by a successful teacher. 33967
Such persons shall not have previously been enrolled in any 33968

college of education or have majored in education in any college 33969
or university. Such other college training shall be considered 33970
in determining such person's qualifications to become a 33971
successful teacher. 33972

(C) The scholarship fund for teacher trainees shall be 33973
disbursed to scholarship holders upon their application as 33974
approved by the ~~state board of education~~ department upon 33975
vouchers for that purpose. Such scholarships shall be paid in 33976
equal installments at the beginning of each quarter or semester 33977
while college is in session to each person who has been awarded 33978
such a scholarship when the following requirements are met: 33979

(1) Such person shall be a bona fide student in the 33980
college of education or department of teacher training in an 33981
Ohio institution of higher learning. 33982

(2) Such person shall pursue a course of study in 33983
elementary education in said college of education or department 33984
of teacher training approved by the ~~state board of education~~ 33985
department of education and workforce. 33986

Sec. 3315.34. Each person who receives a scholarship shall 33987
execute a promissory note which shall be endorsed by some 33988
responsible citizen, and shall deliver said note to the ~~state~~ 33989
~~board~~ department of education and workforce or to its 33990
representative. Each such note shall be made payable to the 33991
treasurer of state for the amount of the quarterly or semi- 33992
annual payment, and shall bear interest at the rate of five per 33993
cent per annum from the date of the note. The ~~state board of~~ 33994
~~education~~ department shall hold said note until it has been paid 33995
or cancelled as prescribed in section 3315.35 of the Revised 33996
Code. 33997

Each person awarded a scholarship under the terms of 33998
sections 3315.33 to 3315.35 of the Revised Code shall be 33999
eligible upon the completion of satisfactory work during the 34000
first year, under rules and regulations promulgated by the ~~state~~ 34001
~~board of education~~ department, to have the scholarship renewed 34002
for a period not to exceed one additional year. 34003

Sec. 3315.35. At the expiration of each school year of 34004
service as a teacher in the public schools of Ohio by a person 34005
who has benefited from a scholarship granted under sections 34006
3315.33 to 3315.35 of the Revised Code, such person shall submit 34007
to the ~~state board~~ department of education and workforce a 34008
statement of service on a form provided for that purpose and 34009
certified by the superintendent of the school district in which 34010
the person has taught. Upon receipt of such statement in proper 34011
form, the board shall cancel the oldest notes given by such 34012
person covering the scholarship for one year and the interest 34013
accrued thereon. If for any reason a recipient of a scholarship 34014
ceases or, after licensure, fails to teach in the public schools 34015
of Ohio, except for death or total disability, or fails to file 34016
with the board by July first of each year a statement concerning 34017
the recipient's previous year's employment and address for the 34018
ensuing year, any and all unpaid or uncanceled notes and 34019
interest thereon shall become due and payable and the board 34020
shall transmit all such notes promptly to the treasurer of state 34021
and the treasurer of state shall enforce collection of the 34022
principal amount of any uncanceled or unpaid notes held by the 34023
treasurer of state and the interest thereon and shall deposit 34024
said sums so collected in the general revenue fund. 34025

Sec. 3316.03. (A) The existence of a fiscal watch shall be 34026
declared by the auditor of state. The auditor of state may make 34027
a determination on the auditor of state's initiative, or upon 34028

receipt of a written request for such a determination, which may 34029
be filed by the governor, the ~~superintendent of public~~ 34030
~~instruction~~director of education and workforce, or a majority of 34031
the members of the board of education of the school district. 34032

(1) The auditor of state shall declare a school district 34033
to be in a state of fiscal watch if the auditor of state 34034
determines that both of the following conditions are satisfied 34035
with respect to the school district: 34036

(a) An operating deficit has been certified for the 34037
current fiscal year by the auditor of state, and the certified 34038
operating deficit exceeds eight per cent of the school 34039
district's general fund revenue for the preceding fiscal year; 34040

(b) A majority of the voting electors have not voted in 34041
favor of levying a tax under section 5705.194, 5705.199, or 34042
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34043
state expects will raise enough additional revenue in the next 34044
succeeding fiscal year that division (A) (1) (a) of this section 34045
will not apply to the district in such next succeeding fiscal 34046
year. 34047

(2) The auditor of state shall declare a school district 34048
to be in a state of fiscal watch if the auditor of state 34049
determines that the school district has outstanding securities 34050
issued under division (A) (4) of section 3316.06 of the Revised 34051
Code, and its financial planning and supervision commission has 34052
been terminated under section 3316.16 of the Revised Code. 34053

(3) The auditor of state shall declare a school district 34054
to be in a state of fiscal watch if both of the following 34055
conditions are satisfied: 34056

(a) The ~~superintendent of public instruction~~director has 34057

reported to the auditor of state that the ~~superintendent~~ 34058
director has declared the district under section 3316.031 of the 34059
Revised Code to be under a fiscal caution, has found that the 34060
district has not acted reasonably to eliminate or correct 34061
practices or conditions that prompted the declaration, and has 34062
determined the declaration of a state of fiscal watch necessary 34063
to prevent further fiscal decline; 34064

(b) The auditor of state determines that the decision of 34065
the ~~superintendent~~ director is reasonable. 34066

If the auditor of state determines that the decision of 34067
the ~~superintendent~~ director is not reasonable, the auditor of 34068
state shall provide the ~~superintendent~~ director with a written 34069
explanation of that determination. 34070

(4) The auditor of state may declare a school district to 34071
be in a state of fiscal watch if all of the following conditions 34072
are satisfied: 34073

(a) An operating deficit has been certified for the 34074
current fiscal year by the auditor of state, and the certified 34075
operating deficit exceeds two per cent, but does not exceed 34076
eight per cent, of the school district's general fund revenue 34077
for the preceding fiscal year; 34078

(b) A majority of the voting electors have not voted in 34079
favor of levying a tax under section 5705.194, 5705.199, or 34080
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34081
state expects will raise enough additional revenue in the next 34082
succeeding fiscal year that division (A) (4) (a) of this section 34083
will not apply to the district in the next succeeding fiscal 34084
year; 34085

(c) The auditor of state determines that there is no 34086

reasonable cause for the deficit or that the declaration of 34087
fiscal watch is necessary to prevent further fiscal decline in 34088
the district. 34089

(B) (1) The auditor of state shall issue an order declaring 34090
a school district to be in a state of fiscal emergency if the 34091
auditor of state determines that both of the following 34092
conditions are satisfied with respect to the school district: 34093

(a) An operating deficit has been certified for the 34094
current fiscal year by the auditor of state, and the certified 34095
operating deficit exceeds fifteen per cent of the school 34096
district's general fund revenue for the preceding fiscal year. 34097

(b) A majority of the voting electors have not voted in 34098
favor of levying a tax under section 5705.194, 5705.199, or 34099
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34100
state expects will raise enough additional revenue in the next 34101
succeeding fiscal year that division (B) (1) (a) of this section 34102
will not apply to the district in such next succeeding fiscal 34103
year. 34104

(2) The auditor of state shall issue an order declaring a 34105
school district to be in a state of fiscal emergency if the 34106
school district board fails, pursuant to section 3316.04 of the 34107
Revised Code, to submit a plan acceptable to the ~~state~~ 34108
~~superintendent of public instruction~~ director of education and 34109
workforce within one hundred twenty days of the auditor of 34110
state's declaration under division (A) of this section or an 34111
updated plan when one is required by division (C) of section 34112
3316.04 of the Revised Code; 34113

(3) The auditor of state shall issue an order declaring a 34114
school district to be in a state of fiscal emergency if both of 34115

the following conditions are satisfied: 34116

(a) The ~~superintendent of public instruction~~ director has 34117
reported to the auditor of state that the district is not 34118
materially complying with the provisions of an original or 34119
updated plan as approved by the ~~state superintendent~~ director 34120
under section 3316.04 of the Revised Code, and that the ~~state-~~ 34121
~~superintendent~~ director has determined the declaration of a 34122
state of fiscal emergency necessary to prevent further fiscal 34123
decline; 34124

(b) The auditor of state finds that the determination of 34125
the ~~superintendent~~ director is reasonable. 34126

If the auditor of state determines that the decision of 34127
the ~~superintendent~~ director is not reasonable, the auditor of 34128
state shall provide the ~~superintendent~~ director a written 34129
explanation of that determination. 34130

(4) The auditor of state shall issue an order declaring a 34131
school district to be in a state of fiscal emergency if a 34132
declaration of fiscal emergency is required by division (D) of 34133
section 3316.04 of the Revised Code. 34134

(5) The auditor of state may issue an order declaring a 34135
school district to be in a state of fiscal emergency if all of 34136
the following conditions are satisfied: 34137

(a) An operating deficit has been certified for the 34138
current fiscal year by the auditor of state, and the certified 34139
operating deficit exceeds ten per cent, but does not exceed 34140
fifteen per cent, of the school district's general fund revenue 34141
for the preceding fiscal year; 34142

(b) A majority of the voting electors have not voted in 34143
favor of levying a tax under section 5705.194, 5705.199, or 34144

5705.21 or Chapter 5748. of the Revised Code that the auditor of 34145
state expects will raise enough additional revenue in the next 34146
succeeding fiscal year that division (B) (5) (a) of this section 34147
will not apply to the district in the next succeeding fiscal 34148
year; 34149

(c) The auditor of state determines that a declaration of 34150
fiscal emergency is necessary to correct the district's fiscal 34151
problems and to prevent further fiscal decline. 34152

(C) In making the determinations under this section, the 34153
auditor of state may use financial reports required under 34154
section 117.43 of the Revised Code; tax budgets, certificates of 34155
estimated resources and amendments thereof, annual appropriating 34156
measures and spending plans, and any other documents or 34157
information prepared pursuant to Chapter 5705. of the Revised 34158
Code; and any other documents, records, or information available 34159
to the auditor of state that indicate the conditions described 34160
in divisions (A) and (B) of this section. 34161

(D) The auditor of state shall certify the action taken 34162
under division (A) or (B) of this section to the board of 34163
education of the school district, the director of budget and 34164
management, the mayor or county auditor who could be required to 34165
act pursuant to division (B) (1) of section 3316.05 of the 34166
Revised Code, and to the ~~superintendent of public~~ 34167
~~instruction~~ director of education and workforce. 34168

(E) A determination by the auditor of state under this 34169
section that a fiscal emergency condition does not exist is 34170
final and conclusive and not appealable. A determination by the 34171
auditor of state under this section that a fiscal emergency 34172
exists is final, except that the board of education of the 34173
school district affected by such a determination may appeal the 34174

determination of the existence of a fiscal emergency condition 34175
to the court of appeals having territorial jurisdiction over the 34176
school district. The appeal shall be heard expeditiously by the 34177
court of appeals and for good cause shown shall take precedence 34178
over all other civil matters except earlier matters of the same 34179
character. Notice of such appeal must be filed with the auditor 34180
of state and such court within thirty days after certification 34181
by the auditor of state to the board of education of the school 34182
district provided for in division (D) of this section. In such 34183
appeal, determinations of the auditor of state shall be presumed 34184
to be valid and the board of education shall have the burden of 34185
proving, by clear and convincing evidence, that each of the 34186
determinations made by the auditor of state as to the existence 34187
of a fiscal emergency condition under this section was in error. 34188
If the board of education fails, upon presentation of its case, 34189
to prove by clear and convincing evidence that each such 34190
determination by the auditor of state was in error, the court 34191
shall dismiss the appeal. The board of education and the auditor 34192
of state may introduce any evidence relevant to the existence or 34193
nonexistence of such fiscal emergency conditions. The pendency 34194
of any such appeal shall not affect or impede the operations of 34195
this chapter; no restraining order, temporary injunction, or 34196
other similar restraint upon actions consistent with this 34197
chapter shall be imposed by the court or any court pending 34198
determination of such appeal; and all things may be done under 34199
this chapter that may be done regardless of the pendency of any 34200
such appeal. Any action taken or contract executed pursuant to 34201
this chapter during the pendency of such appeal is valid and 34202
enforceable among all parties, notwithstanding the decision in 34203
such appeal. If the court of appeals reverses the determination 34204
of the existence of a fiscal emergency condition by the auditor 34205
of state, the determination no longer has any effect, and any 34206

procedures undertaken as a result of the determination shall be 34207
terminated. 34208

Sec. 3316.031. (A) The ~~state superintendent of public~~ 34209
~~instruction~~director of education and workforce, in consultation 34210
with the auditor of state, shall develop guidelines for 34211
identifying fiscal practices and budgetary conditions that, if 34212
uncorrected, could result in a future declaration of a fiscal 34213
watch or fiscal emergency within a school district. 34214

The guidelines shall not include a requirement that a 34215
school district submit financial statements according to 34216
generally accepted accounting principles. 34217

(B) (1) If the ~~state superintendent~~director determines 34218
from a school district's five-year forecast submitted under 34219
section 5705.391 of the Revised Code that a district is engaging 34220
in any of those practices or that any of those conditions exist 34221
within the district, after consulting with the district board of 34222
education concerning the practices or conditions, the ~~state~~ 34223
~~superintendent~~director may declare the district to be under a 34224
fiscal caution. 34225

(2) If the auditor of state finds that a district is 34226
engaging in any of those practices or that any of those 34227
conditions exist within the district, the auditor of state shall 34228
report that finding to the ~~state superintendent~~director and, 34229
after consulting with the district board of education concerning 34230
the practices or conditions, the ~~state superintendent~~director 34231
may declare the district to be under a fiscal caution. 34232

(3) Unless the auditor of state has elected to declare a 34233
state of fiscal watch under division (A) (4) of section 3316.03 34234
of the Revised Code, the ~~state superintendent~~director shall 34235

declare a school district to be under a fiscal caution if the 34236
conditions described in divisions (A) (4) (a) and (b) of that 34237
section are both satisfied with respect to the school district. 34238

(C) When the ~~state superintendent~~ director declares a 34239
district to be under fiscal caution, the ~~state superintendent~~ 34240
director shall promptly notify the district board of education 34241
of that declaration and shall request the board to provide 34242
written proposals for discontinuing or correcting the fiscal 34243
practices or budgetary conditions that prompted the declaration 34244
and for preventing the district from experiencing further fiscal 34245
difficulties that could result in the district being declared to 34246
be in a state of fiscal watch or fiscal emergency. 34247

(D) The ~~state superintendent~~ director, or a designee, may 34248
visit and inspect any district that is declared to be under a 34249
fiscal caution. The department of education and workforce shall 34250
provide technical assistance to the district board in 34251
implementing proposals to eliminate the practices or budgetary 34252
conditions that prompted the declaration of fiscal caution and 34253
may make recommendations concerning the board's proposals. 34254

(E) If the ~~state superintendent~~ director finds that a 34255
school district declared to be under a fiscal caution has not 34256
made reasonable proposals or otherwise taken action to 34257
discontinue or correct the fiscal practices or budgetary 34258
conditions that prompted the declaration of fiscal caution, and 34259
if the ~~state superintendent~~ director considers it necessary to 34260
prevent further fiscal decline, the ~~state superintendent~~ 34261
director may determine that the district should be in a state of 34262
fiscal watch. As provided in division (A) (3) of section 3316.03 34263
of the Revised Code, the auditor of state shall declare the 34264
district to be in a state of fiscal watch if the auditor of 34265

state finds the ~~superintendent's~~ director's determination to be 34266
reasonable. 34267

Sec. 3316.04. (A) Within sixty days of the auditor's 34268
declaration under division (A) of section 3316.03 of the Revised 34269
Code, the board of education of the school district shall 34270
prepare and submit to the ~~superintendent of public instruction~~ 34271
director of education and workforce a financial plan delineating 34272
the steps the board will take to eliminate the district's 34273
current operating deficit and avoid incurring operating deficits 34274
in ensuing years, including the implementation of spending 34275
reductions. The financial plan also shall evaluate the 34276
feasibility of entering into shared services agreements with 34277
other political subdivisions for the joint exercise of any 34278
power, performance of any function, or rendering of any service, 34279
if so authorized by statute. The ~~superintendent of public~~ 34280
~~instruction~~ director shall evaluate the initial financial plan, 34281
and either approve or disapprove it within thirty calendar days 34282
from the date of its submission. If the initial financial plan 34283
is disapproved, the ~~state superintendent~~ director shall 34284
recommend modifications that will render the financial plan 34285
acceptable. No school district board shall implement a financial 34286
plan submitted to the ~~superintendent of public instruction~~ 34287
director under this section unless the ~~superintendent~~ director 34288
has approved the plan. 34289

(B) Upon request of the board of education of a school 34290
district declared to be in a state of fiscal watch, the auditor 34291
of state and ~~superintendent of public instruction~~ director shall 34292
provide technical assistance to the board in resolving the 34293
fiscal problems that gave rise to the declaration, including 34294
assistance in drafting the board's financial plan. 34295

(C) A financial plan adopted under this section may be 34296
amended at any time with the approval of the 34297
~~superintendent~~director. The board of education of the school 34298
district shall submit an updated financial plan to the 34299
~~superintendent~~director, for the ~~superintendent's~~director's 34300
approval, every year that the district is in a state of fiscal 34301
watch. The updated plan shall be submitted in a form acceptable 34302
to the ~~superintendent~~director. The ~~superintendent~~director shall 34303
approve or disapprove each updated plan no later than the 34304
anniversary of the date on which the first such plan was 34305
approved. 34306

(D) A school district that has restructured or refinanced 34307
a loan under section 3316.041 of the Revised Code shall be 34308
declared to be in a state of fiscal emergency if any of the 34309
following occurs: 34310

(1) An operating deficit is certified for the district 34311
under section 3313.483 of the Revised Code for any year prior to 34312
the repayment of the restructured or refinanced loan; 34313

(2) The ~~superintendent~~director determines, in 34314
consultation with the auditor of state, that the school district 34315
is not satisfactorily complying with the terms of the financial 34316
plan required by this section; 34317

(3) The board of education of the school district fails to 34318
submit an updated plan that is acceptable to the ~~superintendent~~director 34319
director under division (C) of this section. 34320

Sec. 3316.041. (A) Notwithstanding any provision of 34321
Chapter 133. or sections 3313.483 to 3313.4810 of the Revised 34322
Code, and subject to the approval of the ~~superintendent of~~ 34323
~~public instruction~~director of education and workforce, a school 34324

district that is in a state of fiscal watch declared under 34325
section 3316.03 of the Revised Code may restructure or refinance 34326
loans obtained or in the process of being obtained under section 34327
3313.483 of the Revised Code if all of the following 34328
requirements are met: 34329

(1) The operating deficit certified for the school 34330
district for the current or preceding fiscal year under section 34331
3313.483 of the Revised Code exceeds fifteen per cent of the 34332
district's general revenue fund for the fiscal year preceding 34333
the year for which the certification of the operating deficit is 34334
made. 34335

(2) The school district voters have, during the period of 34336
the fiscal watch, approved the levy of a tax under section 34337
718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the 34338
Revised Code that is not a renewal or replacement levy, or a 34339
levy under section 5705.199 of the Revised Code, and that will 34340
provide new operating revenue. 34341

(3) The board of education of the school district has 34342
adopted or amended the financial plan required by section 34343
3316.04 of the Revised Code to reflect the restructured or 34344
refinanced loans, and sets forth the means by which the district 34345
will bring projected operating revenues and expenditures, and 34346
projected debt service obligations, into balance for the life of 34347
any such loan. 34348

(B) Subject to the approval of the ~~superintendent of~~ 34349
~~public instruction~~ director, the school district may issue 34350
securities to evidence the restructuring or refinancing 34351
authorized by this section. Such securities may extend the 34352
original period for repayment not to exceed ten years, and may 34353
alter the frequency and amount of repayments, interest or other 34354

financing charges, and other terms or agreements under which the 34355
loans were originally contracted, provided the loans received 34356
under sections 3313.483 of the Revised Code are repaid from 34357
funds the district would otherwise receive under Chapter 3317. 34358
of the Revised Code, as required under division (E) (3) of 34359
section 3313.483 of the Revised Code. Securities issued for the 34360
purpose of restructuring or refinancing under this section shall 34361
be repaid in equal payments and at equal intervals over the term 34362
of the debt and are not eligible to be included in any 34363
subsequent proposal to restructure or refinance. 34364

(C) Unless the district is declared to be in a state of 34365
fiscal emergency under division (D) of section 3316.04 of the 34366
Revised Code, a school district shall remain in a state of 34367
fiscal watch for the duration of the repayment period of any 34368
loan restructured or refinanced under this section. 34369

Sec. 3316.042. The auditor of state, on the auditor of 34370
state's initiative, may conduct a performance audit of a school 34371
district that is under a fiscal caution under section 3316.031 34372
of the Revised Code, in a state of fiscal watch, or in a state 34373
of fiscal emergency, in which the auditor of state reviews any 34374
programs or areas of operation in which the auditor of state 34375
believes that greater operational efficiencies or enhanced 34376
program results can be achieved. 34377

The auditor of state, in consultation with the department 34378
of education and workforce and the office of budget and 34379
management, shall determine for which school districts to 34380
conduct performance audits under this section. Priority shall be 34381
given to districts in fiscal distress, including districts 34382
employing fiscal practices or experiencing budgetary conditions 34383
that could produce a state of fiscal watch or fiscal emergency, 34384

as determined by the auditor of state, in consultation with the 34385
department and the office of budget and management. 34386

The cost of a performance audit conducted under this 34387
section shall be paid by the auditor of state. 34388

A performance audit under this section shall not include 34389
review or evaluation of school district academic performance. 34390

Sec. 3316.05. (A) Pursuant to the powers of the general 34391
assembly and for the purposes of this chapter, upon the 34392
declaration of a fiscal emergency in any school district 34393
pursuant to division (B) of section 3316.03 of the Revised Code, 34394
there is established, with respect to that school district, a 34395
body both corporate and politic constituting an agency and 34396
instrumentality of the state and performing essential 34397
governmental functions of the state to be known as the 34398
"financial planning and supervision commission for _____ 34399
(name of school district)," which, in that name, may exercise 34400
all authority vested in such a commission by this chapter. A 34401
separate commission is established with respect to each school 34402
district as to which there is a fiscal emergency as determined 34403
under this chapter. 34404

(B) A commission appointed after July 1, 1999, shall 34405
consist of five voting members, including women and at least one 34406
Hispanic or African American if Hispanic and African Americans 34407
together constitute at least twenty per cent of the student 34408
population of the district, as follows: 34409

(1) Two ex officio members: the director of budget and 34410
management, or a designee of the director, and the 34411
~~superintendent of public instruction~~director of education and 34412
workforce, or a designee of the ~~superintendent~~the director. A 34413

designee, when present, shall be counted in determining whether 34414
a quorum is present at any meeting of the commission and may 34415
vote and participate in all proceedings and actions of the 34416
commission. The designations shall be in writing, executed by 34417
the member making the designation, and filed with the secretary 34418
of the commission. The designations may be changed from time to 34419
time in like manner, but due regard shall be given to the need 34420
for continuity. 34421

(2) Three appointed members, who shall be appointed within 34422
fifteen days after the declaration of the fiscal emergency, one 34423
by the governor, one by the ~~superintendent of public~~ 34424
~~instruction~~ director of education and workforce, and one by the 34425
mayor of the municipal corporation with the largest number of 34426
residents living within the school district, except that if more 34427
than fifty per cent of the residents of the district reside 34428
outside the municipal corporation containing the greatest number 34429
of district residents or if there is no municipal corporation 34430
located in the school district, the county auditor of the county 34431
with the largest number of residents living within the school 34432
district shall make the appointment in lieu of a mayor. All of 34433
the appointed members shall serve at the pleasure of the 34434
appointing authority during the life of the commission. In the 34435
event of the death, resignation, incapacity, removal, or 34436
ineligibility to serve of an appointed member, the appointing 34437
authority shall appoint a successor within fifteen days after 34438
the vacancy occurs. 34439

(a) The member appointed by the governor and the member 34440
appointed by the mayor or county auditor shall be an individual: 34441

(i) Who has knowledge and experience in financial matters, 34442
financial management, or business organization or operations, 34443

including at least five years of experience in the public or 34444
private sector in the management of business or financial 34445
enterprise, or in management consulting, public accounting, or 34446
other similar professional activity; 34447

(ii) Whose residency, office, or principal place of 34448
professional or business activity is situated within the school 34449
district. 34450

(b) The member appointed by the ~~superintendent of public~~ 34451
~~instruction director~~ shall be a parent of a child currently 34452
enrolled in a public school within the district. 34453

(C) Immediately after appointment of the initial appointed 34454
members of the commission, the ~~superintendent of public~~ 34455
~~instruction director of education and workforce~~ shall call the 34456
first meeting of the commission and shall cause written notice 34457
of the time, date, and place of the first meeting to be given to 34458
each member of the commission at least forty-eight hours in 34459
advance of the meeting. 34460

(D) The ~~superintendent of public instruction director of~~ 34461
~~education and workforce~~ shall serve as the commission's 34462
chairperson and the commission shall elect one of its members as 34463
vice-chairperson and may appoint a secretary and any other 34464
officers, who need not be members of the commission, as it 34465
considers necessary. 34466

(E) The commission may adopt and alter bylaws and rules, 34467
which shall not be subject to section 111.15 or Chapter 119. of 34468
the Revised Code, for the conduct of its affairs and for the 34469
manner, subject to this chapter, in which its powers and 34470
functions shall be exercised and embodied. 34471

(F) Three members of the commission constitute a quorum of 34472

the commission. The affirmative vote of three members of the 34473
commission is necessary for any action taken by vote of the 34474
commission. No vacancy in the membership of the commission shall 34475
impair the rights of a quorum by such vote to exercise all the 34476
rights and perform all the duties of the commission. Members of 34477
the commission, and their designees, are not disqualified from 34478
voting by reason of the functions of the other office they hold 34479
and are not disqualified from exercising the functions of the 34480
other office with respect to the school district, its officers, 34481
or the commission. 34482

(G) The auditor of state shall act as the financial 34483
supervisor for the school district under contract with the 34484
commission unless the auditor of state elects to contract for 34485
that service. At the request of the commission the auditor of 34486
state shall designate employees of the auditor of state's office 34487
to assist the commission and to coordinate the work of the 34488
auditor of state's office. Upon the declaration of a fiscal 34489
emergency in any school district, the school district shall 34490
provide the commission with such reasonable office space in the 34491
principal building housing the administrative offices of the 34492
school district, where feasible, as the commission determines is 34493
necessary to carry out its duties under this chapter. 34494

The attorney general shall serve as the legal counsel for 34495
the commission. 34496

(H) The members of the commission, the ~~superintendent of~~ 34497
~~public instruction~~director of education and workforce, the 34498
auditor of state, and any person authorized to act on behalf of 34499
or assist them shall not be personally liable or subject to any 34500
suit, judgment, or claim for damages resulting from the exercise 34501
of or failure to exercise the powers, duties, and functions 34502

granted to them in regard to their functioning under this 34503
chapter, but the commission, the ~~superintendent of public~~ 34504
~~instruction~~ director, the auditor of state, and such other 34505
persons shall be subject to mandamus proceedings to compel 34506
performance of their duties under this chapter. 34507

(I) At the request of the commission the administrative 34508
head of any state agency shall temporarily assign personnel 34509
skilled in accounting and budgeting procedures to assist the 34510
commission in its duties. 34511

(J) The appointed members of the commission are not 34512
subject to section 102.02 of the Revised Code, each appointed 34513
member of the commission shall file with the commission a signed 34514
written statement setting forth the general nature of sales of 34515
goods, property, or services or of loans to the school district 34516
with respect to which that commission is established, in which 34517
the appointed member has a pecuniary interest or in which any 34518
member of the appointed member's immediate family, as defined in 34519
section 102.01 of the Revised Code, or any corporation, 34520
partnership, or enterprise of which the appointed member is an 34521
officer, director, or partner, or of which the appointed member 34522
or a member of the appointed member's immediate family, as so 34523
defined, owns more than a five per cent interest, has a 34524
pecuniary interest, and of which sale, loan, or interest such 34525
member has knowledge. The statement shall be supplemented from 34526
time to time to reflect changes in the general nature of any 34527
such sales or loans. 34528

(K) Meetings of the commission shall be subject to section 34529
121.22 of the Revised Code except that division (C) of such 34530
section requiring members to be physically present to be part of 34531
a quorum or vote does not apply if the commission holds a 34532

meeting by teleconference and if provisions are made for public 34533
attendance at any location involved in such teleconference. 34534

Sec. 3316.06. (A) Within one hundred twenty days after the 34535
first meeting of a school district financial planning and 34536
supervision commission, the commission shall adopt a financial 34537
recovery plan regarding the school district for which the 34538
commission was created. During the formulation of the plan, the 34539
commission shall seek appropriate input from the school district 34540
board and from the community. This plan shall contain the 34541
following: 34542

(1) Actions to be taken to: 34543

(a) Eliminate all fiscal emergency conditions declared to 34544
exist pursuant to division (B) of section 3316.03 of the Revised 34545
Code; 34546

(b) Satisfy any judgments, past-due accounts payable, and 34547
all past-due and payable payroll and fringe benefits; 34548

(c) Eliminate the deficits in all deficit funds, except 34549
that any prior year deficits in the capital and maintenance fund 34550
established pursuant to section 3315.18 of the Revised Code 34551
shall be forgiven; 34552

(d) Restore to special funds any moneys from such funds 34553
that were used for purposes not within the purposes of such 34554
funds, or borrowed from such funds by the purchase of debt 34555
obligations of the school district with the moneys of such 34556
funds, or missing from the special funds and not accounted for, 34557
if any; 34558

(e) Balance the budget, avoid future deficits in any 34559
funds, and maintain on a current basis payments of payroll, 34560
fringe benefits, and all accounts; 34561

(f) Avoid any fiscal emergency condition in the future;	34562
(g) Restore the ability of the school district to market long-term general obligation bonds under provisions of law applicable to school districts generally.	34563 34564 34565
(2) The management structure that will enable the school district to take the actions enumerated in division (A) (1) of this section. The plan shall specify the level of fiscal and management control that the commission will exercise within the school district during the period of fiscal emergency, and shall enumerate respectively, the powers and duties of the commission and the powers and duties of the school board during that period. The commission may elect to assume any of the powers and duties of the school board it considers necessary, including all powers related to personnel, curriculum, and legal issues in order to successfully implement the actions described in division (A) (1) of this section.	34566 34567 34568 34569 34570 34571 34572 34573 34574 34575 34576 34577
(3) The target dates for the commencement, progress upon, and completion of the actions enumerated in division (A) (1) of this section and a reasonable period of time expected to be required to implement the plan. The commission shall prepare a reasonable time schedule for progress toward and achievement of the requirements for the plan, and the plan shall be consistent with that time schedule.	34578 34579 34580 34581 34582 34583 34584
(4) The amount and purpose of any issue of debt obligations that will be issued, together with assurances that any such debt obligations that will be issued will not exceed debt limits supported by appropriate certifications by the fiscal officer of the school district and the county auditor. If the commission considers it necessary in order to maintain or improve educational opportunities of pupils in the school	34585 34586 34587 34588 34589 34590 34591

district, the plan may include a proposal to restructure or 34592
refinance outstanding debt obligations incurred by the board 34593
under section 3313.483 of the Revised Code contingent upon the 34594
approval, during the period of the fiscal emergency, by district 34595
voters of a tax levied under section 718.09, 718.10, 5705.194, 34596
5705.21, 5748.02, 5748.08, or 5748.09 of the Revised Code that 34597
is not a renewal or replacement levy, or a levy under section 34598
5705.199 of the Revised Code, and that will provide new 34599
operating revenue. Notwithstanding any provision of Chapter 133. 34600
or sections 3313.483 to 3313.4810 of the Revised Code, following 34601
the required approval of the district voters and with the 34602
approval of the commission, the school district may issue 34603
securities to evidence the restructuring or refinancing. Those 34604
securities may extend the original period for repayment, not to 34605
exceed ten years, and may alter the frequency and amount of 34606
repayments, interest or other financing charges, and other terms 34607
of agreements under which the debt originally was contracted, at 34608
the discretion of the commission, provided that any loans 34609
received pursuant to section 3313.483 of the Revised Code shall 34610
be paid from funds the district would otherwise receive under 34611
Chapter 3317. of the Revised Code, as required under division 34612
(E) (3) of section 3313.483 of the Revised Code. The securities 34613
issued for the purpose of restructuring or refinancing the debt 34614
shall be repaid in equal payments and at equal intervals over 34615
the term of the debt and are not eligible to be included in any 34616
subsequent proposal for the purpose of restructuring or 34617
refinancing debt under this section. 34618

(5) An evaluation of the feasibility of entering into 34619
shared services agreements with other political subdivisions for 34620
the joint exercise of any power, performance of any function, or 34621
rendering of any service, if so authorized by statute. 34622

(B) Any financial recovery plan may be amended subsequent 34623
to its adoption. Each financial recovery plan shall be updated 34624
annually. 34625

(C) Each school district financial planning and 34626
supervision commission shall submit the financial recovery plan 34627
it adopts or updates under this section to the ~~state~~ 34628
~~superintendent of public instruction~~ director of education and 34629
workforce for approval immediately following its adoption or 34630
updating. The ~~state superintendent~~ director shall evaluate the 34631
plan and either approve or disapprove it within thirty calendar 34632
days from the date of its submission. If the plan is 34633
disapproved, the ~~state superintendent~~ director shall recommend 34634
modifications that will render it acceptable. No financial 34635
planning and supervision commission shall implement a financial 34636
recovery plan that is adopted or updated on or after April 10, 34637
2001, unless the ~~state superintendent~~ director has approved it. 34638

Sec. 3316.08. During a school district's fiscal emergency 34639
period, the auditor of state shall determine annually, or at any 34640
other time upon request of the financial planning and 34641
supervision commission, whether the school district will incur 34642
an operating deficit. If the auditor of state determines that a 34643
school district will incur an operating deficit, the auditor of 34644
state shall certify that determination to the ~~superintendent of~~ 34645
~~public instruction~~ director of education and workforce, the 34646
financial planning and supervision commission, and the board of 34647
education of the school district. Upon receiving the auditor of 34648
state's certification, the commission shall adopt a resolution 34649
requesting that the board of education work with the county 34650
auditor or tax commissioner to estimate the amount and rate of a 34651
tax levy that is needed under section 5705.194, ~~5709.199~~ 34652
5705.199, or 5705.21 or Chapter 5748. of the Revised Code to 34653

produce a positive fund balance not later than the fifth year of 34654
the five-year forecast submitted under section 5705.391 of the 34655
Revised Code. 34656

The board of education shall recommend to the commission 34657
whether the board supports or opposes a tax levy under section 34658
5705.194, ~~5709.199~~ 5705.199, or 5705.21 or Chapter 5748. of the 34659
Revised Code and shall provide supporting documentation to the 34660
commission of its recommendation. 34661

After considering the board of education's recommendation 34662
and supporting documentation, the commission shall adopt a 34663
resolution to either submit a ballot question proposing a tax 34664
levy or not to submit such a question. 34665

Except as otherwise provided in this division, the tax 34666
shall be levied in the manner prescribed for a tax levied under 34667
section 5705.194, ~~5709.199~~ 5705.199, or 5705.21 or under Chapter 34668
5748. of the Revised Code. If the commission decides that a tax 34669
should be levied, the tax shall be levied for the purpose of 34670
paying current operating expenses of the school district. The 34671
rate of a property tax levied under section 5705.194, ~~5709.199~~ 34672
5705.199, 5705.21, or 5748.09 of the Revised Code shall be 34673
determined by the county auditor, and the rate of an income tax 34674
levied under section 5748.02, 5748.08, or 5748.09 of the Revised 34675
Code shall be determined by the tax commissioner, upon the 34676
request of the commission. The commission, in consultation with 34677
the board of education, shall determine the election at which 34678
the question of the tax shall appear on the ballot, and the 34679
commission shall submit a copy of its resolution to the board of 34680
elections not later than ninety days prior to the day of that 34681
election. The board of elections conducting the election shall 34682
certify the results of the election to the board of education 34683

and to the financial planning and supervision commission. 34684

Sec. 3316.20. (A) (1) The school district solvency 34685
assistance fund is hereby created in the state treasury, to 34686
consist of such amounts designated for the purposes of the fund 34687
by the general assembly. The fund shall be used to provide 34688
assistance and grants to school districts to enable them to 34689
remain solvent and to pay unforeseeable expenses of a temporary 34690
or emergency nature that they are unable to pay from existing 34691
resources. 34692

(2) There is hereby created within the fund an account 34693
known as the school district shared resource account, which 34694
shall consist of money appropriated to it by the general 34695
assembly. The money in the account shall be used solely for 34696
solvency assistance to school districts that have been declared 34697
under division (B) of section 3316.03 of the Revised Code to be 34698
in a state of fiscal emergency. 34699

(3) There is hereby created within the fund an account 34700
known as the catastrophic expenditures account, which shall 34701
consist of money appropriated to the account by the general 34702
assembly plus all investment earnings of the fund. Money in the 34703
account shall be used solely for the following: 34704

(a) Solvency assistance to school districts that have been 34705
declared under division (B) of section 3316.03 of the Revised 34706
Code to be in a state of fiscal emergency, in the event that all 34707
money in the shared resource account is utilized for solvency 34708
assistance; 34709

(b) Grants to school districts under division (C) of this 34710
section. 34711

(B) Solvency assistance payments under division (A) (2) or 34712

(3) (a) of this section shall be made from the fund by the 34713
~~superintendent of public instruction~~ director of education and 34714
workforce in accordance with rules adopted by the director of 34715
budget and management, after consulting with the 34716
~~superintendent~~ director, specifying approval criteria and 34717
procedures necessary for administering the fund. 34718

The fund shall be reimbursed for any solvency assistance 34719
amounts paid under division (A) (2) or (3) (a) of this section not 34720
later than the end of the second fiscal year following the 34721
fiscal year in which the solvency assistance payment was made, 34722
except that, upon the approval of the director of budget and 34723
management and the ~~superintendent of public instruction~~ director 34724
of education and workforce, the fund may be reimbursed in 34725
another fiscal year designated by the director of budget and 34726
management and ~~superintendent~~ director of education and 34727
workforce that is not later than the end of the tenth fiscal 34728
year following the fiscal year in which the solvency assistance 34729
payment was made. If not made directly by the school district, 34730
such reimbursement shall be made by the director of budget and 34731
management from the amounts the school district would otherwise 34732
receive pursuant to Chapter 3317. of the Revised Code, or from 34733
any other funds appropriated for the district by the general 34734
assembly. Reimbursements shall be credited to the respective 34735
account from which the solvency assistance paid to the district 34736
was deducted. 34737

(C) The ~~superintendent of public instruction~~ director of 34738
education and workforce may make recommendations, and the 34739
controlling board may grant money from the catastrophic 34740
expenditures account to any school district that suffers an 34741
unforeseen catastrophic event that severely depletes the 34742
district's financial resources. The ~~superintendent~~ director of 34743

education and workforce shall make recommendations for the 34744
grants in accordance with rules adopted by the director of 34745
budget and management, after consulting with the 34746
~~superintendent~~director of education and workforce. A school 34747
district shall not be required to repay any grant awarded to the 34748
district under this division, unless the district receives money 34749
from this state or a third party, including an agency of the 34750
government of the United States, specifically for the purpose of 34751
compensating the district for revenue lost or expenses incurred 34752
as a result of the unforeseen catastrophic event. If a school 34753
district receives a grant from the catastrophic expenditures 34754
account on the basis of the same circumstances for which an 34755
adjustment or recomputation is authorized under section 34756
3317.025, 3317.028, 3317.0210, or 3317.0211 of the Revised Code, 34757
the department of education and workforce shall reduce the 34758
adjustment or recomputation by an amount not to exceed the total 34759
amount of the grant, and an amount equal to the reduction shall 34760
be transferred, from the funding source from which the 34761
adjustment or recomputation would be paid, to the catastrophic 34762
expenditures account. Any adjustment or recomputation under such 34763
sections that is in excess of the total amount of the grant 34764
shall be paid to the school district. 34765

Sec. 3317.01. As used in this section, "school district," 34766
unless otherwise specified, means any city, local, exempted 34767
village, joint vocational, or cooperative education school 34768
district and any educational service center. 34769

This chapter shall be administered by the ~~state board~~ 34770
department of education and workforce. The ~~superintendent of~~ 34771
~~public instruction~~department of education and workforce shall 34772
calculate the amounts payable to each school district and shall 34773
certify the amounts payable to each eligible district to the 34774

treasurer of the district as provided by this chapter. 34775
Certification of moneys pursuant to this section shall include 34776
the amounts payable to each school building, at a frequency 34777
determined by the ~~superintendent~~department, for each subgroup of 34778
students, as defined in section 3317.40 of the Revised Code, 34779
receiving services, provided for by state funding, from the 34780
district or school. No moneys shall be distributed pursuant to 34781
this chapter without the approval of the controlling board. 34782

The ~~state board of education~~department shall, in 34783
accordance with appropriations made by the general assembly, 34784
meet the financial obligations of this chapter. 34785

Moneys distributed to school districts pursuant to this 34786
chapter shall be calculated based on the annual enrollment 34787
calculated from the three reports required under sections 34788
3317.03 and 3317.036 of the Revised Code and paid on a fiscal 34789
year basis, beginning with the first day of July and extending 34790
through the thirtieth day of June. In any given fiscal year, 34791
prior to school districts submitting the first report required 34792
under section 3317.03 of the Revised Code, enrollment for the 34793
districts shall be calculated based on the third report 34794
submitted by the districts for the previous fiscal year. The 34795
moneys appropriated for each fiscal year shall be distributed 34796
periodically to each school district unless otherwise provided 34797
for. The ~~state board~~department, in June of each year, shall 34798
submit to the controlling board the ~~state board's~~department's 34799
year-end distributions pursuant to this chapter. 34800

Except as otherwise provided, payments under this chapter 34801
shall be made only to those school districts in which: 34802

(A) The school district, except for any educational 34803
service center and any joint vocational or cooperative education 34804

school district, levies for current operating expenses at least 34805
twenty mills. Levies for joint vocational or cooperative 34806
education school districts or county school financing districts, 34807
limited to or to the extent apportioned to current expenses, 34808
shall be included in this qualification requirement. School 34809
district income tax levies under Chapter 5748. of the Revised 34810
Code, limited to or to the extent apportioned to current 34811
operating expenses, shall be included in this qualification 34812
requirement to the extent determined by the tax commissioner 34813
under division (C) of section 3317.021 of the Revised Code. 34814

(B) The school year next preceding the fiscal year for 34815
which such payments are authorized meets the requirement of 34816
section 3313.48 of the Revised Code, with regard to the minimum 34817
number of hours school must be open for instruction with pupils 34818
in attendance, for individualized parent-teacher conference and 34819
reporting periods, and for professional meetings of teachers. 34820

A school district shall not be considered to have failed 34821
to comply with this division because schools were open for 34822
instruction but either twelfth grade students were excused from 34823
attendance for up to the equivalent of three school days or only 34824
a portion of the kindergarten students were in attendance for up 34825
to the equivalent of three school days in order to allow for the 34826
gradual orientation to school of such students. 34827

A board of education or governing board of an educational 34828
service center which has not conformed with other law and the 34829
rules pursuant thereto, shall not participate in the 34830
distribution of funds authorized by this chapter, except for 34831
good and sufficient reason established to the satisfaction of 34832
the ~~state board of education department~~ and the state 34833
controlling board. 34834

All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only.

Sec. 3317.011. This section shall apply only for fiscal years 2022 and 2023.

(A) As used in this section:

(1) "Average administrative assistant salary" means the average salary of administrative assistants employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$65,000, using fiscal year 2018 data, as determined by the department of education and workforce.

(2) "Average bookkeeping and accounting employee salary" means the average salary of bookkeeping employees and accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$80,000, using fiscal year 2018 data, as determined by the department.

(3) "Average clerical staff salary" means the average salary of clerical staff employed by city, local, and exempted village school districts in this state with salaries greater than \$15,000 but less than \$50,000, using fiscal year 2018 data, as determined by the department.

(4) "Average counselor salary" means the average salary of counselors employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$95,000, using fiscal year 2018 data, as determined by the department.

(5) "Average education management information system

support employee salary" means the average salary of accounting 34864
employees employed by city, local, and exempted village school 34865
districts in this state with salaries greater than \$30,000 but 34866
less than \$90,000, using fiscal year 2018 data, as determined by 34867
the department. 34868

(6) "Average librarian and media staff salary" means the 34869
average salary of librarians and media staff employed by city, 34870
local, and exempted village school districts in this state with 34871
salaries greater than \$30,000 but less than \$95,000, using 34872
fiscal year 2018 data, as determined by the department. 34873

(7) "Average other district administrator salary" means 34874
the average salary of all assistant superintendents and 34875
directors employed by city, local, and exempted village school 34876
districts in this state with salaries greater than \$50,000 but 34877
less than \$135,000, using fiscal year 2018 data, as determined 34878
by the department. 34879

(8) "Average principal salary" means the average salary of 34880
all principals employed by city, local, and exempted village 34881
school districts in this state with salaries greater than 34882
\$50,000 but less than \$120,000, using fiscal year 2018 data, as 34883
determined by the department. 34884

(9) "Average superintendent salary" means the average 34885
salary of all superintendents employed by city, local, and 34886
exempted village school districts in this state with salaries 34887
greater than \$60,000 but less than \$180,000, using fiscal year 34888
2018 data, as determined by the department. 34889

(10) "Average teacher cost" for a fiscal year is equal to 34890
the sum of the following: 34891

(a) The average salary of teachers employed by city, 34892

local, and exempted village school districts in this state with 34893
salaries greater than \$30,000 but less than \$95,000, using 34894
fiscal year 2018 data, as determined by the department; 34895

(b) An amount for teacher benefits equal to 0.16 times the 34896
average salary calculated under division (A)(10)(a) of this 34897
section; 34898

(c) An amount for district-paid insurance costs equal to 34899
the following product: 34900

The statewide weighted average employer-paid monthly premium 34901
based on data reported by city, local, and exempted village 34902
school districts to the state employment relations board for the 34903
health insurance survey conducted in accordance with divisions 34904
(K) (5) and (6) of section 4117.02 of the Revised Code using 34905
fiscal year 2018 data X 12 34906

(11) "Eligible school district" means a city, local, or 34907
exempted village school district that satisfies one of the 34908
following: 34909

(a) The district is a member of an organization that 34910
regulates interscholastic athletics. 34911

(b) The district has teams in at least three different 34912
sports that participate in an interscholastic league. 34913

(B) When calculating a district's aggregate base cost 34914
under this section, the department shall use data from fiscal 34915
year 2018 for all of the following: 34916

(1) The average salaries determined under divisions (A) 34917
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this 34918
section; 34919

(2) The amount for teacher benefits determined under 34920

division (A) (10) (b) of this section;	34921
(3) The district-paid insurance costs determined under division (A) (10) (c) of this section;	34922 34923
(4) The spending determined under divisions (E) (4) (a), (E) (5) (a), (E) (6) (a), and (H) (1) of this section and the corresponding student counts determined under divisions (E) (4) (b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section;	34924 34925 34926 34927
(5) The information determined under division (G) (3) of this section.	34928 34929
(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:	34930 34931 34932
(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co- curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district)	34933 34934 34935 34936 34937 34938 34939 34940 34941 34942 34943
(D) The department of education shall compute a district's teacher base cost for a fiscal year as follows:	34944 34945
(1) Calculate the district's classroom teacher cost for that fiscal year as follows:	34946 34947
(a) Determine the full-time equivalency of students in the	34948

district's base cost enrolled ADM for that fiscal year that are 34949
enrolled in kindergarten and divide that number by 20; 34950

(b) Determine the full-time equivalency of students in the 34951
district's base cost enrolled ADM for that fiscal year that are 34952
enrolled in grades one through three and divide that number by 34953
23; 34954

(c) Determine the full-time equivalency of students in the 34955
district's base cost enrolled ADM for that fiscal year that are 34956
enrolled in grades four through eight but are not enrolled in a 34957
career-technical education program or class described under 34958
section 3317.014 of the Revised Code and divide that number by 34959
25; 34960

(d) Determine the full-time equivalency of students in the 34961
district's base cost enrolled ADM for that fiscal year that are 34962
enrolled in grades nine through twelve but are not enrolled in a 34963
career-technical education program or class described under 34964
section 3317.014 of the Revised Code and divide that number by 34965
27; 34966

(e) Determine the full-time equivalency of students in the 34967
district's base cost enrolled ADM for that fiscal year that are 34968
enrolled in a career-technical education program or class, as 34969
certified under divisions (B) (11), (12), (13), (14), and (15) of 34970
section 3317.03 of the Revised Code, and divide that number by 34971
18; 34972

(f) Compute the sum of the quotients obtained under 34973
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 34974

(g) Compute the classroom teacher cost by multiplying the 34975
average teacher cost for that fiscal year by the sum computed 34976
under division (D) (1) (f) of this section. 34977

(2) Calculate the district's special teacher cost for that fiscal year as follows:	34978 34979
(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;	34980 34981
(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.	34982 34983 34984 34985
(c) If the quotient obtained under division (D) (2) (a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.	34986 34987 34988 34989
(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:	34990 34991
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	34992 34993 34994
(b) Compute the substitute teacher cost in accordance with the following formula:	34995 34996
[The sum computed under division (D) (1) (f) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X the amount computed under division (D) (3) (a) of this section X 5	34997 34998 34999 35000
(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:	35001 35002
[The sum computed under division (D) (1) (f) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X [(the sum of divisions (A) (10) (a) and	35003 35004 35005

(b) of this section for that fiscal year)/180] X 4	35006
(5) Calculate the district's teacher base cost for that	35007
fiscal year, which equals the sum of divisions (D) (1), (2), (3),	35008
and (4) of this section.	35009
(E) The department shall compute a district's student	35010
support base cost for a fiscal year as follows:	35011
(1) Calculate the district's guidance counselor cost for	35012
that fiscal year as follows:	35013
(a) Determine the number of students in the district's	35014
base cost enrolled ADM for that fiscal year that are enrolled in	35015
grades nine through twelve and divide that number by 360;	35016
(b) Compute the counselor cost in accordance with the	35017
following formula:	35018
(The greater of the quotient obtained under division (E) (1) (a)	35019
of this section and 1) X [(the average counselor salary for that	35020
fiscal year X 1.16) + the amount specified under division (A)	35021
(10) (c) of this section for that fiscal year]	35022
(2) Calculate the district's librarian and media staff	35023
cost for that fiscal year as follows:	35024
(a) Divide the district's base cost enrolled ADM for that	35025
fiscal year by 1,000;	35026
(b) Compute the librarian and media staff cost in	35027
accordance with the following formula:	35028
The quotient obtained under division (E) (2) (a) of this section X	35029
[(the average librarian and media staff salary for that fiscal	35030
year X 1.16) + the amount specified under division (A) (10) (c) of	35031
this section for that fiscal year]	35032

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	35033 35034
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	35035 35036
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	35037 35038
(The greater of the quotient obtained under division (E) (3) (a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	35039 35040 35041 35042
(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:	35043 35044
(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2018 data;	35045 35046 35047 35048
(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2018 data as specified under division (E) (4) (a) of this section;	35049 35050 35051
(c) Compute the academic co-curricular activities cost in accordance with the following formula:	35052 35053
(The amount determined under division (E) (4) (a) of this section / the sum determined under division (E) (4) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed	35054 35055 35056 35057 35058
(5) Calculate the district's building safety and security cost for that fiscal year as follows:	35059 35060

(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year 2018 data;	35061 35062 35063 35064
(b) Determine the sum of the enrolled ADM of every school district in the state that reported the data specified under division (E) (5) (a) of this section using fiscal year 2018 data;	35065 35066 35067
(c) Compute the building safety and security cost in accordance with the following formula:	35068 35069
(The amount determined under division (E) (5) (a) of this section / the sum determined under division (E) (5) (a) of this section) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed	35070 35071 35072 35073
(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:	35074 35075
(a) Determine the total amount of spending for supplies and academic content, excluding supplies for transportation and maintenance, reported by city, local, and exempted village school districts to the department using fiscal year 2018 data;	35076 35077 35078 35079
(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2018 data as specified under division (E) (6) (a) of this section;	35080 35081 35082
(c) Compute the supplies and academic content cost in accordance with the following formula:	35083 35084
(The amount determined under division (E) (6) (a) of this section / the sum determined under division (E) (6) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is	35085 35086 35087 35088

computed	35089
(7) Calculate the district's technology cost for that	35090
fiscal year in accordance with the following formula:	35091
\$37.50 X the district's base cost enrolled ADM for that fiscal	35092
year	35093
(8) Calculate the district's student support base cost for	35094
that fiscal year, which equals the sum of divisions (E) (1), (2),	35095
(3), (4), (5), (6), and (7) of this section.	35096
(F) The department shall compute a district's leadership	35097
and accountability base cost for a fiscal year as follows:	35098
(1) Calculate the district's superintendent cost for that	35099
fiscal year as follows:	35100
(a) If the district's base cost enrolled ADM for that	35101
fiscal year is greater than 4,000, then the district's	35102
superintendent cost shall be equal to [(\$160,000 X 1.16) + the	35103
amount specified under division (A) (10) (c) of this section for	35104
that fiscal year].	35105
(b) If the district's base cost enrolled ADM for that	35106
fiscal year is less than or equal to 4,000 but greater than or	35107
equal to 500, the district's superintendent cost shall be equal	35108
to the sum of the following:	35109
(i) (The district's base cost enrolled ADM for that fiscal	35110
year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500};	35111
(ii) (\$80,000 X 1.16) + the amount specified under	35112
division (A) (10) (c) of this section for that fiscal year.	35113
(c) If the district's base cost enrolled ADM is less than	35114
500, then the district's superintendent cost shall be equal to	35115

[($\$80,000 \times 1.16$) + the amount specified under division (A) (10) 35116
(c) of this section for that fiscal year]. 35117

(2) Calculate the district's treasurer cost for that 35118
fiscal year as follows: 35119

(a) If the district's base cost enrolled ADM for that 35120
fiscal year is greater than 4,000, then the district's treasurer 35121
cost shall be equal to [($\$130,000 \times 1.16$) + the amount specified 35122
under division (A) (10) (c) of this section for that fiscal year]. 35123

(b) If the district's base cost enrolled ADM for that 35124
fiscal year is less than or equal to 4,000 but greater than or 35125
equal to 500, the district's treasurer cost shall be equal to 35126
the sum of the following: 35127

(i) (The district's base cost enrolled ADM for that fiscal 35128
year - 500) X {[($\$130,000 \times 1.16$) - ($\$60,000 \times 1.16$)]/3500}; 35129

(ii) ($\$60,000 \times 1.16$) + the amount specified under 35130
division (A) (10) (c) of this section for that fiscal year. 35131

(c) If the district's base cost enrolled ADM is less than 35132
500, then the district's treasurer cost shall be equal to 35133
[($\$60,000 \times 1.16$) + the amount specified under division (A) (10) 35134
(c) of this section for that fiscal year]. 35135

(3) Calculate the district's other district administrator 35136
cost for that fiscal year as follows: 35137

(a) Divide the average other district administrator salary 35138
for that fiscal year by the average superintendent salary for 35139
that fiscal year; 35140

(b) Divide the district's base cost enrolled ADM for that 35141
fiscal year by 750; 35142

(c) Compute the other district administrator cost in accordance with the following formula:	35143 35144
{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (F) (3) (a) of this section] + the amount specified under division (A) (10) (c) of this section} X (the greater of the quotient obtained under division (F) (3) (b) of this section and 2)	35145 35146 35147 35148 35149 35150 35151
(4) Calculate the district's fiscal support cost for that fiscal year as follows:	35152 35153
(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;	35154 35155
(b) Determine the lesser of the following:	35156
(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2;	35157 35158
(ii) 35.	35159
(c) Compute the fiscal support cost in accordance with the following formula:	35160 35161
The number obtained under division (F) (4) (b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	35162 35163 35164 35165
(5) Calculate the district's education management information system support cost for that fiscal year as follows:	35166 35167
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	35168 35169

(b) Compute the education management information system support cost in accordance with the following formula:	35170 35171
(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	35172 35173 35174 35175 35176
(6) Calculate the district's leadership support cost for that fiscal year as follows:	35177 35178
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that number;	35179 35180 35181
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	35182 35183
(c) Compute the leadership support cost in accordance with the following formula:	35184 35185
(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	35186 35187 35188 35189
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	35190 35191 35192
\$31 X the district's base cost enrolled ADM for that fiscal year	35193
(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of this section.	35194 35195 35196 35197

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:	35198 35199 35200
(1) Calculate the district's building leadership cost for that fiscal year as follows:	35201 35202
(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;	35203 35204
(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;	35205 35206
(c) Compute the building leadership cost in accordance with the following formula:	35207 35208
{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of this section for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section	35209 35210 35211 35212 35213 35214 35215
(2) Calculate the district's building leadership support cost for that fiscal year as follows:	35216 35217
(a) Divide the district's base cost enrolled ADM for that fiscal year by 400;	35218 35219
(b) Determine the number of school buildings in the district for that fiscal year;	35220 35221
(c) Compute the building leadership support cost in accordance with the following formula:	35222 35223
(i) If the quotient obtained under division (G) (2) (a) of	35224

this section is less than the number obtained under division (G) 35225
(2) (b) of this section, then the district's building leadership 35226
support cost shall be equal to {the number obtained under 35227
division (G) (2) (b) of this section for that fiscal year X [(the 35228
average clerical staff salary for that fiscal year X 1.16) + the 35229
amount specified under division (A) (10) (c) of this section for 35230
that fiscal year}}. 35231

(ii) If the quotient obtained under division (G) (2) (a) of 35232
this section is greater than or equal to the number obtained 35233
under division (G) (2) (b) of this section, then the district's 35234
building leadership support cost shall be equal to {[the lesser 35235
of (the number obtained under division (G) (2) (b) of this section 35236
X 3) and the quotient obtained under division (G) (2) (a) of this 35237
section] X [(the average clerical staff salary for that fiscal 35238
year X 1.16) + the amount specified under division (A) (10) (c) of 35239
this section for that fiscal year}}. 35240

(3) Calculate the district's building operations cost for 35241
that fiscal year as follows: 35242

(a) Using data for the six most recent fiscal years for 35243
which data is available, determine both of the following: 35244

(i) The six-year average of the average building square 35245
feet per pupil for all city, local, and exempted village school 35246
district buildings in the state; 35247

(ii) The six-year average cost per square foot for all 35248
city, local, and exempted village school district buildings in 35249
the state. 35250

(b) Compute the building operations cost in accordance 35251
with the following formula: 35252

The district's base cost enrolled ADM for that fiscal year 35253

X [(the number determined under division (G) (3) (a) (i) of this section X the number determined under division (G) (3) (a) (ii) of this section) - (the amount determined under division (E) (5) (a) of this section for that fiscal year/ the sum determined under division (E) (5) (b) of this section for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows:

(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted village school districts to the department for that fiscal year;

(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year;

(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula:

(The amount determined under division (H) (1) of this section / the sum determined under division (H) (2) of this section) X the district's base cost enrolled ADM for the fiscal year for which the funds for athletic co-curricular activities are computed

Sec. 3317.012. This section shall apply only for fiscal years 2022 and 2023.

(A) As used in this section, "average administrative assistant salary," "average bookkeeping and accounting employee salary," "average clerical staff salary," "average counselor salary," "average education management information system

support employee salary," "average librarian and media staff salary," "average other district administrator salary," "average principal salary," "average superintendent salary," and "average teacher cost" have the same meanings as in section 3317.011 of the Revised Code.

(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 for all of the following:

(1) The average salaries determined under divisions (A) (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of section 3317.011 of the Revised Code;

(2) The amount for teacher benefits determined under division (A) (10) (b) of section 3317.011 of the Revised Code;

(3) The district-paid insurance costs determined under division (A) (10) (c) of section 3317.011 of the Revised Code;

(4) Spending determined under divisions (E) (4) (a), (E) (5) (a), and (H) (1) of section 3317.011 of the Revised Code and the corresponding student counts determined under divisions (E) (4) (b), (E) (5) (b), and (H) (2) of that section;

(5) The information determined under division (G) (3) of section 3317.011 of the Revised Code.

(C) A joint vocational school district's aggregate base cost for a fiscal year shall be equal to the following sum:

The district's teacher base cost for that fiscal year computed under division (D) of this section + the district's student support base cost for that fiscal year computed under division (E) of this section + the district's leadership and accountability base cost for that fiscal year computed under

division (F) of this section + the district's building	35310
leadership and operations base cost for that fiscal year	35311
computed under division (G) of this section	35312
(D) The department of education <u>and workforce</u> shall	35313
compute a district's teacher base cost for a fiscal year as	35314
follows:	35315
(1) Calculate the district's classroom teacher cost for	35316
that fiscal year as follows:	35317
(a) Determine the full-time equivalency of students in the	35318
district's base cost enrolled ADM for that fiscal year that are	35319
enrolled in a career-technical education program or class, as	35320
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of	35321
section 3317.03 of the Revised Code, and divide that number by	35322
18;	35323
(b) Determine the full-time equivalency of students in the	35324
district's base cost enrolled ADM for that fiscal year that are	35325
enrolled in grades six through eight but are not enrolled in a	35326
career-technical education program or class described under	35327
section 3317.014 of the Revised Code and divide that number by	35328
25;	35329
(c) Determine the full-time equivalency of students in the	35330
district's base cost enrolled ADM for that fiscal year that are	35331
enrolled in grades nine through twelve but are not enrolled in a	35332
career-technical education program or class described under	35333
section 3317.014 of the Revised Code and divide that number by	35334
27;	35335
(d) Compute the sum of the quotients obtained under	35336
divisions (D) (1) (a), (b), and (c) of this section;	35337
(e) Compute the classroom teacher base cost by multiplying	35338

the average teacher cost for that fiscal year by the sum 35339
computed under division (D) (1) (d) of this section. 35340

(2) Calculate the district's cost for that fiscal year for 35341
teachers providing health and physical education, instruction 35342
regarding employability and soft skills, development and 35343
coordination of internships and job placements, career-technical 35344
student organization activities, pre-apprenticeship and 35345
apprenticeship coordination, and any assessment related to 35346
career-technical education, including any nationally recognized 35347
job skills or end-of-course assessment, as follows: 35348

(a) Divide the district's base cost enrolled ADM for that 35349
fiscal year by 150; 35350

(b) If the quotient obtained under division (D) (2) (a) of 35351
this section is greater than 6, the teacher cost shall be equal 35352
to that quotient multiplied by the average teacher cost for that 35353
fiscal year. 35354

(c) If the quotient obtained under division (D) (2) (a) of 35355
this section is less than or equal to 6, the teacher cost shall 35356
be equal to 6 multiplied by the average teacher cost for that 35357
fiscal year. 35358

(3) Calculate the district's substitute teacher cost for 35359
that fiscal year in accordance with the following formula: 35360

(a) Compute the substitute teacher daily rate with 35361
benefits by multiplying the substitute teacher daily rate of \$90 35362
by 1.16; 35363

(b) Compute the substitute teacher cost in accordance with 35364
the following formula: 35365

[The sum computed under division (D) (1) (d) of this section + 35366

(the greater of the quotient obtained under division (D) (2) (a)	35367
of this section and 6)] X the amount computed under division (D)	35368
(3) (a) of this section X 5	35369
(4) Calculate the district's professional development cost	35370
for that fiscal year in accordance with the following formula:	35371
[The sum computed under division (D) (1) (d) of this section +	35372
(the greater of the quotient obtained under division (D) (2) (a)	35373
of this section and 6)] X [(the sum of divisions (A) (10) (a) and	35374
(b) of section 3317.011 of the Revised Code for that fiscal	35375
year)/180] X 4	35376
(5) Calculate the district's teacher base cost for that	35377
fiscal year, which equals the sum of divisions (D) (1), (2), (3),	35378
and (4) of this section.	35379
(E) The department shall compute a district's student	35380
support base cost for a fiscal year as follows:	35381
(1) Calculate the district's guidance counselor cost for	35382
that fiscal year as follows:	35383
(a) Determine the number of students in the district's	35384
base cost enrolled ADM for that fiscal year that are enrolled in	35385
grades nine through twelve and divide that number by 360;	35386
(b) Compute the counselor cost in accordance with the	35387
following formula:	35388
(The greater of the quotient obtained under division (E) (1) (a)	35389
of this section and 1) X [(the average counselor salary for that	35390
fiscal year X 1.16) + the amount specified under division (A)	35391
(10) (c) of section 3317.011 of the Revised Code for that fiscal	35392
year]	35393
(2) Calculate the district's librarian and media staff	35394

cost for that fiscal year as follows:	35395
(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;	35396 35397
(b) Compute the librarian and media staff cost in accordance with the following formula:	35398 35399
The quotient obtained under division (E) (2) (a) of this section X	35400
[(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	35401 35402 35403
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	35404 35405
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	35406 35407
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	35408 35409
The quotient obtained under division (E) (3) (a) of this section X	35410
[(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	35411 35412 35413
(4) Calculate the district's cost for that fiscal year for career-technical curriculum specialists and coordinators, career assessment and program placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination in accordance with the following formula:	35414 35415 35416 35417 35418 35419 35420
[(The amount determined under division (E) (4) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum	35421 35422

determined under division (E) (4) (b) of section 3317.011 of the Revised Code) + (the amount determined under division (H) (1) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (H) (2) of section 3317.011 of the Revised Code)] X the district's base cost enrolled ADM for the fiscal year for which the district's cost under this division is computed

(5) Compute the district's building safety and security cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E) (5) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (5) (b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed

(6) Compute the district's supplies and academic content cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E) (6) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (6) (b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

\$37.50 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E) (1), (2), (3), (4), (5), (6), and (7) of this section.

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:

(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500};

(ii) (\$80,000 X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to [(\$80,000 X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year].

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that 35480
fiscal year is greater than 4,000, then the district's treasurer 35481
cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified}]$ 35482
under division (A) (10) (c) of section 3317.011 of the Revised 35483
Code for that fiscal year]. 35484

(b) If the district's base cost enrolled ADM for that 35485
fiscal year is less than or equal to 4,000 but greater than or 35486
equal to 500, the district's treasurer cost shall be equal to 35487
the sum of the following: 35488

(i) (The district's base cost enrolled ADM for that fiscal 35489
year - 500) $\times \{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$; 35490

(ii) $(\$60,000 \times 1.16) + \text{the amount specified under}$ 35491
division (A) (10) (c) of section 3317.011 of the Revised Code for 35492
that fiscal year. 35493

(c) If the district's base cost enrolled ADM is less than 35494
500, then the district's treasurer cost shall be equal to 35495
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A) (10)}$ 35496
 $(c) \text{ of section 3317.011 of the Revised Code for that fiscal}$ 35497
 $\text{year}]$. 35498

(3) Calculate the district's other district administrator 35499
cost for that fiscal year as follows: 35500

(a) Divide the average other district administrator salary 35501
for that fiscal year by the average superintendent salary for 35502
that fiscal year; 35503

(b) Divide the district's base cost enrolled ADM for that 35504
fiscal year by 750; 35505

(c) Compute the other district administrator cost in 35506
accordance with the following formula: 35507

{[(The district's superintendent cost for that fiscal year 35508
calculated under division (F) (1) of this section - the amount 35509
specified under division (A) (10) (c) of section 3317.011 of the 35510
Revised Code for that fiscal year) X the quotient obtained under 35511
division (F) (3) (a) of this section] + the amount specified under 35512
division (A) (10) (c) of section 3317.011 of the Revised Code} X 35513
(the greater of the quotient obtained under division (F) (3) (b) 35514
of this section and 2) 35515

(4) Calculate the district's fiscal support cost for that 35516
fiscal year as follows: 35517

(a) Divide the district's base cost enrolled ADM for that 35518
fiscal year by 850; 35519

(b) Determine the lesser of the following: 35520

(i) The maximum of the quotient obtained under division 35521
(F) (4) (a) of this section and 2; 35522

(ii) 35. 35523

(c) Compute the fiscal support cost in accordance with the 35524
following formula: 35525

The number obtained under division (F) (4) (b) of this section X 35526
[(the average bookkeeping and accounting employee salary for 35527
that fiscal year X 1.16) + the amount specified under division 35528
(A) (10) (c) of section 3317.011 of the Revised Code for that 35529
fiscal year] 35530

(5) Calculate the district's education management 35531
information system support cost for that fiscal year as follows: 35532

(a) Divide the district's base cost enrolled ADM for that 35533
fiscal year by 5,000; 35534

(b) Compute the education management information system support cost in accordance with the following formula:	35535 35536
(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	35537 35538 35539 35540 35541
(6) Calculate the district's leadership support cost for that fiscal year as follows:	35542 35543
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2 and add 1 to that number;	35544 35545 35546
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	35547 35548
(c) Compute the leadership support cost in accordance with the following formula:	35549 35550
(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	35551 35552 35553 35554 35555
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	35556 35557 35558
\$31 X the district's base cost enrolled ADM for that fiscal year	35559
(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of	35560 35561 35562

this section; 35563

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows: 35564
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(1) Calculate the district's building leadership cost for that fiscal year as follows: 35567
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(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year; 35569
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(b) Divide the district's base cost enrolled ADM for that fiscal year by 450; 35571
35572

(c) Compute the building leadership cost in accordance with the following formula: 35573
35574

{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section 35575
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(2) Calculate the district's building leadership support cost for that fiscal year as follows: 35583
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(a) Divide the district's base cost enrolled ADM for that fiscal year by 400; 35585
35586

(b) Determine the number of school buildings in the district for that fiscal year; 35587
35588

(c) Compute the building leadership support cost in 35589

accordance with the following formula: 35590

(i) If the quotient obtained under division (G) (2) (a) of 35591
this section is less than the number obtained under division (G) 35592
(2) (b) of this section, then the district's building leadership 35593
support cost shall be equal to {the number obtained under 35594
division (G) (2) (b) of this section X [(the average clerical 35595
staff salary X 1.16) + the amount specified under division (A) 35596
(10) (c) of section 3317.011 of the Revised Code for that fiscal 35597
year]}. 35598

(ii) If the quotient obtained under division (G) (2) (a) of 35599
this section is greater than or equal to the number obtained 35600
under division (G) (2) (b) of this section, then the district's 35601
building leadership support cost shall be equal to {[the lesser 35602
of (the number obtained under division (G) (2) (b) of this section 35603
X 3) and the quotient obtained under division (G) (2) (a) of this 35604
section] X [(the average clerical staff salary for that fiscal 35605
year X 1.16) + the amount specified under division (A) (10) (c) of 35606
section 3317.011 of the Revised Code for that fiscal year]}. 35607

(3) Compute the district's building operations cost for 35608
that fiscal year in accordance with the following formula: 35609

The district's base cost enrolled ADM for that fiscal year X 35610
[(the number determined under division (G) (3) (a) (i) of section 35611
3317.011 of the Revised Code X the number determined under 35612
division (G) (3) (a) (ii) of section 3317.011 of the Revised Code) 35613
- (the amount determined under division (E) (5) (a) of section 35614
3317.011 of the Revised Code for that fiscal year / the sum 35615
determined under division (E) (5) (b) of section 3317.011 of the 35616
Revised Code for that fiscal year)] 35617

(4) Calculate the district's building leadership and 35618

operations base cost for that fiscal year, which equals the sum 35619
of divisions (G) (1), (2), and (3) of this section. 35620

Sec. 3317.014. (A) The multiples for the following 35621
categories of career-technical education programs approved by 35622
the department of education and workforce under section 3317.161 35623
of the Revised Code shall be as follows: 35624

(1) A multiple of 0.6230 for students enrolled in career- 35625
technical education workforce development programs in 35626
agricultural and environmental systems, construction 35627
technologies, engineering and science technologies, finance, 35628
health science, information technology, and manufacturing 35629
technologies, each of which shall be defined by the department 35630
in consultation with the governor's office of workforce 35631
transformation; 35632

(2) A multiple of 0.5905 for students enrolled in 35633
workforce development programs in business and administration, 35634
hospitality and tourism, human services, law and public safety, 35635
transportation systems, and arts and communications, each of 35636
which shall be defined by the department in consultation with 35637
the governor's office of workforce transformation; 35638

(3) A multiple of 0.2154 for students enrolled in career- 35639
based intervention programs, which shall be defined by the 35640
department in consultation with the governor's office of 35641
workforce transformation; 35642

(4) A multiple of 0.1830 for students enrolled in 35643
workforce development programs in education and training, 35644
marketing, workforce development academics, public 35645
administration, and career development, each of which shall be 35646
defined by the department ~~of education~~ in consultation with the 35647

governor's office of workforce transformation; 35648

(5) A multiple of 0.1570 for students enrolled in family 35649
and consumer science programs, which shall be defined by the 35650
department ~~of education~~ in consultation with the governor's 35651
office of workforce transformation. 35652

(B) The multiple for career-technical education associated 35653
services, as defined by the department, shall be 0.0294. 35654

(C) The department ~~of education~~ shall calculate career- 35655
technical education funds for each funding unit that is a city, 35656
local, exempted village, or joint vocational school district or 35657
the community and STEM school unit as follows: 35658

(1) For fiscal years 2022 and 2023, the sum of the 35659
following: 35660

(a) The funding unit's category one career-technical 35661
education ADM X the multiple specified in division (A) (1) of 35662
this section X the statewide average career-technical base cost 35663
per pupil for that fiscal year X if the funding unit is a city, 35664
local, exempted village, or joint vocational school district, 35665
the district's state share percentage; 35666

(b) The funding unit's category two career-technical 35667
education ADM X the multiple specified in division (A) (2) of 35668
this section X the statewide average career-technical base cost 35669
per pupil for that fiscal year X if the funding unit is a city, 35670
local, exempted village, or joint vocational school district, 35671
the district's state share percentage; 35672

(c) The funding unit's category three career-technical 35673
education ADM X the multiple specified in division (A) (3) of 35674
this section X the statewide average career-technical base cost 35675
per pupil for that fiscal year X if the funding unit is a city, 35676

local, exempted village, or joint vocational school district, 35677
the district's state share percentage; 35678

(d) The funding unit's category four career-technical 35679
education ADM X the multiple specified in division (A) (4) of 35680
this section X the statewide average career-technical base cost 35681
per pupil for that fiscal year X if the funding unit is a city, 35682
local, exempted village, or joint vocational school district, 35683
the district's state share percentage; 35684

(e) The funding unit's category five career-technical 35685
education ADM X the multiple specified in division (A) (5) of 35686
this section X the statewide average career-technical base cost 35687
per pupil for that fiscal year X if the funding unit is a city, 35688
local, exempted village, or joint vocational school district, 35689
the district's state share percentage. 35690

(2) For fiscal year 2024 and each fiscal year thereafter, 35691
the sum of the following: 35692

(a) An amount calculated in a manner determined by the 35693
general assembly times the funding unit's category one career- 35694
technical education ADM; 35695

(b) An amount calculated in a manner determined by the 35696
general assembly times the funding unit's category two career- 35697
technical education ADM; 35698

(c) An amount calculated in a manner determined by the 35699
general assembly times the funding unit's category three career- 35700
technical education ADM; 35701

(d) An amount calculated in a manner determined by the 35702
general assembly times the funding unit's category four career- 35703
technical education ADM; 35704

(e) An amount calculated in a manner determined by the 35705
general assembly times the funding unit's category five career- 35706
technical education ADM. 35707

(3) Payment of funds calculated under division (C) of this 35708
section is subject to approval under section 3317.161 of the 35709
Revised Code. 35710

(D) Subject to division (I) of section 3317.023 of the 35711
Revised Code, the department shall calculate career-technical 35712
associated services funds for each funding unit that is a city, 35713
local, exempted village, or joint vocational school district or 35714
the community and STEM school unit as follows: 35715

(1) For fiscal years 2022 and 2023, the following product: 35716

(If the funding unit is a city, local, exempted village, or 35717
joint vocational school district, the funding unit's state share 35718
percentage) X the multiple for career-technical education 35719
associated services specified under division (B) of this section 35720
X the statewide average career-technical base cost per pupil for 35721
that fiscal year X the sum of the funding unit's categories one 35722
through five career-technical education ADM 35723

(2) For fiscal year 2024 and each fiscal year thereafter, 35724
an amount calculated in a manner determined by the general 35725
assembly times the funding unit's categories one through five 35726
career-technical education ADM. 35727

(E) (1) In accordance with division (I) of section 3317.023 35728
of the Revised Code, the department shall compute career 35729
awareness and exploration funds for each city, local, exempted 35730
village, and joint vocational school district, community school 35731
established under Chapter 3314. of the Revised Code, and STEM 35732
school established under Chapter 3326. of the Revised Code that 35733

is part of a career technical planning district. The department 35734
shall pay the lead district in each career technical planning 35735
district as follows: 35736

(a) For fiscal years 2022 and 2023, an amount equal to the 35737
following product: 35738

The sum of enrolled ADM for all districts and schools within the 35739
career technical planning district X \$2.50, for fiscal year 35740
2022, or \$5, for fiscal year 2023 35741

(b) For fiscal year 2024 and each fiscal year thereafter, 35742
an amount calculated in a manner determined by the general 35743
assembly, if the general assembly authorizes such a payment to 35744
city, local, exempted village, and joint vocational school 35745
districts, community schools, and STEM schools. 35746

(2) The lead district of a career technical planning 35747
district shall use career awareness and exploration funds in 35748
accordance with division (H) of this section. 35749

(F)(1) In any fiscal year, a school district receiving 35750
funds calculated under division (C) of this section shall spend 35751
those funds only for the purposes that the department designates 35752
as approved for career-technical education expenses. Career- 35753
technical education expenses approved by the department shall 35754
include only expenses connected to the delivery of career- 35755
technical programming to career-technical students. The 35756
department shall require the school district to report data 35757
annually so that the department may monitor the district's 35758
compliance with the requirements regarding the manner in which 35759
funding calculated under division (C) of this section may be 35760
spent. 35761

(2) All funds received under division (C) of this section 35762

shall be spent in the following manner: 35763

(a) At least seventy-five per cent of the funds shall be 35764
spent on curriculum development, purchase, and implementation; 35765
instructional resources and supplies; industry-based program 35766
certification; student assessment, credentialing, and placement; 35767
curriculum specific equipment purchases and leases; career- 35768
technical student organization fees and expenses; home and 35769
agency linkages; work-based learning experiences; professional 35770
development; and other costs directly associated with career- 35771
technical education programs including development of new 35772
programs. 35773

(b) Not more than twenty-five per cent of the funds shall 35774
be used for personnel expenditures. 35775

(G) In any fiscal year, a school district receiving funds 35776
calculated under division (D) of this section, or through a 35777
transfer of funds pursuant to division (I) of section 3317.023 35778
of the Revised Code, shall spend those funds only for the 35779
purposes that the department designates as approved for career- 35780
technical education associated services expenses, which may 35781
include such purposes as apprenticeship coordinators, 35782
coordinators for other career-technical education services, 35783
career-technical evaluation, and other purposes designated by 35784
the department. The department may deny payment of funds 35785
calculated under division (D) of this section to any district 35786
that the department determines is not operating those services 35787
or is using funds calculated under division (D) of this section, 35788
or through a transfer of funds pursuant to division (I) of 35789
section 3317.023 of the Revised Code, for other purposes. 35790

(H) In any fiscal year, a lead district of a career- 35791
technical planning district receiving funds under division (E) 35792

of this section, shall utilize those funds to deliver relevant 35793
career awareness and exploration programs to all students within 35794
its career technical planning district in a manner that is 35795
consistent with the career-technical planning district's plan 35796
that is on file with the department ~~of education~~. The lead 35797
district that receives funds under this division shall spend 35798
those funds only for the following purposes: 35799

(1) Delivery of career awareness programs to students 35800
enrolled in grades kindergarten through twelve; 35801

(2) Provision of a common, consistent curriculum to 35802
students throughout their primary and secondary education; 35803

(3) Assistance to teachers in providing a career 35804
development curriculum to students; 35805

(4) Development of a career development plan for each 35806
student that stays with that student for the duration of the 35807
student's primary and secondary education; 35808

(5) Provision of opportunities for students to engage in 35809
activities, such as career fairs, hands-on experiences, and job 35810
shadowing, across all career pathways at each grade level. 35811

The department may deny payment under this division to any 35812
district or school that the department determines is using funds 35813
paid under this division for other purposes. 35814

Sec. 3317.015. (A) In addition to the information 35815
certified to the department of education and workforce and the 35816
office of budget and management under division (A) of section 35817
3317.021 of the Revised Code, the tax commissioner shall, at the 35818
same time, certify the following information to the department 35819
and the office of budget and management for each city, exempted 35820
village, and local school district to be used for the same 35821

purposes as described under that division:	35822
(1) The taxable value of the school district's carryover property, as defined in section 319.301 of the Revised Code, for the preceding tax year;	35823 35824 35825
(2) The increase in such carryover value, if any, between the second preceding tax year and the preceding tax year as used in calculating the percentage reduction under section 319.301 of the Revised Code.	35826 35827 35828 35829
(B) For each fiscal year the department of education <u>and workforce</u> shall calculate each school district's recognized valuation in the following manner:	35830 35831 35832
(1) For a school district located in a county in which a reappraisal or triennial update occurred in the preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year minus two-thirds times the increase in the carryover value from the second preceding tax year to the preceding tax year.	35833 35834 35835 35836 35837 35838
(2) For a school district located in a county in which a reappraisal or triennial update occurred in the second preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year minus one-third times the increase in the carryover value from the third preceding tax year to the second preceding tax year.	35839 35840 35841 35842 35843 35844
(3) For a school district located in a county in which a reappraisal or triennial update occurred in the third preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year.	35845 35846 35847 35848
Sec. 3317.017. This section shall apply only for fiscal years 2022 and 2023.	35849 35850

(A) The department of education and workforce shall 35851
compute a city, local, or exempted village school district's 35852
per-pupil local capacity amount for a fiscal year as follows: 35853

(1) Calculate the district's valuation per pupil for that 35854
fiscal year as follows: 35855

(a) Determine the minimum of the district's three-year 35856
average valuation for the fiscal year for which the calculation 35857
is made and the district's taxable value for the most recent tax 35858
year for which data is available; 35859

(b) Divide the amount determined under division (A) (1) (a) 35860
of this section by the district's base cost enrolled ADM for the 35861
fiscal year for which the calculation is made. 35862

(2) Calculate the district's local share federal adjusted 35863
gross income per pupil for that fiscal year as follows: 35864

(a) Determine the minimum of the following: 35865

(i) The average of the total federal adjusted gross income 35866
of the district's residents for the three most recent tax years 35867
for which data is available, as certified under section 3317.021 35868
of the Revised Code; 35869

(ii) The total federal adjusted gross income of the 35870
district's residents for the most recent tax year for which data 35871
is available, as certified under section 3317.021 of the Revised 35872
Code. 35873

(b) Divide the amount determined under division (A) (2) (a) 35874
of this section by the district's base cost enrolled ADM for the 35875
fiscal year for which the calculation is made. 35876

(3) Calculate the district's adjusted local share federal 35877
adjusted gross income per pupil for that fiscal year as follows: 35878

(a) Determine both of the following:	35879
(i) The median federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code;	35880 35881 35882 35883
(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.	35884 35885 35886 35887
(b) Compute the product of divisions (A) (3) (a) (i) and (ii) of this section;	35888 35889
(c) Divide the amount determined under division (A) (3) (b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.	35890 35891 35892
(4) Calculate the district's per-pupil local capacity percentage as follows:	35893 35894
(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A) (3) (a) (i) of this section for that fiscal year;	35895 35896 35897
(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A) (3) (a) (i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A) (4) (a) of this section;	35898 35899 35900 35901 35902
(c) Rank all school districts in order of the ratios calculated under division (A) (4) (b) of this section, from the district with the highest ratio calculated under division (A) (4) (b) of this section to the district with the lowest ratio	35903 35904 35905 35906

calculated under division (A) (4) (b) of this section; 35907

(d) Determine the district's per-pupil local capacity 35908
percentage as follows: 35909

(i) If the ratio calculated for the district under 35910
division (A) (4) (b) of this section is greater than or equal to 35911
the ratio calculated under division (A) (4) (b) of this section 35912
for the district with the fortieth highest ratio as determined 35913
under division (A) (4) (c) of this section, the district's per- 35914
pupil local capacity percentage shall be equal to 0.025. 35915

(ii) If the ratio calculated for the district under 35916
division (A) (4) (b) of this section is less than the ratio 35917
calculated under division (A) (4) (b) of this section for the 35918
district with the fortieth highest ratio as determined under 35919
division (A) (4) (c) of this section but greater than 1.0, the 35920
district's per-pupil local capacity percentage shall be equal to 35921
an amount calculated as follows: 35922

{[(The ratio calculated for the district under division 35923
(A) (4) (b) of this section - 1) X 0.0025]/ (the ratio calculated 35924
under division (A) (4) (b) of this section for the district with 35925
the fortieth highest ratio as determined under division (A) (4) 35926
(c) of this section - 1)} + 0.0225 35927

(iii) If the ratio calculated for the district under 35928
division (A) (4) (b) of this section is less than or equal to 1.0, 35929
the district's per-pupil local capacity percentage shall be 35930
equal to the amount calculated under division (A) (4) (b) of this 35931
section times 0.0225. 35932

(5) Calculate the district's per-pupil local capacity 35933
amount for that fiscal year as follows: 35934

(The district's valuation per pupil calculated under division 35935

(A) (1) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A) (4) of this section X 0.60) + (the district's local share adjusted federal gross income per pupil calculated under division (A) (2) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A) (4) of this section X 0.20) + (the district's adjusted local share federal adjusted gross income per pupil calculated under division (A) (3) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A) (4) of this section X 0.20)

(B) The department shall compute a city, local, or exempted village school district's state share for a fiscal year as follows:

(1) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is greater than 0.95, then the district's state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.05 X the district's enrolled ADM for that fiscal year).

(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.95, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year].

(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows:

(the district's base cost per pupil amount for that fiscal year 35966
- the district's per pupil local capacity amount for that fiscal 35967
year)/(the district's base cost per pupil amount for that fiscal 35968
year). 35969

If the result is less than 0.05, the state share percentage 35970
shall be 0.05. 35971

Sec. 3317.019. (A) (1) Subject to division (C) of this 35972
section, for fiscal years 2022 and 2023, the department of 35973
education and workforce shall pay temporary transitional aid to 35974
each city, local, and exempted village school district according 35975
to the following formula: 35976

(The district's funding base, as that term is defined in section 35977
3317.02 of the Revised Code) - (the district's payment under 35978
section 3317.022 of the Revised Code - the district's payment 35979
for supplemental targeted assistance under section 3317.0218 of 35980
the Revised Code for the fiscal year for which each payment is 35981
computed) 35982

If the computation made under division (A) (1) of this 35983
section results in a negative number, the district's funding 35984
under division (A) (1) of this section shall be zero. 35985

(2) For fiscal years 2022 and 2023, the department shall 35986
pay temporary transitional transportation aid to that district 35987
according to the following formula: 35988

(The amount calculated for the district for fiscal year 2020 35989
under division (A) (2) of Section 265.220 of H.B. 166 of the 35990
133rd general assembly, prior to any funding reductions 35991
authorized by Executive Order 2020-19D, "Implementing Additional 35992
Spending Controls to Balance the State Budget" issued on May 7, 35993
2020) - (the district's payment for fiscal year 2019 under 35994

division (D) (2) of section 3314.091 of the Revised Code as that 35995
division existed prior to September 30, 2021) - (the district's 35996
payment under section 3317.0212 of the Revised Code for the 35997
fiscal year for which the payment is computed) 35998

If the computation made under division (A) (2) of this 35999
section results in a negative number, the district's funding 36000
under division (A) (2) of this section shall be zero. 36001

(B) If a local school district participates in the 36002
establishment of a joint vocational school district that begins 36003
receiving payments under section 3317.16 of the Revised Code for 36004
fiscal year 2022 or fiscal year 2023, but does not receive 36005
payments for the fiscal year immediately preceding that fiscal 36006
year, the department shall adjust, as necessary, the district's 36007
funding base, as that term is defined in section 3317.02 of the 36008
Revised Code, according to the amounts received by the district 36009
in the immediately preceding fiscal year for career-technical 36010
education students who attend the newly established joint 36011
vocational school district. 36012

(C) (1) For purposes of division (C) of this section, a 36013
district's "decrease threshold" for a fiscal year is the greater 36014
of the following: 36015

(a) Twenty; 36016

(b) Ten per cent of the number of the district's students 36017
counted under division (A) (1) (b) of section 3317.03 of the 36018
Revised Code for the previous fiscal year. 36019

(2) For fiscal years 2022 and 2023, if a district has 36020
fewer students counted under division (A) (1) (b) of section 36021
3317.03 of the Revised Code for that fiscal year than for the 36022
previous fiscal year and the positive difference between those 36023

two student counts is greater than or equal to the district's 36024
decrease threshold for that fiscal year, the amount paid to the 36025
district under division (A) of this section shall be reduced by 36026
the following amount: 36027

The statewide average base cost per pupil X [(the positive 36028
difference between the number of the district's students counted 36029
under division (A) (1) (b) of section 3317.03 of the Revised Code 36030
for that fiscal year and the number of the district's students 36031
counted under that division for the previous fiscal year) - the 36032
district's decrease threshold for that fiscal year] 36033

At no time, however, shall the amount paid to a district 36034
under division (A) of this section be less than zero. 36035

Sec. 3317.02. As used in this chapter: 36036

(A) "Alternative school" has the same meaning as in 36037
section 3313.974 of the Revised Code. 36038

(B) "Autism scholarship unit" means a unit that consists 36039
of all of the students for whom autism scholarships are awarded 36040
under section 3310.41 of the Revised Code. 36041

(C) For fiscal years 2022 and 2023, a district's "base 36042
cost enrolled ADM" for a fiscal year means the greater of the 36043
following: 36044

(1) The district's enrolled ADM for the previous fiscal 36045
year; 36046

(2) The average of the district's enrolled ADM for the 36047
previous three fiscal years. 36048

(D) (1) "Base cost per pupil" means the following for a 36049
city, local, or exempted village school district: 36050

(a) For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year; 36051
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(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 36055
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36057

(2) "Base cost per pupil" means the following for a joint vocational school district: 36058
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(a) For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.012 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year; 36060
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36062
36063

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 36064
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36066

(E) (1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (1) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (11) or (D) (2) (h) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code. 36067
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(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time 36078
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equivalency basis in career-technical education programs 36080
described in division (A) (2) of section 3317.014 of the Revised 36081
Code and, in the case of a funding unit that is a city, local, 36082
exempted village, or joint vocational school district, certified 36083
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 36084
Revised Code or, in the case of the community and STEM school 36085
unit, reported by all community and STEM schools statewide under 36086
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36087
and division (D) of section 3326.32 of the Revised Code. 36088

(3) "Category three career-technical education ADM" means 36089
the enrollment of students during the school year on a full-time 36090
equivalency basis in career-technical education programs 36091
described in division (A) (3) of section 3317.014 of the Revised 36092
Code and, in the case of a funding unit that is a city, local, 36093
exempted village, or joint vocational school district, certified 36094
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 36095
Revised Code or, in the case of the community and STEM school 36096
unit, reported by all community and STEM schools statewide under 36097
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36098
and division (D) of section 3326.32 of the Revised Code. 36099

(4) "Category four career-technical education ADM" means 36100
the enrollment of students during the school year on a full-time 36101
equivalency basis in career-technical education programs 36102
described in division (A) (4) of section 3317.014 of the Revised 36103
Code and, in the case of a funding unit that is a city, local, 36104
exempted village, or joint vocational school district, certified 36105
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 36106
Revised Code or, in the case of the community and STEM school 36107
unit, reported by all community and STEM schools statewide under 36108
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36109
and division (D) of section 3326.32 of the Revised Code. 36110

(5) "Category five career-technical education ADM" means 36111
the enrollment of students during the school year on a full-time 36112
equivalency basis in career-technical education programs 36113
described in division (A) (5) of section 3317.014 of the Revised 36114
Code and, in the case of a funding unit that is a city, local, 36115
exempted village, or joint vocational school district, certified 36116
under division (B) (15) or (D) (2) (1) of section 3317.03 of the 36117
Revised Code or, in the case of the community and STEM school 36118
unit, reported by all community and STEM schools statewide under 36119
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36120
and division (D) of section 3326.32 of the Revised Code. 36121

(F) (1) "Category one English learner ADM" means the full- 36122
time equivalent number of English learners described in division 36123
(A) of section 3317.016 of the Revised Code and, in the case of 36124
a funding unit that is a city, local, exempted village, or joint 36125
vocational school district, certified under division (B) (16) or 36126
(D) (2) (m) of section 3317.03 of the Revised Code or, in the case 36127
of the community and STEM school unit, reported by all community 36128
and STEM schools statewide under division (B) (6) of section 36129
3314.08 of the Revised Code and division (E) of section 3326.32 36130
of the Revised Code. 36131

(2) "Category two English learner ADM" means the full-time 36132
equivalent number of English learners described in division (B) 36133
of section 3317.016 of the Revised Code and, in the case of a 36134
funding unit that is a city, local, exempted village, or joint 36135
vocational school district, certified under division (B) (17) or 36136
(D) (2) (n) of section 3317.03 of the Revised Code or, in the case 36137
of the community and STEM school unit, reported by all community 36138
and STEM schools statewide under division (B) (6) of section 36139
3314.08 of the Revised Code and division (E) of section 3326.32 36140
of the Revised Code. 36141

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(G)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of

section 3326.32 of the Revised Code. 36173

(3) "Category three special education ADM" means the full- 36174
time equivalent number of students receiving special education 36175
services for those disabilities specified in division (C) of 36176
section 3317.013 of the Revised Code, and, in the case of a 36177
funding unit that is a city, local, exempted village, or joint 36178
vocational school district, certified under division (B)(7) or 36179
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 36180
of the community and STEM school unit, reported by all community 36181
and STEM schools statewide under division (B)(3) of section 36182
3314.08 of the Revised Code and division (C) of section 3326.32 36183
of the Revised Code. 36184

(4) "Category four special education ADM" means the full- 36185
time equivalent number of students receiving special education 36186
services for those disabilities specified in division (D) of 36187
section 3317.013 of the Revised Code and, in the case of a 36188
funding unit that is a city, local, exempted village, or joint 36189
vocational school district, certified under division (B)(8) or 36190
(D)(2)(e) of section 3317.03 of the Revised Code or, in the case 36191
of the community and STEM school unit, reported by all community 36192
and STEM schools statewide under division (B)(3) of section 36193
3314.08 of the Revised Code and division (C) of section 3326.32 36194
of the Revised Code. 36195

(5) "Category five special education ADM" means the full- 36196
time equivalent number of students receiving special education 36197
services for the disabilities specified in division (E) of 36198
section 3317.013 of the Revised Code and, in the case of a 36199
funding unit that is a city, local, exempted village, or joint 36200
vocational school district, certified under division (B)(9) or 36201
(D)(2)(f) of section 3317.03 of the Revised Code or, in the case 36202

of the community and STEM school unit, reported by all community 36203
and STEM schools statewide under division (B) (3) of section 36204
3314.08 of the Revised Code and division (C) of section 3326.32 36205
of the Revised Code. 36206

(6) "Category six special education ADM" means the full- 36207
time equivalent number of students receiving special education 36208
services for the disabilities specified in division (F) of 36209
section 3317.013 of the Revised Code and, in the case of a 36210
funding unit that is a city, local, exempted village, or joint 36211
vocational school district certified under division (B) (10) or 36212
(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 36213
of the community and STEM school unit, reported by all community 36214
and STEM schools statewide under division (B) (3) of section 36215
3314.08 of the Revised Code and division (C) of section 3326.32 36216
of the Revised Code. 36217

(H) "Community and STEM school unit" means a unit that 36218
consists of all of the students enrolled in community schools 36219
established under Chapter 3314. of the Revised Code and science, 36220
technology, engineering, and mathematics schools established 36221
under Chapter 3326. of the Revised Code. 36222

(I) (1) "Economically disadvantaged index for a school 36223
district" means the following: 36224

(a) For fiscal years 2022 and 2023, the square of the 36225
quotient of that district's percentage of students in its 36226
enrolled ADM who are identified as economically disadvantaged as 36227
defined by the department of education and workforce, divided by 36228
the percentage of students in the statewide ADM identified as 36229
economically disadvantaged. For purposes of this calculation: 36230

(i) For a city, local, or exempted village school 36231

district, the "statewide ADM" equals the sum of the following: 36232

(I) The enrolled ADM for all city, local, and exempted 36233
village school districts combined; 36234

(II) The statewide enrollment of students in community 36235
schools established under Chapter 3314. of the Revised Code; 36236

(III) The statewide enrollment of students in science, 36237
technology, engineering, and mathematics schools established 36238
under Chapter 3326. of the Revised Code. 36239

(ii) For a joint vocational school district, the 36240
"statewide ADM" equals the sum of the enrolled ADM for all joint 36241
vocational school districts combined. 36242

(b) For fiscal year 2024 and each fiscal year thereafter, 36243
an index calculated in a manner determined by the general 36244
assembly. 36245

(2) "Economically disadvantaged index for a community or 36246
STEM school" means the following: 36247

(a) For fiscal years 2022 and 2023, the square of the 36248
quotient of the percentage of students enrolled in the school 36249
who are identified as economically disadvantaged as defined by 36250
the department ~~of education~~, divided by the percentage of 36251
students in the statewide ADM identified as economically 36252
disadvantaged. For purposes of this calculation, the "statewide 36253
ADM" equals the "statewide ADM" for city, local, and exempted 36254
village school districts described in division (I) (1) (a) (i) of 36255
this section. 36256

(b) For fiscal year 2024 and each fiscal year thereafter, 36257
an index calculated in a manner determined by the general 36258
assembly. 36259

(J) "Educational choice scholarship unit" means a unit 36260
that consists of all of the students for whom educational choice 36261
scholarships are awarded under sections 3310.03 and 3310.032 of 36262
the Revised Code. 36263

(K) "Enrolled ADM" means the following: 36264

(1) For a city, local, or exempted village school 36265
district, the enrollment reported under division (A) of section 36266
3317.03 of the Revised Code, as verified by the ~~superintendent-~~ 36267
~~of public instruction department~~ and adjusted if so ordered 36268
under division (K) of that section, and as further adjusted by 36269
the ~~department-of-education~~, as follows: 36270

(a) Add the students described in division (A) (1) (b) of 36271
section 3317.03 of the Revised Code; 36272

(b) Subtract the students counted under divisions (A) (2) 36273
(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the 36274
Revised Code; 36275

(c) Count only twenty per cent of the number of joint 36276
vocational school district students counted under division (A) 36277
(3) of section 3317.03 of the Revised Code; 36278

(d) Add twenty per cent of the number of students who are 36279
entitled to attend school in the district under section 3313.64 36280
or 3313.65 of the Revised Code and are enrolled in another 36281
school district under a career-technical education compact; 36282

(e) Add twenty per cent of the number of students 36283
described in division (A) (1) (b) of section 3317.03 of the 36284
Revised Code who enroll in a joint vocational school district or 36285
under a career-technical education compact. 36286

(2) For a joint vocational school district, the final 36287

number verified by the ~~superintendent of public instruction~~ 36288
department, based on the enrollment reported and certified under 36289
division (D) of section 3317.03 of the Revised Code, as 36290
adjusted, if so ordered, under division (K) of that section, and 36291
as further adjusted by the department ~~of education~~ by adding the 36292
students described in division (D) (1) (b) of section 3317.03 of 36293
the Revised Code; 36294

(3) For the community and STEM school unit, the sum of the 36295
number of students reported as enrolled in community schools 36296
under divisions (B) (1) and (2) of section 3314.08 of the Revised 36297
Code and the number of students reported as enrolled in STEM 36298
schools under division (A) of section 3326.32 of the Revised 36299
Code; 36300

(4) For the educational choice scholarship unit, the 36301
number of students for whom educational choice scholarships are 36302
awarded under sections 3310.03 and 3310.032 of the Revised Code 36303
as reported under division (A) (2) (g) of section 3317.03 of the 36304
Revised Code; 36305

(5) For the pilot project scholarship unit, the number of 36306
students for whom pilot project scholarships are awarded under 36307
sections 3313.974 to 3313.979 of the Revised Code as reported 36308
under division (A) (2) (b) of section 3317.03 of the Revised Code; 36309

(6) For the autism scholarship unit, the number of 36310
students for whom autism scholarships are awarded under section 36311
3310.41 of the Revised Code as reported under division (A) (2) (h) 36312
of section 3317.03 of the Revised Code; 36313

(7) For the Jon Peterson special needs scholarship unit, 36314
the number of students for whom Jon Peterson special needs 36315
scholarships are awarded under sections 3310.51 to 3310.64 of 36316

the Revised Code as reported under division (A) (2) (h) of section 3317.03 of the Revised Code. 36317
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(L) (1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the ~~superintendent of public instruction department~~ and adjusted if so ordered under division (K) of that section, and as further adjusted by the ~~department of education~~, as follows: 36319
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(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A) (3) of section 3317.03 of the Revised Code; 36325
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(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact. 36328
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(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the ~~superintendent of public instruction department~~, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. 36332
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(M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the ~~department of education~~ pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in 36338
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enrolled ADM and formula ADM. 36346

(N) For fiscal years 2022 and 2023, "funding base" means, 36347
for a city, local, or exempted village school district, the sum 36348
of the following as calculated by the department: 36349

(1) The district's "general funding base," which equals 36350
the amount calculated as follows: 36351

(a) Compute the sum of the following: 36352

(i) The amount calculated for the district for fiscal year 36353
2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 36354
133rd general assembly after any adjustments required under 36355
Section 265.227 of H.B. 166 of the 133rd general assembly and 36356
prior to any funding reductions authorized by Executive Order 36357
2020-19D, "Implementing Additional Spending Controls to Balance 36358
the State Budget" issued on May 7, 2020; 36359

(ii) Either of the following: 36360

(I) For fiscal year 2022, the district's payments for 36361
fiscal year 2020 under divisions (C) (1), (2), (3), and (4) of 36362
section 3313.981 of the Revised Code as those divisions existed 36363
prior to September 30, 2021; 36364

(II) For fiscal year 2023, the district's payments for 36365
fiscal year 2020 under divisions (C) (1), (3), and (4) of section 36366
3313.981 of the Revised Code as those divisions existed prior to 36367
September 30, 2021. 36368

(b) Subtract from the amount calculated in division (N) (1) 36369
(a) of this section the sum of the following: 36370

(i) The following difference: 36371

(The amount paid to the district under division (A) (5) of 36372

section 3317.022 of the Revised Code, as that division existed 36373
prior to September 30, 2021, for fiscal year 2019) - (the 36374
amounts deducted from the district and paid to a community 36375
school under division (C) (1) (e) of section 3314.08 of the 36376
Revised Code or a science, technology, engineering, and 36377
mathematics school under division (E) of section 3326.33 of the 36378
Revised Code as those divisions existed prior to September 30, 36379
2021, for fiscal year 2020 in accordance with division (A) of 36380
Section 265.235 of H.B. 166 of the 133rd general assembly) 36381

(ii) The payments deducted from the district and paid to a 36382
community school for fiscal year 2020 under divisions (C) (1) (a), 36383
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 36384
Revised Code as those divisions existed prior to September 30, 36385
2021, in accordance with division (A) of Section 265.230 of H.B. 36386
166 of the 133rd general assembly; 36387

(iii) The payments deducted from the district and paid to 36388
a science, technology, engineering, and mathematics school for 36389
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 36390
and (G) of section 3326.33 of the Revised Code as those 36391
divisions existed prior to September 30, 2021, in accordance 36392
with division (A) of Section 265.235 of H.B. 166 of the 133rd 36393
general assembly; 36394

(iv) The payments deducted from the district under 36395
division (C) of section 3310.08 of the Revised Code as that 36396
division existed prior to September 30, 2021, division (C) (2) of 36397
section 3310.41 of the Revised Code as that division existed 36398
prior to September 30, 2021, and former section 3310.55 of the 36399
Revised Code for fiscal year 2020 and, in the case of a pilot 36400
project school district as defined in section 3313.975 of the 36401
Revised Code, the funds deducted from the district under Section 36402

265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) Either of the following:

(I) For fiscal year 2022, the payments subtracted from the district for fiscal year 2020 under divisions (B) (1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;

(II) For fiscal year 2023, the payments subtracted from the district for fiscal year 2020 under divisions (B) (1) and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(The amount paid to the district under division (A) (5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C) (1) (e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(O) For fiscal years 2022 and 2023, "funding base" means, for a joint vocational school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:	36432
(i) The district's payments for fiscal year 2020 under Section 265.225 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly;	36433 36434 36435 36436
(ii) Either of the following:	36437
(I) For fiscal year 2022, the district's payments for fiscal year 2020 under divisions (D) (1), (2), and (E) (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;	36438 36439 36440 36441
(II) For fiscal year 2023, the district's payments for fiscal year 2020 under divisions (D) (1) and (2) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.	36442 36443 36444 36445
(b) Subtract from the amount paid to the district under division (A) (3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019.	36446 36447 36448 36449
(2) The district's "disadvantaged pupil impact aid funding base," which equals the amount paid to the district under division (A) (3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019.	36450 36451 36452 36453 36454
(P) For fiscal years 2022 and 2023, "funding base" for a community school means the following:	36455 36456
(1) For a community school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under division (C) (1) of section 3314.08 of the	36457 36458 36459

Revised Code as that division existed prior to September 30, 36460
2021, in accordance with division (A) of Section 265.230 of H.B. 36461
166 of the 133rd general assembly and the amount, if any, paid 36462
to the school for that fiscal year under section 3314.085 of the 36463
Revised Code in accordance with division (B) of Section 265.230 36464
of H.B. 166 of the 133rd general assembly; 36465

(2) For a community school that was in operation for part 36466
of fiscal year 2020, the amount that would have been paid to the 36467
school for that fiscal year under division (C) (1) of section 36468
3314.08 of the Revised Code as that division existed prior to 36469
September 30, 2021, in accordance with division (A) of Section 36470
265.230 of H.B. 166 of the 133rd general assembly if the school 36471
had been in operation for the entirety of that fiscal year, as 36472
calculated by the department, and the amount that would have 36473
been paid to the school for that fiscal year under section 36474
3314.085 of the Revised Code in accordance with division (B) of 36475
Section 265.230 of H.B. 166 of the 133rd general assembly, if 36476
any, if the school had been in operation for the entirety of 36477
that fiscal year, as calculated by the department; 36478

(3) For a community school that was not in operation for 36479
fiscal year 2020, the amount that would have been paid to the 36480
school if it was in operation for that school year under 36481
division (C) (1) of section 3314.08 of the Revised Code as that 36482
division existed prior to September 30, 2021, in accordance with 36483
division (A) of Section 265.230 of H.B. 166 of the 133rd general 36484
assembly if the school had been in operation for the entirety of 36485
that fiscal year, as calculated by the department, and the 36486
amount that would have been paid to the school for that fiscal 36487
year under section 3314.085 of the Revised Code in accordance 36488
with division (B) of Section 265.230 of H.B. 166 of the 133rd 36489
general assembly, if any, if the school had been in operation 36490

for the entirety of that fiscal year, as calculated by the 36491
department. 36492

(Q) For fiscal years 2022 and 2023, "funding base" for a 36493
STEM school means the following: 36494

(1) For a science, technology, engineering, and 36495
mathematics school that was in operation for the entirety of 36496
fiscal year 2020, the amount paid to the school for that fiscal 36497
year under section 3326.33 of the Revised Code as that section 36498
existed prior to September 30, 2021, in accordance with division 36499
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 36500
and the amount, if any, paid to the school for that fiscal year 36501
under section 3326.41 of the Revised Code in accordance with 36502
division (B) of Section 265.235 of H.B. 166 of the 133rd general 36503
assembly; 36504

(2) For a science, technology, engineering, and 36505
mathematics school that was in operation for part of fiscal year 36506
2020, the amount that would have been paid to the school for 36507
that fiscal year under section 3326.33 of the Revised Code as 36508
that section existed prior to September 30, 2021, in accordance 36509
with division (A) of Section 265.235 of H.B. 166 of the 133rd 36510
general assembly if the school had been in operation for the 36511
entirety of that fiscal year, as calculated by the department, 36512
and the amount that would have been paid to the school for that 36513
fiscal year under section 3326.41 of the Revised Code in 36514
accordance with division (B) of Section 265.235 of H.B. 166 of 36515
the 133rd general assembly, if any, if the school had been in 36516
operation for the entirety of that fiscal year, as calculated by 36517
the department; 36518

(3) For a science, technology, engineering, and 36519
mathematics school that was not in operation for fiscal year 36520

2020, the amount that would have been paid to the school if it 36521
was in operation for that school year under section 3326.33 of 36522
the Revised Code as that section existed prior to September 30, 36523
2021, in accordance with division (A) of Section 265.235 of H.B. 36524
166 of the 133rd general assembly if the school had been in 36525
operation for the entirety of that fiscal year, as calculated by 36526
the department, and the amount that would have been paid to the 36527
school for that fiscal year under section 3326.41 of the Revised 36528
Code in accordance with division (B) of Section 265.235 of H.B. 36529
166 of the 133rd general assembly, if any, if the school had 36530
been in operation for the entirety of that fiscal year, as 36531
calculated by the department. 36532

(R) "Funding unit" means any of the following: 36533

(1) A city, local, exempted village, or joint vocational 36534
school district; 36535

(2) The community and STEM school unit; 36536

(3) The educational choice scholarship unit; 36537

(4) The pilot project scholarship unit; 36538

(5) The autism scholarship unit; 36539

(6) The Jon Peterson special needs scholarship unit. 36540

(S) "Jon Peterson special needs scholarship unit" means a 36541
unit that consists of all of the students for whom Jon Peterson 36542
scholarships are awarded under sections 3310.51 to 3310.64 of 36543
the Revised Code. 36544

(T) "Internet- or computer-based community school" has the 36545
same meaning as in section 3314.02 of the Revised Code. 36546

(U) "LRE student with a disability" means a child with a 36547

disability who has an individualized education program providing 36548
for the student to spend more than half of each school day in a 36549
regular school setting with nondisabled students. For purposes 36550
of this division, "individualized education program" and "child 36551
with a disability" have the same meanings as in section 3323.01 36552
of the Revised Code, and "LRE" is an abbreviation for "least 36553
restrictive environment." 36554

(V) "Medically fragile child" means a child to whom all of 36555
the following apply: 36556

(1) The child requires the services of a doctor of 36557
medicine or osteopathic medicine at least once a week due to the 36558
instability of the child's medical condition. 36559

(2) The child requires the services of a registered nurse 36560
on a daily basis. 36561

(3) The child is at risk of institutionalization in a 36562
hospital, skilled nursing facility, or intermediate care 36563
facility for individuals with intellectual disabilities. 36564

(W) (1) A child may be identified as having an "other 36565
health impairment-major" if the child's condition meets the 36566
definition of "other health impaired" established in rules 36567
previously adopted by the ~~state board of education department~~ 36568
and if either of the following apply: 36569

(a) The child is identified as having a medical condition 36570
that is among those listed by the ~~superintendent of public-~~ 36571
~~instruction department~~ as conditions where a substantial 36572
majority of cases fall within the definition of "medically 36573
fragile child." 36574

(b) The child is determined by the ~~superintendent of-~~ 36575
~~public instruction department~~ to be a medically fragile child. A 36576

school district superintendent may petition the ~~superintendent-~~ 36577
~~of public instruction department~~ for a determination that a 36578
child is a medically fragile child. 36579

(2) A child may be identified as having an "other health 36580
impairment-minor" if the child's condition meets the definition 36581
of "other health impaired" established in rules previously 36582
adopted by the ~~state board of education department~~ but the 36583
child's condition does not meet either of the conditions 36584
specified in division (W) (1) (a) or (b) of this section. 36585

(X) (1) For fiscal years 2022 and 2023, a city, local, 36586
exempted village, or joint vocational school district's, 36587
community school's, or STEM school's "general phase-in 36588
percentage" is equal to the percentage for that fiscal year that 36589
is determined by the general assembly. 36590

(2) For fiscal years 2022 and 2023, a city, local, 36591
exempted village, or joint vocational school district's "phase- 36592
in percentage for disadvantaged pupil impact aid" is equal to 36593
the percentage for that fiscal year that is determined by the 36594
general assembly. 36595

(Y) "Pilot project scholarship unit" means a unit that 36596
consists of all of the students for whom pilot project 36597
scholarships are awarded under sections 3313.974 to 3313.979 of 36598
the Revised Code. 36599

(Z) "Preschool child with a disability" means a child with 36600
a disability, as defined in section 3323.01 of the Revised Code, 36601
who is at least age three but is not of compulsory school age, 36602
as defined in section 3321.01 of the Revised Code, and who is 36603
not currently enrolled in kindergarten. 36604

(AA) "Related services" includes: 36605

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (G) (3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(4) Any service included in units funded under former division (O) (1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.

(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts.

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.

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

(EE) (1) "State share percentage" means the following for a city, local, or exempted village school district:

(a) For fiscal years 2022 and 2023, the state share

percentage calculated under section 3317.017 of the Revised Code; 36634
36635

(b) For fiscal year 2024 and each fiscal year thereafter, 36636
a percentage calculated in a manner determined by the general 36637
assembly. 36638

(2) "State share percentage" means the following for a 36639
joint vocational school district: 36640

(a) For fiscal years 2022 and 2023, the percentage 36641
calculated in accordance with the following formula: 36642

The amount computed for the district under division (A) (1) of 36643
section 3317.16 of the Revised Code for that fiscal year / the 36644
aggregate base cost calculated for the district for that fiscal 36645
year under section 3317.012 of the Revised Code 36646

(b) For fiscal year 2024 and each fiscal year thereafter, 36647
a percentage calculated in a manner determined by the general 36648
assembly. 36649

(FF) "Statewide average base cost per pupil" means the 36650
following: 36651

(1) For fiscal years 2022 and 2023, the statewide average 36652
base cost per pupil calculated under division (A) of section 36653
3317.018 of the Revised Code; 36654

(2) For fiscal year 2024 and each fiscal year thereafter, 36655
an amount calculated in a manner determined by the general 36656
assembly. 36657

(GG) "Statewide average career-technical base cost per 36658
pupil" means the following: 36659

(1) For fiscal years 2022 and 2023, the statewide average 36660

career-technical base cost per pupil calculated under division 36661
(B) of section 3317.018 of the Revised Code; 36662

(2) For fiscal year 2024 and each fiscal year thereafter, 36663
an amount calculated in a manner determined by the general 36664
assembly. 36665

(HH) "STEM school" means a science, technology, 36666
engineering, and mathematics school established under Chapter 36667
3326. of the Revised Code. 36668

(II) "Taxes charged and payable" means the taxes charged 36669
and payable against real and public utility property after 36670
making the reduction required by section 319.301 of the Revised 36671
Code, plus the taxes levied against tangible personal property. 36672

(JJ) For purposes of sections 3317.017 and 3317.16 of the 36673
Revised Code, "three-year average valuation" for a fiscal year 36674
means the average of total taxable value for the three most 36675
recent tax years for which data is available, as certified under 36676
section 3317.021 of the Revised Code. 36677

(KK) "Total ADM" means, for a city, local, or exempted 36678
village school district, the enrollment reported under division 36679
(A) of section 3317.03 of the Revised Code minus the enrollment 36680
reported under divisions (A) (2) (a), (b), (g), (h), and (i) of 36681
that section, as verified by the ~~superintendent of public~~ 36682
~~instruction department~~ and adjusted if so ordered under division 36683
(K) of that section. 36684

(LL) "Total special education ADM" means the sum of 36685
categories one through six special education ADM. 36686

(MM) "Total taxable value" means the sum of the amounts 36687
certified for a city, local, exempted village, or joint 36688
vocational school district under divisions (A) (1) and (2) of 36689

section 3317.021 of the Revised Code. 36690

(NN) "Tuition discount" means any deduction from the base 36691
tuition amount per student charged by a chartered nonpublic 36692
school, to which the student's family is entitled due to one or 36693
more of the following conditions: 36694

(1) The student's family has multiple children enrolled in 36695
the same school. 36696

(2) The student's family is a member of or affiliated with 36697
a religious or secular organization that provides oversight of 36698
the school or from which the school has agreed to enroll 36699
students. 36700

(3) The student's parent is an employee of the school. 36701

(4) Some other qualification not based on the income of 36702
the student's family or the student's athletic or academic 36703
ability and for which all students in the school may qualify. 36704

Sec. 3317.021. (A) On or before the first day of June of 36705
each year, the tax commissioner shall certify to the department 36706
of education and workforce and the office of budget and 36707
management the information described in divisions (A) (1) to (5) 36708
of this section for each city, exempted village, and local 36709
school district, and the information required by divisions (A) 36710
(1) and (2) of this section for each joint vocational school 36711
district, and it shall be used, along with the information 36712
certified under division (B) of this section, in making the 36713
computations for the district under this chapter. 36714

(1) The taxable value of real and public utility real 36715
property in the school district subject to taxation in the 36716
preceding tax year, by class and by county of location. 36717

(2) The taxable value of tangible personal property, 36718
including public utility personal property, subject to taxation 36719
by the district for the preceding tax year. 36720

(3) (a) The total property tax rate and total taxes charged 36721
and payable for the current expenses for the preceding tax year 36722
and the total property tax rate and the total taxes charged and 36723
payable to a joint vocational district for the preceding tax 36724
year that are limited to or to the extent apportioned to current 36725
expenses. 36726

(b) The portion of the amount of taxes charged and payable 36727
reported for each city, local, and exempted village school 36728
district under division (A) (3) (a) of this section attributable 36729
to a joint vocational school district. 36730

(4) The value of all real and public utility real property 36731
in the school district exempted from taxation minus both of the 36732
following: 36733

(a) The value of real and public utility real property in 36734
the district owned by the United States government and used 36735
exclusively for a public purpose; 36736

(b) The value of real and public utility real property in 36737
the district exempted from taxation under Chapter 725. or 1728. 36738
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 36739
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 36740

(5) The total federal adjusted gross income of the 36741
residents of the school district, based on tax returns filed by 36742
the residents of the district, for the most recent year for 36743
which this information is available, and the median Ohio 36744
adjusted gross income of the residents of the school district 36745
determined on the basis of tax returns filed for the second 36746

preceding tax year by the residents of the district. 36747

(6) For fiscal years 2022 and 2023, the number of state 36748
tax returns filed by the residents of the district for the most 36749
recent year for which this information is available. 36750

(B) On or before the first day of May each year, the tax 36751
commissioner shall certify to the department of education and 36752
workforce and the office of budget and management the total 36753
taxable real property value of railroads and, separately, the 36754
total taxable tangible personal property value of all public 36755
utilities for the preceding tax year, by school district and by 36756
county of location. 36757

(C) If on the basis of the information certified under 36758
division (A) of this section, the department determines that any 36759
district fails in any year to meet the qualification requirement 36760
specified in division (A) of section 3317.01 of the Revised 36761
Code, the department shall immediately request the tax 36762
commissioner to determine the extent to which any school 36763
district income tax levied by the district under Chapter 5748. 36764
of the Revised Code shall be included in meeting that 36765
requirement. Within five days of receiving such a request from 36766
the department, the tax commissioner shall make the 36767
determination required by this division and report the quotient 36768
obtained under division (C) (3) of this section to the department 36769
and the office of budget and management. This quotient 36770
represents the number of mills that the department shall include 36771
in determining whether the district meets the qualification 36772
requirement of division (A) of section 3317.01 of the Revised 36773
Code. 36774

The tax commissioner shall make the determination required 36775
by this division as follows: 36776

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A) (1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (C) (2) of this section by the product obtained under division (C) (1) of this section.

Sec. 3317.022. The department of education and workforce shall compute and distribute state core foundation funding to each eligible funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, and the Jon Peterson special needs scholarship unit for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins in accordance with the following:

For fiscal years 2022 and 2023, for a funding unit that is a city, local, or exempted village school district:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this section - the district's general funding base calculated in

accordance with division (N) (1) of section 3317.02 of the Revised Code) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A) (4) of this section - the district's disadvantaged pupil impact aid funding base calculated in accordance with division (N) (2) of section 3317.02 of the Revised Code) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year] + the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code

For fiscal year 2024 and each fiscal year thereafter, for a funding unit that is a city, local, or exempted village school district, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this section and the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code, if the general assembly authorizes such payments to these funding units.

For fiscal years 2022 and 2023, for the community and STEM school unit, an amount calculated in accordance with section 3317.026 of the Revised Code.

For fiscal years 2024 and each fiscal year thereafter, for the community and STEM school unit, an amount calculated in accordance with divisions (A) (1), (3), (4), (5), (7), (8), and (9) of this section, if the general assembly authorizes such payments to these funding units.

For the educational choice scholarship unit, the amount calculated under division (A) (10) of this section.

For the pilot project scholarship unit, the amount	36835
calculated under division (A) (11) of this section.	36836
For the autism scholarship unit, the amount calculated	36837
under division (A) (12) of this section.	36838
For the Jon Peterson special needs scholarship unit, the	36839
amount calculated under division (A) (13) of this section.	36840
(A) A funding unit's state core foundation funding	36841
components shall be the following:	36842
(1) (a) If the funding unit is a city, local, or exempted	36843
village school district, the district's state share, which is	36844
equal to the following:	36845
(i) For fiscal years 2022 and 2023, the amount calculated	36846
under division (B) of section 3317.017 of the Revised Code;	36847
(ii) For fiscal year 2024 and each fiscal year thereafter,	36848
an amount calculated in a manner determined by the general	36849
assembly.	36850
(b) If the funding unit is the community and STEM school	36851
unit, the aggregate base cost for all schools in that unit,	36852
which is equal to the following:	36853
(i) For fiscal years 2022 and 2023, the amount calculated	36854
under section 3317.0110 of the Revised Code;	36855
(ii) For fiscal year 2024 and each fiscal year thereafter,	36856
an amount calculated in a manner determined by the general	36857
assembly.	36858
(2) If the funding unit is a city, local, or exempted	36859
village school district, targeted assistance funds equal to the	36860
following:	36861

(a) For fiscal years 2022 and 2023, an amount calculated	36862
under section 3317.0217 of the Revised Code;	36863
(b) For fiscal year 2024 and each fiscal year thereafter,	36864
an amount calculated in a manner determined by the general	36865
assembly.	36866
(3) If the funding unit is a city, local, or exempted	36867
village school district or the community and STEM school unit,	36868
additional state aid for special education and related services	36869
provided under Chapter 3323. of the Revised Code calculated as	36870
follows:	36871
(a) For fiscal years 2022 and 2023, the sum of the	36872
following:	36873
(i) The funding unit's category one special education ADM	36874
X the multiple specified in division (A) of section 3317.013 of	36875
the Revised Code X the statewide average base cost per pupil for	36876
that fiscal year X if the funding unit is a city, local, or	36877
exempted village school district, the district's state share	36878
percentage;	36879
(ii) The funding unit's category two special education ADM	36880
X the multiple specified in division (B) of section 3317.013 of	36881
the Revised Code X the statewide average base cost per pupil for	36882
that fiscal year X if the funding unit is a city, local, or	36883
exempted village school district, the district's state share	36884
percentage;	36885
(iii) The funding unit's category three special education	36886
ADM X the multiple specified in division (C) of section 3317.013	36887
of the Revised Code X the statewide average base cost per pupil	36888
for that fiscal year X if the funding unit is a city, local, or	36889
exempted village school district, the district's state share	36890

percentage;	36891
(iv) The funding unit's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	36892 36893 36894 36895 36896 36897
(v) The funding unit's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	36898 36899 36900 36901 36902 36903
(vi) The funding unit's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.	36904 36905 36906 36907 36908 36909
(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:	36910 36911
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;	36912 36913 36914
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;	36915 36916 36917
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special	36918 36919

education ADM;	36920
(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;	36921 36922 36923
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	36924 36925 36926
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	36927 36928 36929
(4) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged pupil impact aid calculated according to the following formula:	36930 36931 36932 36933
(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:	36934 36935
(i) For fiscal years 2022 and 2023, the following product:	36936
\$422 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B) (21) of section 3317.03 of the Revised Code	36937 36938 36939 36940
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	36941 36942 36943
(b) If the funding unit is the community and STEM school unit, an amount equal to the following:	36944 36945
(i) For fiscal years 2022 and 2023, an amount calculated	36946

as follows: 36947

(I) For each student in the funding unit's enrolled ADM 36948
who is economically disadvantaged and is not enrolled in an 36949
internet- or computer-based community school, multiply \$422 by 36950
the economically disadvantaged index of the school in which the 36951
student is enrolled; 36952

(II) Compute the funding unit's disadvantaged pupil impact 36953
aid by calculating the sum of the amounts determined under 36954
division (A) (4) (b) (i) (I) of this section. 36955

(ii) For fiscal year 2024 and each fiscal year thereafter, 36956
an amount calculated as follows: 36957

(I) For each student in the funding unit's enrolled ADM 36958
who is economically disadvantaged and is not enrolled in an 36959
internet- or computer-based community school, calculate an 36960
amount in the manner determined by the general assembly; 36961

(II) Compute the funding unit's disadvantaged pupil impact 36962
aid by calculating the sum of the amounts determined under 36963
division (A) (4) (b) (ii) (I) of this section. 36964

(5) If the funding unit is a city, local, or exempted 36965
village school district or the community and STEM school unit, 36966
English learner funds calculated as follows: 36967

(a) For fiscal years 2022 and 2023, the sum of the 36968
following: 36969

(i) The funding unit's category one English learner ADM X 36970
the multiple specified in division (A) of section 3317.016 of 36971
the Revised Code X the statewide average base cost per pupil for 36972
that fiscal year X if the funding unit is a city, local, or 36973
exempted village school district, the district's state share 36974

percentage;	36975
(ii) The funding unit's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	36976 36977 36978 36979 36980 36981
(iii) The funding unit's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.	36982 36983 36984 36985 36986 36987
(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:	36988 36989
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;	36990 36991 36992
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;	36993 36994 36995
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.	36996 36997 36998
(6) (a) For fiscal years 2022 and 2023, if the funding unit is a city, local, or exempted village school district, all of the following:	36999 37000 37001
(i) Gifted identification funds calculated according to	37002

determined by the general assembly. 37030

(7) If the funding unit is a city, local, or exempted 37031
village school district or the community and STEM school unit, 37032
career-technical education funds calculated under division (C) 37033
of section 3317.014 of the Revised Code. 37034

(8) If the funding unit is a city, local, or exempted 37035
village school district or the community and STEM school unit, 37036
career-technical education associated services funds calculated 37037
under division (D) of section 3317.014 of the Revised Code. 37038

(9) If the funding unit is the community and STEM school 37039
unit, an amount calculated as follows: 37040

(a) For fiscal years 2022 and 2023, an amount equal to the 37041
following: 37042

[The number of students in the funding unit's enrolled ADM who 37043
are reported under division (B) (5) of section 3314.08 of the 37044
Revised Code X (the aggregate base cost calculated for all 37045
schools in the funding unit for that fiscal year under section 37046
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 37047
X.20] 37048

(b) For fiscal year 2024 and each fiscal year thereafter, 37049
an amount calculated in a manner determined by the general 37050
assembly. 37051

(10) If the funding unit is the educational choice 37052
scholarship unit, an amount calculated as follows: 37053

(a) For each student in the funding unit's enrolled ADM, 37054
determine the lesser of the following: 37055

(i) The base tuition of the chartered nonpublic school in 37056
which the student is enrolled minus the total amount of any 37057

applicable tuition discounts for which the student qualifies; 37058

(ii) \$5,500, if the student is in grades kindergarten 37059
through eight, or \$7,500, if the student is in grades nine 37060
through twelve. 37061

The amounts specified in division (A) (10) (a) (ii) of this 37062
section shall increase in future fiscal years by the same 37063
percentage that the statewide average base cost per pupil 37064
increases in future fiscal years. 37065

(b) Compute the sum of the amounts calculated under 37066
division (A) (10) (a) of this section. 37067

(11) If the funding unit is the pilot project scholarship 37068
unit, an amount calculated as follows: 37069

(a) For each student in the funding unit's enrolled ADM, 37070
determine the lesser of the following: 37071

(i) The net tuition charges of the student's alternative 37072
school; 37073

(ii) \$5,500, if the student is in grades kindergarten 37074
through eight, or \$7,500, if the student is in grades nine 37075
through twelve. 37076

The amounts specified in division (A) (11) (a) (ii) of this 37077
section shall increase in future fiscal years by the same 37078
percentage that the statewide average base cost per pupil 37079
increases in future fiscal years. 37080

For purposes of division (A) (11) (a) of this section, the 37081
net tuition and fees charged to a student shall be the tuition 37082
amount specified by the alternative school minus all other 37083
financial aid, discounts, and adjustments received for the 37084
student. In cases where discounts are offered for multiple 37085

students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.

The department shall provide for an increase in the amount determined for any student who is an LRE student with a disability and shall further increase such amount in the case of any separately educated student with a disability, as that term is defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(b) Compute the sum of the amounts calculated under division (A) (17) (a) of this section.

(12) If the funding unit is the autism scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code;

(ii) \$31,500, for fiscal year 2022, and \$32,445, for fiscal year 2023 and each fiscal year thereafter.

(b) Compute the sum of the amounts calculated under division (A) (12) (a) of this section.

(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the least of the following:

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code; 37114
37115
37116
37117

(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, plus an amount determined as follows: 37118
37119

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, \$1,514, for fiscal year 2022, and \$1,562, for fiscal year 2023; 37120
37121
37122
37123

(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, \$3,841, for fiscal year 2022, and \$3,963, for fiscal year 2023; 37124
37125
37126
37127

(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and \$9,522, for fiscal year 2023; 37128
37129
37130
37131

(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and \$12,707, for fiscal year 2023; 37132
37133
37134
37135

(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, for fiscal year 2023; 37136
37137
37138
37139

(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, \$24,591, for fiscal year 2022, and 37140
37141
37142

\$25,370, for fiscal year 2023. 37143

(iii) \$27,000. 37144

The amount specified for fiscal year 2023 in division (A) 37145
(13)(a)(ii) of this section shall increase in future fiscal 37146
years by the same percentage that the statewide average base 37147
cost per pupil increases in future fiscal years. 37148

The amounts specified for fiscal year 2023 in divisions 37149
(A)(13)(a)(ii)(I) to (VI) of this section shall increase in 37150
future fiscal years by the same percentage that the amounts 37151
calculated by the general assembly for those categories of 37152
special education services under division (A)(3) of this section 37153
increase in future fiscal years. 37154

(b) Compute the sum of the amounts calculated under 37155
division (A)(13)(a) of this section. 37156

(B) In any fiscal year, a funding unit that is a city, 37157
local, or exempted village school district shall spend for 37158
purposes that the department designates as approved for special 37159
education and related services expenses at least the amount 37160
calculated as follows: 37161

(The base cost per pupil calculated for the district for that 37162
fiscal year X the total special education ADM) + (the district's 37163
category one special education ADM X the multiple specified in 37164
division (A) of section 3317.013 of the Revised Code X the 37165
statewide average base cost per pupil) + (the district's 37166
category two special education ADM X the multiple specified in 37167
division (B) of section 3317.013 of the Revised Code X the 37168
statewide average base cost per pupil) + (the district's 37169
category three special education ADM X the multiple specified in 37170
division (C) of section 3317.013 of the Revised Code X the 37171

statewide average base cost per pupil) + (the district's 37172
category four special education ADM X the multiple specified in 37173
division (D) of section 3317.013 of the Revised Code X the 37174
statewide average base cost per pupil) + (the district's 37175
category five special education ADM X the multiple specified in 37176
division (E) of section 3317.013 of the Revised Code X the 37177
statewide average base cost per pupil) + (the district's 37178
category six special education ADM X the multiple specified in 37179
division (F) of section 3317.013 of the Revised Code X the 37180
statewide average base cost per pupil) 37181

The purposes approved by the department for special 37182
education expenses shall include, but shall not be limited to, 37183
identification of children with disabilities, compliance with 37184
state rules governing the education of children with 37185
disabilities and prescribing the continuum of program options 37186
for children with disabilities, provision of speech language 37187
pathology services, and the portion of the school district's 37188
overall administrative and overhead costs that are attributable 37189
to the district's special education student population. 37190

(C) A funding unit that is a city, local, or exempted 37191
village school district shall spend the funds it receives under 37192
division (A) (4) of this section in accordance with section 37193
3317.25 of the Revised Code. 37194

(D) (1) Except as provided in division (B) of section 37195
3317.026 of the Revised Code, the department shall distribute to 37196
each community school established under Chapter 3314. of the 37197
Revised Code and to each STEM school established under Chapter 37198
3326. of the Revised Code, from the funds paid to the community 37199
and STEM school unit under this section, an amount for each 37200
student enrolled in the school equal to the sum of the 37201

following:	37202
(a) The school's base cost per pupil for that fiscal year,	37203
calculated as follows:	37204
(i) For fiscal years 2022 and 2023:	37205
The aggregate base cost calculated for the school for that	37206
fiscal year under section 3317.0110 of the Revised Code / the	37207
number of students enrolled in the school for that fiscal year	37208
(ii) For fiscal year 2024 and each fiscal year thereafter,	37209
an amount determined by the general assembly under division (A)	37210
(1) (b) (ii) of this section divided by the number of students	37211
enrolled in the school for that fiscal year.	37212
(b) If the student is a special education student:	37213
(i) For fiscal years 2022 and 2023, the multiple specified	37214
for the student's special education category under section	37215
3317.013 of the Revised Code times the statewide average base	37216
cost per pupil;	37217
(ii) For fiscal year 2024 and each fiscal year thereafter,	37218
the amount calculated for the student's special education	37219
category in a manner determined by the general assembly under	37220
division (A) (3) (b) of this section.	37221
(c) If the school is not an internet- or computer-based	37222
community school and the student is economically disadvantaged:	37223
(i) For fiscal years 2022 and 2023, the amount calculated	37224
for the student under division (A) (4) (b) (i) (I) of this section;	37225
(ii) For fiscal year 2024 and each fiscal year thereafter,	37226
an amount calculated for the student in the manner determined by	37227
the general assembly under division (A) (4) (b) (ii) (I) of this	37228

section.	37229
(d) If the school is not an internet- or computer-based community school and the student is an English learner:	37230 37231
(i) For fiscal years 2022 and 2023, the multiple specified for the student's English learner category under section 3317.016 of the Revised Code times the statewide average base cost per pupil;	37232 37233 37234 37235
(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A) (5) (b) of this section.	37236 37237 37238 37239
(e) If the student is a career-technical education student:	37240 37241
(i) For fiscal years 2022 and 2023, the multiple specified for the student's career-technical education category under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;	37242 37243 37244 37245
(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the general assembly under section 3317.014 of the Revised Code.	37246 37247 37248 37249
(f) If the student is a career-technical education student:	37250 37251
(i) For fiscal years 2022 and 2023, the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;	37252 37253 37254 37255
(ii) For fiscal year 2024 and each fiscal year thereafter,	37256

the amount calculated for career-technical associated services 37257
in a manner determined by the general assembly under section 37258
3317.014 of the Revised Code. 37259

(2) The department shall distribute to each community 37260
school established under Chapter 3314. of the Revised Code and 37261
to each STEM school established under Chapter 3326. of the 37262
Revised Code, from the funds paid to the community and STEM 37263
school unit under this section, an amount equal to the amount 37264
calculated for the school under division (A) (9) of this section. 37265

(E) The department shall distribute to the parent of each 37266
student for whom an educational choice scholarship is awarded 37267
under section 3310.03 or 3310.032 of the Revised Code, or to the 37268
student if at least eighteen years of age, from the funds paid 37269
to the educational choice scholarship unit under this section, a 37270
scholarship equal to the amount calculated for the student under 37271
division (A) (10) (a) of this section. The scholarship shall be 37272
distributed in monthly partial payments, and the department 37273
shall proportionately reduce or terminate the payments for any 37274
student who withdraws from a chartered nonpublic school prior to 37275
the end of the school year. 37276

For purposes of divisions (E) and (F) of this section, in 37277
the case of a student who is not living with the student's 37278
parent, the department shall distribute the scholarship payments 37279
to the student's guardian, legal custodian, kinship caregiver, 37280
foster caregiver, or caretaker. For the purposes of this 37281
division, "caretaker" has the same meaning as in section 37282
3310.033 of the Revised Code, "kinship caregiver" has the same 37283
meaning as in section 5101.85 of the Revised Code, and "foster 37284
caregiver" has the same meaning as in section 5103.02 of the 37285
Revised Code. 37286

(F) If a student is awarded a pilot project scholarship 37287
under sections 3313.974 to 3313.979 of the Revised Code, the 37288
department shall distribute to the parent of the student, if the 37289
student is attending a registered private school as defined in 37290
section 3313.974 of the Revised Code, or the student's school 37291
district of attendance, if the scholarship is to be used for 37292
payments to a public school in a school district adjacent to the 37293
pilot project school district pursuant to section 3327.06 of the 37294
Revised Code, a scholarship from the funds paid to the pilot 37295
project scholarship unit under this section that is equal to the 37296
amount calculated for the student under division (A) (11) (a) of 37297
this section. 37298

In the case of a scholarship distributed to a student's 37299
parent, the scholarship shall be distributed in monthly partial 37300
payments. The scholarship amount shall be proportionately 37301
reduced in the case of any such student who is not enrolled in a 37302
registered private school, as that term is defined in section 37303
3313.974 of the Revised Code, for the entire school year. 37304

In the case of a scholarship distributed to a student's 37305
school district of attendance, the department shall, on behalf 37306
of the student's parents, use the scholarship to make the 37307
tuition payments required by section 3327.06 of the Revised Code 37308
to the student's school district of attendance, except that, 37309
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 37310
Revised Code, the total payments in any school year shall not 37311
exceed the scholarship amount calculated for the student under 37312
division (A) (11) (a) of this section. 37313

(G) The department shall distribute to the parent of each 37314
student for whom an autism scholarship is awarded under section 37315
3310.41 of the Revised Code, from the funds paid to the autism 37316

scholarship unit under this section, a scholarship equal to the 37317
amount calculated for the student under division (A) (12) (a) of 37318
this section. The scholarship shall be distributed from time to 37319
time in partial payments. The scholarship amount shall be 37320
proportionately reduced in the case of any student who is not 37321
enrolled in the special education program for which a 37322
scholarship was awarded under section 3310.41 of the Revised 37323
Code for the entire school year. The department shall make no 37324
payments to the parent of a student while any administrative or 37325
judicial mediation or proceedings with respect to the content of 37326
the student's individualized education program are pending. 37327

(H) The department shall distribute to the parent of each 37328
student for whom a Jon Peterson special needs scholarship is 37329
awarded under sections 3310.51 to 3310.64 of the Revised Code, 37330
from the funds paid to the Jon Peterson special needs 37331
scholarship unit under this section, a scholarship equal to the 37332
amount calculated for the student under division (A) (13) (a) of 37333
this section. The scholarship shall be distributed in periodic 37334
payments, and the department shall proportionately reduce or 37335
terminate the payments for any student who is not enrolled in 37336
the special education program of an alternative public provider 37337
or a registered private provider, as those terms are defined in 37338
section 3310.51 of the Revised Code, for the entire school year. 37339

(I) For fiscal years 2022 and 2023, a school district 37340
shall spend the funds it receives under division (A) (5) of this 37341
section only for services for English learners. 37342

(J) For fiscal years 2022 and 2023, a school district 37343
shall spend the funds it receives under division (A) (6) of this 37344
section only for the identification of gifted students, gifted 37345
coordinator services, gifted intervention specialist services, 37346

other service providers approved by the department of education, 37347
and gifted professional development. For fiscal years 2022 and 37348
2023, if the department determines that a district is not in 37349
compliance with this division, it shall reduce the district's 37350
payments for that fiscal year under this chapter by an amount 37351
equal to the amount paid to the district for that fiscal year 37352
under division (A) (6) of this section that was not spent in 37353
accordance with this division. 37354

Sec. 3317.023. (A) The amounts required to be paid to a 37355
district under this chapter shall be adjusted by the amount of 37356
the computations made under divisions (B) to (K) of this 37357
section. 37358

As used in this section: 37359

(1) "Career-technical planning district" or "CTPD" means a 37360
school district or group of school districts designated by the 37361
department of education and workforce as being responsible for 37362
the planning for and provision of career-technical education 37363
services to students within the district or group. A community 37364
school established under Chapter 3314. of the Revised Code or a 37365
STEM school established under Chapter 3326. of the Revised Code 37366
that is serving students in any of grades seven through twelve 37367
shall be assigned to a career-technical planning district by the 37368
department. 37369

(2) "Lead district" means a school district, including a 37370
joint vocational school district, designated by the department 37371
as a CTPD, or designated to provide primary career-technical 37372
education leadership within a CTPD composed of a group of 37373
districts, community schools assigned to the CTPD, and STEM 37374
schools assigned to the CTPD. 37375

(B) If a local, city, or exempted village school district to which a governing board of an educational service center provides services pursuant to an agreement entered into under section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under that section.

(C) (1) If the district is required to pay to or entitled to receive tuition from another school district under division (C) (2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the ~~superintendent of public instruction department~~ is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for tuition or payment under division (A) (1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.

(D) If the district has been certified by the ~~superintendent of public instruction department~~ under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under this chapter.

(E) If the district has received a loan from a commercial lending institution for which payments are made ~~by the superintendent of public instruction~~ pursuant to division (E) (3) of section 3313.483 of the Revised Code, deduct an amount equal to such payments.

(F) (1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such payments under division (F) (1) of this section, add the amount of such payments.

(G) If the district is required to pay an amount of funds to a cooperative education district pursuant to a provision described by division (B) (4) of section 3311.52 or division (B) (8) of section 3311.521 of the Revised Code, deduct such amounts as provided under that provision and credit those amounts to the cooperative education district for payment to the district under division (B) (1) of section 3317.19 of the Revised Code.

(H) (1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the statewide average base cost per pupil.

(b) Any amount applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (H) (1)

of this section from amounts paid to the school district in 37434
which the student is entitled to attend school pursuant to 37435
section 3313.64 or 3313.65 of the Revised Code. 37436

(3) If the district is required by a shared education 37437
contract, compact, or cooperative education agreement to make 37438
payments to an educational service center, deduct the amounts 37439
from payments to the district and add them to the amounts paid 37440
to the service center. 37441

(I)(1) If a district, including a joint vocational school 37442
district, is a lead district of a CTPD, credit to that district 37443
the amount calculated for each school district within that CTPD 37444
under divisions (D) and (E) of section 3317.014 of the Revised 37445
Code and for each community school and STEM school assigned to 37446
the CTPD under divisions (D) and (E) of section 3317.014 of the 37447
Revised Code. 37448

(2) Deduct from each appropriate district that is not a 37449
lead district, or from the appropriate community school or STEM 37450
school, the amount attributable to that district or school that 37451
is credited to a lead district under division (I)(1) of this 37452
section. 37453

(J) If the department pays a joint vocational school 37454
district under division (C)(3) of section 3317.16 of the Revised 37455
Code for excess costs of providing special education and related 37456
services to a student with a disability, as calculated under 37457
division (C)(1) of that section, the department shall deduct the 37458
amount of that payment from the city, local, or exempted village 37459
school district that is responsible as specified in that section 37460
for the excess costs. 37461

(K)(1) If the district reports an amount of excess cost 37462

for special education services for a child under division (C) of 37463
section 3323.14 of the Revised Code, the department shall pay 37464
that amount to the district. 37465

(2) If the district reports an amount of excess cost for 37466
special education services for a child under division (C) of 37467
section 3323.14 of the Revised Code, the department shall deduct 37468
that amount from the district of residence of that child. 37469

Sec. 3317.024. The following shall be distributed monthly, 37470
quarterly, or annually as may be determined by the ~~state board~~ 37471
department of education and workforce: 37472

(A) An amount for each island school district and each 37473
joint state school district for the operation of each high 37474
school and each elementary school maintained within such 37475
district and for capital improvements for such schools. Such 37476
amounts shall be determined on the basis of standards adopted by 37477
the ~~state board of education~~ department. However, for fiscal 37478
years 2012 and 2013, an island district shall receive the lesser 37479
of its actual cost of operation, as certified to the department 37480
~~of education~~, or ninety-three per cent of the amount the 37481
district received in state operating funding for fiscal year 37482
2011. If an island district received no funding for fiscal year 37483
2011, it shall receive no funding for either of fiscal year 2012 37484
or 2013. 37485

(B) An amount for each school district required to pay 37486
tuition for a child in an institution maintained by the 37487
department of youth services pursuant to section 3317.082 of the 37488
Revised Code, provided the child was not included in the 37489
calculation of the district's formula ADM, as that term is 37490
defined in section 3317.02 of the Revised Code, for the 37491
preceding school year. 37492

(C) (1) An amount for the approved cost of transporting 37493
eligible pupils with disabilities attending a special education 37494
program approved by the department of education and workforce 37495
whom it is impossible or impractical to transport by regular 37496
school bus in the course of regular route transportation 37497
provided by the school district or educational service center. 37498
For fiscal years 2022 and 2023, this amount shall be equal to 37499
the actual costs incurred in the prior fiscal year by the 37500
district or service center when transporting those students, as 37501
reported to the department, multiplied by one of the following: 37502

(a) For a district, the percentage determined for the 37503
district for that fiscal year under divisions (E) (1) (c) (i) and 37504
(ii) of section 3317.0212 of the Revised Code; 37505

(b) For a service center, twenty-nine and one-sixth per 37506
cent for fiscal year 2022 and thirty-three and one-third per 37507
cent for fiscal year 2023. 37508

(2) No district or service center is eligible to receive a 37509
payment under division (C) of this section for the cost of 37510
transporting any pupil whom it transports by regular school bus 37511
and who is included in the district's transportation ADM. 37512

(3) For fiscal years 2022 and 2023, both of the following 37513
apply: 37514

(a) The ~~state board~~ department of education and workforce 37515
shall also establish the deadline for each district and service 37516
center to report its actual costs for transporting students 37517
described in division (C) (1) of this section. 37518

(b) The costs reported by each district and service center 37519
under division (C) of this section shall be subject to periodic, 37520
random audits by the department of education and workforce. 37521

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

(E) (1) An amount for auxiliary services to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district that has not elected to receive funds under division (E) (2) of this section.

(2) (a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E) (2) of this section for each pupil attending the school. To elect to receive funds under division (E) (2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department of education and workforce and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. The election shall take effect the following first day of July. The school subsequently may rescind its election, but it may do so only in an odd-numbered year by notifying the department and the school district in which the school is located of the rescission not later than the first day of April of that year. Beginning the following first day of July after the rescission, the school shall receive funds under division (E) (1) of this section.

(b) A chartered nonpublic school that elects to receive auxiliary services funds under division (E) (2) of this section may designate an organization that oversees one or more

nonpublic schools to receive those funds on its behalf. 37552

(i) Each chartered nonpublic school that designates an 37553
organization to receive auxiliary services funds on its behalf 37554
shall notify the department of education and workforce of the 37555
organization's name not later than the first day of April of 37556
each odd-numbered year. 37557

(ii) A school may rescind its decision, but may do so only 37558
in each odd-numbered year by notifying the department of that 37559
rescission not later than the first day of April of that year. A 37560
rescission submitted in compliance with this division takes 37561
effect on the following first day of July, and the school 37562
district may elect to then begin receiving auxiliary services 37563
funds directly or as specified under division (E) (1) of this 37564
section. 37565

(iii) An organization shall disburse the auxiliary 37566
services funds of all chartered nonpublic schools that have 37567
designated the organization to receive funds on their behalf in 37568
accordance with division (E) (2) (b) of this section. If multiple 37569
chartered nonpublic schools designate the same organization to 37570
receive auxiliary services funds on their behalf, that 37571
organization may use one or more accounts for the purposes of 37572
managing the funds. The organization shall maintain appropriate 37573
accounting and reporting standards and ensure that each 37574
chartered nonpublic school receives the auxiliary services funds 37575
to which the school is entitled. 37576

(iv) Each chartered nonpublic school that elects to 37577
receive funds directly in accordance with division (E) (2) of 37578
this section or the organization designated to receive and 37579
disburse auxiliary services funds on behalf of a chartered 37580
nonpublic school shall maintain records of receipt and 37581

expenditures of the funds in a manner that conforms with 37582
generally accepted accounting principles. 37583

(v) The department of education and workforce shall create 37584
and disseminate a standardized reporting form that chartered 37585
nonpublic schools and organizations designated to receive funds 37586
in accordance with division (E) (2) (b) of this section may use to 37587
comply with division (E) (2) (b) (iv) of this section. However, the 37588
department shall not require schools to use that form. 37589

(vi) An organization that manages a school's auxiliary 37590
services funds pursuant to a designation made in accordance with 37591
division (E) (2) (b) of this section may require the school's 37592
governing authority to pay a fee for that service that does not 37593
exceed four per cent of the total amount of payments for 37594
auxiliary services that the school receives from the state. A 37595
school may pay any fee assessed pursuant to division (E) (2) (b) 37596
(vi) of this section using auxiliary services funds. 37597

(c) The amount paid under divisions (E) (1) and (2) of this 37598
section shall equal the total amount appropriated for the 37599
implementation of sections 3317.06 and 3317.062 of the Revised 37600
Code divided by the average daily membership in grades 37601
kindergarten through twelve in chartered nonpublic elementary 37602
and high schools within the state as determined as of the last 37603
day of October of each school year. 37604

(F) An amount for each county board of developmental 37605
disabilities for the approved cost of transportation required 37606
for children attending special education programs operated by 37607
the county board under section 3323.09 of the Revised Code. For 37608
fiscal years 2022 and 2023, this amount shall be equal to the 37609
actual costs incurred in the prior fiscal year by the county 37610
board when transporting those students multiplied by twenty-nine 37611

and one-sixth per cent for fiscal year 2022 and thirty-three and 37612
one-third per cent for fiscal year 2023. 37613

(G) An amount to each institution defined under section 37614
3317.082 of the Revised Code providing elementary or secondary 37615
education to children other than children receiving special 37616
education under section 3323.091 of the Revised Code. This 37617
amount for any institution in any fiscal year shall equal the 37618
total of all tuition amounts required to be paid to the 37619
institution under division (A) (1) of section 3317.082 of the 37620
Revised Code. 37621

The ~~state board~~ department of education and workforce or 37622
any ~~other~~ board of education or governing board may provide for 37623
any resident of a district or educational service center 37624
territory any educational service for which funds are made 37625
available to the board by the United States under the authority 37626
of public law, whether such funds come directly or indirectly 37627
from the United States or any agency or department thereof or 37628
through the state or any agency, department, or political 37629
subdivision thereof. 37630

Sec. 3317.025. On or before the first day of June of each 37631
year, the tax commissioner shall certify the following 37632
information to the department of education and workforce and the 37633
office of budget and management, for each school district in 37634
which the value of the property described under division (A) of 37635
this section exceeds one per cent of the taxable value of all 37636
real and tangible personal property in the district or in which 37637
is located tangible personal property designed for use or used 37638
in strip mining operations, whose taxable value exceeds five 37639
million dollars, and the taxes upon which the district is 37640
precluded from collecting by virtue of legal proceedings to 37641

determine the value of such property: 37642

(A) The total taxable value of all property in the 37643
district owned by a public utility or railroad that has filed a 37644
petition for reorganization under the "Bankruptcy Act," 47 Stat. 37645
1474 (1898), 11 U.S.C. 205, as amended, and all tangible 37646
personal property in the district designed for use or used in 37647
strip mining operations whose taxable value exceeds five million 37648
dollars upon which have not been paid in full on or before the 37649
first day of April of that calendar year all real and tangible 37650
personal property taxes levied for the preceding calendar year 37651
and which the district was precluded from collecting by virtue 37652
of proceedings under section 205 of said act or by virtue of 37653
legal proceedings to determine the tax liability of such strip 37654
mining equipment; 37655

(B) The percentage of the total operating taxes charged 37656
and payable for school district purposes levied against such 37657
valuation for the preceding calendar year that have not been 37658
paid by such date; 37659

(C) The product obtained by multiplying the value 37660
certified under division (A) of this section by the percentage 37661
certified under division (B) of this section. If the value 37662
certified under division (A) of this section includes taxable 37663
property owned by a public utility or railroad that has filed a 37664
petition for reorganization under the bankruptcy act, the amount 37665
used in making the calculation under this division shall be 37666
reduced by one per cent of the total value of all real and 37667
tangible personal property in the district or the value of the 37668
utility's or railroad's property, whichever is less. 37669

Upon receipt of the certification, the department shall 37670
recompute the payments required under this chapter in the manner 37671

the payments would have been computed if: 37672

(1) The amount certified under division (C) of this 37673
section was not subject to taxation by the district and was not 37674
included in the certification made under division (A) (1), (A) 37675
(2), or (C) of section 3317.021 of the Revised Code. 37676

(2) The amount of taxes charged and payable and unpaid and 37677
used to make the computation under division (B) of this section 37678
had not been levied and had not been used in the computation 37679
required by division (B) of section 3317.021 of the Revised 37680
Code. The department shall pay the district that amount in the 37681
ensuing fiscal year in lieu of the amounts computed under this 37682
chapter. 37683

If a school district received a grant from the 37684
catastrophic expenditures account pursuant to division (C) of 37685
section 3316.20 of the Revised Code on the basis of the same 37686
circumstances for which a recomputation is made under this 37687
section, the amount of the recomputation shall be reduced and 37688
transferred in accordance with division (C) of section 3316.20 37689
of the Revised Code. 37690

Sec. 3317.026. This section shall apply only for fiscal 37691
years 2022 and 2023. 37692

(A) For each fiscal year, the department of education and 37693
workforce shall calculate an amount for the community and STEM 37694
school unit as follows: 37695

(1) For each community school and STEM school, determine 37696
the sum of the following: 37697

(a) The aggregate base cost calculated for the school for 37698
that fiscal year under section 3317.0110 of the Revised Code; 37699

(b) The sum of the following:	37700
(i) The school's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	37701 37702 37703 37704
(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	37705 37706 37707 37708
(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	37709 37710 37711 37712
(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	37713 37714 37715 37716
(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	37717 37718 37719 37720
(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.	37721 37722 37723 37724
(c) If the school is not an internet- or computer-based community school, an amount of disadvantaged pupil impact aid equal to the following:	37725 37726 37727

\$422 X the school's economically disadvantaged index X the	37728
number of students in the school's enrolled ADM who are	37729
economically disadvantaged	37730
(d) If the school is not an internet- or computer-based	37731
community school, the sum of the following:	37732
(i) The school's category one English learner ADM X the	37733
multiple specified in division (A) of section 3317.016 of the	37734
Revised Code X the statewide average base cost per pupil for	37735
that fiscal year;	37736
(ii) The school's category two English learner ADM X the	37737
multiple specified in division (B) of section 3317.016 of the	37738
Revised Code X the statewide average base cost per pupil for	37739
that fiscal year;	37740
(iii) The school's category three English learner ADM X	37741
the multiple specified in division (C) of section 3317.016 of	37742
the Revised Code X the statewide average base cost per pupil for	37743
that fiscal year.	37744
(e) The sum of the following:	37745
(i) The school's category one career-technical education	37746
ADM X the multiple specified under division (A) (1) of section	37747
3317.014 of the Revised Code X the statewide average career-	37748
technical base cost per pupil for that fiscal year;	37749
(ii) The school's category two career-technical education	37750
ADM X the multiple specified under division (A) (2) of section	37751
3317.014 of the Revised Code X the statewide average career-	37752
technical base cost per pupil for that fiscal year;	37753
(iii) The school's category three career-technical	37754
education ADM X the multiple specified under division (A) (3) of	37755

section 3317.014 of the Revised Code X the statewide average 37756
career-technical base cost per pupil for that fiscal year; 37757

(iv) The school's category four career-technical education 37758
ADM X the multiple specified under division (A)(4) of section 37759
3317.014 of the Revised Code X the statewide average career- 37760
technical base cost per pupil for that fiscal year; 37761

(v) The school's category five career-technical education 37762
ADM X the multiple specified under division (A)(5) of section 37763
3317.014 of the Revised Code X the statewide average career- 37764
technical base cost per pupil for that fiscal year. 37765

(f) An amount equal to the following: 37766

The multiple for career-technical associated services specified 37767
under division (B) of section 3317.014 of the Revised Code X the 37768
statewide average career-technical base cost per pupil for that 37769
fiscal year X the sum of the school's categories one through 37770
five career-technical education ADM 37771

(g) If the school is a community school, an amount equal 37772
to the following: 37773

The number of students reported by the community school under 37774
division (B)(5) of section 3314.08 of the Revised Code X (the 37775
aggregate base cost calculated for the school for that fiscal 37776
year under section 3317.0110 of the Revised Code / the school's 37777
enrolled ADM) X 0.20 37778

(2) For each community and STEM school, determine the 37779
lesser of the following: 37780

(a) The following sum: 37781

The school's funding base + {[the sum calculated for the school 37782
under division (A) of this section) - the school's funding base] 37783

X the school's general phase-in percentage for that fiscal year}	37784
(b) The sum of the amounts calculated for the school for that fiscal year under division (A) of this section.	37785 37786
(3) Compute the sum of the amounts determined under division (B) of this section to determine the amount calculated for the community and STEM school unit.	37787 37788 37789
(B) Notwithstanding division (D) of section 3317.022 of the Revised Code, for each fiscal year, the department shall distribute to each community school and each STEM school, from the funds paid to the community and STEM school unit under section 3317.022 of the Revised Code, an amount equal to the amount determined for that school under division (A) (2) of this section.	37790 37791 37792 37793 37794 37795 37796
Sec. 3317.028. (A) On or before May 15, 2007, and the fifteenth day of May in each calendar year thereafter, the tax commissioner shall determine for each school district whether the taxable value of all utility tangible personal property subject to taxation by the district in the preceding tax year was less than the taxable value of such property during the second preceding tax year. If any decrease exceeds ten per cent of the district's tangible personal property taxable value included in the total taxable value used in the district's state aid computation for the fiscal year that ends in the current calendar year, the tax commissioner shall certify all of the following to the department of education <u>and workforce</u> and the office of budget and management:	37797 37798 37799 37800 37801 37802 37803 37804 37805 37806 37807 37808 37809
(1) The district's total taxable value for the preceding tax year;	37810 37811
(2) The change in taxes charged and payable on the	37812

district's total taxable value for the preceding tax year and 37813
the second preceding tax year; 37814

(3) The taxable value of the utility tangible personal 37815
property decrease, which shall be considered a change in 37816
valuation; 37817

(4) The change in taxes charged and payable on such change 37818
in taxable value calculated in the same manner as in division 37819
(A) (3) of section 3317.021 of the Revised Code. 37820

(B) Upon receipt of a certification specified in this 37821
section, the ~~department of education~~ shall replace the three- 37822
year average valuations that were used in computing the 37823
district's state education aid for the fiscal year that ends in 37824
the current calendar year with the taxable value certified under 37825
division (A) (1) of this section and shall recompute the state 37826
education aid for such fiscal year without applying any funding 37827
limitations enacted by the general assembly to the computation, 37828
if applicable. The department shall pay to the district an 37829
amount equal to the lesser of the following: 37830

(1) The positive difference between the district's state 37831
education aid prior to the recomputation under this section and 37832
the district's recomputed state education aid; 37833

(2) The absolute value of the amount certified under 37834
division (A) (2) of this section. 37835

The payment date shall be determined by the director of 37836
budget and management. The director shall select a payment date 37837
that is not earlier than the first day of June of the current 37838
fiscal year and not later than the thirty-first day of July of 37839
the following fiscal year. The department ~~of education~~ shall not 37840
pay the district under this section prior to approval by the 37841

director of budget and management to make that payment. 37842

(C) If a school district received a grant from the 37843
catastrophic expenditures account pursuant to division (C) of 37844
section 3316.20 of the Revised Code on the basis of the same 37845
circumstances for which a recomputation is made under this 37846
section, the amount of the recomputation shall be reduced and 37847
transferred in accordance with division (C) of section 3316.20 37848
of the Revised Code. 37849

Sec. 3317.0211. (A) As used in this section: 37850

(1) "Port authority" means any port authority as defined 37851
in section 4582.01 or 4582.21 of the Revised Code. 37852

(2) "Real property" includes public utility real property 37853
and "personal property" includes public utility personal 37854
property. 37855

(3) "Uncollected taxes" means property taxes charged and 37856
payable against the property of a port authority for a tax year 37857
that a school district has not collected. 37858

(4) "Basic state aid" means a school district's state 37859
education aid. 37860

(5) "Effective value" means the sum of the effective 37861
residential/agricultural real property value, the effective 37862
nonresidential/agricultural real property value, and the 37863
effective personal value. 37864

(6) "Effective residential/agricultural real property 37865
value" means, for a tax year, the amount obtained by multiplying 37866
the value for that year of residential/agricultural real 37867
property subject to taxation in the district by a fraction, the 37868
numerator of which is the total taxes charged and payable for 37869

that year against the residential/agricultural real property 37870
subject to taxation in the district, exclusive of the 37871
uncollected taxes for that year on all real property subject to 37872
taxation in the district, and the denominator of which is the 37873
total taxes charged and payable for that year against the 37874
residential/agricultural real property subject to taxation in 37875
the district. 37876

(7) "Effective nonresidential/agricultural real property 37877
value" means, for a tax year, the amount obtained by multiplying 37878
the value for that year of nonresidential/agricultural real 37879
property subject to taxation in the district by a fraction, the 37880
numerator of which is the total taxes charged and payable for 37881
that year against the nonresidential/agricultural real property 37882
subject to taxation in the district, exclusive of the 37883
uncollected taxes for that year on all real property subject to 37884
taxation in the district, and the denominator of which is the 37885
total taxes charged and payable for that year against the 37886
nonresidential/agricultural real property subject to taxation in 37887
the district. 37888

(8) "Effective personal value" means, for a tax year, the 37889
amount obtained by multiplying the value for that year certified 37890
under division (A) (2) of section 3317.021 of the Revised Code by 37891
a fraction, the numerator of which is the total taxes charged 37892
and payable for that year against personal property subject to 37893
taxation in the district, exclusive of the uncollected taxes for 37894
that year on that property, and the denominator of which is the 37895
total taxes charged and payable for that year against personal 37896
property subject to taxation in the district. 37897

(9) "Nonresidential/agricultural real property value" 37898
means, for a tax year, the sum of the values certified for a 37899

school district for that year under division (B) (2) (a) of this 37900
section, and "residential/agricultural real property value" 37901
means, for a tax year, the sum of the values certified for a 37902
school district under division (B) (2) (b) of this section. 37903

(10) "Taxes charged and payable against real property" 37904
means the taxes charged and payable against that property after 37905
making the reduction required by section 319.301 of the Revised 37906
Code. 37907

(11) "Total taxes charged and payable" has the same 37908
meaning given "taxes charged and payable" in section 3317.02 of 37909
the Revised Code. 37910

(B) (1) By the first day of August of any calendar year, a 37911
school district shall notify the department of education and 37912
workforce if it has any uncollected taxes from one port 37913
authority for the second preceding tax year whose taxes charged 37914
and payable represent at least one-half of one per cent of the 37915
district's total taxes charged and payable for that tax year. 37916

(2) The department shall verify whether the district has 37917
such uncollected taxes by the first day of September, and if the 37918
district does, shall immediately request the county auditor of 37919
each county in which the school district has territory to 37920
certify the following information concerning the district's 37921
property values and taxes for the second preceding tax year, and 37922
each such auditor shall certify that information to the 37923
department within thirty days of receiving the request: 37924

(a) The value of the property subject to taxation in the 37925
district that was classified as nonresidential/agricultural real 37926
property pursuant to section 5713.041 of the Revised Code, and 37927
the taxes charged and payable on that property; and 37928

(b) The value of the property subject to taxation in the district that was classified as residential/agricultural real property under section 5713.041 of the Revised Code.

(C) By the fifteenth day of November, the department shall compute the district's effective nonresidential/agricultural real property value, effective residential/agricultural real property value, effective personal value, and effective value, and shall determine whether the school district's effective value for the second preceding tax year is at least one per cent less than its total value for that year certified under divisions (A) (1) and (2) of section 3317.021 of the Revised Code. If it is, the department shall recompute the basic state aid payable to the district for the immediately preceding fiscal year using the effective value in lieu of the amounts previously certified under section 3317.021 of the Revised Code. The difference between the original basic state aid amount computed for the district for the preceding fiscal year and the recomputed amount shall be paid to the district from the lottery profits education fund before the end of the current fiscal year.

(D) Except as provided in division (E) of this section, amounts received by a school district under division (C) of this section shall be repaid to the department ~~of education~~ in any future year to the extent the district receives payments of uncollectable taxes in such future year. The department shall notify a district of any amount owed under this division.

(E) If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this

section, the amount of the recomputation shall be reduced and 37959
transferred in accordance with division (C) of section 3316.20 37960
of the Revised Code. 37961

Sec. 3317.0212. (A) As used in this section: 37962

(1) For fiscal years 2022 and 2023, "assigned bus" means a 37963
school bus used to transport qualifying riders. 37964

(2) For fiscal years 2022 and 2023, "density" means the 37965
total riders per square mile of a school district. 37966

(3) For fiscal years 2022 and 2023, "nontraditional 37967
ridership" means the average number of qualifying riders who are 37968
enrolled in a community school established under Chapter 3314. 37969
of the Revised Code, in a STEM school established under Chapter 37970
3326. of the Revised Code, or in a nonpublic school and are 37971
provided school bus service by a school district during the 37972
first full week of October. 37973

(4) "Qualifying riders" means the following: 37974

(a) For fiscal years 2022 and 2023, resident students 37975
enrolled in preschool and regular education in grades 37976
kindergarten to twelve who are provided school bus service by a 37977
school district, including students with dual enrollment in a 37978
joint vocational school district or a cooperative education 37979
school district, and students enrolled in a community school, 37980
STEM school, or nonpublic school; 37981

(b) For fiscal year 2024 and each fiscal year thereafter, 37982
students specified by the general assembly. 37983

(5) "Qualifying ridership" means the following: 37984

(a) For fiscal years 2022 and 2023, the greater of the 37985
average number of qualifying riders counted in the morning or 37986

counted in the afternoon who are provided school bus service by	37987
a school district during the first full week of October;	37988
(b) For fiscal year 2024 and each fiscal year thereafter,	37989
a ridership determined in a manner specified by the general	37990
assembly.	37991
(6) "Rider density" means the following:	37992
(a) For fiscal years 2022 and 2023, the following	37993
quotient:	37994
A school district's total number of qualifying riders/ the	37995
number of square miles in the district	37996
(b) For fiscal year 2024 and each fiscal year thereafter,	37997
a number calculated in a manner determined by the general	37998
assembly.	37999
(7) For fiscal years 2022 and 2023, "riders" means	38000
students enrolled in regular and special education in grades	38001
kindergarten through twelve who are provided school bus service	38002
by a school district, including students with dual enrollment in	38003
a joint vocational school district or a cooperative education	38004
school district, and students enrolled in a community school,	38005
STEM school, or nonpublic school.	38006
(8) "School bus service" means a school district's	38007
transportation of qualifying riders in any of the following	38008
types of vehicles:	38009
(a) School buses owned or leased by the district;	38010
(b) School buses operated by a private contractor hired by	38011
the district;	38012
(c) School buses operated by another school district or	38013

entity with which the district has contracted, either as part of 38014
a consortium for the provision of transportation or otherwise. 38015

(B) Not later than the first day of November, for fiscal 38016
years 2022 and 2023, or a date determined by the general 38017
assembly, for fiscal year 2024 and each fiscal year thereafter, 38018
of each year, each city, local, and exempted village school 38019
district shall report to the department of education and 38020
workforce its qualifying ridership and any other information 38021
requested by the department. Subsequent adjustments to the 38022
reported numbers shall be made only in accordance with rules 38023
adopted by the department. 38024

(C) The department shall calculate the statewide 38025
transportation cost per student as follows: 38026

(1) Determine each city, local, and exempted village 38027
school district's transportation cost per student by dividing 38028
the district's total costs for school bus service in the 38029
previous fiscal year by its qualifying ridership in the previous 38030
fiscal year. 38031

(2) After excluding districts that do not provide school 38032
bus service and the ten districts with the highest 38033
transportation costs per student and the ten districts with the 38034
lowest transportation costs per student, divide the aggregate 38035
cost for school bus service for the remaining districts in the 38036
previous fiscal year by the aggregate qualifying ridership of 38037
those districts in the previous fiscal year. 38038

(D) The department shall calculate the statewide 38039
transportation cost per mile as follows: 38040

(1) Determine each city, local, and exempted village 38041
school district's transportation cost per mile by dividing the 38042

district's total costs for school bus service in the previous 38043
fiscal year by its total number of miles driven for school bus 38044
service in the previous fiscal year. 38045

(2) After excluding districts that do not provide school 38046
bus service and the ten districts with the highest 38047
transportation costs per mile and the ten districts with the 38048
lowest transportation costs per mile, divide the aggregate cost 38049
for school bus service for the remaining districts in the 38050
previous fiscal year by the aggregate miles driven for school 38051
bus service in those districts in the previous fiscal year. 38052

(E) The department shall calculate each city, local, and 38053
exempted village school district's transportation base payment 38054
as follows: 38055

(1) For fiscal years 2022 and 2023: 38056

(a) Calculate the sum of the following: 38057

(i) The product of the statewide transportation cost per 38058
student and the number of students counted in the district's 38059
qualifying ridership for the current fiscal year who are 38060
enrolled in the district; 38061

(ii) 1.5 times the statewide transportation cost per 38062
student times the number of students counted in the district's 38063
qualifying ridership for the current fiscal year who are 38064
enrolled in community schools established under Chapter 3314. of 38065
the Revised Code or STEM schools established under Chapter 3326. 38066
of the Revised Code; 38067

(iii) 2.0 times the statewide transportation cost per 38068
student times the number of students counted in the district's 38069
qualifying ridership for the current fiscal year who are 38070
enrolled in nonpublic schools. 38071

(b) Multiply the statewide transportation cost per mile by 38072
the district's total number of miles driven for school bus 38073
service in the current fiscal year. 38074

(c) Multiply the greater of the amounts calculated under 38075
divisions (E) (1) (a) and (b) of this section by the following: 38076

(i) For fiscal year 2022, the greater of twenty-nine and 38077
one-sixth per cent or the district's state share percentage, as 38078
defined in section 3317.02 of the Revised Code; 38079

(ii) For fiscal year 2023, the greater of thirty-three and 38080
one-third per cent or the district's state share percentage. 38081

(2) For fiscal year 2024 and each fiscal year thereafter, 38082
an amount determined by the general assembly. 38083

(F) For fiscal years 2022 and 2023, the department shall 38084
pay a district's efficiency adjustment payment in accordance 38085
with divisions (F) (1) to (3) of this section. For fiscal year 38086
2024 and each fiscal year thereafter, the department shall pay a 38087
district's efficiency adjustment payment in a manner determined 38088
by the general assembly, if the general assembly authorizes such 38089
a payment to districts. 38090

(1) The department annually shall establish a target 38091
number of qualifying riders per assigned bus for each city, 38092
local, and exempted village school district. The department 38093
shall use the most recently available data in establishing the 38094
target number. The target number shall be based on the statewide 38095
median number of riders per assigned bus as adjusted to reflect 38096
the district's density in comparison to the density of all other 38097
districts. The department shall post on the department's web 38098
site each district's target number of riders per assigned bus 38099
and a description of how the target number was determined. 38100

(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula:

0.15 X the district's transportation base payment calculated under division (E) of this section

(b) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula:

{[(The district's efficiency index - 1) X 0.15]/0.5} X the district's transportation base payment calculated under division (E) of this section

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero.

(G) In addition to funds paid under divisions (E), (F), and (H) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the ~~state board of education department~~ a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(H) (1) For purposes of division (H) of this section, a

school district's "transportation supplement percentage" means 38129
the following: 38130

(a) For fiscal years 2022 and 2023, the following 38131
quotient: 38132

(28 - the district's rider density) / 100 38133

If the result of the calculation for a district under 38134
division (H) (1) (a) of this section is less than zero, the 38135
district's transportation supplement percentage shall be zero. 38136

(b) For fiscal year 2024 and each fiscal year thereafter, 38137
a percentage calculated in a manner determined by the general 38138
assembly. 38139

(2) The department shall pay each district a 38140
transportation supplement calculated according to the following 38141
formula: 38142

The district's transportation supplement percentage X the amount 38143
calculated for the district under division (E) (1) (b) of this 38144
section X 0.55 38145

(I) (1) If a school district board and a community school 38146
governing authority elect to enter into an agreement under 38147
division (A) of section 3314.091 of the Revised Code, the 38148
department shall make payments to the community school according 38149
to the terms of the agreement for each student actually 38150
transported under division (C) (1) of that section. If a 38151
community school governing authority accepts transportation 38152
responsibility under division (B) of that section, the 38153
department shall make payments to the community school for each 38154
student actually transported or for whom transportation is 38155
arranged by the community school under division (C) (1) of that 38156
section, calculated as follows: 38157

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B) (1) or (2) of section 3314.091 of the Revised Code.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with this section and any rules of the ~~state board of education~~ department implementing this section, the payment to the community school shall be the following:

(i) For fiscal years 2022 and 2023, either of the following:

(I) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid under division (E) of this section, 1.0 times the statewide transportation cost per student, as calculated in division (C) of this section;

(II) If the school district in which the student is 38187
entitled to attend school would have used a method of 38188
transportation for the student for which payments are computed 38189
and paid in a manner described in division (G) of this section, 38190
the amount that would otherwise be computed for and paid to the 38191
district. 38192

(ii) For fiscal year 2024 and each fiscal year thereafter, 38193
an amount calculated in a manner determined by the general 38194
assembly. 38195

The community school, however, is not required to use the 38196
same method to transport the student. 38197

As used in this division, "entitled to attend school" 38198
means entitled to attend school under section 3313.64 or 3313.65 38199
of the Revised Code. 38200

(2) A community school shall be paid under division ~~(H)(1)~~ 38201
(I)(2) of this section only for students who are eligible as 38202
specified in section 3327.01 of the Revised Code and division 38203
(C)(1) of section 3314.091 of the Revised Code, and whose 38204
transportation to and from school is actually provided, who 38205
actually utilized transportation arranged, or for whom a payment 38206
in lieu of transportation is made by the community school's 38207
governing authority. To qualify for the payments, the community 38208
school shall report to the department, in the form and manner 38209
required by the department, data on the number of students 38210
transported or whose transportation is arranged, the number of 38211
miles traveled, cost to transport, and any other information 38212
requested by the department. 38213

Sec. 3317.0213. (A) The department of education and 38214
workforce shall compute and pay in accordance with this section 38215

additional state aid for preschool children with disabilities to 38216
each city, local, and exempted village school district and to 38217
each institution, as defined in section 3323.091 of the Revised 38218
Code. Funding shall be provided for children who are not 38219
enrolled in kindergarten and who are under age six on the 38220
thirtieth day of September of the academic year, or on the first 38221
day of August of the academic year if the school district in 38222
which the child is enrolled has adopted a resolution under 38223
division (A) (3) of section 3321.01 of the Revised Code, but not 38224
less than age three on the first day of December of the academic 38225
year. 38226

For fiscal years 2022 and 2023, the additional state aid 38227
shall be calculated under the following formula: 38228

(\$4,000 X the number of students who are preschool 38229
children with disabilities) + the sum of the following: 38230

(1) The district's or institution's category one special 38231
education students who are preschool children with disabilities 38232
X the multiple specified in division (A) of section 3317.013 of 38233
the Revised Code X the statewide average base cost per pupil for 38234
that fiscal year X the district's state share percentage X 0.50; 38235

(2) The district's or institution's category two special 38236
education students who are preschool children with disabilities 38237
X the multiple specified in division (B) of section 3317.013 of 38238
the Revised Code X the statewide average base cost per pupil for 38239
that fiscal year X the district's state share percentage X 0.50; 38240

(3) The district's or institution's category three special 38241
education students who are preschool children with disabilities 38242
X the multiple specified in division (C) of section 3317.013 of 38243
the Revised Code X the statewide average base cost per pupil for 38244

that fiscal year X the district's state share percentage X 0.50; 38245

(4) The district's or institution's category four special 38246
education students who are preschool children with disabilities 38247
X the multiple specified in division (D) of section 3317.013 of 38248
the Revised Code X the statewide average base cost per pupil for 38249
that fiscal year X the district's state share percentage X 0.50; 38250

(5) The district's or institution's category five special 38251
education students who are preschool children with disabilities 38252
X the multiple specified in division (E) of section 3317.013 of 38253
the Revised Code X the statewide average base cost per pupil for 38254
that fiscal year X the district's state share percentage X 0.50; 38255

(6) The district's or institution's category six special 38256
education students who are preschool children with disabilities 38257
X the multiple specified in division (F) of section 3317.013 of 38258
the Revised Code X the statewide average base cost per pupil for 38259
that fiscal year X the district's state share percentage X 0.50. 38260

For fiscal year 2024 and each fiscal year thereafter, the 38261
additional state aid shall be calculated for each category of 38262
special education students who are preschool children with 38263
disabilities using a formula specified by the general assembly. 38264

The special education disability categories for preschool 38265
children used in this section are the same categories prescribed 38266
in section 3317.013 of the Revised Code. 38267

As used in division (A) of this section, the state share 38268
percentage of a student enrolled in an institution is the state 38269
share percentage of the school district in which the student is 38270
entitled to attend school under section 3313.64 or 3313.65 of 38271
the Revised Code. 38272

(B) If an educational service center is providing services 38273

to students who are preschool children with disabilities under 38274
agreement with the city, local, or exempted village school 38275
district in which the students are entitled to attend school, 38276
that district may authorize the department to transfer funds 38277
computed under this section to the service center providing 38278
those services. 38279

(C) If a county DD board is providing services to students 38280
who are preschool children with disabilities under agreement 38281
with the city, local, or exempted village school district in 38282
which the students are entitled to attend school, the department 38283
shall deduct from the district's payment computed under division 38284
(A) of this section the total amount of those funds that are 38285
attributable to the students served by the county DD board and 38286
pay that amount to that board. 38287

Sec. 3317.0214. (A) The department of education and 38288
workforce shall compute and pay in accordance with this section 38289
additional state aid to school districts for students in 38290
categories two through six special education ADM. If a 38291
district's costs for the fiscal year for a student in its 38292
categories two through six special education ADM exceed the 38293
threshold catastrophic cost for serving the student, the 38294
district may submit to the ~~superintendent of public instruction~~
department documentation, as prescribed by the 38295
~~superintendent~~department, of all its costs for that student. 38296
Upon submission of documentation for a student of the type and 38297
in the manner prescribed, the department shall pay to the 38298
district an amount equal to the sum of the following: 38299
38300

(1) One-half of the district's costs for the student in 38301
excess of the threshold catastrophic cost; 38302

(2) The product of one-half of the district's costs for 38303

the student in excess of the threshold catastrophic cost 38304
multiplied by the district's state share percentage. 38305

(B) For purposes of division (A) of this section, the 38306
threshold catastrophic cost for serving a student equals: 38307

(1) For a student in the school district's category two, 38308
three, four, or five special education ADM, twenty-seven 38309
thousand three hundred seventy-five dollars; 38310

(2) For a student in the district's category six special 38311
education ADM, thirty-two thousand eight hundred fifty dollars. 38312

(C) The district shall report under division (A) of this 38313
section, and the department shall pay for, only the costs of 38314
educational expenses and the related services provided to the 38315
student in accordance with the student's individualized 38316
education program. Any legal fees, court costs, or other costs 38317
associated with any cause of action relating to the student may 38318
not be included in the amount. 38319

Sec. 3317.0215. (A) (1) For fiscal years 2022 and 2023, the 38320
department of education and workforce shall withhold from the 38321
aggregate amount paid for a fiscal year to each city, local, 38322
exempted village, and joint vocational school district, 38323
community school established under Chapter 3314. of the Revised 38324
Code, and science, technology, engineering, and mathematics 38325
school established under Chapter 3326. of the Revised Code an 38326
amount equal to the following: 38327

(a) In the case of a city, local, or exempted village 38328
school district, the aggregate amount of special education 38329
funding paid to the district under division (A) (3) of section 38330
3317.022 of the Revised Code times 0.10, subject to any funding 38331
limitations enacted by the general assembly to the computation. 38332

(b) In the case of a community school or STEM school, the 38333
aggregate amount of special education funding paid to the school 38334
under division (A) (1) (b) of section 3317.026 of the Revised Code 38335
times 0.10, subject to any funding limitations enacted by the 38336
general assembly to the computation. 38337

(c) In the case of a joint vocational school district, the 38338
aggregate amount of special education funding paid to the school 38339
under division (A) (2) of section 3317.16 of the Revised Code 38340
times 0.10, subject to any funding limitations enacted by the 38341
general assembly to the computation. 38342

(2) For fiscal year 2024 and each fiscal year thereafter, 38343
the department ~~of education~~ shall withhold from the aggregate 38344
amount paid for a fiscal year to each city, local, exempted 38345
village, and joint vocational school district, community school, 38346
and science, technology, engineering, and mathematics school an 38347
amount determined by the general assembly, if any, for purposes 38348
of this section. 38349

(B) For fiscal years 2022 and 2023, the department shall 38350
use the amount of funds withheld under division (A) of this 38351
section for purposes of division (C) (1) of section 3314.08 of 38352
the Revised Code, section 3317.0214 of the Revised Code, 38353
division (B) of section 3317.16 of the Revised Code, and section 38354
3326.34 of the Revised Code. 38355

For fiscal year 2024 and each fiscal year thereafter, the 38356
department shall use the amount of funds withheld under division 38357
(A) of this section, if any, for purposes determined by the 38358
general assembly. 38359

Sec. 3317.0217. This section shall apply only for fiscal 38360
years 2022 and 2023. 38361

Payment of the amount calculated for a school district 38362
under this section shall be made under division (A) of section 38363
3317.022 of the Revised Code. 38364

(A) For each fiscal year, the department of education and 38365
workforce shall compute targeted assistance funds for city, 38366
local, and exempted village school districts, in accordance with 38367
the following formula: 38368

A district's capacity amount for that fiscal year calculated 38369
under division (B) of this section + a district's wealth amount 38370
for that fiscal year calculated under division (C) of this 38371
section 38372

(B) The department shall calculate each district's 38373
capacity amount for a fiscal year as follows: 38374

(1) Calculate each district's weighted wealth for that 38375
fiscal year, which equals the following sum: 38376

(The amount determined for the district for that fiscal year 38377
under division (A) (1) (a) of section 3317.017 of the Revised Code 38378
X 0.6) + (the amount determined for the district for that fiscal 38379
year under division (A) (2) (a) of section 3317.017 of the Revised 38380
Code X 0.4) 38381

(2) Determine the median weighted wealth of all school 38382
districts in this state for that fiscal year; 38383

(3) Compute each district's capacity index for that fiscal 38384
year by dividing the median weighted wealth of all school 38385
districts in this state for that fiscal year by the district's 38386
weighted wealth for that fiscal year; 38387

(4) Compute each district's capacity amount for that 38388
fiscal year as follows: 38389

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year:

(i) The district's capacity index is less than 1.

(ii) The district's enrolled ADM is less than 200.

(b) If the district does not satisfy either of the criteria specified in division (B) (4) (a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows:

(i) Compute the following amount for the district:

(The median weighted wealth of all school districts in this state for that fiscal year X 0.008) - (the district's weighted wealth for that fiscal year X 0.008)

(ii) If the district's enrolled ADM for that fiscal year is greater than or equal to 200 but less than or equal to 400, the district's capacity amount for that fiscal year shall be equal to 0.05 X the amount computed under division (B) (4) (b) (i) of this section.

(iii) If the district's enrolled ADM for that fiscal year is greater than 400 and less than 600, the district's capacity amount for that fiscal year shall be calculated in accordance with the following formula:

$$\{[0.95 \times (\text{the district's enrolled ADM for that fiscal year} - 400) / 200] + 0.05\} \times \text{the amount computed under division (B) (4) (b) (i) of this section}$$

(iv) If the district's enrolled ADM for that fiscal year is greater than or equal to 600, the district's capacity amount for that fiscal year shall be equal to the amount computed under

division (B) (4) (b) (i) of this section. 38418

(C) The department shall calculate each district's wealth 38419
amount for a fiscal year as follows: 38420

(1) Calculate each district's weighted wealth per pupil 38421
for that fiscal year, which equals the following quotient: 38422

The district's weighted wealth for that fiscal year calculated 38423
under division (B) (1) of this section/ (the district's enrolled 38424
ADM for that fiscal year - the students described in division 38425
(A) (1) (b) of section 3317.03 of the Revised Code + the students 38426
described in division (A) (2) (d) of section 3317.03 of the 38427
Revised Code) 38428

(2) Determine the median weighted wealth per pupil of all 38429
school districts in this state for that fiscal year; 38430

(3) Compute each district's wealth index for that fiscal 38431
year by dividing the median weighted wealth per pupil of all 38432
school districts in this state for that fiscal year by the 38433
district's weighted wealth per pupil for that fiscal year; 38434

(4) Compute each district's wealth amount for that fiscal 38435
year, as follows: 38436

(a) If the district's wealth index computed under division 38437
(C) (3) of this section for that fiscal year is less than 0.8, 38438
the district's wealth amount for that fiscal year shall be zero. 38439

(b) If the district's wealth index computed under division 38440
(C) (3) of this section for that fiscal year is greater than or 38441
equal to 0.8, the district's wealth amount for that fiscal year 38442
shall be calculated in accordance with the following formula: 38443

[(The median weighted wealth per pupil of all school districts 38444
in this state for that fiscal year X 0.014) - (the district's 38445

weighted wealth per pupil for that fiscal year X 0.0112)] X the 38446
district's enrolled ADM for that fiscal year 38447

Sec. 3317.0218. This section shall apply only for fiscal 38448
years 2022 and 2023. 38449

For each fiscal year, the department of education and 38450
workforce shall compute supplemental targeted assistance for 38451
each city, local, and exempted village school district as 38452
follows: 38453

(A) Determine if the district satisfies both of the 38454
following criteria: 38455

(1) The wealth index calculated for the district for 38456
fiscal year 2019 under division (A) (4) of former section 38457
3317.0217 of the Revised Code as it existed prior to ~~the~~ 38458
~~effective date of this section~~ September 30, 2021, is greater 38459
than 1.6; 38460

(2) The district's enrolled ADM for fiscal year 2019 is 38461
less than eighty-eight per cent of the district's total ADM for 38462
fiscal year 2019. 38463

(B) Determine the maximum of the wealth indices calculated 38464
under division (A) (4) of former section 3317.0217 of the Revised 38465
Code as it existed prior to ~~the effective date of this section~~ 38466
September 30, 2021, for all districts that satisfy both of the 38467
criteria specified under division (A) of this section; 38468

(C) If the district satisfies both of the criteria 38469
specified under division (A) of this section, compute the 38470
district's supplemental amount as the product of the following: 38471

(1) {[The number specified under division (A) (1) of this 38472
section - 1.6)/ (the number determined under division (B) of 38473

this section - 1.6)] X 675} + 75; 38474

(2) The district's enrolled ADM. 38475

(D) If the district does not satisfy both of the criteria 38476
specified under division (A) of this section, the district's 38477
supplemental amount shall be equal to zero. 38478

Sec. 3317.03. (A) The superintendent of each city, local, 38479
and exempted village school district shall report to the ~~state-~~ 38480
~~board-department~~ of education and workforce as of the last day 38481
of October, March, and June of each year the enrollment of 38482
students receiving services from schools under the 38483
superintendent's supervision, and the numbers of other students 38484
entitled to attend school in the district under section 3313.64 38485
or 3313.65 of the Revised Code the superintendent is required to 38486
report under this section, so that the ~~department of education-~~ 38487
can calculate the district's enrolled ADM, formula ADM, total 38488
ADM, category one through five career-technical education ADM, 38489
category one through three English learner ADM, category one 38490
through six special education ADM, transportation ADM, and, for 38491
purposes of provisions of law outside of Chapter 3317. of the 38492
Revised Code, average daily membership. 38493

(1) The enrollment reported by the superintendent during 38494
the reporting period shall consist of the number of students in 38495
grades kindergarten through twelve receiving any educational 38496
services from the district, except that the following categories 38497
of students shall not be included in the determination: 38498

(a) Students enrolled in adult education classes; 38499

(b) Adjacent or other district students enrolled in the 38500
district under an open enrollment policy pursuant to section 38501
3313.98 of the Revised Code; 38502

(c) Students receiving services in the district pursuant 38503
to a compact, cooperative education agreement, or a contract, 38504
but who are entitled to attend school in another district 38505
pursuant to section 3313.64 or 3313.65 of the Revised Code; 38506

(d) Students for whom tuition is payable pursuant to 38507
sections 3317.081 and 3323.141 of the Revised Code; 38508

(e) Students receiving services in the district through a 38509
scholarship awarded under either section 3310.41 or sections 38510
3310.51 to 3310.64 of the Revised Code. 38511

When reporting students under division (A) (1) of this 38512
section, the superintendent also shall report the district where 38513
each student is entitled to attend school pursuant to sections 38514
3313.64 and 3313.65 of the Revised Code. 38515

(2) The ~~department of education~~ shall compile a list of 38516
all students reported to be enrolled in a district under 38517
division (A) (1) of this section and of the students entitled to 38518
attend school in the district pursuant to section 3313.64 or 38519
3313.65 of the Revised Code on an FTE basis but receiving 38520
educational services in grades kindergarten through twelve from 38521
one or more of the following entities: 38522

(a) A community school pursuant to Chapter 3314. of the 38523
Revised Code, including any participation in a college pursuant 38524
to Chapter 3365. of the Revised Code while enrolled in such 38525
community school; 38526

(b) An alternative school pursuant to sections 3313.974 to 38527
3313.979 of the Revised Code; 38528

(c) A college pursuant to Chapter 3365. of the Revised 38529
Code, except when the student is enrolled in the college while 38530
also enrolled in a community school pursuant to Chapter 3314., a 38531

science, technology, engineering, and mathematics school	38532
established under Chapter 3326., or a college-preparatory	38533
boarding school established under Chapter 3328. of the Revised	38534
Code;	38535
(d) An adjacent or other school district under an open	38536
enrollment policy adopted pursuant to section 3313.98 of the	38537
Revised Code;	38538
(e) An educational service center or cooperative education	38539
district;	38540
(f) Another school district under a cooperative education	38541
agreement, compact, or contract;	38542
(g) A chartered nonpublic school with a scholarship paid	38543
under section 3317.022 of the Revised Code, if the students	38544
qualified for the scholarship under section 3310.03 or 3310.032	38545
of the Revised Code;	38546
(h) An alternative public provider or a registered private	38547
provider with a scholarship awarded under either section 3310.41	38548
or sections 3310.51 to 3310.64 of the Revised Code.	38549
As used in this section, "alternative public provider" and	38550
"registered private provider" have the same meanings as in	38551
section 3310.41 or 3310.51 of the Revised Code, as applicable.	38552
(i) A science, technology, engineering, and mathematics	38553
school established under Chapter 3326. of the Revised Code,	38554
including any participation in a college pursuant to Chapter	38555
3365. of the Revised Code while enrolled in the school;	38556
(j) A college-preparatory boarding school established	38557
under Chapter 3328. of the Revised Code, including any	38558
participation in a college pursuant to Chapter 3365. of the	38559

Revised Code while enrolled in the school. 38560

(3) The department also shall compile a list of the 38561
students entitled to attend school in the district under section 38562
3313.64 or 3313.65 of the Revised Code who are enrolled in a 38563
joint vocational school district or under a career-technical 38564
education compact, excluding any students so entitled to attend 38565
school in the district who are enrolled in another school 38566
district through an open enrollment policy as reported under 38567
division (A) (2) (d) of this section and then enroll in a joint 38568
vocational school district or under a career-technical education 38569
compact. 38570

The department shall provide each city, local, and 38571
exempted village school district with an opportunity to review 38572
the list of students compiled under divisions (A) (2) and (3) of 38573
this section to ensure that the students reported accurately 38574
reflect the enrollment of students in the district. 38575

(B) To enable the department ~~of education~~ to obtain the 38576
data needed to complete the calculation of payments pursuant to 38577
this chapter, each superintendent shall certify from the reports 38578
provided by the department under division (A) of this section 38579
all of the following: 38580

(1) The total student enrollment in regular learning day 38581
classes included in the report under division (A) (1) or (2), 38582
including any student described in division (A) (1) (b) of this 38583
section and excluding any student reported under divisions (A) 38584
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, of 38585
this section for each of the individual grades kindergarten 38586
through twelve in schools under the superintendent's 38587
supervision; 38588

(2) The unduplicated count of the number of preschool children with disabilities enrolled in the district for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, in accordance with the disability categories prescribed in section 3317.013 of the Revised Code; 38589
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(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are: 38595
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38597

(a) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code; 38598
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(b) Participating in a program operated by a county board of developmental disabilities or a state institution~~+~~. 38605
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(4) The total enrollment of pupils in joint vocational schools; 38607
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(5) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section, including any student described in division (A) (1) (b) of this section and excluding any student reported under divisions (A) (2) (a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider 38609
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with a scholarship awarded under sections 3310.51 to 3310.64 of 38618
the Revised Code; 38619

(6) The combined enrollment of children with disabilities 38620
reported under division (A)(1) or (2) of this section, including 38621
any student described in division (A)(1)(b) of this section and 38622
excluding any student reported under divisions (A)(2)(a), (b), 38623
(d), (g), (h), (i), and (j) of this section, receiving special 38624
education services for category two disabilities described in 38625
division (B) of section 3317.013 of the Revised Code, including 38626
children attending a special education program operated by an 38627
alternative public provider or a registered private provider 38628
with a scholarship awarded under sections 3310.51 to 3310.64 of 38629
the Revised Code; 38630

(7) The combined enrollment of children with disabilities 38631
reported under division (A)(1) or (2) of this section, including 38632
any student described in division (A)(1)(b) of this section and 38633
excluding any student reported under divisions (A)(2)(a), (b), 38634
(d), (g), (h), (i), and (j) of this section, receiving special 38635
education services for category three disabilities described in 38636
division (C) of section 3317.013 of the Revised Code, including 38637
children attending a special education program operated by an 38638
alternative public provider or a registered private provider 38639
with a scholarship awarded under sections 3310.51 to 3310.64 of 38640
the Revised Code; 38641

(8) The combined enrollment of children with disabilities 38642
reported under division (A)(1) or (2) of this section, including 38643
any student described in division (A)(1)(b) of this section and 38644
excluding any student reported under divisions (A)(2)(a), (b), 38645
(d), (g), (h), (i), and (j) of this section, receiving special 38646
education services for category four disabilities described in 38647

division (D) of section 3317.013 of the Revised Code, including 38648
children attending a special education program operated by an 38649
alternative public provider or a registered private provider 38650
with a scholarship awarded under sections 3310.51 to 3310.64 of 38651
the Revised Code; 38652

(9) The combined enrollment of children with disabilities 38653
reported under division (A) (1) or (2) of this section, including 38654
any student described in division (A) (1) (b) of this section and 38655
excluding any student reported under divisions (A) (2) (a), (b), 38656
(d), (g), (h), (i), and (j) of this section, receiving special 38657
education services for the category five disabilities described 38658
in division (E) of section 3317.013 of the Revised Code, 38659
including children attending a special education program 38660
operated by an alternative public provider or a registered 38661
private provider with a scholarship awarded under sections 38662
3310.51 to 3310.64 of the Revised Code; 38663

(10) The combined enrollment of children with disabilities 38664
reported under division (A) (1) or (2) of this section, including 38665
any student described in division (A) (1) (b) of this section and 38666
excluding any student reported under divisions (A) (2) (a), (b), 38667
(d), (g), (h), (i), and (j) of this section, receiving special 38668
education services for category six disabilities described in 38669
division (F) of section 3317.013 of the Revised Code, including 38670
children attending a special education program operated by an 38671
alternative public provider or a registered private provider 38672
with a scholarship awarded under either section 3310.41 or 38673
sections 3310.51 to 3310.64 of the Revised Code; 38674

(11) The enrollment of pupils reported under division (A) 38675
(1) or (2) of this section on a full-time equivalency basis, 38676
including any student described in division (A) (1) (b) of this 38677

section and excluding any student reported under divisions (A) 38678
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 38679
category one career-technical education programs or classes, 38680
described in division (A) (1) of section 3317.014 of the Revised 38681
Code, operated by the school district or by another district 38682
that is a member of the district's career-technical planning 38683
district, other than a joint vocational school district, or by 38684
an educational service center, notwithstanding division (M) of 38685
section 3317.02 of the Revised Code and division (C) (3) of this 38686
section; 38687

(12) The enrollment of pupils reported under division (A) 38688
(1) or (2) of this section on a full-time equivalency basis, 38689
including any student described in division (A) (1) (b) of this 38690
section and excluding any student reported under divisions (A) 38691
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 38692
category two career-technical education programs or services, 38693
described in division (A) (2) of section 3317.014 of the Revised 38694
Code, operated by the school district or another school district 38695
that is a member of the district's career-technical planning 38696
district, other than a joint vocational school district, or by 38697
an educational service center, notwithstanding division (M) of 38698
section 3317.02 of the Revised Code and division (C) (3) of this 38699
section; 38700

(13) The enrollment of pupils reported under division (A) 38701
(1) or (2) of this section on a full-time equivalency basis, 38702
including any student described in division (A) (1) (b) of this 38703
section and excluding any student reported under divisions (A) 38704
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 38705
category three career-technical education programs or services, 38706
described in division (A) (3) of section 3317.014 of the Revised 38707
Code, operated by the school district or another school district 38708

that is a member of the district's career-technical planning 38709
district, other than a joint vocational school district, or by 38710
an educational service center, notwithstanding division (M) of 38711
section 3317.02 of the Revised Code and division (C) (3) of this 38712
section; 38713

(14) The enrollment of pupils reported under division (A) 38714
(1) or (2) of this section on a full-time equivalency basis, 38715
including any student described in division (A) (1) (b) of this 38716
section and excluding any student reported under divisions (A) 38717
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 38718
category four career-technical education programs or services, 38719
described in division (A) (4) of section 3317.014 of the Revised 38720
Code, operated by the school district or another school district 38721
that is a member of the district's career-technical planning 38722
district, other than a joint vocational school district, or by 38723
an educational service center, notwithstanding division (M) of 38724
section 3317.02 of the Revised Code and division (C) (3) of this 38725
section; 38726

(15) The enrollment of pupils reported under division (A) 38727
(1) or (2) of this section on a full-time equivalency basis, 38728
including any student described in division (A) (1) (b) of this 38729
section and excluding any student reported under divisions (A) 38730
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 38731
category five career-technical education programs or services, 38732
described in division (A) (5) of section 3317.014 of the Revised 38733
Code, operated by the school district or another school district 38734
that is a member of the district's career-technical planning 38735
district, other than a joint vocational school district, or by 38736
an educational service center, notwithstanding division (M) of 38737
section 3317.02 of the Revised Code and division (C) (3) of this 38738
section; 38739

(16) The enrollment of pupils reported under division (A) 38740
(1) or (2) of this section who are English learners described in 38741
division (A) of section 3317.016 of the Revised Code, including 38742
any student described in division (A) (1) (b) of this section and 38743
excluding any student reported under divisions (A) (2) (a), (b), 38744
(d), (g), (h), (i), and (j) of this section; 38745

(17) The enrollment of pupils reported under division (A) 38746
(1) or (2) of this section who are English learners described in 38747
division (B) of section 3317.016 of the Revised Code, including 38748
any student described in division (A) (1) (b) of this section and 38749
excluding any student reported under divisions (A) (2) (a), (b), 38750
(d), (g), (h), (i), and (j) of this section; 38751

(18) The enrollment of pupils reported under division (A) 38752
(1) or (2) of this section who are English learners described in 38753
division (C) of section 3317.016 of the Revised Code, including 38754
any student described in division (A) (1) (b) of this section and 38755
excluding any student reported under divisions (A) (2) (a), (b), 38756
(d), (g), (h), (i), and (j) of this section; 38757

(19) The average number of children transported during the 38758
reporting period by the school district on board-owned or 38759
contractor-owned and -operated buses, reported in accordance 38760
with rules adopted by the department ~~of education~~; 38761

(20) (a) The number of children, other than preschool 38762
children with disabilities, the district placed with a county 38763
board of developmental disabilities in fiscal year 1998. 38764
Division (B) (20) (a) of this section does not apply after fiscal 38765
year 2013. 38766

(b) The number of children with disabilities, other than 38767
preschool children with disabilities, placed with a county board 38768

of developmental disabilities in the current fiscal year to 38769
receive special education services for the category one 38770
disability described in division (A) of section 3317.013 of the 38771
Revised Code; 38772

(c) The number of children with disabilities, other than 38773
preschool children with disabilities, placed with a county board 38774
of developmental disabilities in the current fiscal year to 38775
receive special education services for category two disabilities 38776
described in division (B) of section 3317.013 of the Revised 38777
Code; 38778

(d) The number of children with disabilities, other than 38779
preschool children with disabilities, placed with a county board 38780
of developmental disabilities in the current fiscal year to 38781
receive special education services for category three 38782
disabilities described in division (C) of section 3317.013 of 38783
the Revised Code; 38784

(e) The number of children with disabilities, other than 38785
preschool children with disabilities, placed with a county board 38786
of developmental disabilities in the current fiscal year to 38787
receive special education services for category four 38788
disabilities described in division (D) of section 3317.013 of 38789
the Revised Code; 38790

(f) The number of children with disabilities, other than 38791
preschool children with disabilities, placed with a county board 38792
of developmental disabilities in the current fiscal year to 38793
receive special education services for the category five 38794
disabilities described in division (E) of section 3317.013 of 38795
the Revised Code; 38796

(g) The number of children with disabilities, other than 38797

preschool children with disabilities, placed with a county board 38798
of developmental disabilities in the current fiscal year to 38799
receive special education services for category six disabilities 38800
described in division (F) of section 3317.013 of the Revised 38801
Code. 38802

(21) The enrollment of students who are economically 38803
disadvantaged, as defined by the department, including any 38804
student described in divisions (A) (1) (b) of this section and 38805
excluding any student reported under divisions (A) (2) (a), (b), 38806
(d), (g), (h), (i), and (j) of this section. A student shall not 38807
be categorically excluded from the number reported under 38808
division (B) (21) of this section based on anything other than 38809
family income. 38810

(22) The enrollment of students identified as gifted under 38811
division (A), (B), (C), or (D) of section 3324.03 of the Revised 38812
Code. 38813

(C) (1) The ~~state board of education~~ department shall adopt 38814
rules necessary for implementing divisions (A), (B), and (D) of 38815
this section. 38816

(2) A student enrolled in a community school established 38817
under Chapter 3314., a science, technology, engineering, and 38818
mathematics school established under Chapter 3326., or a 38819
college-preparatory boarding school established under Chapter 38820
3328. of the Revised Code shall be counted in the formula ADM of 38821
the school district in which the student is entitled to attend 38822
school under section 3313.64 or 3313.65 of the Revised Code for 38823
the same proportion of the school year that the student is 38824
counted in the enrollment of the community school, the science, 38825
technology, engineering, and mathematics school, or the college- 38826
preparatory boarding school for purposes of section 3317.022 or 38827

3328.24 of the Revised Code. Notwithstanding the enrollment of 38828
students reported pursuant to division (A) (2) (a), (i), or (j) of 38829
this section, the department may adjust the formula ADM of a 38830
school district to account for students entitled to attend 38831
school in the district under section 3313.64 or 3313.65 of the 38832
Revised Code who are enrolled in a community school, a science, 38833
technology, engineering, and mathematics school, or a college- 38834
preparatory boarding school for only a portion of the school 38835
year. 38836

(3) No child shall be counted as more than a total of one 38837
child in the sum of the enrollment of students of a school 38838
district under division (A), divisions (B) (1) to (22), or 38839
division (D) of this section, except as follows: 38840

(a) (i) A child with a disability described in section 38841
3317.013 of the Revised Code may be counted both in formula ADM 38842
and in category one, two, three, four, five, or six special 38843
education ADM and, if applicable, in category one, two, three, 38844
four, or five career-technical education ADM. As provided in 38845
division (M) of section 3317.02 of the Revised Code, such a 38846
child shall be counted in category one, two, three, four, five, 38847
or six special education ADM in the same proportion that the 38848
child is counted in formula ADM. 38849

(ii) A child with a disability described in section 38850
3317.013 of the Revised Code may be counted both in enrolled ADM 38851
and in category one, two, three, four, five, or six special 38852
education ADM and, if applicable, in category one, two, three, 38853
four, or five career-technical education ADM. As provided in 38854
division (M) of section 3317.02 of the Revised Code, such a 38855
child shall be counted in category one, two, three, four, five, 38856
or six special education ADM in the same proportion that the 38857

child is counted in enrolled ADM. 38858

(b) (i) A child enrolled in career-technical education 38859
programs or classes described in section 3317.014 of the Revised 38860
Code may be counted both in formula ADM and category one, two, 38861
three, four, or five career-technical education ADM and, if 38862
applicable, in category one, two, three, four, five, or six 38863
special education ADM. Such a child shall be counted in category 38864
one, two, three, four, or five career-technical education ADM in 38865
the same proportion as the percentage of time that the child 38866
spends in the career-technical education programs or classes. 38867

(ii) A child enrolled in career-technical education 38868
programs or classes described in section 3317.014 of the Revised 38869
Code may be counted both in enrolled ADM and category one, two, 38870
three, four, or five career-technical education ADM and, if 38871
applicable, in category one, two, three, four, five, or six 38872
special education ADM. Such a child shall be counted in category 38873
one, two, three, four, or five career-technical education ADM in 38874
the same proportion as the percentage of time that the child 38875
spends in the career-technical education programs or classes. 38876

(4) Based on the information reported under this section, 38877
the department ~~of education~~ shall determine the total student 38878
count, as defined in section 3301.011 of the Revised Code, for 38879
each school district. 38880

(D) (1) The superintendent of each joint vocational school 38881
district shall report and certify to the ~~superintendent of~~ 38882
~~public instruction department~~ as of the last day of October, 38883
March, and June of each year the enrollment of students 38884
receiving services from schools under the superintendent's 38885
supervision so that the department can calculate the district's 38886
enrolled ADM, formula ADM, total ADM, category one through five 38887

career-technical education ADM, category one through three 38888
English learner ADM, category one through six special education 38889
ADM, and for purposes of provisions of law outside of Chapter 38890
3317. of the Revised Code, average daily membership. 38891

The enrollment reported and certified by the 38892
superintendent, except as otherwise provided in this division, 38893
shall consist of the number of students in grades six through 38894
twelve receiving any educational services from the district, 38895
except that the following categories of students shall not be 38896
included in the determination: 38897

(a) Students enrolled in adult education classes; 38898

(b) Adjacent or other district joint vocational students 38899
enrolled in the district under an open enrollment policy 38900
pursuant to section 3313.98 of the Revised Code; 38901

(c) Students receiving services in the district pursuant 38902
to a compact, cooperative education agreement, or a contract, 38903
but who are entitled to attend school in a city, local, or 38904
exempted village school district whose territory is not part of 38905
the territory of the joint vocational district; 38906

(d) Students for whom tuition is payable pursuant to 38907
sections 3317.081 and 3323.141 of the Revised Code. 38908

(2) To enable the department ~~of education~~ to obtain the 38909
data needed to complete the calculation of payments pursuant to 38910
this chapter, each superintendent shall certify from the report 38911
provided under division (D)(1) of this section the enrollment 38912
for each of the following categories of students: 38913

(a) Students enrolled in each individual grade included in 38914
the joint vocational district schools, including any student 38915
described in division (D)(1)(b) of this section; 38916

(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	38917 38918 38919 38920
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	38921 38922 38923 38924
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	38925 38926 38927 38928
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	38929 38930 38931 38932
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	38933 38934 38935 38936
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	38937 38938 38939 38940
(h) Students receiving category one career-technical education services, described in division (A) (1) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	38941 38942 38943 38944
(i) Students receiving category two career-technical	38945

education services, described in division (A) (2) of section	38946
3317.014 of the Revised Code, including any student described in	38947
division (D) (1) (b) of this section;	38948
(j) Students receiving category three career-technical	38949
education services, described in division (A) (3) of section	38950
3317.014 of the Revised Code, including any student described in	38951
division (D) (1) (b) of this section;	38952
(k) Students receiving category four career-technical	38953
education services, described in division (A) (4) of section	38954
3317.014 of the Revised Code, including any student described in	38955
division (D) (1) (b) of this section;	38956
(l) Students receiving category five career-technical	38957
education services, described in division (A) (5) of section	38958
3317.014 of the Revised Code, including any student described in	38959
division (D) (1) (b) of this section;	38960
(m) English learners described in division (A) of section	38961
3317.016 of the Revised Code, including any student described in	38962
division (D) (1) (b) of this section;	38963
(n) English learners described in division (B) of section	38964
3317.016 of the Revised Code, including any student described in	38965
division (D) (1) (b) of this section;	38966
(o) English learners described in division (C) of section	38967
3317.016 of the Revised Code, including any student described in	38968
division (D) (1) (b) of this section;	38969
(p) Students who are economically disadvantaged, as	38970
defined by the department, including any student described in	38971
division (D) (1) (b) of this section. A student shall not be	38972
categorically excluded from the number reported under division	38973
(D) (2) (p) of this section based on anything other than family	38974

income. 38975

The superintendent of each joint vocational school 38976
district shall also indicate the city, local, or exempted 38977
village school district in which each joint vocational district 38978
pupil is entitled to attend school pursuant to section 3313.64 38979
or 3313.65 of the Revised Code. 38980

(E) In each school of each city, local, exempted village, 38981
joint vocational, and cooperative education school district 38982
there shall be maintained a record of school enrollment, which 38983
record shall accurately show, for each day the school is in 38984
session, the actual enrollment in regular day classes. For the 38985
purpose of determining the enrollment of students, the 38986
enrollment figure of any school shall not include any pupils 38987
except those pupils described by division (A) or (D) of this 38988
section. The record of enrollment for each school shall be 38989
maintained in such manner that no pupil shall be counted as 38990
enrolled prior to the actual date of entry in the school and 38991
also in such manner that where for any cause a pupil permanently 38992
withdraws from the school that pupil shall not be counted as 38993
enrolled from and after the date of such withdrawal. There shall 38994
not be included in the enrollment of any school any of the 38995
following: 38996

(1) Any pupil who has graduated from the twelfth grade of 38997
a public or nonpublic high school; 38998

(2) Any pupil who is not a resident of the state; 38999

(3) Any pupil who was enrolled in the schools of the 39000
district during the previous school year when assessments were 39001
administered under section 3301.0711 of the Revised Code but did 39002
not take one or more of the assessments required by that section 39003

and was not excused pursuant to division (C) (1) or (3) of that section; 39004
39005

(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge; 39006
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(5) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code. 39014
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If, however, any veteran described by division (E) (4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section. 39016
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Notwithstanding division (E) (3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the ~~superintendent of public instruction~~ department of education and workforce grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The ~~superintendent~~ department may grant such a waiver only for good cause in accordance with rules adopted by the ~~state board of education~~ department. 39021
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The enrolled ADM, formula ADM, total ADM, category one through five career-technical education ADM, category one 39031
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through three English learner ADM, category one through six 39033
special education ADM, transportation ADM, and, for purposes of 39034
provisions of law outside of Chapter 3317. of the Revised Code, 39035
average daily membership of any school district shall be 39036
determined in accordance with rules adopted by the ~~state board~~ 39037
~~of education~~ department. 39038

(F) (1) If a student attending a community school under 39039
Chapter 3314., a science, technology, engineering, and 39040
mathematics school established under Chapter 3326., or a 39041
college-preparatory boarding school established under Chapter 39042
3328. of the Revised Code is not included in the formula ADM 39043
calculated for the school district in which the student is 39044
entitled to attend school under section 3313.64 or 3313.65 of 39045
the Revised Code, the ~~department of education~~ shall adjust the 39046
formula ADM of that school district to include the student in 39047
accordance with division (C) (2) of this section. 39048

(2) If a student awarded an educational choice scholarship 39049
is not included in the formula ADM of the school district in 39050
which the student resides, the department shall adjust the 39051
formula ADM of that school district to include the student. 39052

(3) If a student awarded a scholarship under the Jon 39053
Peterson special needs scholarship program is not included in 39054
the formula ADM of the school district in which the student 39055
resides, the department shall adjust the formula ADM of that 39056
school district to include the student. 39057

(G) (1) (a) The superintendent of an institution operating a 39058
special education program pursuant to section 3323.091 of the 39059
Revised Code shall, for the programs under such superintendent's 39060
supervision, certify to the ~~state board of education~~ department, 39061
in the manner prescribed by the ~~superintendent of public~~ 39062

~~instruction~~director of education and workforce, both of the 39063
following: 39064

(i) The unduplicated count of the number of all children 39065
with disabilities other than preschool children with 39066
disabilities receiving services at the institution for each 39067
category of disability described in divisions (A) to (F) of 39068
section 3317.013 of the Revised Code adjusted for the portion of 39069
the year each child is so enrolled; 39070

(ii) The unduplicated count of the number of all preschool 39071
children with disabilities in classes or programs for whom the 39072
district is eligible to receive funding under section 3317.0213 39073
of the Revised Code adjusted for the portion of the year each 39074
child is so enrolled, reported according to the categories 39075
prescribed in section 3317.013 of the Revised Code. 39076

(b) The superintendent of an institution with career- 39077
technical education units approved under section 3317.05 of the 39078
Revised Code shall, for the units under the superintendent's 39079
supervision, certify to the ~~state board of education~~ department 39080
the enrollment in those units, in the manner prescribed by the 39081
~~superintendent of public instruction~~ director of education and 39082
workforce. 39083

(2) The superintendent of each county board of 39084
developmental disabilities that maintains special education 39085
classes under section 3317.20 of the Revised Code or provides 39086
services to preschool children with disabilities pursuant to an 39087
agreement between the county board and the appropriate school 39088
district shall do both of the following: 39089

(a) Certify to the ~~state board~~ department, in the manner 39090
prescribed by the ~~board~~ department, the enrollment in classes 39091

under section 3317.20 of the Revised Code for each school 39092
district that has placed children in the classes; 39093

(b) Certify to the ~~state board~~ department, in the manner 39094
prescribed by the ~~board~~ department, the unduplicated count of 39095
the number of all preschool children with disabilities enrolled 39096
in classes for which the board is eligible to receive funding 39097
under section 3317.0213 of the Revised Code adjusted for the 39098
portion of the year each child is so enrolled, reported 39099
according to the categories prescribed in section 3317.013 of 39100
the Revised Code, and the number of those classes. 39101

(H) Except as provided in division (I) of this section, 39102
when any city, local, or exempted village school district 39103
provides instruction for a nonresident pupil whose attendance is 39104
unauthorized attendance as defined in section 3327.06 of the 39105
Revised Code, that pupil's enrollment shall not be included in 39106
that district's enrollment figure used in calculating the 39107
district's payments under this chapter. The reporting official 39108
shall report separately the enrollment of all pupils whose 39109
attendance in the district is unauthorized attendance, and the 39110
enrollment of each such pupil shall be credited to the school 39111
district in which the pupil is entitled to attend school under 39112
division (B) of section 3313.64 or section 3313.65 of the 39113
Revised Code as determined by the department ~~of education~~. 39114

(I) This division shall not apply on or after ~~the~~ 39115
~~effective date of this amendment~~ September 30, 2021. 39116

(1) A city, local, exempted village, or joint vocational 39117
school district admitting a scholarship student of a pilot 39118
project district pursuant to division (C) of section 3313.976 of 39119
the Revised Code may count such student in its enrollment. 39120

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

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

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

(J) The superintendent of each cooperative education school district shall certify to the ~~superintendent of public instruction~~director of education and workforce, in a manner prescribed by the ~~state board of education department~~, the applicable enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the ~~superintendent of public instruction~~director of education and workforce determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the ~~superintendent of public instruction~~director of education and workforce may order that the district's enrolled ADM, formula ADM, or both be adjusted in the amount of the error.

Sec. 3317.031. A membership record shall be kept by grade level in each city, local, exempted village, joint vocational, and cooperative education school district and such a record

shall be kept by grade level in each educational service center 39150
that provides academic instruction to pupils, classes for pupils 39151
with disabilities, or any other direct instructional services to 39152
pupils. Such membership record shall show the following 39153
information for each pupil enrolled: Name, date of birth, name 39154
of parent, date entered school, date withdrawn from school, days 39155
present, days absent, and the number of days school was open for 39156
instruction while the pupil was enrolled. At the end of the 39157
school year this membership record shall show the total days 39158
present, the total days absent, and the total days due for all 39159
pupils in each grade. Such membership record shall show the 39160
pupils that are transported to and from school and it shall also 39161
show the pupils that are transported living within one mile of 39162
the school attended. This membership record shall also show any 39163
other information prescribed by the ~~state board~~ department of 39164
education and workforce. 39165

This membership record shall be kept intact for at least 39166
five years and shall be made available to the ~~state board of~~ 39167
~~education or its representative~~ department in making an audit of 39168
the average daily membership or the transportation of the 39169
district or educational service center. 39170

The ~~state board of education~~ department may withhold any 39171
money due any school district or educational service center 39172
under this chapter until it has satisfactory evidence that the 39173
board of education or educational service center governing board 39174
has fully complied with all of the provisions of this section. 39175

Nothing in this section shall require any person to 39176
release, or to permit access to, public school records in 39177
violation of section 3319.321 of the Revised Code. 39178

Sec. 3317.032. Each city, local, exempted village, and 39179

cooperative education school district, each educational service 39180
center, each county board of developmental disabilities, and 39181
each institution operating a special education program pursuant 39182
to section 3323.091 of the Revised Code shall, in accordance 39183
with procedures adopted by the ~~state board~~ department of 39184
education and workforce, maintain a record of district 39185
membership of all preschool children with disabilities who are 39186
served by a special education program. 39187

Sec. 3317.033. In accordance with rules which the ~~state~~ 39188
~~board~~ department of education and workforce shall adopt, each 39189
joint vocational school district shall do both of the following: 39190

(A) Maintain a record of district enrollment of any 39191
persons who are not eligible to be included in the district's 39192
formula ADM as that term is defined in section 3317.02 of the 39193
Revised Code; 39194

(B) Annually certify to the ~~state board of education~~ 39195
department the number of persons for whom a record is maintained 39196
under division (A) of this section. These numbers shall be 39197
reported on a full-time equivalent basis. 39198

Sec. 3317.036. (A) The superintendent of each city, local, 39199
and exempted village school district shall report to the ~~state~~ 39200
~~board~~ department of education and workforce as of the last day 39201
of October, March, and June of each year the enrollment under 39202
section 3317.23 of the Revised Code, on a full-time equivalency 39203
basis, of individuals who are at least twenty-two years of age. 39204
This report shall be in addition to the district's report of the 39205
enrollment of students entitled to attend school in the district 39206
under section 3313.64 or 3313.65 of the Revised Code that is 39207
required under section 3317.03 of the Revised Code. 39208

(B) The superintendent of each joint vocational school district shall report and certify to the ~~superintendent of public instruction department~~ as of the last day of October, March, and June of each year the enrollment of individuals receiving services from the district on a full-time equivalency basis under section 3317.24 of the Revised Code. This report shall be in addition to the district's report of the enrollment of students that is required under section 3317.03 of the Revised Code.

Sec. 3317.037. (A) As used in this section:

(1) "Contracting district" means a school district that has entered into a contract to provide career-technical education services that meet standards set by the ~~state board department of education and workforce~~ to one or more other school districts.

(2) "Career-technical planning district" has the same meaning as in section 3317.023 of the Revised Code.

(3) "Home district" means any city, local, or exempted village school district that is also not a lead district or a contracting district.

(4) "Lead district" means a lead district, as defined in section 3317.023 of the Revised Code, which is designated by the department ~~of education~~ to provide primary career-technical education leadership within a career-technical planning district.

(B) For the purposes of maintaining student enrollment records under section 3317.03 of the Revised Code, the superintendent of each home district shall provide to the lead district or contracting district the attendance records for each

student who receives career-technical education services 39238
provided by the lead district or contracting district in 39239
facilities operated by the student's home district. 39240

(C) Any lead district of a career-technical planning 39241
district may enter into an agreement with another school 39242
district within that career-technical planning district under 39243
which the lead district and the other school district may 39244
establish a method to determine the full-time equivalency for 39245
each student attending school in both districts for the purposes 39246
of calculating each district's enrollment under section 3317.03 39247
of the Revised Code. 39248

Sec. 3317.05. (A) The department of education and 39249
workforce shall determine for each institution, by the last day 39250
of January of each year and based on information certified under 39251
section 3317.03 of the Revised Code, the number of career- 39252
technical education units or fractions of units approved by the 39253
department on the basis of standards and rules adopted by the 39254
~~state board of education~~ department. As used in this section, 39255
"institution" means an institution operated by a department 39256
specified in section 3323.091 of the Revised Code and that 39257
provides career-technical education programs under the 39258
supervision of the division of career-technical education of the 39259
department that meet the standards and rules for these programs, 39260
including licensure of professional staff involved in the 39261
programs, as established by the ~~state board~~ department. 39262

(B) All of the arithmetical calculations made under this 39263
section shall be carried to the second decimal place. The total 39264
number of units for institutions approved annually under this 39265
section shall not exceed the number of units included in the 39266
estimate of cost for these units and appropriations made for 39267

them by the general assembly. 39268

(C) The department shall pay each institution approved for 39269
career-technical education units under division (A) of this 39270
section an amount for the total of all the units approved under 39271
that division. The amount for each unit shall be the sum of the 39272
minimum salary for the teacher of the unit, calculated on the 39273
basis of the teacher's training level and years of experience 39274
pursuant to the salary schedule prescribed in the version of 39275
section 3317.13 of the Revised Code in effect prior to July 1, 39276
2001, plus fifteen per cent of that minimum salary amount, and 39277
nine thousand five hundred ten dollars. Each institution that 39278
receives unit funds under this division annually shall report to 39279
the department on the delivery of services and the performance 39280
of students and any other information required by the department 39281
to evaluate the institution's career-technical education 39282
program. 39283

(D) For each unit allocated to an institution pursuant to 39284
division (A) of this section, the department, in addition to the 39285
amount specified in division (B) of this section, shall pay a 39286
supplemental unit allowance of \$7,227. 39287

Sec. 3317.051. (A) The department of education and 39288
workforce shall compute and pay to a school district funds based 39289
on units for services to students identified as gifted under 39290
Chapter 3324. of the Revised Code as prescribed by this section. 39291

(B) The department shall allocate gifted units for a 39292
school district as follows: 39293

(1) For fiscal years 2022 and 2023: 39294

(a) One gifted coordinator unit shall be allocated for 39295
every 3,300 students in a district's enrolled ADM, with a 39296

minimum of 0.5 units and a maximum of 8 units allocated for the 39297
district. 39298

(b) One kindergarten through eighth grade gifted 39299
intervention specialist unit shall be allocated for every 140 39300
gifted students enrolled in grades kindergarten through eight in 39301
the district, as certified under division (B) (22) of section 39302
3317.03 of the Revised Code, with a minimum of 0.3 units 39303
allocated for the district. 39304

(c) One ninth through twelfth grade gifted intervention 39305
specialist unit shall be allocated for every 140 gifted students 39306
enrolled in grades nine through twelve in the district, as 39307
certified under division (B) (22) of section 3317.03 of the 39308
Revised Code, with a minimum of 0.3 units allocated for the 39309
district. 39310

(2) For fiscal year 2024 and each fiscal year thereafter, 39311
in the manner prescribed by the general assembly. 39312

(C) The department shall pay an amount to a school 39313
district for gifted units as follows: 39314

(1) For fiscal years 2022 and 2023, an amount equal to the 39315
following sum: 39316

(\$85,776 X the number of units allocated to a school district 39317
under division (B) (1) (a) of this section X the district's state 39318
share percentage) + (\$89,378 X the number of units allocated to 39319
a school district under division (B) (1) (b) of this section X the 39320
district's state share percentage) + (\$80,974 X the number of 39321
units allocated to a school district under division (B) (1) (c) of 39322
this section X the district's state share percentage) 39323

(2) For fiscal year 2024 and each fiscal year thereafter, 39324
an amount calculated in a manner determined by the general 39325

assembly. 39326

(D) A school district may assign gifted unit funding that 39327
it receives under division (C) of this section to another school 39328
district, an educational service center, a community school, or 39329
a STEM school as part of an arrangement to provide services to 39330
the district. 39331

Sec. 3317.06. Moneys paid to school districts under 39332
division (E) (1) of section 3317.024 of the Revised Code shall be 39333
used for the following independent and fully severable purposes: 39334

(A) To purchase such secular textbooks or digital texts as 39335
have been approved by the ~~superintendent of public instruction~~ 39336
department of education and workforce for use in public schools 39337
in the state and to loan such textbooks or digital texts to 39338
pupils attending nonpublic schools within the district described 39339
in division (E) (1) of section 3317.024 of the Revised Code or to 39340
their parents and to hire clerical personnel to administer such 39341
lending program. Such loans shall be based upon individual 39342
requests submitted by such nonpublic school pupils or parents. 39343
Such requests shall be submitted to the school district in which 39344
the nonpublic school is located. Such individual requests for 39345
the loan of textbooks or digital texts shall, for administrative 39346
convenience, be submitted by the nonpublic school pupil or the 39347
pupil's parent to the nonpublic school, which shall prepare and 39348
submit collective summaries of the individual requests to the 39349
school district. As used in this section: 39350

(1) "Textbook" means any book or book substitute that a 39351
pupil uses as a consumable or nonconsumable text, text 39352
substitute, or text supplement in a particular class or program 39353
in the school the pupil regularly attends. 39354

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

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

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

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

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work 39385
services to pupils attending nonpublic schools within the 39386
district described in division (E) (1) of section 3317.024 of the 39387
Revised Code. Such services shall be provided in the public 39388
school, in nonpublic schools, in public centers, or in mobile 39389
units located on or off of the nonpublic premises. If such 39390
services are provided in the public school or in public centers, 39391
transportation to and from such facilities shall be provided by 39392
the school district in which the nonpublic school is located. 39393

(G) To provide remedial services to pupils attending 39394
nonpublic schools within the district described in division (E) 39395
(1) of section 3317.024 of the Revised Code. Such services shall 39396
be provided in the public school, in nonpublic schools, in 39397
public centers, or in mobile units located on or off of the 39398
nonpublic premises. If such services are provided in the public 39399
school or in public centers, transportation to and from such 39400
facilities shall be provided by the school district in which the 39401
nonpublic school is located. 39402

(H) To supply for use by pupils attending nonpublic 39403
schools within the district described in division (E) (1) of 39404
section 3317.024 of the Revised Code such standardized tests and 39405
scoring services as are in use in the public schools of the 39406
state; 39407

(I) To provide programs for children who attend nonpublic 39408
schools within the district described in division (E) (1) of 39409
section 3317.024 of the Revised Code and are children with 39410
disabilities as defined in section 3323.01 of the Revised Code 39411
or gifted children. Such programs shall be provided in the 39412
public school, in nonpublic schools, in public centers, or in 39413
mobile units located on or off of the nonpublic premises. If 39414

such programs are provided in the public school or in public 39415
centers, transportation to and from such facilities shall be 39416
provided by the school district in which the nonpublic school is 39417
located. 39418

(J) To hire clerical personnel to assist in the 39419
administration of programs pursuant to divisions (B), (C), (D), 39420
(E), (F), (G), and (I) of this section and to hire supervisory 39421
personnel to supervise the providing of services and textbooks 39422
pursuant to this section. 39423

(K) To purchase or lease any secular, neutral, and 39424
nonideological computer application software designed to assist 39425
students in performing a single task or multiple related tasks, 39426
device management software, learning management software, site- 39427
licensing, digital video on demand (DVD), wide area connectivity 39428
and related technology as it relates to internet access, 39429
mathematics or science equipment and materials, instructional 39430
materials, and school library materials that are in general use 39431
in the public schools of the state and loan such items to pupils 39432
attending nonpublic schools within the district described in 39433
division (E) (1) of section 3317.024 of the Revised Code or to 39434
their parents, and to hire clerical personnel to administer the 39435
lending program. Only such items that are incapable of diversion 39436
to religious use and that are susceptible of loan to individual 39437
pupils and are furnished for the use of individual pupils shall 39438
be purchased and loaned under this division. As used in this 39439
section, "instructional materials" means prepared learning 39440
materials that are secular, neutral, and nonideological in 39441
character and are of benefit to the instruction of school 39442
children. "Instructional materials" includes media content that 39443
a student may access through the use of a computer or electronic 39444
device. 39445

Mobile applications that are secular, neutral, and 39446
nonideological in character and that are purchased for less than 39447
twenty dollars for instructional use shall be considered to be 39448
consumable and shall be distributed to students without the 39449
expectation that the applications must be returned. 39450

(L) To purchase or lease instructional equipment, 39451
including computer hardware and related equipment in general use 39452
in the public schools of the state, for use by pupils attending 39453
nonpublic schools within the district described in division (E) 39454
(1) of section 3317.024 of the Revised Code and to loan such 39455
items to pupils attending such nonpublic schools within the 39456
district or to their parents, and to hire clerical personnel to 39457
administer the lending program. "Computer hardware and related 39458
equipment" includes desktop computers and workstations; laptop 39459
computers, computer tablets, and other mobile handheld devices; 39460
their operating systems and accessories; and any equipment 39461
designed to make accessible the environment of a classroom to a 39462
student, who is physically unable to attend classroom activities 39463
due to hospitalization or other circumstances, by allowing real- 39464
time interaction with other students both one-on-one and in 39465
group discussion. 39466

(M) To purchase mobile units to be used for the provision 39467
of services pursuant to divisions (E), (F), (G), and (I) of this 39468
section and to pay for necessary repairs and operating costs 39469
associated with these units. 39470

(N) To reimburse costs the district incurred to store the 39471
records of a chartered nonpublic school that closes. 39472
Reimbursements under this division shall be made one time only 39473
for each chartered nonpublic school described in division (E) (1) 39474
of section 3317.024 of the Revised Code that closes. 39475

(O) To purchase life-saving medical or other emergency equipment for placement in nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code or to maintain such equipment.

(P) To procure and pay for security services from a county sheriff or a township or municipal police force or from a person certified through the Ohio peace officer training commission, in accordance with section 109.78 of the Revised Code, as a special police, security guard, or as a privately employed person serving in a police capacity for nonpublic schools in the district described in division (E) (1) of section 3317.024 of the Revised Code.

(Q) To provide language and academic support services and other accommodations for English learners attending nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code.

Clerical and supervisory personnel hired pursuant to division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services.

All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency.

Transportation of pupils provided pursuant to divisions

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

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

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

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

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

Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted village school district within which is located one or more nonpublic elementary or high schools described in division

(E) (1) of section 3317.024 of the Revised Code and any payments 39534
made to school districts under division (E) (1) of section 39535
3317.024 of the Revised Code for purposes of this section may be 39536
disbursed without submission to and approval of the controlling 39537
board. 39538

The allocation of payments for materials, equipment, 39539
textbooks, digital texts, health services, and remedial services 39540
to city, local, and exempted village school districts shall be 39541
on the basis of the ~~state board of education's~~ department's 39542
estimated annual average daily membership in nonpublic 39543
elementary and high schools located in the district described in 39544
division (E) (1) of section 3317.024 of the Revised Code. 39545

Payments made to city, local, and exempted village school 39546
districts under this section shall be equal to specific 39547
appropriations made for the purpose. All interest earned by a 39548
school district on such payments shall be used by the district 39549
for the same purposes and in the same manner as the payments may 39550
be used. 39551

The ~~department of education~~ shall adopt guidelines and 39552
procedures under which such programs and services shall be 39553
provided, under which districts shall be reimbursed for 39554
administrative costs incurred in providing such programs and 39555
services, and under which any unexpended balance of the amounts 39556
appropriated by the general assembly to implement this section 39557
may be transferred to the auxiliary services personnel 39558
unemployment compensation fund established pursuant to section 39559
4141.47 of the Revised Code. The department shall also adopt 39560
guidelines and procedures limiting the purchase and loan of the 39561
items described in division (K) of this section to items that 39562
are in general use in the public schools of the state, that are 39563

incapable of diversion to religious use, and that are 39564
susceptible to individual use rather than classroom use. Within 39565
thirty days after the end of each biennium, each board of 39566
education shall remit to the department all moneys paid to it 39567
under division (E) (1) of section 3317.024 of the Revised Code 39568
and any interest earned on those moneys that are not required to 39569
pay expenses incurred under this section during the biennium for 39570
which the money was appropriated and during which the interest 39571
was earned. If a board of education subsequently determines that 39572
the remittal of moneys leaves the board with insufficient money 39573
to pay all valid expenses incurred under this section during the 39574
biennium for which the remitted money was appropriated, the 39575
board may apply to the department ~~of education~~ for a refund of 39576
money, not to exceed the amount of the insufficiency. If the 39577
department determines the expenses were lawfully incurred and 39578
would have been lawful expenditures of the refunded money, it 39579
shall certify its determination and the amount of the refund to 39580
be made to the director of job and family services who shall 39581
make a refund as provided in section 4141.47 of the Revised 39582
Code. 39583

Each school district shall label materials, equipment, 39584
computer hardware or software, textbooks, and digital texts 39585
purchased or leased for loan to a nonpublic school under this 39586
section, acknowledging that they were purchased or leased with 39587
state funds under this section. However, a district need not 39588
label materials, equipment, computer hardware or software, 39589
textbooks, or digital texts that the district determines are 39590
consumable in nature or have a value of less than two hundred 39591
dollars. 39592

Sec. 3317.061. The superintendent of each school district, 39593
including each cooperative education and joint vocational school 39594

district and the superintendent of each educational service center, shall, on forms prescribed and furnished by the ~~state board~~ department of education and workforce, certify to the department and the state board of education, on or before the fifteenth day of October of each year, the name of each licensed employee employed, on an annual salary, in each school under such superintendent's supervision during the first full school week of said month of October, the number of years of recognized college training such licensed employee has completed, the college degrees from a recognized college earned by such licensed employee, the type of teaching license held by such licensed employee, the number of months such licensed employee is employed in the school district, the annual salary of such licensed employee, and such other information as the ~~state board of education~~ department, in consultation with the state board, may request. For the purposes of Chapter 3317. of the Revised Code, a licensed employee is any employee in a position that requires a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code.

Pursuant to standards adopted by the ~~state board of education~~ department, experience of vocational teachers in trade and industry shall be recognized by ~~such board~~ the department for the purpose of complying with the requirements of recognized college training provided by Chapter 3317. of the Revised Code.

Sec. 3317.062. (A) Moneys paid to chartered nonpublic schools under division (E) (2) of section 3317.024 of the Revised Code shall be used for one or more of the following purposes:

(1) To purchase secular textbooks or digital texts, as defined in divisions (A) (1) and (2) of section 3317.06 of the Revised Code, as have been approved by the ~~superintendent of~~

~~public instruction department of education and workforce~~ for use 39625
in public schools in the state. Textbooks purchased in 39626
accordance with this division may be disposed of four years 39627
after the date of purchase; 39628

(2) To provide the services described in divisions (B), 39629
(C), (D), and (Q) of section 3317.06 of the Revised Code; 39630

(3) To provide the services described in divisions (E), 39631
(F), (G), and (I) of section 3317.06 of the Revised Code. If 39632
such services are provided in public schools or in public 39633
centers, transportation to and from such facilities shall be 39634
provided by the nonpublic school. 39635

(4) To supply for use by pupils attending the school such 39636
standardized tests and scoring services as are in use in the 39637
public schools of the state; 39638

(5) To hire clerical personnel to assist in the 39639
administration of divisions (A) (2), (3), and (4) of this section 39640
and to hire supervisory personnel to supervise the providing of 39641
services and textbooks pursuant to this section. These personnel 39642
shall perform their services in the public schools, in nonpublic 39643
schools, public centers, or mobile units where the services are 39644
provided to the nonpublic school pupil, except that such 39645
personnel may accompany pupils to and from the service sites 39646
when necessary to ensure the safety of the children receiving 39647
the services. All services provided pursuant to this section may 39648
be provided under contract with school districts, educational 39649
service centers, the department of health, city or general 39650
health districts, or private agencies whose personnel are 39651
properly licensed by an appropriate state board or agency. 39652

(6) To purchase any of the materials described in division 39653

(K) of section 3317.06 of the Revised Code;	39654
(7) To purchase any of the equipment described in division	39655
(L) of section 3317.06 of the Revised Code;	39656
(8) To purchase mobile units to be used for the provision	39657
of services pursuant to division (A) (3) of this section and to	39658
pay for necessary repairs and operating costs associated with	39659
these units;	39660
(9) To purchase the equipment described in division (O) of	39661
section 3317.06 of the Revised Code;	39662
(10) To procure and pay for security services described in	39663
division (P) of section 3317.06 of the Revised Code.	39664
(B) Materials, equipment, computer hardware and software,	39665
textbooks, digital texts, and health and remedial services	39666
provided pursuant to this section and the admission of pupils to	39667
nonpublic schools shall be provided without distinction as to	39668
race, creed, color, or national origin of such pupils or of	39669
their teachers.	39670
(C) Any interest earned by a chartered nonpublic school on	39671
moneys paid to it under division (E) (2) of section 3317.024 of	39672
the Revised Code shall be used by the school for the same	39673
purposes and in the same manner as the payments may be used	39674
under this section.	39675
(D) The department of education shall adopt guidelines and	39676
procedures regarding both of the following:	39677
(1) The expenditure of moneys under this section;	39678
(2) The audit of nonpublic schools receiving funds under	39679
this section to ensure the appropriate use of funds.	39680

(E) The department shall adopt a rule specifying the party 39681
that owns any property purchased by a chartered nonpublic school 39682
with moneys paid under division (E) (2) of section 3317.024 of 39683
the Revised Code. The rule shall include procedures for disposal 39684
of the property by the designated owner when appropriate. 39685

(F) Within thirty days after the end of each biennium, 39686
each chartered nonpublic school shall remit to the department 39687
all moneys paid to it under division (E) (2) of section 3317.024 39688
of the Revised Code and any interest earned on those moneys that 39689
are not required to pay expenses incurred under this section 39690
during the biennium for which the moneys were appropriated and 39691
during which the interest was earned. If a school subsequently 39692
determines that the remittal of moneys leaves the school with 39693
insufficient money to pay all valid expenses incurred under this 39694
section during the biennium for which the remitted moneys were 39695
appropriated, the school may apply to the department for a 39696
refund of money, not to exceed the amount of the insufficiency. 39697
If the department determines the expenses were lawfully incurred 39698
and would have been lawful expenditures of the refunded money, 39699
the department shall make a refund in the necessary amount. 39700

(G) All services provided and purchases made pursuant to 39701
this section may be acquired under contract with school 39702
districts, educational service centers, the department of 39703
health, city or general health districts, or private entities. 39704

(H) When a chartered nonpublic school has materials or 39705
equipment purchased in accordance with division (A) (6) or (7) of 39706
this section that are no longer needed for school use, are 39707
obsolete, are unfit for the use for which they were acquired, or 39708
have been in the school's possession for at least four years, 39709
the school may dispose of that property in accordance with the 39710

school's disposal procedures, which may include donation, sale, 39711
trade, or permanent disposal. The school shall remit to the 39712
state treasury the proceeds from any sale made in accordance 39713
with this division. 39714

Sec. 3317.063. The ~~superintendent of public instruction,~~ 39715
~~in accordance with rules adopted by the~~ department of education,~~—~~ 39716
and workforce shall annually reimburse each chartered nonpublic 39717
school for the actual mandated service administrative and 39718
clerical costs incurred by such school during the preceding 39719
school year in preparing, maintaining, and filing reports, 39720
forms, and records, and in providing such other administrative 39721
and clerical services that are not an integral part of the 39722
teaching process as may be required by state law or rule or by 39723
requirements duly promulgated by city, exempted village, or 39724
local school districts. The mandated service costs reimbursed 39725
pursuant to this section shall include, but are not limited to, 39726
the preparation, filing and maintenance of forms, reports, or 39727
records and other clerical and administrative services relating 39728
to state chartering or approval of the nonpublic school, pupil 39729
attendance, pupil health and health testing, transportation of 39730
pupils, federally funded education programs, pupil appraisal, 39731
pupil progress, educator licensure, unemployment and workers' 39732
compensation, transfer of pupils, and such other education 39733
related data which are now or hereafter shall be required of 39734
such nonpublic school by state law or rule, or by requirements 39735
of the ~~state department of education,~~ other state agencies, or 39736
city, exempted village, or local school districts. 39737

The reimbursement required by this section shall be for 39738
school years beginning on or after July 1, 1981. 39739

Each nonpublic school which seeks reimbursement pursuant 39740

to this section shall submit to the ~~superintendent of public~~ 39741
~~instruction department~~ an application together with such 39742
additional reports and documents as the ~~department of education~~ 39743
may require. Such application, reports, and documents shall 39744
contain such information as the ~~department of education~~ may 39745
prescribe in order to carry out the purposes of this section. No 39746
payment shall be made until the ~~superintendent of public~~ 39747
~~instruction department~~ has approved such application. 39748

Each nonpublic school which applies for reimbursement 39749
pursuant to this section shall maintain a separate account or 39750
system of accounts for the expenses incurred in rendering the 39751
required services for which reimbursement is sought. Such 39752
accounts shall contain such information as is required by the 39753
~~department of education~~ and shall be maintained in accordance 39754
with rules adopted by the ~~department of education~~. 39755

Reimbursement payments to a nonpublic school for a school 39756
year pursuant to this section shall not exceed the per-pupil 39757
amount specified by the general assembly for that school year. 39758

The ~~superintendent of public instruction department~~ may, 39759
from time to time, examine any and all accounts and records of a 39760
nonpublic school which have been maintained pursuant to this 39761
section in support of an application for reimbursement, for the 39762
purpose of determining the costs to such school of rendering the 39763
services for which reimbursement is sought. If after such audit 39764
it is determined that any school has received funds in excess of 39765
the actual cost of providing such services, said school shall 39766
immediately reimburse the state in such excess amount. 39767

Any payments made to chartered nonpublic schools under 39768
this section may be disbursed without submission to and approval 39769
of the controlling board. 39770

Sec. 3317.064. (A) There is hereby established in the 39771
state treasury the auxiliary services reimbursement fund. By the 39772
thirtieth day of January of each odd-numbered year, the director 39773
of job and family services and the ~~superintendent of public-~~ 39774
~~instruction~~ department of education and workforce shall 39775
determine the amount of any excess moneys in the auxiliary 39776
services personnel unemployment compensation fund not reasonably 39777
necessary for the purposes of section 4141.47 of the Revised 39778
Code, and shall certify such amount to the director of budget 39779
and management for transfer to the auxiliary services 39780
reimbursement fund. If the director of job and family services 39781
and the ~~superintendent~~ department disagree on such amount, the 39782
director of budget and management shall determine the amount to 39783
be transferred. 39784

(B) Except as provided in divisions (C) and (D) of this 39785
section, moneys in the auxiliary services reimbursement fund 39786
shall be used for the relocation or for the replacement and 39787
repair of mobile units used to provide the services specified in 39788
division (E), (F), (G), or (I) of section 3317.06 and in 39789
division (A) (3) of section 3317.062 of the Revised Code. The 39790
~~state board of education~~ department shall adopt guidelines and 39791
procedures for replacement, repair, and relocation of mobile 39792
units and the procedures under which a school district or 39793
chartered nonpublic school may apply to receive moneys with 39794
which to repair or replace or relocate such units. 39795

(C) School districts and educational service centers may 39796
apply to the department for moneys from the auxiliary services 39797
reimbursement fund for payment of incentives for early 39798
retirement and severance for school district personnel assigned 39799
to provide services authorized by section 3317.06 or 3317.062 of 39800
the Revised Code at chartered nonpublic schools. The portion of 39801

the cost of any early retirement or severance incentive for any 39802
employee that is paid using money from the auxiliary services 39803
reimbursement fund shall not exceed the percentage of such 39804
employee's total service credit that the employee spent 39805
providing services to chartered nonpublic school students under 39806
section 3317.06 of the Revised Code. 39807

(D) The department ~~of education~~ may use a portion of the 39808
moneys in the auxiliary services reimbursement fund to make 39809
payments for chartered nonpublic school students under section 39810
3365.07 of the Revised Code, in accordance with rules adopted 39811
pursuant to section 3365.071 of the Revised Code. 39812

Sec. 3317.07. If the department of education and workforce 39813
determines that a county board of developmental disabilities no 39814
longer needs a school bus because the board no longer transports 39815
children to a special education program operated by the board, 39816
or if the department determines that a school district no longer 39817
needs a school bus to transport pupils to a nonpublic school or 39818
special education program, the department may reassign a bus 39819
that was funded with payments provided pursuant to the version 39820
of this section in effect prior to the effective date of this 39821
amendment for the purpose of transporting such pupils. The 39822
department may reassign a bus to a county board of developmental 39823
disabilities or school district that transports children to a 39824
special education program designated in the children's 39825
individualized education programs, or to a school district that 39826
transports pupils to a nonpublic school, and needs an additional 39827
school bus. 39828

Sec. 3317.071. For fiscal years 2022 and 2023, the 39829
department of education and workforce shall implement a program 39830
to distribute bus purchasing grants of not less than \$45,000 to 39831

city, local, and exempted village school districts for the 39832
purpose of replacing the oldest and highest mileage buses in the 39833
state assigned to routes. The department shall annually collect 39834
age, mileage, and vehicle condition data from districts through 39835
its transportation data collection system. 39836

Sec. 3317.072. (A) The transportation collaboration fund 39837
is hereby created in the state treasury for fiscal years 2022 39838
and 2023. The fund shall consist of money appropriated for this 39839
purpose by the general assembly. The department of education and 39840
workforce shall use money in the fund for grants awarded under 39841
this section. 39842

(B) (1) For fiscal years 2022 and 2023, the department 39843
shall award transportation collaboration grants each fiscal year 39844
to city, local, and exempted village school districts for 39845
efforts that lead to shared resource management, routing 39846
consolidation, regional collaboration, or other activities that 39847
have the potential to reduce transportation operating costs. 39848

(2) The department shall determine the amount of each 39849
grant awarded, but no grant shall exceed \$10,000 for any fiscal 39850
year. 39851

(3) The department shall adopt rules regarding all of the 39852
following: 39853

(a) The process for city, local, and exempted village 39854
school districts to submit applications for grants awarded under 39855
this section, including the deadline for those applications to 39856
be submitted; 39857

(b) The application form for grants awarded under this 39858
section; 39859

(c) The requirements and process for grant recipients to 39860

be eligible to renew their grants in future fiscal years; 39861

(d) Any other rules necessary to implement the provisions 39862
of this section. 39863

Sec. 3317.08. A board of education may admit to its 39864
schools a child it is not required by section 3313.64 or 3313.65 39865
of the Revised Code to admit, if tuition is paid for the child. 39866

Unless otherwise provided by law, tuition shall be 39867
computed in accordance with this section. A district's tuition 39868
charge for a school year shall be one of the following: 39869

(A) For any child, except a preschool child with a 39870
disability described in division (B) of this section, the 39871
quotient obtained by dividing the sum of the amounts described 39872
in divisions (A) (1) and (2) of this section by the district's 39873
formula ADM. 39874

(1) The district's total taxes charged and payable for 39875
current expenses for the tax year preceding the tax year in 39876
which the school year begins as certified under division (A) (3) 39877
of section 3317.021 of the Revised Code. 39878

(2) The district's total taxes collected for current 39879
expenses under a school district income tax adopted pursuant to 39880
section 5748.03, 5748.08, or 5748.09 of the Revised Code that 39881
are disbursed to the district during the fiscal year, excluding 39882
any income tax receipts allocated for the project cost, debt 39883
service, or maintenance set-aside associated with a state- 39884
assisted classroom facilities project as authorized by section 39885
3318.052 of the Revised Code. On or before the first day of June 39886
of each year, the tax commissioner shall certify the amount to 39887
be used in the calculation under this division for the next 39888
fiscal year to the department of education and workforce and the 39889

office of budget and management for each city, local, and 39890
exempted village school district that levies a school district 39891
income tax. 39892

(B) For any preschool child with a disability, an amount 39893
computed for the school year as follows: 39894

(1) For each type of special education service provided to 39895
the child for whom tuition is being calculated, determine the 39896
amount of the district's operating expenses in providing that 39897
type of service to all preschool children with disabilities; 39898

(2) For each type of special education service for which 39899
operating expenses are determined under division (B) (1) of this 39900
section, determine the amount of such operating expenses that 39901
was paid from any state funds received under this chapter; 39902

(3) For each type of special education service for which 39903
operating expenses are determined under division (B) (1) of this 39904
section, divide the difference between the amount determined 39905
under division (B) (1) of this section and the amount determined 39906
under division (B) (2) of this section by the total number of 39907
preschool children with disabilities who received that type of 39908
service; 39909

(4) Determine the sum of the quotients obtained under 39910
division (B) (3) of this section for all types of special 39911
education services provided to the child for whom tuition is 39912
being calculated. 39913

The ~~state board of education department~~ shall adopt rules 39914
defining the types of special education services and specifying 39915
the operating expenses to be used in the computation under this 39916
section. 39917

If any child for whom a tuition charge is computed under 39918

this section for any school year is enrolled in a district for 39919
only part of that school year, the amount of the district's 39920
tuition charge for the child for the school year shall be 39921
computed in proportion to the number of school days the child is 39922
enrolled in the district during the school year. 39923

Except as otherwise provided in division (J) of section 39924
3313.64 of the Revised Code, whenever a district admits a child 39925
to its schools for whom tuition computed in accordance with this 39926
section is an obligation of another school district, the amount 39927
of the tuition shall be certified by the treasurer of the board 39928
of education of the district of attendance, to the board of 39929
education of the district required to pay tuition for its 39930
approval and payment. If agreement as to the amount payable or 39931
the district required to pay the tuition cannot be reached, or 39932
the board of education of the district required to pay the 39933
tuition refuses to pay that amount, the board of education of 39934
the district of attendance shall notify the ~~superintendent of~~ 39935
~~public instruction department~~. The ~~superintendent department~~ 39936
shall determine the correct amount and the district required to 39937
pay the tuition and shall deduct that amount, if any, under 39938
division (D) of section 3317.023 of the Revised Code, from the 39939
district required to pay the tuition and add that amount to the 39940
amount allocated to the district attended under such division. 39941
The ~~superintendent of public instruction department~~ shall send 39942
to the district required to pay the tuition an itemized 39943
statement showing such deductions at the time of such deduction. 39944

When a political subdivision owns and operates an airport, 39945
welfare, or correctional institution or other project or 39946
facility outside its corporate limits, the territory within 39947
which the facility is located is exempt from taxation by the 39948
school district within which such territory is located, and 39949

there are school age children residing within such territory, 39950
the political subdivision owning such tax exempt territory shall 39951
pay tuition to the district in which such children attend 39952
school. The tuition for these children shall be computed as 39953
provided for in this section. 39954

Sec. 3317.081. (A) Tuition shall be computed in accordance 39955
with this section if: 39956

(1) The tuition is required by division (C) (3) (b) of 39957
section 3313.64 of the Revised Code; or 39958

(2) Neither the child nor the child's parent resides in 39959
this state and tuition is required by section 3327.06 of the 39960
Revised Code. 39961

(B) Tuition computed in accordance with this section shall 39962
equal the attendance district's tuition rate computed under 39963
section 3317.08 of the Revised Code plus the amount in state 39964
education aid, as defined in section 3317.02 of the Revised 39965
Code, that district would have received for the child during the 39966
school year had the department of education and workforce 39967
counted the child in the attendance district's formula ADM for 39968
that school year under section 3317.03 of the Revised Code. 39969

Sec. 3317.082. As used in this section, "institution" 39970
means a residential facility that receives and cares for 39971
children maintained by the department of youth services and that 39972
operates a school chartered ~~by the state board of education~~ 39973
under section 3301.16 of the Revised Code. 39974

(A) On or before the thirty-first day of each January and 39975
July, the superintendent of each institution that during the 39976
six-month period immediately preceding each January or July 39977
provided an elementary or secondary education for any child, 39978

other than a child receiving special education under section 3323.091 of the Revised Code, shall prepare and submit to the department of education and workforce, a statement for each such child indicating the child's name, any school district responsible to pay tuition for the child as determined by the superintendent in accordance with division (C)(2) or (3) of section 3313.64 of the Revised Code, and the period of time during that six-month period that the child received an elementary or secondary education. If any school district is responsible to pay tuition for any such child, the department ~~of education~~, ~~no~~ not later than the immediately succeeding last day of February or August, as applicable, shall calculate the amount of the tuition of the district under section 3317.08 of the Revised Code for the period of time indicated on the statement and do one of the following:

(1) If the tuition amount is equal to or less than the district's state education aid, pay to the institution submitting the statement an amount equal to the tuition amount, as provided under division (G) of section 3317.024 of the Revised Code, and deduct the tuition amount from the state basic aid funds payable to the district, as provided under division (C)(2) of section 3317.023 of the Revised Code;

(2) If the tuition amount is greater than the district's state education aid, require the district to pay to the institution submitting the statement an amount equal to the tuition amount.

(B) In the case of any disagreement about the school district responsible to pay tuition for a child pursuant to this section, the ~~superintendent of public instruction~~ director of education and workforce shall make the determination in any such

case in accordance with division (C) (2) or (3) of section 40009
3313.64 of the Revised Code. 40010

Sec. 3317.09. All moneys distributed to a school district, 40011
including any cooperative education or joint vocational school 40012
district and all moneys distributed to any educational service 40013
center, by the state whether from a state or federal source, 40014
shall be accounted for by the division of school finance of the 40015
department of education and workforce. All moneys distributed 40016
shall be coded as to county, school district or educational 40017
service center, source, and other pertinent information, and at 40018
the end of each month, a report of such distribution shall be 40019
made by such division of school finance to each school district 40020
and educational service center. If any board of education fails 40021
to make the report required in section 3319.33 of the Revised 40022
Code, the ~~superintendent of public instruction department~~ shall 40023
be without authority to distribute funds to that school district 40024
or educational service center under this chapter until such time 40025
as the required reports are filed with all specified officers, 40026
boards, or agencies. 40027

Sec. 3317.10. (A) On or before the first day of March of 40028
each year, the department of job and family services shall 40029
certify to the ~~state board~~ department of education and workforce 40030
the unduplicated number of children ages five through seventeen 40031
residing in each school district and living in a family that, 40032
during the preceding October, participated in Ohio works first. 40033

The department of job and family services shall certify 40034
this information according to the school district of residence 40035
for each child. 40036

(B) Upon the transfer of part of the territory of one 40037
school district to the territory of one or more other school 40038

districts, the department of education and workforce may adjust 40039
the number of children certified under division (A) of this 40040
section for any district gaining or losing territory in such a 40041
transfer in order to take into account the effect of the 40042
transfer on the number of such children who reside in the 40043
district. Within sixty days of receipt of a request for 40044
information from the department of education and workforce, the 40045
department of job and family services shall provide any 40046
information the department of education and workforce determines 40047
is necessary to make such adjustments. 40048

Sec. 3317.11. (A) As used in this section: 40049

(1) For fiscal years 2022 and 2023, "base amount" is equal 40050
to \$356,250. 40051

(2) For fiscal years 2022 and 2023, "funding base" means 40052
an amount calculated by the department of education and 40053
workforce that is equal to the amount an educational service 40054
center would have received under Section 265.360 of H.B. 166 of 40055
the 133rd general assembly for fiscal year 2020 using the 40056
student counts of the school districts with which the service 40057
center has service agreements for the fiscal year for which 40058
payments under this section are being made. 40059

(3) For fiscal years 2022 and 2023, "general phase-in 40060
percentage" for an educational service center means the "general 40061
phase-in percentage" for school districts as defined in section 40062
3317.02 of the Revised Code. 40063

(4) For fiscal years 2022 and 2023, "student count" means 40064
the count calculated under division (G)(1) of section 3313.843 40065
of the Revised Code. 40066

(B)(1) For fiscal years 2022 and 2023, the department of 40067

education and workforce shall pay the governing board of each 40068
educational service center an amount equal to the following: 40069

The educational service center's funding base + [(the amount 40070
calculated for the educational service center for that fiscal 40071
year under division (C) of this section - the educational 40072
service center's funding base) X the educational service 40073
center's general phase-in percentage for that fiscal year] 40074

(2) For fiscal year 2024 and each fiscal year thereafter, 40075
the department shall pay the governing board of each educational 40076
service center an amount calculated in a manner determined by 40077
the general assembly. 40078

(C) For fiscal years 2022 and 2023, the department shall 40079
calculate an amount for each educational service center as 40080
follows: 40081

(1) If the educational service center has a student count 40082
of 5,000 students or less, the base amount. 40083

(2) If the educational service center has a student count 40084
greater than 5,000 students but less than or equal to 35,000 40085
students, the following sum: 40086

The base amount + [(the educational service center's student 40087
count - 5,000) X \$24.72] 40088

(3) If the educational service center has a student count 40089
greater than 35,000 students, the following sum: 40090

The base amount + (30,000 X \$24.72) + [(the educational service 40091
center's student count - 35,000) X \$30.90] 40092

Sec. 3317.12. Any board of education participating in 40093
funds distributed under Chapter 3317. of the Revised Code shall 40094
annually adopt a salary schedule for nonteaching school 40095

employees based upon training, experience, and qualifications 40096
with initial salaries no less than the salaries in effect on 40097
October 13, 1967. Each board of education shall prepare and may 40098
amend from time to time, specifications descriptive of duties, 40099
responsibilities, requirements, and desirable qualifications of 40100
the classifications of employees required to perform the duties 40101
specified in the salary schedule. All nonteaching school 40102
employees are to be notified of the position classification to 40103
which they are assigned and the salary for the classification. 40104
The compensation of all employees working for a particular 40105
school board shall be uniform for like positions except as 40106
compensation would be affected by salary increments based upon 40107
length of service. 40108

On the fifteenth day of October each year the salary 40109
schedule and the list of job classifications and salaries in 40110
effect on that date shall be filed by each board of education 40111
with the ~~superintendent of public instruction~~department of 40112
education and workforce. If such salary schedule and 40113
classification plan is not filed the ~~superintendent of public~~ 40114
~~instruction department~~ shall order the board to file such 40115
schedules forthwith. If this condition is not corrected within 40116
ten days after receipt of the order from the ~~superintendent of~~ 40117
~~public instruction~~department, no money shall be distributed to 40118
the district under Chapter 3317. of the Revised Code until the 40119
~~superintendent department~~ has satisfactory evidence of the board 40120
of education's full compliance with such order. 40121

Sec. 3317.13. (A) As used in this section and section 40122
3317.14 of the Revised Code: 40123

(1) "Years of service" includes the following: 40124

(a) All years of teaching service in the same school 40125

district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

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

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

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

(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be

paid pursuant to this section, years of service shall include 40155
the sum of all years of the teacher's teaching service included 40156
in divisions (A) (1) (a), (b), (c), and (d) of this section; 40157
except that any school district or educational service center 40158
employing a teacher new to the district or educational service 40159
center shall grant such teacher a total of not more than ten 40160
years of service pursuant to divisions (A) (1) (b), (c), and (d) 40161
of this section. 40162

Upon written complaint to the ~~superintendent of public~~ 40163
~~instruction~~ director of education and workforce that the board 40164
of education of a district or the governing board of an 40165
educational service center governing board has failed or refused 40166
to annually adopt a salary schedule or to pay salaries in 40167
accordance with the salary schedule set forth in division (C) of 40168
this section, the ~~superintendent of public instruction~~ director 40169
shall cause to be made an immediate investigation of such 40170
complaint. If the ~~superintendent~~ director finds that the 40171
conditions complained of exist, the ~~superintendent~~ director 40172
shall order the board to correct such conditions within ten days 40173
from the date of the finding. No moneys shall be distributed to 40174
the district or educational service center under this chapter 40175
until the ~~superintendent~~ director has satisfactory evidence of 40176
the board of education's full compliance with such order. 40177

Each teacher shall be fully credited with placement in the 40178
appropriate academic training level column in the district's or 40179
educational service center's salary schedule with years of 40180
service properly credited pursuant to this section or section 40181
3317.14 of the Revised Code. No rule shall be adopted or 40182
exercised by any board of education or educational service 40183
center governing board which restricts the placement or the 40184
crediting of annual salary increments for any teacher according 40185

to the appropriate academic training level column. 40186

(C) Minimum salaries exclusive of retirement and sick 40187
leave for teachers shall be as follows: 40188

40189

	1	2	3	4	5
A	Years of Service	Teachers with Less than Bachelor's Degree	Teachers with a Bachelor's Degree	Teachers with Five Years of Training, but no Master's Degree	Teachers with a Master's Degree or Higher

40190

	1	2	3	4	5	6	7	8	9
A	Per Cent*	Dollar Amount	Dollar Amount						

40191

	1	2	3	4	5	6	7	8	9
A	0	86.5	\$25,950	100.0	\$30,000	103.8	\$31,140	109.5	\$32,850
B	1	90.0	27,000	103.8	31,140	108.1	32,430	114.3	34,290
C	2	93.5	28,050	107.6	32,280	112.4	33,720	119.1	35,730
D	3	97.0	29,100	111.4	33,420	116.7	35,010	123.9	37,170

E	4	100.5	30,150	115.2	34,560	121.0	36,300	128.7	38,610
F	5	104.0	31,200	119.0	35,700	125.3	37,590	133.5	40,050
G	6	104.0	31,200	122.8	36,840	129.6	38,880	138.3	41,490
H	7	104.0	31,200	126.6	37,980	133.9	40,170	143.1	42,930
I	8	104.0	31,200	130.4	39,120	138.2	41,460	147.9	44,370
J	9	104.0	31,200	134.2	40,260	142.5	42,750	152.7	45,810
K	10	104.0	31,200	138.0	41,400	146.8	44,040	157.5	47,250
L	11	104.0	31,200	141.8	42,540	151.1	45,330	162.3	48,690

* Percentages represent the percentage which each salary is of the base amount. 40192
40193

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 40194
40195
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40197
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40200
40201
40202

As used in this division: 40203

(1) "Base amount" means thirty thousand dollars. 40204

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university. 40205
40206
40207

(D) For purposes of this section, all credited training 40208
shall be from a recognized college or university. 40209

Sec. 3317.14. Any school district board of education or 40210
educational service center governing board participating in 40211
funds distributed under Chapter 3317. of the Revised Code shall 40212
annually adopt a teachers' salary schedule with provision for 40213
increments based upon training and years of service. 40214
Notwithstanding sections 3317.13 and 3319.088 of the Revised 40215
Code, the board may establish its own service requirements and 40216
may grant service credit for such activities as teaching in 40217
public or nonpublic schools in this state or in another state, 40218
for service as an educational assistant other than as a 40219
classroom aide employed in accordance with section 5107.541 of 40220
the Revised Code, and for service in the military or in an 40221
appropriate state or federal governmental agency, provided no 40222
teacher receives less than the amount required to be paid 40223
pursuant to section 3317.13 of the Revised Code and provided 40224
full credit for a minimum of five years of actual teaching and 40225
military experience as defined in division (A) of section 40226
3317.13 of the Revised Code is given to each teacher. 40227

Each teacher who has completed training which would 40228
qualify such teacher for a higher salary bracket pursuant to 40229
this section shall file by the fifteenth day of September with 40230
the treasurer of the board of education or educational service 40231
center satisfactory evidence of the completion of such 40232
additional training. The treasurer shall then immediately place 40233
the teacher, pursuant to this section and section 3317.13 of the 40234
Revised Code, in the proper salary bracket in accordance with 40235
training and years of service before certifying such salary, 40236
training, and years of service to the ~~superintendent of public~~ 40237
~~instruction~~department of education and workforce. No teacher 40238

shall be paid less than the salary to which such teacher is 40239
entitled pursuant to section 3317.13 of the Revised Code. 40240

Sec. 3317.141. The board of education of any city, 40241
exempted village, local, or joint vocational school district 40242
that is the recipient of moneys from a grant awarded under the 40243
federal race to the top program, Division (A), Title XIV, 40244
Sections 14005 and 14006 of the "American Recovery and 40245
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 40246
shall comply with this section in accordance with the timeline 40247
contained in the board's scope of work, as approved by the 40248
~~superintendent of public instruction~~director of education and 40249
workforce, and shall not be subject to sections 3317.13 and 40250
3317.14 of the Revised Code. The board of education of any other 40251
school district, and the governing board of each educational 40252
service center, shall comply with either this section or 40253
sections 3317.13 and 3317.14 of the Revised Code. 40254

(A) The board annually shall adopt a salary schedule for 40255
teachers based upon performance as described in division (B) of 40256
this section. 40257

(B) For purposes of the schedule, a board shall measure a 40258
teacher's performance by considering all of the following: 40259

(1) The level of license issued under section 3319.22 of 40260
the Revised Code that the teacher holds; 40261

(2) Whether the teacher is a properly certified or 40262
licensed teacher, as defined in section 3319.074 of the Revised 40263
Code; 40264

(3) Ratings received by the teacher on performance 40265
evaluations conducted under section 3319.111 of the Revised 40266
Code. 40267

(C) The schedule shall provide for annual adjustments 40268
based on performance on the evaluations conducted under section 40269
3319.111 of the Revised Code. The annual performance-based 40270
adjustment for a teacher rated as accomplished shall be greater 40271
than the annual performance-based adjustment for a teacher rated 40272
as skilled. 40273

(D) The salary schedule adopted under this section may 40274
provide for additional compensation for teachers who agree to 40275
perform duties, not contracted for under a supplemental 40276
contract, that the employing board determines warrant additional 40277
compensation. Those duties may include, but are not limited to, 40278
assignment to a school building eligible for funding under Title 40279
I of the "Elementary and Secondary Education Act of 1965," 20 40280
U.S.C. 6301 et seq.; assignment to a building in "school 40281
improvement" status under the "No Child Left Behind Act of 40282
2001," as defined in section 3302.01 of the Revised Code; 40283
teaching in a grade level or subject area in which the board has 40284
determined there is a shortage within the district or service 40285
center; or assignment to a hard-to-staff school, as determined 40286
by the board. 40287

Sec. 3317.15. (A) As used in this section, "child with a 40288
disability" has the same meaning as in section 3323.01 of the 40289
Revised Code. 40290

(B) Each city, exempted village, local, and joint 40291
vocational school district shall continue to comply with all 40292
requirements of federal statutes and regulations, the Revised 40293
Code, and rules adopted by the ~~state board~~ department of 40294
education and workforce governing education of children with 40295
disabilities, including, but not limited to, requirements that 40296
children with disabilities be served by appropriately licensed 40297

or certificated education personnel. 40298

(C) Each city, exempted village, local, and joint 40299
vocational school district shall consult with the educational 40300
service center serving the county in which the school district 40301
is located and, if it elects to participate pursuant to section 40302
5126.04 of the Revised Code, the county board of developmental 40303
disabilities of that county, in providing services that serve 40304
the best interests of children with disabilities. 40305

(D) Each school district shall annually provide 40306
documentation to the department ~~of education~~ that it employs the 40307
appropriate number of licensed or certificated personnel to 40308
serve the district's students with disabilities. 40309

(E) The department annually shall audit a sample of school 40310
districts to ensure that children with disabilities are being 40311
appropriately reported. 40312

(F) Each school district shall provide speech-language 40313
pathology services at a ratio of one speech-language pathologist 40314
per two thousand students receiving any educational services 40315
from the district other than adult education. Each district 40316
shall provide school psychological services at a ratio of one 40317
school psychologist per two thousand five hundred students 40318
receiving any educational services from the district other than 40319
adult education. A district may obtain the services of speech- 40320
language pathologists and school psychologists by any means 40321
permitted by law, including contracting with an educational 40322
service center. If, however, a district is unable to obtain the 40323
services of the required number of speech-language pathologists 40324
or school psychologists, the district may request from the 40325
~~superintendent of public instruction~~department, and the 40326
~~superintendent~~ department may grant, a waiver of this provision 40327

for a period of time established by the 40328
~~superintendent~~department. 40329

Sec. 3317.16. The department of education and workforce 40330
shall compute and distribute state core foundation funding to 40331
each funding unit that is a joint vocational school district for 40332
the fiscal year as follows: 40333

For fiscal years 2022 and 2023: 40334

The district's funding base + [(the district's state core 40335
foundation funding components for that fiscal year calculated 40336
under divisions (A) (1), (2), (4), (5), and (6) of this section - 40337
the district's general funding base) X the district's general 40338
phase-in percentage for that fiscal year] + [(the district's 40339
disadvantaged pupil impact aid for that fiscal year calculated 40340
under division (A) (3) of this section - the district's 40341
disadvantaged pupil impact aid funding base) X the district's 40342
phase-in percentage for disadvantaged pupil impact aid for that 40343
fiscal year] 40344

For fiscal year 2024 and each fiscal year thereafter, the 40345
sum of the district's state core foundation funding components 40346
for that fiscal year calculated under divisions (A) (1), (2), 40347
(3), (4), (5), and (6) of this section. 40348

(A) A district's state core foundation funding components 40349
shall be all of the following: 40350

(1) The district's state share of the base cost, which is 40351
equal to the following: 40352

(a) For fiscal years 2022 and 2023, an amount calculated 40353
according to the following formula: 40354

(The district's base cost calculated under section 3317.012 of 40355

the Revised Code) - (0.0005 X the lesser of the district's 40356
three-year average valuation or the district's most recent 40357
valuation) 40358

However, no district shall receive an amount under 40359
division (A) (1) of this section that is less than 0.05 times the 40360
base cost calculated for the district under section 3317.012 of 40361
the Revised Code. 40362

(b) For fiscal year 2024 and each fiscal year thereafter, 40363
an amount calculated in a manner determined by the general 40364
assembly. 40365

(2) Additional state aid for special education and related 40366
services provided under Chapter 3323. of the Revised Code 40367
calculated as follows: 40368

(a) For fiscal years 2022 and 2023, the sum of the 40369
following: 40370

(i) The district's category one special education ADM X 40371
the multiple specified in division (A) of section 3317.013 of 40372
the Revised Code X the statewide average base cost per pupil for 40373
that fiscal year X the district's state share percentage; 40374

(ii) The district's category two special education ADM X 40375
the multiple specified in division (B) of section 3317.013 of 40376
the Revised Code X the statewide average base cost per pupil for 40377
that fiscal year X the district's state share percentage; 40378

(iii) The district's category three special education ADM 40379
X the multiple specified in division (C) of section 3317.013 of 40380
the Revised Code X the statewide average base cost per pupil for 40381
that fiscal year X the district's state share percentage; 40382

(iv) The district's category four special education ADM X 40383

the multiple specified in division (D) of section 3317.013 of 40384
the Revised Code X the statewide average base cost per pupil for 40385
that fiscal year X the district's state share percentage; 40386

(v) The district's category five special education ADM X 40387
the multiple specified in division (E) of section 3317.013 of 40388
the Revised Code X the statewide average base cost per pupil for 40389
that fiscal year X the district's state share percentage; 40390

(vi) The district's category six special education ADM X 40391
the multiple specified in division (F) of section 3317.013 of 40392
the Revised Code X the statewide average base cost per pupil for 40393
that fiscal year X the district's state share percentage. 40394

(b) For fiscal year 2024 and each fiscal year thereafter, 40395
the sum of the following: 40396

(i) An amount calculated in a manner determined by the 40397
general assembly times the funding unit's category one special 40398
education ADM; 40399

(ii) An amount calculated in a manner determined by the 40400
general assembly times the funding unit's category two special 40401
education ADM; 40402

(iii) An amount calculated in a manner determined by the 40403
general assembly times the funding unit's category three special 40404
education ADM; 40405

(iv) An amount calculated in a manner determined by the 40406
general assembly times the funding unit's category four special 40407
education ADM; 40408

(v) An amount calculated in a manner determined by the 40409
general assembly times the funding unit's category five special 40410
education ADM; 40411

(vi) An amount calculated in a manner determined by the 40412
general assembly times the funding unit's category six special 40413
education ADM. 40414

(3) Disadvantaged pupil impact aid calculated as follows: 40415

(a) For fiscal years 2022 and 2023, an amount calculated 40416
according to the following formula: 40417

\$422 X the district's economically disadvantaged index X the 40418
number of students who are economically disadvantaged as 40419
certified under division (D) (2) (p) of section 3317.03 of the 40420
Revised Code 40421

(b) For fiscal year 2024 and each fiscal year thereafter, 40422
an amount calculated in a manner determined by the general 40423
assembly. 40424

(4) English learner funds calculated as follows: 40425

(a) For fiscal years 2022 and 2023, the sum of the 40426
following: 40427

(i) The district's category one English learner ADM X the 40428
multiple specified in division (A) of section 3317.016 of the 40429
Revised Code X the statewide average base cost per pupil for 40430
that fiscal year X the district's state share percentage; 40431

(ii) The district's category two English learner ADM X the 40432
multiple specified in division (B) of section 3317.016 of the 40433
Revised Code X the statewide average base cost per pupil for 40434
that fiscal year X the district's state share percentage; 40435

(iii) The district's category three English learner ADM X 40436
the multiple specified in division (C) of section 3317.016 of 40437
the Revised Code X the statewide average base cost per pupil for 40438
that fiscal year X the district's state share percentage. 40439

(b) For fiscal year 2024 and each fiscal year thereafter,	40440
the sum of the following:	40441
(i) An amount calculated in a manner determined by the	40442
general assembly times the funding unit's category one English	40443
learner ADM;	40444
(ii) An amount calculated in a manner determined by the	40445
general assembly times the funding unit's category two English	40446
learner ADM;	40447
(iii) An amount calculated in a manner determined by the	40448
general assembly times the funding unit's category three English	40449
learner ADM.	40450
(5) Career-technical education funds calculated under	40451
division (C) of section 3317.014 of the Revised Code.	40452
(6) Career-technical education associated services funds	40453
calculated under division (D) of section 3317.014 of the Revised	40454
Code.	40455
(B) (1) If a joint vocational school district's costs for a	40456
fiscal year for a student in its categories two through six	40457
special education ADM exceed the threshold catastrophic cost for	40458
serving the student, as specified in division (B) of section	40459
3317.0214 of the Revised Code, the district may submit to the	40460
superintendent of public instruction department documentation,	40461
as prescribed by the superintendent department, of all of its	40462
costs for that student. Upon submission of documentation for a	40463
student of the type and in the manner prescribed, the department	40464
shall pay to the district an amount equal to the sum of the	40465
following:	40466
(a) One-half of the district's costs for the student in	40467
excess of the threshold catastrophic cost;	40468

(b) The product of one-half of the district's costs for 40469
the student in excess of the threshold catastrophic cost 40470
multiplied by the district's state share percentage. 40471

(2) The district shall report under division (B) (1) of 40472
this section, and the department shall pay for, only the costs 40473
of educational expenses and the related services provided to the 40474
student in accordance with the student's individualized 40475
education program. Any legal fees, court costs, or other costs 40476
associated with any cause of action relating to the student may 40477
not be included in the amount. 40478

(C) (1) For each student with a disability receiving 40479
special education and related services under an individualized 40480
education program, as defined in section 3323.01 of the Revised 40481
Code, at a joint vocational school district, the resident 40482
district or, if the student is enrolled in a community school, 40483
the community school shall be responsible for the amount of any 40484
costs of providing those special education and related services 40485
to that student that exceed the sum of the amount calculated for 40486
those services attributable to that student under division (A) 40487
of this section. 40488

Those excess costs shall be calculated using a formula 40489
approved by the department. 40490

(2) The board of education of the joint vocational school 40491
district may report the excess costs calculated under division 40492
(C) (1) of this section to the department ~~of education~~. 40493

(3) If the board of education of the joint vocational 40494
school district reports excess costs under division (C) (2) of 40495
this section, the department shall pay the amount of excess cost 40496
calculated under division (C) (2) of this section to the joint 40497

vocational school district and shall deduct that amount as 40498
provided in division (C) (3) (a) or (b) of this section, as 40499
applicable: 40500

(a) If the student is not enrolled in a community school, 40501
the department shall deduct the amount from the account of the 40502
student's resident district pursuant to division (J) of section 40503
3317.023 of the Revised Code. 40504

(b) If the student is enrolled in a community school, the 40505
department shall deduct the amount from the account of the 40506
community school pursuant to section 3314.083 of the Revised 40507
Code. 40508

(D) A joint vocational school district shall spend the 40509
funds it receives under division (A) (3) of this section in 40510
accordance with section 3317.25 of the Revised Code. 40511

(E) For fiscal years 2022 and 2023, a school district 40512
shall spend the funds it receives under division (A) (4) of this 40513
section only for services for English learners. 40514

(F) As used in this section: 40515

(1) "Community school" means a community school 40516
established under Chapter 3314. of the Revised Code. 40517

(2) "Resident district" means the city, local, or exempted 40518
village school district in which a student is entitled to attend 40519
school under section 3313.64 or 3313.65 of the Revised Code. 40520

Sec. 3317.161. (A) As used in this section, "lead 40521
district" has the same meaning as in section 3317.023 of the 40522
Revised Code. 40523

(B) (1) A career-technical education program of a city, 40524
local, or exempted village school district, community school, or 40525

STEM school shall be subject to approval under this section in 40526
order for the district or school to qualify for state funding 40527
for the program. Approval granted under this section shall be 40528
valid for the five fiscal years following the fiscal year in 40529
which the program is approved and may be renewed. Approval shall 40530
be subject to annual review under division (E) of this section. 40531

(2) If a district or school becomes a new member of a 40532
career-technical planning district, its career-technical 40533
education programs shall be approved or disapproved by the lead 40534
district of the career-technical planning district during the 40535
fiscal year in which the district or school becomes a member of 40536
the career-technical planning district. Any program of the 40537
district or school that was approved by the department of 40538
education and workforce for an approval period that includes the 40539
fiscal year in which the district or school becomes a new member 40540
of the career-technical planning district shall retain its 40541
approved status during that fiscal year. 40542

(3) If an existing member of a career-technical planning 40543
district develops a new career-technical education program, that 40544
program shall be approved or disapproved by the lead district of 40545
the career-technical planning district prior to the first fiscal 40546
year for which the district or school is seeking funding for the 40547
program. 40548

(4) Except as provided in division (B) (2) of this section, 40549
if a career-technical education program was approved by the 40550
department prior to September 29, 2013, that approval remains 40551
valid for the unexpired remainder of the approval period 40552
specified by the department. Approval of that program may then 40553
be renewed in accordance with this section on a date prior to 40554
the expiration of the approval period. 40555

(C) (1) The lead district of a career-technical planning district shall approve or disapprove for a five-year period each career-technical education program of the city, local, and exempted village school districts, community schools, and STEM schools that are assigned by the department to the career-technical planning district. The lead district's decision to approve or disapprove a program shall be based on requirements for career-technical education programs that are specified in rules adopted by the department. These requirements shall include, but are not limited to, all of the following:

- (a) Demand for the career-technical education program by industries in the state;
- (b) Quality of the program;
- (c) Potential for a student enrolled in the program to receive the training that will qualify the student for industry credentials or post-secondary education;
- (d) Admission requirements of the lead district;
- (e) Past performance of the district or school that is offering the program;
- (f) Traveling distance;
- (g) Sustainability;
- (h) Capacity;
- (i) Availability of the program within the career-technical planning district;
- (j) In the case of a new program, the cost to begin the program.

(2) The lead district shall approve or disapprove each

program not later than the first day of March prior to the first 40583
fiscal year for which the district or school is seeking funding 40584
for the program. If a program is approved, the lead district 40585
shall notify the department of its decision. If a program is 40586
disapproved, the lead district shall notify the district or 40587
school of its decision. 40588

If the lead district disapproves the program or does not 40589
take any action to approve or disapprove the program by the 40590
first day of March, the district or school may appeal the lead 40591
district's decision or failure to take action to the department 40592
by the fifteenth day of March. 40593

(D) (1) Upon receiving notification of a lead district's 40594
approval of a district's or school's career-technical education 40595
program, the department shall review the lead district's 40596
decision and determine whether to approve or disapprove the 40597
program not later than the fifteenth day of May prior to the 40598
first fiscal year for which the district or school is seeking 40599
funding for the program. The department shall notify the 40600
district or school and the lead district of the district's or 40601
school's career-technical planning district of its 40602
determination. 40603

(2) Upon receiving an appeal from a district or school of 40604
a lead district's disapproval of a career-technical education 40605
program or failure to take action to approve or disapprove the 40606
program, the department shall review the lead district's 40607
disapproval or failure to take action. The department shall 40608
decide whether to approve or disapprove the program as a result 40609
of this review not later than the fifteenth day of May prior to 40610
the first fiscal year for which the district or school is 40611
seeking funding for the program. The department shall notify the 40612

lead district and the appealing district or school of its 40613
determination. 40614

(3) In conducting a review under division (D) (1) or (2) of 40615
this section, the department shall consider the criteria 40616
prescribed under division (C) (1) of this section. 40617

(4) If the department approves a program under division 40618
(D) (1) or (2) of this section, it shall authorize the payment to 40619
the district or school of the funds attributed to the career- 40620
technical students enrolled in that program in the next fiscal 40621
year according to a payment schedule prescribed by the 40622
department. 40623

(5) The department's decisions under divisions (D) (1) and 40624
(2) of this section shall be final and not appealable. 40625

(6) The ~~superintendent of public instruction~~ director of 40626
education and workforce may adopt guidelines identifying 40627
circumstances in which the department may, after consulting with 40628
a lead district, approve or disapprove a program that has been 40629
approved or disapproved by the lead district after the deadline 40630
prescribed in division (D) (1) or (2) of this section has passed. 40631

(E) The department and the lead district of each career- 40632
technical planning district shall conduct an annual review of 40633
each career-technical education program in the lead district's 40634
career-technical planning district that receives approval under 40635
this section. Continued funding of the program during the five- 40636
year approval period shall be subject to the school's compliance 40637
with any directives for performance improvement that are issued 40638
by the department or the lead district as a result of any review 40639
conducted under this section. 40640

Sec. 3317.162. (A) For fiscal years 2022 and 2023, the 40641

department of education and workforce shall pay temporary 40642
transitional aid to each joint vocational school district 40643
according to the following formula: 40644

(The district's funding base, as that term is defined in 40645
section 3317.02 of the Revised Code) - (the district's payment 40646
under section 3317.16 of the Revised Code for the fiscal year 40647
for which the payment is computed) 40648

If the computation made under division (A) of this section 40649
results in a negative number, the district's funding under 40650
division (A) of this section shall be zero. 40651

(B) If a joint vocational school district begins receiving 40652
payments under section 3317.16 of the Revised Code for fiscal 40653
year 2022 or fiscal year 2023 but does not receive payments for 40654
the fiscal year immediately preceding that fiscal year, the 40655
department shall establish the district's funding base, as that 40656
term is defined in section 3317.02 of the Revised Code, as an 40657
amount equal to the absolute value of the sum of the associated 40658
adjustments of any local school district's funding base under 40659
division (C) of section 3317.019 of the Revised Code. 40660

Sec. 3317.164. (A) As used in this section, "JobsOhio" has 40661
the same meaning as in section 187.01 of the Revised Code. 40662

(B) The governor's office of workforce transformation, in 40663
collaboration with the department of education and workforce, 40664
the chancellor of higher education, and JobsOhio, shall create a 40665
program that establishes financial incentives for Ohio 40666
businesses to provide work-based learning experiences for 40667
students enrolled in a career-technical education program 40668
approved under section 3317.161 of the Revised Code. 40669

(C) To qualify for the financial incentives of the program 40670

created under this section, a business's work-based learning 40671
experiences shall align with the framework developed by the 40672
department under division (J) (3) of section 3313.603 of the 40673
Revised Code and with the applicable minor labor laws under 40674
section 4109.02 of the Revised Code. 40675

Sec. 3317.18. (A) As used in this section, the terms 40676
"Chapter 133. securities," "credit enhancement facilities," 40677
"debt charges," "general obligation," "legislation," "public 40678
obligations," and "securities" have the same meanings as in 40679
section 133.01 of the Revised Code. 40680

(B) The board of education of any school district 40681
authorizing the issuance of securities under section 133.10 or 40682
3313.372 of the Revised Code or general obligation Chapter 133. 40683
securities may adopt legislation requesting the ~~state~~ department 40684
of education and workforce to approve, and enter into an 40685
agreement with the school district and the primary paying agent 40686
or fiscal agent for such securities providing for, the 40687
withholding and deposit of funds, otherwise due the district 40688
under Chapter 3317. of the Revised Code, for the payment of debt 40689
service charges on such securities. 40690

The board of education shall deliver to the state 40691
department a copy of such resolution and any additional 40692
pertinent information the ~~state~~ department may require. 40693

The department ~~of education~~ and the office of budget and 40694
management shall evaluate each request received from a school 40695
district under this section and the department, with the advice 40696
and consent of the director of budget and management, shall 40697
approve or deny each request based on all of the following: 40698

(1) Whether approval of the request will enhance the 40699

marketability of the securities for which the request is made; 40700

(2) Any other pertinent factors or limitations established 40701
in rules made under division (I) of this section, including: 40702

(a) Current and projected obligations of funds due to the 40703
requesting school district under Chapter 3317. of the Revised 40704
Code including obligations of those funds to public obligations 40705
or relevant credit enhancement facilities under this section, 40706
Chapter 133. and section 3313.483 of the Revised Code, and under 40707
any other similar provisions of law; 40708

(b) Whether the department of education and workforce or 40709
the office of budget and management has any reason to believe 40710
the requesting school district will be unable to pay when due 40711
the debt charges on the securities for which the request is 40712
made. 40713

The department may require a school district to establish 40714
schedules for the payment of all debt charges that take into 40715
account the amount and timing of anticipated distributions of 40716
funds to the district under Chapter 3317. of the Revised Code. 40717

(C) If the department approves the request of a school 40718
district to withhold and deposit funds pursuant to this section, 40719
the department shall enter into a written agreement with the 40720
district and the primary paying agent or fiscal agent for the 40721
securities which shall provide for the withholding of funds 40722
pursuant to this section for the payment of debt charges on 40723
those securities, and may include both of the following: 40724

(1) Provisions for certification by the district to the 40725
department, at a time prior to any date for the payment of 40726
applicable debt charges, whether the district is able to pay 40727
those debt charges when due; 40728

(2) Requirements that the district deposit amounts for the 40729
payment of debt charges on the securities with the primary 40730
paying agent or fiscal agent for the securities prior to the 40731
date on which those debt charge payments are due to the owners 40732
or holders of the securities. 40733

(D) Whenever a district notifies the department ~~of~~ 40734
~~education~~ that it will be unable to pay debt charges when they 40735
are due, subject to the withholding provisions of this section, 40736
or whenever the applicable paying agent or fiscal agent notifies 40737
the department that it has not timely received from a school 40738
district the full amount needed for the payment when due of 40739
those debt charges to the holders or owners of such securities, 40740
the department shall immediately contact the school district and 40741
the paying agent or fiscal agent to confirm or determine whether 40742
the district is unable to make the required payment by the date 40743
on which it is due. 40744

Upon demand of the treasurer of state while holding a 40745
school district obligation purchased under division (G) (1) of 40746
section 135.143 of the Revised Code, the ~~state department of~~ 40747
~~education~~, without a request of the school district, shall 40748
withhold and deposit funds pursuant to this section for payment 40749
of debt service charges on that obligation. 40750

If the department confirms or determines that the district 40751
will be unable to make such payment and payment will not be made 40752
pursuant to a credit enhancement facility, the department shall 40753
promptly pay to the applicable primary paying agent or fiscal 40754
agent the lesser of the amount due for debt charges or the 40755
amount due the district for the remainder of the fiscal year 40756
under Chapter 3317. of the Revised Code. If this amount is 40757
insufficient to pay the total amount then due the agent for the 40758

payment of debt charges, the department shall pay to the agent 40759
each fiscal year thereafter, and until the full amount due the 40760
agent for unpaid debt charges is paid in full, the lesser of the 40761
remaining amount due the agent for debt charges or the amount 40762
due the district for the fiscal year under Chapter 3317. of the 40763
Revised Code. 40764

(E) The ~~state~~ department may make any payments under this 40765
division by direct deposit of funds by electronic transfer. 40766

Any amount received by a paying agent or fiscal agent 40767
under this section shall be applied only to the payment of debt 40768
charges on the securities of the school district subject to this 40769
section or to the reimbursement to the provider of a credit 40770
enhancement facility that has paid such debt charges. 40771

(F) To the extent a school district whose securities are 40772
subject to this section is unable to pay applicable debt charges 40773
because of the failure to collect property taxes levied for the 40774
payment of those debt charges, the district may transfer to or 40775
deposit into any fund that would have received payments under 40776
Chapter 3317. of the Revised Code that were withheld under this 40777
section any such delinquent property taxes when later collected, 40778
provided that transfer or deposit shall be limited to the 40779
amounts withheld from that fund under this section. 40780

(G) The department may make payments under this section to 40781
paying agents or fiscal agents only from and to the extent that 40782
money is appropriated by the general assembly for Chapter 3317. 40783
of the Revised Code or for the purposes of this section. No 40784
securities of a school district to which this section is made 40785
applicable constitute an obligation or a debt or a pledge of the 40786
faith, credit, or taxing power of the state, and the holders or 40787
owners of such securities have no right to have taxes levied or 40788

appropriations made by the general assembly for the payment of 40789
debt charges on those securities, and those securities, if the 40790
department requires, shall contain a statement to that effect. 40791
The agreement for or the actual withholding and payment of 40792
moneys under this section does not constitute the assumption by 40793
the state of any debt of a school district. 40794

(H) In the case of securities subject to the withholding 40795
provisions of this section, the issuing board of education shall 40796
appoint a paying agent or fiscal agent who is not an officer or 40797
employee of the school district. 40798

(I) ~~The department of education,~~ with the advice of the 40799
office of budget and management, may adopt reasonable rules not 40800
inconsistent with this section for the implementation of this 40801
section and division (B) of section 133.25 of the Revised Code 40802
as it relates to the withholding and depositing of payments 40803
under Chapter 3317. of the Revised Code to secure payment of 40804
debt charges on school district securities. Those rules shall 40805
include criteria for the evaluation and approval or denial of 40806
school district requests for withholding under this section and 40807
limits on the obligation for the purpose of paying debt charges 40808
or reimbursing credit enhancement facilities of funds otherwise 40809
to be paid to school districts under Chapter 3317. of the 40810
Revised Code. 40811

(J) The authority granted by this section is in addition 40812
to and not a limitation on any other authorizations granted by 40813
or pursuant to law for the same or similar purposes. 40814

Sec. 3317.19. ~~The state board~~ department of education and 40815
workforce shall compute and distribute to each cooperative 40816
education school district for each fiscal year an amount equal 40817
to the sum of the following: 40818

(A) An amount equal to the total of the amounts credited 40819
to the cooperative education school district pursuant to 40820
division (H) of section 3317.023 of the Revised Code; 40821

(B) An amount for assisting in providing free lunches to 40822
needy children pursuant to division (D) of section 3317.024 of 40823
the Revised Code. 40824

Sec. 3317.201. This section does not apply to preschool 40825
children with disabilities. 40826

(A) As used in this section, the "total special education 40827
amount" for an institution means the following: 40828

(1) For fiscal years 2022 and 2023, the sum of the 40829
following amounts: 40830

(a) The number of children certified by the institution 40831
under division (G) (1) (a) (i) of section 3317.03 of the Revised 40832
Code as receiving services for a disability described in 40833
division (A) of section 3317.013 of the Revised Code multiplied 40834
by the multiple specified in that division multiplied by the 40835
statewide average base cost per pupil; 40836

(b) The number of children certified by the institution 40837
under division (G) (1) (a) (i) of section 3317.03 of the Revised 40838
Code as receiving services for a disability described in 40839
division (B) of section 3317.013 of the Revised Code multiplied 40840
by the multiple specified in that division multiplied by the 40841
statewide average base cost per pupil; 40842

(c) The number of children certified by the institution 40843
under division (G) (1) (a) (i) of section 3317.03 of the Revised 40844
Code as receiving services for a disability described in 40845
division (C) of section 3317.013 of the Revised Code multiplied 40846
by the multiple specified in that division multiplied by the 40847

statewide average base cost per pupil; 40848

(d) The number of children certified by the institution 40849
under division (G) (1) (a) (i) of section 3317.03 of the Revised 40850
Code as receiving services for a disability described in 40851
division (D) of section 3317.013 of the Revised Code multiplied 40852
by the multiple specified in that division multiplied by the 40853
statewide average base cost per pupil; 40854

(e) The number of children certified by the institution 40855
under division (G) (1) (a) (i) of section 3317.03 of the Revised 40856
Code as receiving services for a disability described in 40857
division (E) of section 3317.013 of the Revised Code multiplied 40858
by the multiple specified in that division multiplied by the 40859
statewide average base cost per pupil; 40860

(f) The number of children certified by the institution 40861
under division (G) (1) (a) (i) of section 3317.03 of the Revised 40862
Code as receiving services for a disability described in 40863
division (F) of section 3317.013 of the Revised Code multiplied 40864
by the multiple specified in that division multiplied by the 40865
statewide average base cost per pupil. 40866

(2) For fiscal year 2024 and each fiscal year thereafter, 40867
the sum of the following amounts: 40868

(a) An amount calculated in a manner determined by the 40869
general assembly times the number of children certified by the 40870
institution under division (G) (1) (a) (i) of section 3317.03 of 40871
the Revised Code as receiving services for a disability 40872
described in division (A) of section 3317.013 of the Revised 40873
Code; 40874

(b) An amount calculated in a manner determined by the 40875
general assembly times the number of children certified by the 40876

institution under division (G) (1) (a) (i) of section 3317.03 of 40877
the Revised Code as receiving services for a disability 40878
described in division (B) of section 3317.013 of the Revised 40879
Code; 40880

(c) An amount calculated in a manner determined by the 40881
general assembly times the number of children certified by the 40882
institution under division (G) (1) (a) (i) of section 3317.03 of 40883
the Revised Code as receiving services for a disability 40884
described in division (C) of section 3317.013 of the Revised 40885
Code; 40886

(d) An amount calculated in a manner determined by the 40887
general assembly times the number of children certified by the 40888
institution under division (G) (1) (a) (i) of section 3317.03 of 40889
the Revised Code as receiving services for a disability 40890
described in division (D) of section 3317.013 of the Revised 40891
Code; 40892

(e) An amount calculated in a manner determined by the 40893
general assembly times the number of children certified by the 40894
institution under division (G) (1) (a) (i) of section 3317.03 of 40895
the Revised Code as receiving services for a disability 40896
described in division (E) of section 3317.013 of the Revised 40897
Code; 40898

(f) An amount calculated in a manner determined by the 40899
general assembly times the number of children certified by the 40900
institution under division (G) (1) (a) (i) of section 3317.03 of 40901
the Revised Code as receiving services for a disability 40902
described in division (F) of section 3317.013 of the Revised 40903
Code. 40904

(B) For each fiscal year, the department of education and 40905

workforce shall pay each state institution required to provide 40906
special education services under division (A) of section 40907
3323.091 of the Revised Code an amount equal to the 40908
institution's total special education amount. 40909

Sec. 3317.23. (A) For purposes of this section~~+~~: 40910

(1) "Competency-based educational program" means any 40911
system of academic instruction, assessment, grading, and 40912
reporting where students receive credit based on demonstrations 40913
and assessments of their learning rather than the amount of time 40914
they spend studying a subject. A competency-based educational 40915
program shall encourage accelerated learning among students who 40916
master academic materials quickly while providing additional 40917
instructional support time for students who need it. 40918

(2) An "eligible individual" is an individual who 40919
satisfies both of the following criteria: 40920

(a) The individual is at least twenty-two years of age. 40921

(b) The individual has not been awarded a high school 40922
diploma or a certificate of high school equivalence as defined 40923
in section 4109.06 of the Revised Code. 40924

(B) An eligible individual may enroll in a city, local, or 40925
exempted village school district that operates a dropout 40926
prevention and recovery program for up to two consecutive school 40927
years for the purpose of earning a high school diploma. An 40928
individual enrolled under this division may elect to satisfy the 40929
requirements to earn a high school diploma by successfully 40930
completing a competency-based educational program that complies 40931
with the standards adopted by the department of education and 40932
workforce under section 3317.231 of the Revised Code. The 40933
district shall report that individual's enrollment on a full- 40934

time equivalency basis under division (A) of section 3317.036 of 40935
the Revised Code and shall not report that individual's 40936
enrollment under section 3317.03 of the Revised Code. An 40937
individual enrolled under this division shall not be assigned to 40938
classes or settings with students who are younger than eighteen 40939
years of age. 40940

(C) (1) For each district that enrolls individuals under 40941
division (B) of this section, the department annually shall 40942
certify the enrollment and attendance, on a full-time 40943
equivalency basis, of each individual reported by the district 40944
under division (A) of section 3317.036 of the Revised Code. 40945

(2) For each individual enrolled in a district under 40946
division (B) of this section, the department annually shall pay 40947
the district up to \$5,000, as determined by the department based 40948
on the extent of the individual's successful completion of the 40949
graduation requirements prescribed under sections 3313.603, 40950
3313.61, 3313.611, and 3313.614 of the Revised Code. 40951

(D) A district that enrolls individuals under division (B) 40952
of this section shall be subject to the program administration 40953
standards adopted by the department under section 3317.231 of 40954
the Revised Code, as applicable. 40955

Sec. 3317.231. The department of education and workforce 40956
shall adopt rules regarding the administration of programs that 40957
enroll individuals who are at least twenty-two years of age 40958
under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the 40959
Revised Code, including data collection, the reporting and 40960
certification of enrollment in the programs, the measurement of 40961
the academic performance of individuals enrolled in the 40962
programs, and the standards for competency-based educational 40963
programs, as defined in section 3317.23 of the Revised Code. 40964

Sec. 3317.24. (A) For purposes of this section, 40965
"competency-based educational program" and "eligible individual" 40966
have the same meanings as in section 3317.23 of the Revised 40967
Code. 40968

(B) An eligible individual may enroll in a joint 40969
vocational school district that operates an adult education 40970
program for up to two cumulative school years for the purpose of 40971
completing the requirements to earn a high school diploma. An 40972
individual enrolled under this division may elect to satisfy 40973
these requirements by successfully completing a competency-based 40974
educational program that complies with the standards adopted by 40975
the department of education and workforce under section 3317.231 40976
of the Revised Code. The district shall report an individual's 40977
enrollment under this division on a full-time equivalency basis 40978
under division (B) of section 3317.036 of the Revised Code and 40979
shall not report that individual's enrollment under section 40980
3317.03 of the Revised Code. An individual enrolled under this 40981
division shall not be assigned to classes or settings with 40982
students who are younger than eighteen years of age. 40983

(C) (1) For each joint vocational school district that 40984
enrolls individuals under division (B) of this section, the 40985
department annually shall certify the enrollment and attendance, 40986
on a full-time equivalency basis, of each individual reported by 40987
the district under division (B) of section 3317.036 of the 40988
Revised Code. 40989

(2) For each individual enrolled in a joint vocational 40990
school district under division (B) of this section, the 40991
department annually shall pay the district up to \$5,000, as 40992
determined by the department based on the extent of the 40993
individual's successful completion of the graduation 40994

requirements prescribed under sections 3313.603, 3313.61, 40995
3313.611, and 3313.614 of the Revised Code. 40996

(D) If an individual enrolled in a joint vocational school 40997
district under division (B) of this section completes the 40998
requirements to earn a high school diploma, the joint vocational 40999
school district shall certify the completion of those 41000
requirements to the city, local, or exempted village school 41001
district in which the individual resides. Upon receiving 41002
certification under this division, the city, local, or exempted 41003
village school district in which the individual resides shall 41004
issue a high school diploma to the individual within sixty days 41005
of receiving the certification. 41006

(E) A joint vocational school district that enrolls 41007
individuals under division (B) of this section shall be subject 41008
to the program administration standards adopted by the 41009
department under section 3317.231 of the Revised Code, as 41010
applicable. 41011

Sec. 3317.25. (A) As used in this section, "disadvantaged 41012
pupil impact aid" means the following: 41013

(1) For a city, local, or exempted village school 41014
district, the funds received under division (A) (4) (a) of section 41015
3317.022 of the Revised Code; 41016

(2) For a joint vocational school district, the funds 41017
received under division (A) (3) of section 3317.16 of the Revised 41018
Code; 41019

(3) For a community school established under Chapter 3314. 41020
of the Revised Code, the funds received under division (A) (4) (b) 41021
of section 3317.022 of the Revised Code; 41022

(4) For a STEM school established under Chapter 3326. of 41023

the Revised Code, the funds received under division (A) (4) (b) of	41024
section 3317.022 of the Revised Code.	41025
(B) (1) For fiscal years 2022 and 2023, a city, local,	41026
exempted village, or joint vocational school district, community	41027
school, or STEM school shall spend the disadvantaged pupil	41028
impact aid it receives for any of the following initiatives or a	41029
combination of any of the following initiatives:	41030
(a) Extended school day and school year;	41031
(b) Reading improvement and intervention;	41032
(c) Instructional technology or blended learning;	41033
(d) Professional development in reading instruction for	41034
teachers of students in kindergarten through third grade;	41035
(e) Dropout prevention;	41036
(f) School safety and security measures;	41037
(g) Community learning centers that address barriers to	41038
learning;	41039
(h) Academic interventions for students in any of grades	41040
six through twelve;	41041
(i) Employment of an individual who has successfully	41042
completed the bright new leaders for Ohio schools program as a	41043
principal or an assistant principal under section 3319.272 of	41044
the Revised Code;	41045
(j) Mental health services, including telehealth services;	41046
(k) Culturally appropriate, evidence-based or evidence-	41047
informed prevention education, including youth-led programming	41048
and social and emotional learning curricula to promote mental	41049
health and prevent substance use and suicide;	41050

(l) Services for homeless youth;	41051
(m) Services for child welfare involved youth;	41052
(n) Community liaisons or programs that connect students to community resources, including city connects, communities in schools, and other similar programs;	41053 41054 41055
(o) Physical health care services, including telehealth services;	41056 41057
(p) Family engagement and support services;	41058
(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs.	41059 41060 41061
(2) For fiscal year 2024 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school shall spend the disadvantaged pupil impact aid it receives for one or more initiatives specified by the general assembly.	41062 41063 41064 41065 41066
(C) (1) For fiscal years 2022 and 2023, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in coordination with at least one of the following community partners:	41067 41068 41069 41070 41071 41072
(a) A board of alcohol, drug addiction, and mental health services established under Chapter 340. of the Revised Code;	41073 41074
(b) An educational service center;	41075
(c) A county board of developmental disabilities;	41076
(d) A community-based mental health treatment provider;	41077

(e) A board of health of a city or general health district;	41078 41079
(f) A county department of job and family services;	41080
(g) A nonprofit organization with experience serving children;	41081 41082
(h) A public hospital agency.	41083
(2) For fiscal year 2024 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in the manner specified by the general assembly, if the general assembly requires city, local, exempted village, and joint vocational school districts, community schools, and STEM schools to develop such a plan.	41084 41085 41086 41087 41088 41089 41090 41091 41092
(D) After the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education <u>and workforce</u> describing the initiative or initiatives on which the district's or school's disadvantaged pupil impact aid were spent during that fiscal year. For fiscal years 2022 and 2023, this report shall be submitted in a manner prescribed by the department and shall also describe the amount of money that was spent on each initiative.	41093 41094 41095 41096 41097 41098 41099 41100 41101
(E) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the general assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.	41102 41103 41104 41105 41106

Sec. 3317.40. (A) As used in this section, "subgroup"	41107
means one of the following subsets of the entire student	41108
population of a school district or a school building:	41109
(1) Students with disabilities;	41110
(2) Economically disadvantaged students;	41111
(3) English learners;	41112
(4) Students identified as gifted in superior cognitive	41113
ability and specific academic ability fields under Chapter 3324.	41114
of the Revised Code.	41115
(B) It is the intent of the general assembly that funds	41116
provided under this chapter shall be used for the provision of a	41117
system of common schools and the advancement of the knowledge of	41118
all students. As such, school districts and schools shall be	41119
held accountable for those funds to ensure that all students are	41120
provided an opportunity to graduate from high school prepared	41121
for a career or for post-secondary education.	41122
(C) When funds are provided under this chapter	41123
specifically for services for a subgroup of students, the	41124
general assembly has determined that these students experience	41125
unique challenges requiring additional resources and intends	41126
that the funds so provided be used for services that will allow	41127
students in those subgroups to master the knowledge base	41128
required for high school graduation.	41129
(D) If a district or school fails to show satisfactory	41130
achievement and progress, as determined by the state board	41131
<u>department of education and workforce</u> , for any subgroup of	41132
students based on performance measures reported or graded under	41133
section 3302.03 of the Revised Code, the district or school	41134
shall submit an improvement plan to the department for approval.	41135

The plan may be included in any other improvement plan required 41136
of the district or school under state or federal law. The 41137
department may require that a plan required under division (C) 41138
of this section include an agreement to partner with another 41139
organization that has demonstrated the ability to improve the 41140
educational outcome for that subgroup of students to provide 41141
services to those students. The partner organization may be 41142
another school, district, or other education provider. 41143

~~Not later than December 31, 2014, the state board of~~ 41144
~~education~~ The department shall establish measures of 41145
satisfactory achievement and progress, which include, but are 41146
not limited to, performance measures under section 3302.03 of 41147
the Revised Code. The department shall make the initial 41148
determination of satisfactory achievement and progress under 41149
this section using those measures not later than September 1, 41150
2015, and then make determinations under this section annually 41151
thereafter. 41152

The department shall publish a list of schools, school 41153
districts, and other educational providers that have 41154
demonstrated an ability to serve each subgroup of students. 41155

Sec. 3317.50. The telecommunity education fund is hereby 41156
created in the state treasury. The fund shall consist of certain 41157
excess local exchange telephone company contributions 41158
transferred from the reserve fund of the Ohio telecommunications 41159
advisory board pursuant to an agreement between the public 41160
utilities commission of Ohio and the Ohio department of 41161
education and workforce. The fund shall be used by the 41162
chancellor of ~~the Ohio board of regents~~ higher education, in the 41163
amounts appropriated, to finance technology grants to state- 41164
chartered elementary and secondary schools. Investment earnings 41165

of the fund shall be credited to the fund. 41166

Sec. 3317.51. (A) The distance learning fund is hereby 41167
created in the state treasury. The fund shall consist of moneys 41168
paid by any telephone company as a part of a settlement 41169
agreement between such company and the public utilities 41170
commission in fiscal year 1995 in part to establish distance 41171
learning throughout the state. The chancellor of ~~the Ohio board~~ 41172
~~of regents~~ higher education shall administer the fund and expend 41173
moneys from it to finance technology grants to eligible schools 41174
chartered by the ~~state board~~ director of education and workforce 41175
to establish distance learning in those schools. Chartered 41176
schools are eligible for funds if they are within the service 41177
area of the telephone company. Investment earnings of the fund 41178
shall be credited to the fund. 41179

(B) For purposes of this section, "distance learning" 41180
means the creation of a learning environment involving a school 41181
setting and at least one other location outside of the school 41182
which allows for information available at one site to be 41183
accessed at the other through the use of such educational 41184
applications as one-way or two-way transmission of data, voice, 41185
and video, singularly or in appropriate combinations. 41186

Sec. 3318.011. For purposes of providing assistance under 41187
sections 3318.01 to 3318.20 of the Revised Code, the department 41188
of education and workforce shall annually do all of the 41189
following: 41190

(A) Calculate the adjusted valuation per pupil of each 41191
city, local, and exempted village school district according to 41192
the following formula: 41193

The district's valuation per pupil - [$\$30,000 \times (1 - \text{the}$ 41194

district's income factor)]. 41195

For purposes of this calculation: 41196

(1) Except for a district with an open enrollment net gain 41197
that is ten per cent or more of its formula ADM, "valuation per 41198
pupil" for a district means its average taxable value, divided 41199
by its formula ADM for the previous fiscal year. "Valuation per 41200
pupil," for a district with an open enrollment net gain that is 41201
ten per cent or more of its formula ADM, means its average 41202
taxable value, divided by the sum of its formula ADM for the 41203
previous fiscal year plus its open enrollment net gain for the 41204
previous fiscal year. 41205

(2) "Average taxable value" means the average of the sum 41206
of the amounts certified for a district under divisions (A) (1) 41207
and (2) of section 3317.021 of the Revised Code in the second, 41208
third, and fourth preceding fiscal years. 41209

(3) "Entitled to attend school" means entitled to attend 41210
school in a city, local, or exempted village school district 41211
under section 3313.64 or 3313.65 of the Revised Code. 41212

(4) "Formula ADM" has the same meaning as in section 41213
3317.02 of the Revised Code. 41214

(5) "Native student" has the same meaning as in section 41215
3313.98 of the Revised Code. 41216

(6) "Open enrollment net gain" for a district means (a) 41217
the number of the students entitled to attend school in another 41218
district but who are enrolled in the schools of the district 41219
under its open enrollment policy minus (b) the number of the 41220
district's native students who are enrolled in the schools of 41221
another district under the other district's open enrollment 41222
policy, both numbers as certified to the department under 41223

section 3313.981 of the Revised Code. If the difference is a 41224
negative number, the district's "open enrollment net gain" is 41225
zero. 41226

(7) "Open enrollment policy" means an interdistrict open 41227
enrollment policy adopted under section 3313.98 of the Revised 41228
Code. 41229

(8) "District median income" means the median Ohio 41230
adjusted gross income certified for a school district under 41231
section 3317.021 of the Revised Code. 41232

(9) "Statewide median income" means the median district 41233
median income of all city, exempted village, and local school 41234
districts in the state. 41235

(10) "Income factor" for a city, exempted village, or 41236
local school district means the quotient obtained by dividing 41237
that district's median income by the statewide median income. 41238

(B) Calculate for each district the three-year average of 41239
the adjusted valuations per pupil calculated for the district 41240
for the current and two preceding fiscal years; 41241

(C) Rank all such districts in order of adjusted valuation 41242
per pupil from the district with the lowest three-year average 41243
adjusted valuation per pupil to the district with the highest 41244
three-year average adjusted valuation per pupil; 41245

(D) Divide such ranking into percentiles with the first 41246
percentile containing the one per cent of school districts 41247
having the lowest three-year average adjusted valuations per 41248
pupil and the one-hundredth percentile containing the one per 41249
cent of school districts having the highest three-year average 41250
adjusted valuations per pupil; 41251

(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;

(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio facilities construction commission.

Sec. 3318.033. (A) As used in this section:

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

(2) "Open enrollment net gain" has the same meaning as in section 3318.011 of the Revised Code.

(B) This section applies to each school district that meets the following criteria:

(1) The Ohio facilities construction commission certified its conditional approval of the district's project under sections 3318.01 to 3318.20 of the Revised Code after July 1, 2006, and prior to September 29, 2007, and the project had not been completed as of September 29, 2007.

(2) Within one year after the date of the commission's certification of its conditional approval, the district's electors approved a bond issue to pay the district's portion of the basic project cost or the district board of education complied with section 3318.052 of the Revised Code.

(3) In the fiscal year prior to the fiscal year in which the district's project was conditionally approved, the district had an open enrollment net gain that was ten per cent or more of its formula ADM.

(C) For each school district to which this section 41280
applies, the department of education and workforce shall 41281
recalculate the district's percentile ranking under section 41282
3318.011 of the Revised Code for the fiscal year prior to the 41283
fiscal year in which the district's project was conditionally 41284
approved and shall report the recalculated percentile ranking to 41285
the commission. For this purpose, the department shall 41286
recalculate every school district's percentile ranking for that 41287
fiscal year using the district's "valuation per pupil" as that 41288
term is defined in section 3318.011 of the Revised Code on and 41289
after September 29, 2007. 41290

(D) For each school district to which this section 41291
applies, the commission shall use the recalculated percentile 41292
ranking reported under division (C) of this section to determine 41293
the district's portion of the basic project cost under section 41294
3318.032 of the Revised Code. The commission shall not use the 41295
recalculated percentile ranking for any other purpose, and the 41296
recalculated ranking shall not affect any other district's 41297
portion of the basic project cost under section 3318.032 of the 41298
Revised Code or any district's eligibility for assistance under 41299
sections 3318.01 to 3318.20 of the Revised Code. The commission 41300
shall revise the agreement entered into under section 3318.08 of 41301
the Revised Code to reflect the district's new portion of the 41302
basic project cost as determined under this division. 41303

Sec. 3318.051. (A) Any city, exempted village, or local 41304
school district that commences a project under sections 3318.01 41305
to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on 41306
or after September 5, 2006, need not levy the tax otherwise 41307
required under division (B) of section 3318.05 of the Revised 41308
Code, if the district board of education adopts a resolution 41309
petitioning the Ohio facilities construction commission to 41310

approve the transfer of money in accordance with this section 41311
and the commission approves that transfer. If so approved, the 41312
commission and the district board shall enter into an agreement 41313
under which the board, in each of twenty-three consecutive years 41314
beginning in the year in which the board and the commission 41315
enter into the project agreement under section 3318.08 of the 41316
Revised Code, shall transfer into the maintenance fund required 41317
by division (D) of section 3318.05 of the Revised Code not less 41318
than an amount equal to one-half mill for each dollar of the 41319
district's valuation unless and until the agreement to make 41320
those transfers is rescinded by the district board pursuant to 41321
division (F) of this section. 41322

(B) On the first day of July each year, or on an 41323
alternative date prescribed by the commission, the district 41324
treasurer shall certify to the commission and the auditor of 41325
state that the amount required for the year has been 41326
transferred. The auditor of state shall include verification of 41327
the transfer as part of any audit of the district under section 41328
117.11 of the Revised Code. If the auditor of state finds that 41329
less than the required amount has been deposited into a 41330
district's maintenance fund, the auditor of state shall notify 41331
the district board of education in writing of that fact and 41332
require the board to deposit into the fund, within ninety days 41333
after the date of the notice, the amount by which the fund is 41334
deficient for the year. If the district board fails to 41335
demonstrate to the auditor of state's satisfaction that the 41336
board has made the deposit required in the notice, the auditor 41337
of state shall notify the department of education and workforce. 41338
At that time, the department shall withhold an amount equal to 41339
ten per cent of the district's funds calculated for the current 41340
fiscal year under Chapter 3317. of the Revised Code until the 41341

auditor of state notifies the department that the auditor of 41342
state is satisfied that the board has made the required 41343
transfer. 41344

(C) Money transferred to the maintenance fund shall be 41345
used for the maintenance or, upon approval of the Ohio 41346
facilities construction commission, upgrade of the facilities 41347
acquired under the district's project. 41348

(D) The transfers to the maintenance fund under this 41349
section does not affect a district's obligation to establish and 41350
maintain a capital and maintenance fund under section 3315.18 of 41351
the Revised Code. 41352

(E) Any decision by the commission to approve or not 41353
approve the transfer of money under this section is final and 41354
not subject to appeal. The commission shall not be responsible 41355
for errors or miscalculations made in deciding whether to 41356
approve a petition to make transfers under this section. 41357

(F) If the district board determines that it no longer can 41358
continue making the transfers agreed to under this section, the 41359
board may rescind the agreement only so long as the electors of 41360
the district have approved, in accordance with section 3318.063 41361
of the Revised Code, the levy of a tax for the maintenance of 41362
the classroom facilities acquired under the district's project 41363
and that levy continues to be collected as approved by the 41364
electors. That levy shall be for a number of years that is equal 41365
to the difference between twenty-three years and the number of 41366
years that the district made transfers under this section and 41367
shall be at the rate of not less than one-half mill for each 41368
dollar of the district's valuation. The district board shall 41369
continue to make the transfers agreed to under this section 41370
until that levy has been approved by the electors. 41371

Sec. 3318.08. Except in the case of a joint vocational 41372
school district that receives assistance under sections 3318.40 41373
to 3318.45 of the Revised Code, if the requisite favorable vote 41374
on the election is obtained, or if the school district board has 41375
resolved to apply the proceeds of a property tax levy or the 41376
proceeds of an income tax, or a combination of proceeds from 41377
such taxes, as authorized in section 3318.052 of the Revised 41378
Code, the Ohio facilities construction commission, upon 41379
certification to it of either the results of the election or the 41380
resolution under section 3318.052 of the Revised Code, shall 41381
enter into a written agreement with the school district board 41382
for the construction and sale of the project. In the case of a 41383
joint vocational school district that receives assistance under 41384
sections 3318.40 to 3318.45 of the Revised Code, if the school 41385
district board of education and the school district electors 41386
have satisfied the conditions prescribed in division (D)(1) of 41387
section 3318.41 of the Revised Code, the commission shall enter 41388
into an agreement with the school district board for the 41389
construction and sale of the project. In either case, the 41390
agreement shall include, but need not be limited to, the 41391
following provisions: 41392

(A) The sale and issuance of bonds or notes in 41393
anticipation thereof, as soon as practicable after the execution 41394
of the agreement, in an amount equal to the school district's 41395
portion of the basic project cost, including any securities 41396
authorized under division (J) of section 133.06 of the Revised 41397
Code and dedicated by the school district board to payment of 41398
the district's portion of the basic project cost of the project; 41399
provided, that if at that time the county treasurer of each 41400
county in which the school district is located has not commenced 41401
the collection of taxes on the general duplicate of real and 41402

public utility property for the year in which the controlling 41403
board approved the project, the school district board shall 41404
authorize the issuance of a first installment of bond 41405
anticipation notes in an amount specified by the agreement, 41406
which amount shall not exceed an amount necessary to raise the 41407
net bonded indebtedness of the school district as of the date of 41408
the controlling board's approval to within five thousand dollars 41409
of the required level of indebtedness for the preceding year. In 41410
the event that a first installment of bond anticipation notes is 41411
issued, the school district board shall, as soon as practicable 41412
after the county treasurer of each county in which the school 41413
district is located has commenced the collection of taxes on the 41414
general duplicate of real and public utility property for the 41415
year in which the controlling board approved the project, 41416
authorize the issuance of a second and final installment of bond 41417
anticipation notes or a first and final issue of bonds. 41418

The combined value of the first and second installment of 41419
bond anticipation notes or the value of the first and final 41420
issue of bonds shall be equal to the school district's portion 41421
of the basic project cost. The proceeds of any such bonds shall 41422
be used first to retire any bond anticipation notes. Otherwise, 41423
the proceeds of such bonds and of any bond anticipation notes, 41424
except the premium and accrued interest thereon, shall be 41425
deposited in the school district's project construction fund. In 41426
determining the amount of net bonded indebtedness for the 41427
purpose of fixing the amount of an issue of either bonds or bond 41428
anticipation notes, gross indebtedness shall be reduced by 41429
moneys in the bond retirement fund only to the extent of the 41430
moneys therein on the first day of the year preceding the year 41431
in which the controlling board approved the project. Should 41432
there be a decrease in the tax valuation of the school district 41433

so that the amount of indebtedness that can be incurred on the 41434
tax duplicates for the year in which the controlling board 41435
approved the project is less than the amount of the first 41436
installment of bond anticipation notes, there shall be paid from 41437
the school district's project construction fund to the school 41438
district's bond retirement fund to be applied against such notes 41439
an amount sufficient to cause the net bonded indebtedness of the 41440
school district, as of the first day of the year following the 41441
year in which the controlling board approved the project, to be 41442
within five thousand dollars of the required level of 41443
indebtedness for the year in which the controlling board 41444
approved the project. The maximum amount of indebtedness to be 41445
incurred by any school district board as its share of the cost 41446
of the project is either an amount that will cause its net 41447
bonded indebtedness, as of the first day of the year following 41448
the year in which the controlling board approved the project, to 41449
be within five thousand dollars of the required level of 41450
indebtedness, or an amount equal to the required percentage of 41451
the basic project costs, whichever is greater. All bonds and 41452
bond anticipation notes shall be issued in accordance with 41453
Chapter 133. of the Revised Code, and notes may be renewed as 41454
provided in section 133.22 of the Revised Code. 41455

(B) The transfer of such funds of the school district 41456
board available for the project, together with the proceeds of 41457
the sale of the bonds or notes, except premium, accrued 41458
interest, and interest included in the amount of the issue, to 41459
the school district's project construction fund; 41460

(C) For all school districts except joint vocational 41461
school districts that receive assistance under sections 3318.40 41462
to 3318.45 of the Revised Code, the following provisions as 41463
applicable: 41464

(1) If section 3318.052 of the Revised Code applies, the 41465
earmarking of the proceeds of a tax levied under section 5705.21 41466
of the Revised Code for general permanent improvements or under 41467
section 5705.218 of the Revised Code for the purpose of 41468
permanent improvements, or the proceeds of a school district 41469
income tax levied under Chapter 5748. of the Revised Code, or 41470
the proceeds from a combination of those two taxes, in an amount 41471
to pay all or part of the service charges on bonds issued to pay 41472
the school district portion of the project and an amount 41473
equivalent to all or part of the tax required under division (B) 41474
of section 3318.05 of the Revised Code; 41475

(2) If section 3318.052 of the Revised Code does not 41476
apply, one of the following: 41477

(a) The levy of the tax authorized at the election for the 41478
payment of maintenance costs, as specified in division (B) of 41479
section 3318.05 of the Revised Code; 41480

(b) If the school district electors have approved a 41481
continuing tax for general permanent improvements under section 41482
5705.21 of the Revised Code and that tax can be used for 41483
maintenance, the earmarking of an amount of the proceeds from 41484
such tax for maintenance of classroom facilities as specified in 41485
division (B) of section 3318.05 of the Revised Code; 41486

(c) If, in lieu of the tax otherwise required under 41487
division (B) of section 3318.05 of the Revised Code, the 41488
commission has approved the transfer of money to the maintenance 41489
fund in accordance with section 3318.051 of the Revised Code, a 41490
requirement that the district board comply with the provisions 41491
of that section. The district board may rescind the provision 41492
prescribed under division (C) (2) (c) of this section only so long 41493
as the electors of the district have approved, in accordance 41494

with section 3318.063 of the Revised Code, the levy of a tax for 41495
the maintenance of the classroom facilities acquired under the 41496
district's project and that levy continues to be collected as 41497
approved by the electors. 41498

(D) For joint vocational school districts that receive 41499
assistance under sections 3318.40 to 3318.45 of the Revised 41500
Code, provision for deposit of school district moneys dedicated 41501
to maintenance of the classroom facilities acquired under those 41502
sections as prescribed in section 3318.43 of the Revised Code; 41503

(E) Dedication of any local donated contribution as 41504
provided for under section 3318.084 of the Revised Code, 41505
including a schedule for depositing such moneys applied as an 41506
offset of the district's obligation to levy the tax described in 41507
division (B) of section 3318.05 of the Revised Code as required 41508
under division (D) (2) of section 3318.084 of the Revised Code; 41509

(F) Ownership of or interest in the project during the 41510
period of construction, which shall be divided between the 41511
commission and the school district board in proportion to their 41512
respective contributions to the school district's project 41513
construction fund; 41514

(G) Maintenance of the state's interest in the project 41515
until any obligations issued for the project under section 41516
3318.26 of the Revised Code are no longer outstanding; 41517

(H) The insurance of the project by the school district 41518
from the time there is an insurable interest therein and so long 41519
as the state retains any ownership or interest in the project 41520
pursuant to division (F) of this section, in such amounts and 41521
against such risks as the commission shall require; provided, 41522
that the cost of any required insurance until the project is 41523

completed shall be a part of the basic project cost; 41524

(I) The certification by the director of budget and 41525
management that funds are available and have been set aside to 41526
meet the state's share of the basic project cost as approved by 41527
the controlling board pursuant to either section 3318.04 or 41528
division (B) (1) of section 3318.41 of the Revised Code; 41529

(J) Authorization of the school district board to 41530
advertise for and receive construction bids for the project, for 41531
and on behalf of the commission, and to award contracts in the 41532
name of the state subject to approval by the commission; 41533

(K) Provisions for the disbursement of moneys from the 41534
school district's project account upon issuance by the 41535
commission or the commission's designated representative of 41536
vouchers for work done to be certified to the commission by the 41537
treasurer of the school district board; 41538

(L) Disposal of any balance left in the school district's 41539
project construction fund upon completion of the project; 41540

(M) Limitations upon use of the project or any part of it 41541
so long as any obligations issued to finance the project under 41542
section 3318.26 of the Revised Code are outstanding; 41543

(N) Provision for vesting the state's interest in the 41544
project to the school district board when the obligations issued 41545
to finance the project under section 3318.26 of the Revised Code 41546
are outstanding; 41547

(O) Provision for deposit of an executed copy of the 41548
agreement in the office of the commission; 41549

(P) Provision for termination of the contract and release 41550
of the funds encumbered at the time of the conditional approval, 41551

if the proceeds of the sale of the bonds of the school district 41552
board are not paid into the school district's project 41553
construction fund and if bids for the construction of the 41554
project have not been taken within such period after the 41555
execution of the agreement as may be fixed by the commission; 41556

(Q) A provision that requires the school district to 41557
adhere to a facilities maintenance plan approved by the 41558
commission; 41559

(R) Provision that all state funds reserved and encumbered 41560
to pay the state share of the cost of the project and the funds 41561
provided by the school district to pay for its share of the 41562
project cost, including the respective shares of the cost of a 41563
segment if the project is divided into segments, be spent on the 41564
construction and acquisition of the project or segment 41565
simultaneously in proportion to the state's and the school 41566
district's respective shares of that basic project cost as 41567
determined under section 3318.032 of the Revised Code or, if the 41568
district is a joint vocational school district, under section 41569
3318.42 of the Revised Code. However, if the school district 41570
certifies to the commission that expenditure by the school 41571
district is necessary to maintain the federal tax status or tax- 41572
exempt status of notes or bonds issued by the school district to 41573
pay for its share of the project cost or to comply with 41574
applicable temporary investment periods or spending exceptions 41575
to rebate as provided for under federal law in regard to those 41576
notes or bonds, the school district may commit to spend, or 41577
spend, a greater portion of the funds it provides during any 41578
specific period than would otherwise be required under this 41579
division. 41580

(S) A provision stipulating that the commission may 41581

prohibit the district from proceeding with any project if the 41582
commission determines that the site is not suitable for 41583
construction purposes. The commission may perform soil tests in 41584
its determination of whether a site is appropriate for 41585
construction purposes. 41586

(T) A provision stipulating that, unless otherwise 41587
authorized by the commission, any contingency reserve portion of 41588
the construction budget prescribed by the commission shall be 41589
used only to pay costs resulting from unforeseen job conditions, 41590
to comply with rulings regarding building and other codes, to 41591
pay costs related to design clarifications or corrections to 41592
contract documents, and to pay the costs of settlements or 41593
judgments related to the project as provided under section 41594
3318.086 of the Revised Code; 41595

(U) A provision stipulating that for continued release of 41596
project funds the school district board shall comply with 41597
sections 3313.41, 3313.411, and 3313.413 of the Revised Code 41598
throughout the project and shall notify the department of 41599
education and workforce and the Ohio community school 41600
association when the board plans to dispose of facilities by 41601
sale under that section; 41602

(V) A provision stipulating that the commission shall not 41603
approve a contract for demolition of a facility until the school 41604
district board has complied with sections 3313.41, 3313.411, and 41605
3313.413 of the Revised Code relative to that facility, unless 41606
demolition of that facility is to clear a site for construction 41607
of a replacement facility included in the district's project. 41608

Sec. 3318.084. (A) Notwithstanding anything to the 41609
contrary in Chapter 3318. of the Revised Code, a school district 41610
board may apply any local donated contribution toward any of the 41611

following: 41612

(1) The district's portion of the basic project cost of a 41613
project under either sections 3318.01 to 3318.20 or sections 41614
3318.40 to 3318.45 of the Revised Code to reduce the amount of 41615
bonds the district otherwise must issue in order to receive 41616
state assistance under those sections; 41617

(2) If the school district is not a joint vocational 41618
school district proceeding under sections 3318.40 to 3318.45 of 41619
the Revised Code, an offset of all or part of a district's 41620
obligation to levy the tax described in division (B) of section 41621
3318.05 of the Revised Code, which shall be applied only in the 41622
manner prescribed in division (B) of this section; 41623

(3) If the school district is a joint vocational school 41624
district proceeding under sections 3318.40 to 3318.45 of the 41625
Revised Code, all or part of the amount the school district is 41626
obligated to set aside for maintenance of the classroom 41627
facilities acquired under that project pursuant to section 41628
3318.43 of the Revised Code. 41629

(B) No school district board shall apply any local donated 41630
contribution under division (A) (2) of this section unless the 41631
Ohio facilities construction commission first approves that 41632
application. 41633

Upon the request of the school district board to apply 41634
local donated contribution under division (A) (2) of this 41635
section, the commission in consultation with the department of 41636
taxation shall determine the amount of total revenue that likely 41637
would be generated by one-half mill of the tax described in 41638
division (B) of section 3318.05 of the Revised Code over the 41639
entire twenty-three-year period required under that section and 41640

shall deduct from that amount any amount of local donated 41641
contribution that the board has committed to apply under 41642
division (A) (2) of this section. The commission then shall 41643
determine in consultation with the department of taxation the 41644
rate of tax over twenty-three years necessary to generate the 41645
amount of a one-half mill tax not offset by the local donated 41646
contribution. Notwithstanding anything to the contrary in 41647
section 3318.06, 3318.061, or 3318.361 of the Revised Code, the 41648
rate determined by the commission shall be the rate for which 41649
the district board shall seek elector approval under those 41650
sections to meet its obligation under division (B) of section 41651
3318.05 of the Revised Code. In the case of a complete offset of 41652
the district's obligation under division (B) of section 3318.05 41653
of the Revised Code, the district shall not be required to levy 41654
the tax otherwise required under that section. At the end of the 41655
twenty-three-year period of the tax required under division (B) 41656
of section 3318.05 of the Revised Code, whether or not the tax 41657
is actually levied, the commission in consultation of the 41658
department of taxation shall recalculate the amount that would 41659
have been generated by the tax if it had been levied at one-half 41660
mill. If the total amount actually generated over that period 41661
from both the tax that was actually levied and any local donated 41662
contribution applied under division (A) (2) of this section is 41663
less than the amount that would have been raised by a one-half 41664
mill tax, the district shall pay any difference. If the total 41665
amount actually raised in such manner is greater than the amount 41666
that would have been raised by a one-half mill tax the 41667
difference shall be zero and no payments shall be made by either 41668
the district or the commission. 41669

(C) As used in this section, "local donated contribution" 41670
means any of the following: 41671

(1) Any moneys irrevocably donated or granted to a school district board by a source other than the state which the board has the authority to apply to the school district's project under sections 3318.01 to 3318.20 of the Revised Code and which the board has pledged for that purpose by resolution adopted by a majority of its members;

(2) Any irrevocable letter of credit issued on behalf of a school district which the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of education and workforce;

(3) Any cash a school district has on hand that the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the ~~department of education~~, including the following:

(a) Any year-end operating fund balances that can be spent for classroom facilities;

(b) Any cash resulting from a lease-purchase agreement that the school district board has entered into under section 3313.375 of the Revised Code, provided that the agreement and the related financing documents contain provisions protecting the state's superior interest in the project.

(4) Any moneys spent by a source other than the school district or the state for construction or renovation of specific classroom facilities that have been approved by the commission as part of the basic project cost of the district's project. The

school district, the commission, and the entity providing the 41701
local donated contribution under division (C) (4) of this section 41702
shall enter into an agreement identifying the classroom 41703
facilities to be acquired by the expenditures made by that 41704
entity. The agreement shall include, but not be limited to, 41705
stipulations that require an audit by the commission of such 41706
expenditures made on behalf of the district and that specify the 41707
maximum amount of credit to be allowed for those expenditures. 41708
Upon completion of the construction or renovation, the 41709
commission shall determine the actual amount that the commission 41710
will credit, at the request of the district board, toward the 41711
district's portion of the basic project cost, any project cost 41712
overruns, or the basic project cost of future segments if the 41713
project has been divided into segments under section 3318.38 of 41714
the Revised Code. The actual amount of the credit shall not 41715
exceed the lesser of the amount specified in the agreement or 41716
the actual cost of the construction or renovation. 41717

(D) No state moneys shall be released for a project to 41718
which this section applies until: 41719

(1) Any local donated contribution authorized under 41720
division (A) (1) of this section is first deposited into the 41721
school district's project construction fund. 41722

(2) The school district board and the commission have 41723
included a stipulation in their agreement entered into under 41724
section 3318.08 of the Revised Code under which the board will 41725
deposit into a fund approved by the commission according to a 41726
schedule that does not extend beyond the anticipated completion 41727
date of the project the total amount of any local donated 41728
contribution authorized under division (A) (2) or (3) of this 41729
section and dedicated by the board for that purpose. 41730

However, if any local donated contribution as described in 41731
division (C) (4) of this section has been approved under this 41732
section, the state moneys may be released even if the entity 41733
providing that local donated contribution has not spent the 41734
moneys so dedicated as long as the agreement required under that 41735
section has been executed. 41736

Sec. 3318.18. (A) As used in this section: 41737

(1) "Valuation" of a school district means the sum of the 41738
amounts described in divisions (A) (1) and (2) of section 41739
3317.021 of the Revised Code as most recently certified for the 41740
district before the annual computation is made under division 41741
(B) of this section. 41742

(2) "Valuation per pupil" of a school district means the 41743
district's valuation divided by the district's formula ADM as 41744
most recently calculated under section 3317.03 of the Revised 41745
Code before the annual computation is made under division (B) of 41746
this section. 41747

(3) "Statewide average valuation per pupil" means the 41748
total of the valuations of all school districts divided by the 41749
total of the formula ADMs of all school districts as most 41750
recently calculated under section 3317.03 of the Revised Code 41751
before the annual computation is made under division (C) of this 41752
section. 41753

(4) "Maintenance levy requirement" means the tax required 41754
to be levied pursuant to division (C) (2) (a) of section 3318.08 41755
and division (B) of section 3318.05 of the Revised Code or the 41756
application of proceeds of another levy to paying the costs of 41757
maintaining classroom facilities pursuant to division (A) (2) of 41758
section 3318.052, division (C) (1) or (C) (2) (b) of section 41759

3318.08, or division (D) (2) of section 3318.36 of the Revised Code, or a combination thereof. 41760
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(5) "Project agreement" means an agreement between a school district and the Ohio facilities construction commission under section 3318.08 or division (B) (1) of section 3318.36 of the Revised Code. 41762
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~~(B) On or before July 1, 2006, the department of education shall compute the statewide average valuation per pupil and the valuation per pupil of each school district, and provide them to the Ohio facilities construction commission.~~ On or before the first day of July each year beginning in 2007, the department of education and workforce shall compute the statewide average valuation per pupil and the valuation per pupil of each school district that has not already entered into a project agreement, and provide the results of those computations to the commission. 41766
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(C) (1) At the time the Ohio facilities construction commission enters into a project agreement with a school district, the commission shall compute the difference between the district's valuation per pupil and the statewide average valuation per pupil as most recently provided to the commission under division (B) of this section. If the school district's valuation per pupil is less than the average statewide valuation per pupil, the commission shall multiply the difference between those amounts by one-half mill times the formula ADM of the district as most recently reported to the department ~~of education~~ for October under division (A) of section 3317.03 of the Revised Code. The commission shall certify the resulting product to the department ~~of education~~, along with the date on which the maintenance levy requirement terminates as provided in the project agreement between the school district board and the 41775
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commission. 41790

(2) In the case of a school district that entered into a 41791
project agreement after July 1, 1997, but before July 1, 2006, 41792
the commission shall make the computation described in division 41793
(C) (1) of this section on the basis of the district's valuation 41794
per pupil and the statewide average valuation per pupil computed 41795
as of September 1, 2006, and the district's formula ADM reported 41796
for October 2005. 41797

(3) The amount computed for a school district under 41798
division (C) (1) or (2) of this section shall not change for the 41799
period during which payments are made to the district under 41800
division (D) of this section. 41801

(4) A computation need not be made under division (C) (1) 41802
or (2) of this section for a school district that certified a 41803
resolution to the commission under division (D) (3) of section 41804
3318.36 of the Revised Code until the district becomes eligible 41805
for state assistance as provided in that division. 41806

(D) In the fourth quarter of each fiscal year, for each 41807
school district for which a computation has been made under 41808
division (C) of this section, the ~~department of education~~ shall 41809
pay the amount computed to each such school district. Payments 41810
shall be made to a school district each year until and including 41811
the tax year in which the district's maintenance levy 41812
requirement terminates. Payments shall be paid from the half- 41813
mill equalization fund, subject to appropriation by the general 41814
assembly. However, the department shall make no payments under 41815
this section to any district that elects the procedure 41816
authorized by section 3318.051 of the Revised Code. 41817

(E) Payments made to a school district under this section 41818

shall be credited to the district's classroom facilities 41819
maintenance fund and shall be used only for the purpose of 41820
maintaining facilities constructed or renovated under the 41821
project agreement. 41822

(F) There is hereby created in the state treasury the 41823
half-mill equalization fund. The fund shall receive transfers 41824
pursuant to section 5727.85 of the Revised Code. The fund shall 41825
be used first to make annual payments under division (D) of this 41826
section. If a balance remains in the fund after such payments 41827
are made in full for a year, the Ohio facilities construction 41828
commission may request the controlling board to transfer a 41829
reasonable amount from such remaining balance to the public 41830
school building fund created under section 3318.15 of the 41831
Revised Code for the purposes of this chapter. 41832

All investment earnings arising from investment of money 41833
in the half-mill equalization fund shall be credited to the 41834
fund. 41835

Sec. 3318.363. (A) This section applies beginning in 41836
fiscal year 2003 and only to a school district participating in 41837
the school building assistance expedited local partnership 41838
program under section 3318.36 of the Revised Code. 41839

(B) If there is a decrease in the tax valuation of a 41840
school district to which this section applies by ten per cent or 41841
greater from one tax year to the next due to a decrease in the 41842
assessment rate of the taxable property of an electric company 41843
that owns property in the district, as provided for in section 41844
5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of 41845
the 123rd General Assembly, the Ohio facilities construction 41846
commission shall calculate or recalculate the state and school 41847
district portions of the basic project cost of the school 41848

district's project by determining the percentile rank in which 41849
the district would be located if such ranking were made using 41850
the adjusted valuation per pupil calculated under division (C) 41851
of this section rather than the three-year average adjusted 41852
valuation per pupil, calculated under division (B) of section 41853
3318.011 of the Revised Code. For such district, the required 41854
percentage of the basic project cost used to determine the state 41855
and school district shares of that cost under division (C) of 41856
section 3318.36 of the Revised Code shall be based on the 41857
percentile rank as calculated under this section rather than as 41858
otherwise provided in division (C) (1) of section 3318.36 of the 41859
Revised Code. If the commission has determined the state and 41860
school district portion of the basic project cost of such a 41861
district's project under section 3318.36 of the Revised Code 41862
prior to that decrease in tax valuation, the commission shall 41863
adjust the state and school district shares of the basic project 41864
cost of such project in accordance with this section. 41865

(C) (1) As used in divisions (C) and (D) of this section, 41866
"total taxable value" and "formula ADM" have the same meanings 41867
as in section 3317.02 of the Revised Code, and "income factor" 41868
has the same meaning as in section 3318.011 of the Revised Code. 41869

(2) The adjusted valuation per pupil for a school district 41870
to which this section applies shall be calculated using the 41871
following formula: 41872

(The district's total taxable value for the tax year 41873
preceding the calendar year in which the current fiscal year 41874
begins / the district's formula ADM for the previous fiscal 41875
year) - [\$30,000 x (1 - the district's income factor)]. 41876

(D) At the request of the Ohio facilities construction 41877
commission, the department of education and workforce shall 41878

report a district's total taxable value for the tax year 41879
preceding the calendar year in which the current fiscal year 41880
begins for any district to which this section applies as that 41881
information has been certified to the department by the tax 41882
commissioner pursuant to section 3317.021 of the Revised Code. 41883

Sec. 3318.42. (A) Not later than the sixty-first day after 41884
March 14, 2003, and subsequently not later than the sixty-first 41885
day after the first day of each ensuing fiscal year, the 41886
department of education and workforce shall do all of the 41887
following: 41888

(1) Calculate the valuation per pupil of each joint 41889
vocational school district according to the following formula: 41890

The school district's average taxable value divided by the 41891
school district's formula ADM calculated under section 3317.03 41892
of the Revised Code for the previous fiscal year. For purposes 41893
of this calculation: 41894

(a) "Average taxable value" means the average of the 41895
amounts certified for a school district in the second, third, 41896
and fourth preceding tax years under divisions (A) (1) and (2) of 41897
section 3317.021 of the Revised Code. 41898

(b) "Formula ADM" has the same meaning as defined in 41899
section 3317.02 of the Revised Code. 41900

(2) Calculate for each school district the three-year 41901
average of the valuations per pupil calculated for the school 41902
district for the current and two preceding fiscal years; 41903

(3) Rank all joint vocational school districts in order 41904
from the school district with the lowest three-year average 41905
valuation per pupil to the school district with the highest 41906
three-year average valuation per pupil; 41907

(4) Divide the ranking under division (A) (3) of this section into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average valuations per pupil;

(5) Certify the information described in divisions (A) (1) to (4) of this section to the Ohio facilities construction commission.

(B) The commission annually shall select school districts for assistance under sections 3318.40 to 3318.45 of the Revised Code in the order of the school districts' three-year average valuations per pupil such that the school district with the lowest three-year average valuation per pupil shall be given the highest priority for assistance.

(C) Each joint vocational school district's portion of the basic project cost of the school district's project under sections 3318.40 to 3318.45 of the Revised Code shall be one per cent times the percentile in which the district ranks, except that no school district's portion shall be less than twenty-five per cent or greater than ninety-five per cent of the basic project cost.

Sec. 3319.02. (A) (1) As used in this section, "other administrator" means any of the following:

(a) Except as provided in division (A) (2) of this section, any employee in a position for which a board of education requires a license designated by rule of the ~~department~~ state board of education for being an administrator issued under section 3319.22 of the Revised Code, including a professional

pupil services employee or administrative specialist or an 41937
equivalent of either one who is not employed as a school 41938
counselor and spends less than fifty per cent of the time 41939
employed teaching or working with students; 41940

(b) Any nonlicensed employee whose job duties enable such 41941
employee to be considered as either a "supervisor" or a 41942
"management level employee," as defined in section 4117.01 of 41943
the Revised Code; 41944

(c) A business manager appointed under section 3319.03 of 41945
the Revised Code. 41946

(2) As used in this section, "other administrator" does 41947
not include a superintendent, assistant superintendent, 41948
principal, or assistant principal. 41949

(B) The board of education of each school district and the 41950
governing board of an educational service center may appoint one 41951
or more assistant superintendents and such other administrators 41952
as are necessary. An assistant educational service center 41953
superintendent or service center supervisor employed on a part- 41954
time basis may also be employed by a local board as a teacher. 41955
The board of each city, exempted village, and local school 41956
district shall employ principals for all high schools and for 41957
such other schools as the board designates, and those boards may 41958
appoint assistant principals for any school that they designate. 41959

(C) In educational service centers and in city, exempted 41960
village, and local school districts, assistant superintendents, 41961
principals, assistant principals, and other administrators shall 41962
only be employed or reemployed in accordance with nominations of 41963
the superintendent, except that a board of education of a school 41964
district or the governing board of a service center, by a three- 41965

fourths vote of its full membership, may reemploy any assistant 41966
superintendent, principal, assistant principal, or other 41967
administrator whom the superintendent refuses to nominate. 41968

The board of education or governing board shall execute a 41969
written contract of employment with each assistant 41970
superintendent, principal, assistant principal, and other 41971
administrator it employs or reemploys. The term of such contract 41972
shall not exceed three years except that in the case of a person 41973
who has been employed as an assistant superintendent, principal, 41974
assistant principal, or other administrator in the district or 41975
center for three years or more, the term of the contract shall 41976
be for not more than five years and, unless the superintendent 41977
of the district recommends otherwise, not less than two years. 41978
If the superintendent so recommends, the term of the contract of 41979
a person who has been employed by the district or service center 41980
as an assistant superintendent, principal, assistant principal, 41981
or other administrator for three years or more may be one year, 41982
but all subsequent contracts granted such person shall be for a 41983
term of not less than two years and not more than five years. 41984
When a teacher with continuing service status becomes an 41985
assistant superintendent, principal, assistant principal, or 41986
other administrator with the district or service center with 41987
which the teacher holds continuing service status, the teacher 41988
retains such status in the teacher's nonadministrative position 41989
as provided in sections 3311.77, 3319.08, and 3319.09 of the 41990
Revised Code. 41991

A board of education or governing board may reemploy an 41992
assistant superintendent, principal, assistant principal, or 41993
other administrator at any regular or special meeting held 41994
during the period beginning on the first day of January of the 41995
calendar year immediately preceding the year of expiration of 41996

the employment contract and ending on the first day of June of 41997
the year the employment contract expires. 41998

Except by mutual agreement of the parties thereto, no 41999
assistant superintendent, principal, assistant principal, or 42000
other administrator shall be transferred during the life of a 42001
contract to a position of lesser responsibility. No contract may 42002
be terminated by a board except pursuant to section 3319.16 of 42003
the Revised Code. No contract may be suspended except pursuant 42004
to section 3319.17 or 3319.171 of the Revised Code. The salaries 42005
and compensation prescribed by such contracts shall not be 42006
reduced by a board unless such reduction is a part of a uniform 42007
plan affecting the entire district or center. The contract shall 42008
specify the employee's administrative position and duties as 42009
included in the job description adopted under division (D) of 42010
this section, the salary and other compensation to be paid for 42011
performance of duties, the number of days to be worked, the 42012
number of days of vacation leave, if any, and any paid holidays 42013
in the contractual year. 42014

An assistant superintendent, principal, assistant 42015
principal, or other administrator is, at the expiration of the 42016
current term of employment, deemed reemployed at the same salary 42017
plus any increments that may be authorized by the board, unless 42018
such employee notifies the board in writing to the contrary on 42019
or before the fifteenth day of June, or unless such board, on or 42020
before the first day of June of the year in which the contract 42021
of employment expires, either reemploys such employee for a 42022
succeeding term or gives written notice of its intention not to 42023
reemploy the employee. The term of reemployment of a person 42024
reemployed under this paragraph shall be one year, except that 42025
if such person has been employed by the school district or 42026
service center as an assistant superintendent, principal, 42027

assistant principal, or other administrator for three years or 42028
more, the term of reemployment shall be two years. 42029

(D) (1) Each board shall adopt procedures for the 42030
evaluation of all assistant superintendents, principals, 42031
assistant principals, and other administrators and shall 42032
evaluate such employees in accordance with those procedures. The 42033
procedures for the evaluation of principals and assistant 42034
principals shall be based on principles comparable to the 42035
teacher evaluation policy adopted by the board under section 42036
3319.111 of the Revised Code, but shall be tailored to the 42037
duties and responsibilities of principals and assistant 42038
principals and the environment in which they work. An evaluation 42039
based upon procedures adopted under this division shall be 42040
considered by the board in deciding whether to renew the 42041
contract of employment of an assistant superintendent, 42042
principal, assistant principal, or other administrator. 42043

(2) The evaluation shall measure each assistant 42044
superintendent's, principal's, assistant principal's, and other 42045
administrator's effectiveness in performing the duties included 42046
in the job description and the evaluation procedures shall 42047
provide for, but not be limited to, the following: 42048

(a) Each assistant superintendent, principal, assistant 42049
principal, and other administrator shall be evaluated annually 42050
through a written evaluation process. 42051

(b) The evaluation shall be conducted by the 42052
superintendent or designee. 42053

(c) In order to provide time to show progress in 42054
correcting the deficiencies identified in the evaluation 42055
process, the evaluation process shall be completed as follows: 42056

(i) In any school year that the employee's contract of employment is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the employee no later than the end of the employee's contract year as defined by the employee's annual salary notice.

(ii) In any school year that the employee's contract of employment is due to expire, at least a preliminary evaluation and at least a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the employee at least sixty days prior to any action by the board on the employee's contract of employment. The final evaluation shall indicate the superintendent's intended recommendation to the board regarding a contract of employment for the employee. A written copy of the evaluation shall be provided to the employee at least five days prior to the board's acting to renew or not renew the contract.

(3) Termination of an assistant superintendent, principal, assistant principal, or other administrator's contract shall be pursuant to section 3319.16 of the Revised Code. Suspension of any such employee shall be pursuant to section 3319.17 or 3319.171 of the Revised Code.

(4) Before taking action to renew or nonrenew the contract of an assistant superintendent, principal, assistant principal, or other administrator under this section and prior to the first day of June of the year in which such employee's contract expires, the board shall notify each such employee of the date that the contract expires and that the employee may request a meeting with the board. Upon request by such an employee, the board shall grant the employee a meeting in executive session.

In that meeting, the board shall discuss its reasons for 42087
considering renewal or nonrenewal of the contract. The employee 42088
shall be permitted to have a representative, chosen by the 42089
employee, present at the meeting. 42090

(5) The establishment of an evaluation procedure shall not 42091
create an expectancy of continued employment. Nothing in 42092
division (D) of this section shall prevent a board from making 42093
the final determination regarding the renewal or nonrenewal of 42094
the contract of any assistant superintendent, principal, 42095
assistant principal, or other administrator. However, if a board 42096
fails to provide evaluations pursuant to division (D) (2) (c) (i) 42097
or (ii) of this section, or if the board fails to provide at the 42098
request of the employee a meeting as prescribed in division (D) 42099
(4) of this section, the employee automatically shall be 42100
reemployed at the same salary plus any increments that may be 42101
authorized by the board for a period of one year, except that if 42102
the employee has been employed by the district or service center 42103
as an assistant superintendent, principal, assistant principal, 42104
or other administrator for three years or more, the period of 42105
reemployment shall be for two years. 42106

(E) On nomination of the superintendent of a service 42107
center a governing board may employ supervisors who shall be 42108
employed under written contracts of employment for terms not to 42109
exceed five years each. Such contracts may be terminated by a 42110
governing board pursuant to section 3319.16 of the Revised Code. 42111
Any supervisor employed pursuant to this division may terminate 42112
the contract of employment at the end of any school year after 42113
giving the board at least thirty days' written notice prior to 42114
such termination. On the recommendation of the superintendent 42115
the contract or contracts of any supervisor employed pursuant to 42116
this division may be suspended for the remainder of the term of 42117

any such contract pursuant to section 3319.17 or 3319.171 of the Revised Code. 42118
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(F) A board may establish vacation leave for any individuals employed under this section. Upon such an individual's separation from employment, a board that has such leave may compensate such an individual at the individual's current rate of pay for all lawfully accrued and unused vacation leave credited at the time of separation, not to exceed the amount accrued within three years before the date of separation. In case of the death of an individual employed under this section, such unused vacation leave as the board would have paid to the individual upon separation under this section shall be paid in accordance with section 2113.04 of the Revised Code, or to the estate. 42120
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(G) The board of education of any school district may contract with the governing board of the educational service center from which it otherwise receives services to conduct searches and recruitment of candidates for assistant superintendent, principal, assistant principal, and other administrator positions authorized under this section. 42132
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Sec. 3319.073. (A) The board of education of each city and exempted village school district and the governing board of each educational service center shall adopt or adapt the curriculum developed by the department of education and workforce for, or shall develop in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in a school as a nurse, 42138
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teacher, counselor, school psychologist, or administrator shall 42148
complete at least four hours of the in-service training within 42149
two years of commencing employment with the district or center, 42150
and every five years thereafter. A person who is employed by any 42151
school district or service center to work in an elementary 42152
school as a nurse, teacher, counselor, school psychologist, or 42153
administrator on March 30, 2007, shall complete at least four 42154
hours of the in-service training not later than March 30, 2009, 42155
and every five years thereafter. A person who is employed by any 42156
school district or service center to work in a middle or high 42157
school as a nurse, teacher, counselor, school psychologist, or 42158
administrator on October 16, 2009, shall complete at least four 42159
hours of the in-service training not later than October 16, 42160
2011, and every five years thereafter. 42161

(B) Each board shall incorporate training in school safety 42162
and violence prevention, including human trafficking content, 42163
into the in-service training required by division (A) of this 42164
section. For this purpose, the board shall adopt or adapt the 42165
curriculum developed by the department or shall develop its own 42166
curriculum in consultation with public or private agencies or 42167
persons involved in school safety and violence prevention 42168
programs. 42169

(C) Each board shall incorporate training on the board's 42170
harassment, intimidation, or bullying policy adopted under 42171
section 3313.666 of the Revised Code into the in-service 42172
training required by division (A) of this section. Each board 42173
also shall incorporate training in the prevention of dating 42174
violence into the in-service training required by that division 42175
for middle and high school employees. The board shall develop 42176
its own curricula for these purposes. 42177

(D) Each board shall incorporate training in youth suicide awareness and prevention into the in-service training required by division (A) of this section for each person employed by a school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator, and any other personnel that the board determines appropriate. The board shall require each such person to undergo training in youth suicide awareness and prevention programs once every two years. For this purpose, the board shall adopt or adapt the curriculum developed by the department under section 3301.221 of the Revised Code or shall develop its own curriculum in consultation with public or private agencies or persons involved in youth suicide awareness and prevention programs.

The training completed under this division shall count toward the satisfaction of requirements for professional development required by the school district or service center board, and the training may be accomplished through self-review of suitable suicide prevention materials approved by the board.

Sec. 3319.074. (A) As used in this section:

(1) "Core subject area" means reading and English language arts, mathematics, science, social studies, foreign language, and fine arts.

(2) "Properly certified or licensed teacher" means a classroom teacher who has successfully completed all requirements for certification or licensure under this chapter applicable to the subject areas and grade levels in which the teacher provides instruction and the students to whom the teacher provides the instruction.

(3) "Properly certified paraprofessional" means a

paraprofessional who holds an educational aide permit issued 42207
under section 3319.088 of the Revised Code and satisfies at 42208
least one of the following conditions: 42209

(a) Has a designation of "ESEA qualified" on the 42210
educational aide permit; 42211

(b) Has successfully completed at least two years of 42212
coursework at an accredited institution of higher education; 42213

(c) Holds an associate degree or higher from an accredited 42214
institution of higher education; 42215

(d) Meets a rigorous standard of quality as demonstrated 42216
by attainment of a qualifying score on an academic assessment 42217
specified by the department of education and workforce. 42218

(B) Beginning July 1, 2019, no city, exempted village, 42219
local, joint vocational, or cooperative education school 42220
district shall do either of the following: 42221

(1) Employ any classroom teacher to provide instruction in 42222
a core subject area to any student, unless such teacher is a 42223
properly certified or licensed teacher; 42224

(2) Employ any paraprofessional in a program supported 42225
with funds received under Title I of the "Elementary and 42226
Secondary Education Act of 1965," 20 U.S.C. 6301 et seq., to 42227
provide academic support in a core subject area to any student, 42228
unless such paraprofessional is a properly certified 42229
paraprofessional. 42230

(C) At the start of each school year, each school district 42231
shall notify the parent or guardian of each student enrolled in 42232
the district that the parent or guardian may request information 42233
on the professional qualifications of each classroom teacher who 42234

provides instruction to the student. The district shall provide 42235
the information on each applicable teacher in a timely manner to 42236
any parent or guardian who requests it. Such information shall 42237
include at least the following: 42238

(1) Whether the teacher has satisfied all requirements for 42239
certification or licensure under this chapter applicable to the 42240
subject areas and grade levels in which the teacher provides 42241
instruction and the students to whom the teacher provides the 42242
instruction, or whether the teacher provides instruction under a 42243
waiver of any such requirements; 42244

(2) Whether a paraprofessional provides any services to 42245
the student and, if so, the qualifications of the 42246
paraprofessional. 42247

Sec. 3319.077. (A) As used in this section: 42248

(1) "Dyslexia" has the same meaning as in section 3323.25 42249
of the Revised Code. 42250

(2) "Ohio dyslexia committee" means the committee 42251
established under section 3325.25 of the Revised Code. 42252

(3) "Special education" has the same meaning as in section 42253
3323.01 of the Revised Code. 42254

(4) "Teacher" does not include any teacher who provides 42255
instruction in fine arts, music, or physical education. 42256

(B) (1) The department of education and workforce, in 42257
collaboration with the Ohio dyslexia committee, shall maintain a 42258
list of training that fulfills the professional development 42259
requirements prescribed in division (C) of this section. The 42260
list may consist of online or classroom learning models. 42261

(2) Each approved training shall align with the guidebook 42262

developed under section 3323.25 of the Revised Code, be 42263
evidence-based, and require instruction and training for 42264
identifying characteristics of dyslexia and understanding the 42265
pedagogy for instructing students with dyslexia. 42266

(3) The Ohio dyslexia committee shall prescribe a total 42267
number of clock hours of instruction in training approved under 42268
this section for a teacher to complete to satisfy the 42269
professional development requirements prescribed in division (C) 42270
of this section. The Ohio dyslexia committee shall prescribe a 42271
total number of clock hours that is not less than six clock 42272
hours and not more than eighteen clock hours. 42273

(C) (1) Not later than the beginning of the 2023-2024 42274
school year, each teacher employed by a local, city, or exempted 42275
village school district who provides instruction for students in 42276
kindergarten and first grade, including those providing special 42277
education instruction, shall complete the number of 42278
instructional hours in approved professional development 42279
training required by the committee under this section. 42280

(2) Not later than the beginning of the 2024-2025 school 42281
year, each teacher employed by a school district who provides 42282
instruction for students in grades two and three, including 42283
those providing special education instruction, shall complete 42284
the number of instructional hours in approved professional 42285
development training required by the committee under this 42286
section. 42287

(3) Not later than the beginning of the 2025-2026 school 42288
year, each teacher employed by a school district who provides 42289
special education instruction for students in grades four 42290
through twelve shall complete a professional development 42291
training approved under division (B) of this section. 42292

(D) Any professional development training completed by a 42293
teacher prior to April 12, 2021, that is then included on the 42294
list of training approved under division (B)(1) of this section 42295
shall count toward the number of instructional hours in approved 42296
professional development training required under division (C) of 42297
this section. 42298

(E) Nothing in this section shall prohibit a school 42299
district from requiring employees who are not subject to this 42300
section from completing professional development training 42301
approved under division (B) of this section. 42302

Sec. 3319.111. Notwithstanding section 3319.09 of the 42303
Revised Code, this section applies to any person who is employed 42304
under a teacher license issued under this chapter, or under a 42305
professional or permanent teacher's certificate issued under 42306
former section 3319.222 of the Revised Code, and who spends at 42307
least fifty per cent of the time employed providing student 42308
instruction. However, this section does not apply to any person 42309
who is employed as a substitute teacher or as an instructor of 42310
adult education. 42311

(A) ~~Not later than July 1, 2020, the~~ The board of 42312
education of each school district, in consultation with teachers 42313
employed by the board, shall update its standards-based teacher 42314
evaluation policy to conform with the framework for evaluation 42315
of teachers adopted under section 3319.112 of the Revised Code. 42316
The policy shall become operative at the expiration of any 42317
collective bargaining agreement covering teachers employed by 42318
the board that is in effect on ~~the effective date of this~~ 42319
~~amendment~~ November 2, 2018, and shall be included in any renewal 42320
or extension of such an agreement. 42321

(B) When using measures of student performance as evidence 42322

in a teacher's evaluation, those measures shall be high-quality 42323
student data. The board of education of each school district may 42324
use data from the assessments on the list developed under 42325
division (B) (2) of section 3319.112 of the Revised Code as high- 42326
quality student data. 42327

(C) (1) The board shall conduct an evaluation of each 42328
teacher employed by the board at least once each school year, 42329
except as provided in division (C) (2) of this section. The 42330
evaluation shall be completed by the first day of May and the 42331
teacher shall receive a written report of the results of the 42332
evaluation by the tenth day of May. 42333

(2) (a) The board may evaluate each teacher who received a 42334
rating of accomplished on the teacher's most recent evaluation 42335
conducted under this section once every three school years, so 42336
long as the teacher submits a self-directed professional growth 42337
plan to the evaluator that focuses on specific areas identified 42338
in the observations and evaluation and the evaluator determines 42339
that the teacher is making progress on that plan. 42340

(b) The board may evaluate each teacher who received a 42341
rating of skilled on the teacher's most recent evaluation 42342
conducted under this section once every two years, so long as 42343
the teacher and evaluator jointly develop a professional growth 42344
plan for the teacher that focuses on specific areas identified 42345
in the observations and evaluation and the evaluator determines 42346
that the teacher is making progress on that plan. 42347

(c) For each teacher who is evaluated pursuant to division 42348
(C) (2) of this section, the evaluation shall be completed by the 42349
first day of May of the applicable school year, and the teacher 42350
shall receive a written report of the results of the evaluation 42351
by the tenth day of May of that school year. 42352

- (d) The board may elect not to conduct an evaluation of a teacher who meets one of the following requirements: 42353
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- (i) The teacher was on leave from the school district for fifty per cent or more of the school year, as calculated by the board. 42355
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- (ii) The teacher has submitted notice of retirement and that notice has been accepted by the board not later than the first day of December of the school year in which the evaluation is otherwise scheduled to be conducted. 42358
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- (e) The board may elect not to conduct an evaluation of a teacher who is participating in the teacher residency program established under section 3319.223 of the Revised Code for the year during which that teacher takes, for the first time, at least half of the performance-based assessment prescribed by the state board of education for resident educators. 42362
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- (3) In any year that a teacher is not formally evaluated pursuant to division (C) of this section as a result of receiving a rating of accomplished or skilled on the teacher's most recent evaluation, an individual qualified to evaluate a teacher under division (D) of this section shall conduct at least one observation of the teacher and hold at least one conference with the teacher. The conference shall include a discussion of progress on the teacher's professional growth plan. 42368
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- (D) Each evaluation conducted pursuant to this section shall be conducted by one or more of the following persons who hold a credential established by the ~~department~~ state board of education for being an evaluator: 42377
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- (1) A person who is under contract with the board pursuant 42381

to section 3319.01 or 3319.02 of the Revised Code and holds a 42382
license designated for being a superintendent, assistant 42383
superintendent, or principal issued under section 3319.22 of the 42384
Revised Code; 42385

(2) A person who is under contract with the board pursuant 42386
to section 3319.02 of the Revised Code and holds a license 42387
designated for being a vocational director, administrative 42388
specialist, or supervisor in any educational area issued under 42389
section 3319.22 of the Revised Code; 42390

(3) A person designated to conduct evaluations under an 42391
agreement entered into by the board, including an agreement 42392
providing for peer review entered into by the board and 42393
representatives of teachers employed by the board; 42394

(4) A person who is employed by an entity contracted by 42395
the board to conduct evaluations and who holds a license 42396
designated for being a superintendent, assistant superintendent, 42397
principal, vocational director, administrative specialist, or 42398
supervisor in any educational area issued under section 3319.22 42399
of the Revised Code or is qualified to conduct evaluations. 42400

(E) Notwithstanding division (A) (3) of section 3319.112 of 42401
the Revised Code, the board shall require at least three formal 42402
observations of each teacher who is under consideration for 42403
nonrenewal and with whom the board has entered into a limited 42404
contract or an extended limited contract under section 3319.11 42405
of the Revised Code. 42406

(F) The board shall include in its evaluation policy 42407
procedures for using the evaluation results for retention and 42408
promotion decisions and for removal of poorly performing 42409
teachers. Seniority shall not be the basis for a decision to 42410

retain a teacher, except when making a decision between teachers 42411
who have comparable evaluations. 42412

(G) For purposes of section 3333.0411 of the Revised Code, 42413
the board annually shall report to the ~~department of education~~ 42414
state board the number of teachers for whom an evaluation was 42415
conducted under this section and the number of teachers assigned 42416
each rating prescribed under division (B) (1) of section 3319.112 42417
of the Revised Code, aggregated by the teacher preparation 42418
programs from which and the years in which the teachers 42419
graduated. The ~~department~~ state board shall establish guidelines 42420
for reporting the information required by this division. The 42421
guidelines shall not permit or require that the name of, or any 42422
other personally identifiable information about, any teacher be 42423
reported under this division. 42424

(H) Notwithstanding any provision to the contrary in 42425
Chapter 4117. of the Revised Code, the requirements of this 42426
section prevail over any conflicting provisions of a collective 42427
bargaining agreement entered into on or after ~~the effective date~~ 42428
~~of this amendment~~ November 2, 2018. 42429

Sec. 3319.112. (A) The state board of education shall 42430
revise the standards-based state framework for the evaluation of 42431
teachers based on the recommendations of the educator standards 42432
board established under section 3319.60 of the Revised Code. The 42433
state board shall hold at least one public hearing on the 42434
revised framework and shall make the full text of the revised 42435
framework available at each hearing it holds on the revised 42436
framework. ~~Not later than May 1, 2020, the~~ The state board shall 42437
adopt the revised framework. The state board may update the 42438
framework periodically by adoption of a resolution. The 42439
framework shall establish an evaluation system that does the 42440

following:	42441
(1) Provides for multiple evaluation factors;	42442
(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code;	42443 42444
(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom walk-throughs;	42445 42446 42447
(4) Assigns a rating on each evaluation in accordance with division (B) of this section;	42448 42449
(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation;	42450 42451
(6) Uses at least two measures of high-quality student data to provide evidence of student learning attributable to the teacher being evaluated. The state board shall define "high- quality student data" for this purpose. When applicable to the grade level or subject area taught by a teacher, high-quality student data shall include the value-added progress dimension established under section 3302.021 of the Revised Code, but the teacher or evaluator shall use at least one other measure of high-quality student data to demonstrate student learning. In accordance with the guidance described in division (D) (3) of this section, high-quality student data may be used as evidence in any component of the evaluation related to the following:	42452 42453 42454 42455 42456 42457 42458 42459 42460 42461 42462 42463
(a) Knowledge of the students to whom the teacher provides instruction;	42464 42465
(b) The teacher's use of differentiated instructional practices based on the needs or abilities of individual students;	42466 42467 42468

(c) Assessment of student learning;	42469
(d) The teacher's use of assessment data;	42470
(e) Professional responsibility and growth.	42471
(7) Prohibits the shared attribution of student performance data among all teachers in a district, building, grade, content area, or other group;	42472 42473 42474
(8) Includes development of a professional growth plan or improvement plan for the teacher that is based on the results of the evaluation and is aligned to any school district or building improvement plan required for the teacher's district or building under the "Elementary and Secondary Education Act of 1965," as amended by the "Every Student Succeeds Act of 2015," Pub. L. No. 114-95, 20 U.S.C. 6301 et seq.;	42475 42476 42477 42478 42479 42480 42481
(9) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;	42482 42483 42484
(10) Provides for the allocation of financial resources to support professional development;	42485 42486
(11) Prohibits the use of student learning objectives.	42487
(B) For purposes of the framework adopted under this section, the state board also shall do the following:	42488 42489
(1) Revise, as necessary, specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code:	42490 42491 42492 42493 42494
(a) Accomplished;	42495

(b) Skilled;	42496
(c) Developing;	42497
(d) Ineffective.	42498
(2) Develop a list of student assessments that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations. The data from these assessments may be considered high-quality student data.	42499 42500 42501 42502 42503 42504
(C) The state board shall consult with experts, teachers and principals employed in public schools, the educator standards board, and representatives of stakeholder groups in revising the standards and criteria required by division (B)(1) of this section.	42505 42506 42507 42508 42509
(D) To assist school districts in developing evaluation policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code, the department <u>state board</u> shall do all of the following:	42510 42511 42512 42513
(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;	42514 42515
(2) Provide technical assistance to districts in creating evaluation policies;	42516 42517
(3) Provide guidance to districts on how high-quality student data may be used as evidence of student learning attributable to a particular teacher, including examples of appropriate use of that data within the framework adopted under this section;	42518 42519 42520 42521 42522
(4) Provide guidance to districts on how information from	42523

student surveys, student portfolios, peer review evaluations, 42524
teacher self-evaluations, and other components determined 42525
appropriate by the district may be used as part of the 42526
evaluation process. 42527

(E) Not later than July 1, 2020, the state board, in 42528
consultation with state agencies that employ teachers, shall 42529
update its standards-based framework for the evaluation of 42530
teachers employed by those agencies. Each state agency that 42531
employs teachers shall adopt a standards-based teacher 42532
evaluation policy to conform with the framework. The policy 42533
shall become operative at the expiration of any collective 42534
bargaining agreement covering teachers employed by the agency 42535
that is in effect ~~on the effective date of this amendment~~ 42536
November 2, 2018, and shall be included in any renewal or 42537
extension of such an agreement. However, this division does not 42538
apply to any person who is employed as a substitute teacher or 42539
as an instructor of adult education. 42540

Sec. 3319.113. (A) ~~Not later than May 31, 2016, the~~ The 42541
state board of education shall develop a standards-based state 42542
framework for the evaluation of school counselors. The state 42543
board may update the framework periodically by adoption of a 42544
resolution. The framework shall establish an evaluation system 42545
that does the following: 42546

(1) Requires school counselors to demonstrate their 42547
ability to produce positive student outcomes using metrics, 42548
including those from the school or school district's report card 42549
issued under section 3302.03 of the Revised Code when 42550
appropriate; 42551

(2) Is aligned with the standards for school counselors 42552
adopted under section 3319.61 of the Revised Code and requires 42553

school counselors to demonstrate their ability in all the areas 42554
identified by those standards; 42555

(3) Requires that all school counselors be evaluated 42556
annually, except as otherwise appropriate for high-performing 42557
school counselors or as specified in division (D) of this 42558
section; 42559

(4) Assigns a rating on each evaluation in accordance with 42560
division (B) of this section; 42561

(5) Designates the personnel that may conduct evaluations 42562
of school counselors in accordance with this framework; 42563

(6) Requires that each school counselor be provided with a 42564
written report of the results of that school counselor's 42565
evaluation; 42566

(7) Provides for professional development to accelerate 42567
and continue school counselor growth and provide support to 42568
poorly performing school counselors. 42569

(B) (1) The state board shall develop specific standards 42570
and criteria that distinguish between the following levels of 42571
performance for school counselors for the purposes of assigning 42572
ratings on the evaluations conducted under this section: 42573

(a) Accomplished; 42574

(b) Skilled; 42575

(c) Developing; 42576

(d) Ineffective. 42577

(2) The state board shall consult with experts, school 42578
counselors and principals employed in public schools, and 42579
representatives of stakeholder groups in developing the 42580

standards and criteria required by division (B) (1) of this section. 42581
42582

(C) (1) Not later than September 30, 2016, each school district board of education shall adopt a standards-based school counselor evaluation policy that conforms with the framework for the evaluation of school counselors developed under this section. The policy shall become operative at the expiration of any collective bargaining agreement covering school counselors employed by the board that is in effect on September 29, 2015, and shall be included in any renewal or extension of such an agreement. 42583
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(2) A district board shall include both of the following in its evaluation policy: 42592
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(a) The implementation of the framework for the evaluation of school counselors developed under this section beginning in the 2016-2017 school year; 42594
42595
42596

(b) Procedures for using the evaluation results, beginning in the 2017-2018 school year, for both of the following: 42597
42598

(i) Decisions regarding retention and promotion of school counselors; 42599
42600

(ii) Removal of poorly performing school counselors. 42601

(D) Beginning with the 2017-2018 school year, a district board may elect not to conduct an evaluation of a school counselor who meets one of the following requirements: 42602
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(1) The school counselor was on leave from the school district for fifty per cent or more of the school year, as calculated by the board. 42605
42606
42607

(2) The school counselor has submitted notice of 42608

retirement and that notice has been accepted by the board not 42609
later than the first day of December of the school year in which 42610
the evaluation is otherwise scheduled to be conducted. 42611

(E) Each district board shall annually submit a report to 42612
~~the department of education~~ state board, in a form and manner 42613
prescribed by the ~~department~~ state board, regarding its 42614
implementation of division (C) of this section. At no time shall 42615
the ~~department~~ state board permit or require that the name or 42616
personally identifiable information of any school counselor be 42617
reported to the ~~department~~ state board under this division. 42618

(F) Notwithstanding any provision to the contrary in 42619
Chapter 4117. of the Revised Code, the requirements of this 42620
section prevail over any conflicting provision of a collective 42621
bargaining agreement entered into on or after September 29, 42622
2015. 42623

Sec. 3319.143. Notwithstanding section 3319.141 of the 42624
Revised Code, the board of education of a city, exempted 42625
village, local or joint vocational school district may adopt a 42626
policy of assault leave by which an employee who is absent due 42627
to physical disability resulting from an assault which occurs in 42628
the course of board employment will be maintained on full pay 42629
status during the period of such absence. A board of education 42630
electing to effect such a policy of assault leave shall 42631
establish rules for the entitlement, crediting, and use of 42632
assault leave and file a copy of same with the ~~state board~~ 42633
department of education and workforce. A board of education 42634
adopting this policy shall require an employee to furnish a 42635
signed statement on forms prescribed by such board to justify 42636
the use of assault leave. If medical attention is required, a 42637
certificate from a licensed physician stating the nature of the 42638

disability and its duration shall be required before assault 42639
leave can be approved for payment. Falsification of either a 42640
signed statement or a physician's certificate is ground for 42641
suspension or termination of employment under section 3311.82 or 42642
3319.16 of the Revised Code. 42643

Assault leave granted under rules adopted by a board of 42644
education pursuant to this section shall not be charged against 42645
sick leave earned or earnable under section 3319.141 of the 42646
Revised Code or leave granted under rules adopted by a board of 42647
education pursuant to section 3311.77 or 3319.08 of the Revised 42648
Code. This section shall be uniformly administered in those 42649
districts where such policy is adopted. 42650

Sec. 3319.151. (A) As used in this section, "assessment" 42651
means an assessment administered under section 3301.0711 of the 42652
Revised Code. 42653

(B) No person shall do any of the following: 42654

(1) Reveal to any student any specific question that the 42655
person knows is part of an assessment or in any other way assist 42656
a pupil to cheat on an assessment; 42657

(2) Obtain prior knowledge of the contents of an 42658
assessment; 42659

(3) Use prior knowledge of the contents of an assessment 42660
to assist students in preparing for the assessment; 42661

(4) Fail to comply with any rule adopted by the department 42662
of education and workforce regarding security protocols for an 42663
assessment. 42664

(C) On a finding by the state board of education, after 42665
investigation, that a school employee who holds a license, as 42666

defined in section 3319.31 of the Revised Code, has violated 42667
division (B) of this section, the state board shall take any 42668
action against the employee under section 3319.31 of the Revised 42669
Code that it considers appropriate, based on the nature and 42670
extent of the violation. The state board shall give the employee 42671
notice of the allegation upon commencing an investigation and 42672
shall give the employee an opportunity to respond prior to 42673
taking any disciplinary action. 42674

(D) (1) Violation of division (B) of this section is 42675
grounds for termination of employment of a nonteaching employee 42676
under division (C) of section 3319.081 or section 124.34 of the 42677
Revised Code. 42678

(2) Violation of division (B) of this section is grounds 42679
for termination of a teacher contract under section 3311.82 or 42680
3319.16 of the Revised Code. 42681

Sec. 3319.16. The contract of any teacher employed by the 42682
board of education of any city, exempted village, local, county, 42683
or joint vocational school district may not be terminated except 42684
for good and just cause. Notwithstanding any provision to the 42685
contrary in Chapter 4117. of the Revised Code, the provisions of 42686
this section relating to the grounds for termination of the 42687
contract of a teacher prevail over any conflicting provisions of 42688
a collective bargaining agreement entered into after ~~the~~ 42689
~~effective date of this amendment~~ October 16, 2009. 42690

Before terminating any contract, the employing board shall 42691
furnish the teacher a written notice signed by its treasurer of 42692
its intention to consider the termination of the teacher's 42693
contract with full specification of the grounds for such 42694
consideration. The board shall not proceed with formal action to 42695
terminate the contract until after the tenth day after receipt 42696

of the notice by the teacher. Within ten days after receipt of 42697
the notice from the treasurer of the board, the teacher may file 42698
with the treasurer a written demand for a hearing before the 42699
board or before a referee, and the board shall set a time for 42700
the hearing which shall be within thirty days from the date of 42701
receipt of the written demand, and the treasurer shall give the 42702
teacher at least twenty days' notice in writing of the time and 42703
place of the hearing. If a referee is demanded by either the 42704
teacher or board, the treasurer also shall give twenty days' 42705
notice to the ~~superintendent of public instruction~~ department of 42706
education and workforce. No hearing shall be held during the 42707
summer vacation without the teacher's consent. The hearing shall 42708
be private unless the teacher requests a public hearing. The 42709
hearing shall be conducted by a referee appointed pursuant to 42710
section 3319.161 of the Revised Code, if demanded; otherwise, it 42711
shall be conducted by a majority of the members of the board and 42712
shall be confined to the grounds given for the termination. The 42713
board shall provide for a complete stenographic record of the 42714
proceedings, a copy of the record to be furnished to the 42715
teacher. The board may suspend a teacher pending final action to 42716
terminate the teacher's contract if, in its judgment, the 42717
character of the charges warrants such action. 42718

Both parties may be present at such hearing, be 42719
represented by counsel, require witnesses to be under oath, 42720
cross-examine witnesses, take a record of the proceedings, and 42721
require the presence of witnesses in their behalf upon subpoena 42722
to be issued by the treasurer of the board. In case of the 42723
failure of any person to comply with a subpoena, a judge of the 42724
court of common pleas of the county in which the person resides, 42725
upon application of any interested party, shall compel 42726
attendance of the person by attachment proceedings as for 42727

contempt. Any member of the board or the referee may administer 42728
oaths to witnesses. After a hearing by a referee, the referee 42729
shall file a report within ten days after the termination of the 42730
hearing. After consideration of the referee's report, the board, 42731
by a majority vote, may accept or reject the referee's 42732
recommendation on the termination of the teacher's contract. 42733
After a hearing by the board, the board, by majority vote, may 42734
enter its determination upon its minutes. Any order of 42735
termination of a contract shall state the grounds for 42736
termination. If the decision, after hearing, is against 42737
termination of the contract, the charges and the record of the 42738
hearing shall be physically expunged from the minutes, and, if 42739
the teacher has suffered any loss of salary by reason of being 42740
suspended, the teacher shall be paid the teacher's full salary 42741
for the period of such suspension. 42742

Any teacher affected by an order of termination of 42743
contract may appeal to the court of common pleas of the county 42744
in which the school is located within thirty days after receipt 42745
of notice of the entry of such order. The appeal shall be an 42746
original action in the court and shall be commenced by the 42747
filing of a complaint against the board, in which complaint the 42748
facts shall be alleged upon which the teacher relies for a 42749
reversal or modification of such order of termination of 42750
contract. Upon service or waiver of summons in that appeal, the 42751
board immediately shall transmit to the clerk of the court for 42752
filing a transcript of the original papers filed with the board, 42753
a certified copy of the minutes of the board into which the 42754
termination finding was entered, and a certified transcript of 42755
all evidence adduced at the hearing or hearings before the board 42756
or a certified transcript of all evidence adduced at the hearing 42757
or hearings before the referee, whereupon the cause shall be at 42758

issue without further pleading and shall be advanced and heard 42759
without delay. The court shall examine the transcript and record 42760
of the hearing and shall hold such additional hearings as it 42761
considers advisable, at which it may consider other evidence in 42762
addition to the transcript and record. 42763

Upon final hearing, the court shall grant or deny the 42764
relief prayed for in the complaint as may be proper in 42765
accordance with the evidence adduced in the hearing. Such an 42766
action is a special proceeding, and either the teacher or the 42767
board may appeal from the decision of the court of common pleas 42768
pursuant to the Rules of Appellate Procedure and, to the extent 42769
not in conflict with those rules, Chapter 2505. of the Revised 42770
Code. 42771

In any court action, the board may utilize the services of 42772
the prosecuting attorney, village solicitor, city director of 42773
law, or other chief legal officer of a municipal corporation as 42774
authorized by section 3313.35 of the Revised Code, or may employ 42775
other legal counsel. 42776

A violation of division (A) (7) of section 2907.03 of the 42777
Revised Code is grounds for termination of a teacher contract 42778
under this section. 42779

Sec. 3319.161. For the purpose of providing referees for 42780
the hearings required by section 3319.16 of the Revised Code, 42781
the ~~superintendent of public instruction~~ department of education 42782
and workforce shall compile a list of resident electors from 42783
names that the ~~superintendent~~ department shall solicit annually 42784
from the state bar association. 42785

Upon receipt of notice that a referee has been demanded by 42786
a teacher or by a board of education, the ~~superintendent of~~ 42787

~~public instruction department~~ shall immediately designate three 42788
persons from such list, from whom the referee to hear the matter 42789
shall be chosen, and the ~~superintendent department~~ shall 42790
immediately notify the designees, the teacher, and the board of 42791
the school district involved. If within five days of receipt of 42792
the notice, the teacher and board are unable to select a 42793
mutually agreeable designee to serve as referee, the 42794
~~superintendent of public instruction department~~ shall appoint 42795
one of the three designees to serve as referee. The appointment 42796
of the referee shall be entered in the minutes of the board. The 42797
referee appointed shall be paid the referee's usual and 42798
customary fee for attending the hearing which shall be paid from 42799
the school district general fund upon vouchers approved by the 42800
~~superintendent of public instruction department~~ and presented to 42801
the treasurer of the district. No referee shall be a member of, 42802
an employee of, or teacher employed by the board of education 42803
nor related to any such person by consanguinity or marriage. 42804

Sec. 3319.22. (A) (1) The state board of education shall 42805
issue the following educator licenses: 42806

(a) A resident educator license, which shall be valid for 42807
two years and shall be renewable for reasons specified by rules 42808
adopted by the state board pursuant to division (A) (3) of this 42809
section. The state board, on a case-by-case basis, may extend 42810
the license's duration as necessary to enable the license holder 42811
to complete the Ohio teacher residency program established under 42812
section 3319.223 of the Revised Code; 42813

(b) A professional educator license, which shall be valid 42814
for five years and shall be renewable; 42815

(c) A senior professional educator license, which shall be 42816
valid for five years and shall be renewable; 42817

(d) A lead professional educator license, which shall be 42818
valid for five years and shall be renewable. 42819

Licenses issued under division (A)(1) of this section on 42820
and after November 2, 2018, shall specify whether the educator 42821
is licensed to teach grades pre-kindergarten through five, 42822
grades four through nine, or grades seven through twelve. The 42823
changes to the grade band specifications under this amendment 42824
shall not apply to a person who holds a license under division 42825
(A)(1) of this section prior to November 2, 2018. Further, the 42826
changes to the grade band specifications under this amendment 42827
shall not apply to any license issued to teach in the area of 42828
computer information science, bilingual education, dance, drama 42829
or theater, world language, health, library or media, music, 42830
physical education, teaching English to speakers of other 42831
languages, career-technical education, or visual arts or to any 42832
license issued to an intervention specialist, including a gifted 42833
intervention specialist, or to any other license that does not 42834
align to the grade band specifications. 42835

(2) The state board may issue any additional educator 42836
licenses of categories, types, and levels the board elects to 42837
provide. 42838

(3) The state board shall adopt rules establishing the 42839
standards and requirements for obtaining each educator license 42840
issued under this section. The rules shall also include the 42841
reasons for which a resident educator license may be renewed 42842
under division (A)(1)(a) of this section. 42843

(B) The rules adopted under this section shall require at 42844
least the following standards and qualifications for the 42845
educator licenses described in division (A)(1) of this section: 42846

(1) An applicant for a resident educator license shall 42847
hold at least a bachelor's degree from an accredited teacher 42848
preparation program or be a participant in the teach for America 42849
program and meet the qualifications required under section 42850
3319.227 of the Revised Code. 42851

(2) An applicant for a professional educator license 42852
shall: 42853

(a) Hold at least a bachelor's degree from an institution 42854
of higher education accredited by a regional accrediting 42855
organization; 42856

(b) Have successfully completed the Ohio teacher residency 42857
program established under section 3319.223 of the Revised Code, 42858
if the applicant's current or most recently issued license is a 42859
resident educator license issued under this section or an 42860
alternative resident educator license issued under section 42861
3319.26 of the Revised Code. 42862

(3) An applicant for a senior professional educator 42863
license shall: 42864

(a) Hold at least a master's degree from an institution of 42865
higher education accredited by a regional accrediting 42866
organization; 42867

(b) Have previously held a professional educator license 42868
issued under this section or section 3319.222 or under former 42869
section 3319.22 of the Revised Code; 42870

(c) Meet the criteria for the accomplished or 42871
distinguished level of performance, as described in the 42872
standards for teachers adopted by the state board under section 42873
3319.61 of the Revised Code. 42874

(4) An applicant for a lead professional educator license shall:	42875
	42876
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	42877
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	42879
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	42880
	42881
	42882
	42883
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	42884
	42885
	42886
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F) (4) or (5) of section 3319.61 of the Revised Code.	42887
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.	42892
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(D) If the state board requires any examinations for educator licensure, the department of education <u>state board</u> shall provide the results of such examinations received by the department <u>state board</u> to the chancellor of higher education, in the manner and to the extent permitted by state and federal law.	42896
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	42900
(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law	42901
	42902
	42903

shall be adopted, amended, or rescinded under Chapter 119. of 42904
the Revised Code except as follows: 42905

(1) Notwithstanding division (E) of section 119.03 and 42906
division (A)(1) of section 119.04 of the Revised Code, in the 42907
case of the adoption of any rule or the amendment or rescission 42908
of any rule that necessitates institutions' offering preparation 42909
programs for educators and other school personnel that are 42910
approved by the chancellor of higher education under section 42911
3333.048 of the Revised Code to revise the curriculum of those 42912
programs, the effective date shall not be as prescribed in 42913
division (E) of section 119.03 and division (A)(1) of section 42914
119.04 of the Revised Code. Instead, the effective date of such 42915
rules, or the amendment or rescission of such rules, shall be 42916
the date prescribed by section 3333.048 of the Revised Code. 42917

(2) Notwithstanding the authority to adopt, amend, or 42918
rescind emergency rules in division (G) of section 119.03 of the 42919
Revised Code, this authority shall not apply to the state board 42920
of education with regard to rules for educator licenses. 42921

(F)(1) The rules adopted under this section establishing 42922
standards requiring additional coursework for the renewal of any 42923
educator license shall require a school district and a chartered 42924
nonpublic school to establish local professional development 42925
committees. In a nonpublic school, the chief administrative 42926
officer shall establish the committees in any manner acceptable 42927
to such officer. The committees established under this division 42928
shall determine whether coursework that a district or chartered 42929
nonpublic school teacher proposes to complete meets the 42930
requirement of the rules. The department of education shall 42931
provide technical assistance and support to committees as the 42932
committees incorporate the professional development standards 42933

adopted by the state board of education pursuant to section 42934
3319.61 of the Revised Code into their review of coursework that 42935
is appropriate for license renewal. The rules shall establish a 42936
procedure by which a teacher may appeal the decision of a local 42937
professional development committee. 42938

(2) In any school district in which there is no exclusive 42939
representative established under Chapter 4117. of the Revised 42940
Code, the professional development committees shall be 42941
established as described in division (F) (2) of this section. 42942

Not later than the effective date of the rules adopted 42943
under this section, the board of education of each school 42944
district shall establish the structure for one or more local 42945
professional development committees to be operated by such 42946
school district. The committee structure so established by a 42947
district board shall remain in effect unless within thirty days 42948
prior to an anniversary of the date upon which the current 42949
committee structure was established, the board provides notice 42950
to all affected district employees that the committee structure 42951
is to be modified. Professional development committees may have 42952
a district-level or building-level scope of operations, and may 42953
be established with regard to particular grade or age levels for 42954
which an educator license is designated. 42955

Each professional development committee shall consist of 42956
at least three classroom teachers employed by the district, one 42957
principal employed by the district, and one other employee of 42958
the district appointed by the district superintendent. For 42959
committees with a building-level scope, the teacher and 42960
principal members shall be assigned to that building, and the 42961
teacher members shall be elected by majority vote of the 42962
classroom teachers assigned to that building. For committees 42963

with a district-level scope, the teacher members shall be 42964
elected by majority vote of the classroom teachers of the 42965
district, and the principal member shall be elected by a 42966
majority vote of the principals of the district, unless there 42967
are two or fewer principals employed by the district, in which 42968
case the one or two principals employed shall serve on the 42969
committee. If a committee has a particular grade or age level 42970
scope, the teacher members shall be licensed to teach such grade 42971
or age levels, and shall be elected by majority vote of the 42972
classroom teachers holding such a license and the principal 42973
shall be elected by all principals serving in buildings where 42974
any such teachers serve. The district superintendent shall 42975
appoint a replacement to fill any vacancy that occurs on a 42976
professional development committee, except in the case of 42977
vacancies among the elected classroom teacher members, which 42978
shall be filled by vote of the remaining members of the 42979
committee so selected. 42980

Terms of office on professional development committees 42981
shall be prescribed by the district board establishing the 42982
committees. The conduct of elections for members of professional 42983
development committees shall be prescribed by the district board 42984
establishing the committees. A professional development 42985
committee may include additional members, except that the 42986
majority of members on each such committee shall be classroom 42987
teachers employed by the district. Any member appointed to fill 42988
a vacancy occurring prior to the expiration date of the term for 42989
which a predecessor was appointed shall hold office as a member 42990
for the remainder of that term. 42991

The initial meeting of any professional development 42992
committee, upon election and appointment of all committee 42993
members, shall be called by a member designated by the district 42994

superintendent. At this initial meeting, the committee shall 42995
select a chairperson and such other officers the committee deems 42996
necessary, and shall adopt rules for the conduct of its 42997
meetings. Thereafter, the committee shall meet at the call of 42998
the chairperson or upon the filing of a petition with the 42999
district superintendent signed by a majority of the committee 43000
members calling for the committee to meet. 43001

(3) In the case of a school district in which an exclusive 43002
representative has been established pursuant to Chapter 4117. of 43003
the Revised Code, professional development committees shall be 43004
established in accordance with any collective bargaining 43005
agreement in effect in the district that includes provisions for 43006
such committees. 43007

If the collective bargaining agreement does not specify a 43008
different method for the selection of teacher members of the 43009
committees, the exclusive representative of the district's 43010
teachers shall select the teacher members. 43011

If the collective bargaining agreement does not specify a 43012
different structure for the committees, the board of education 43013
of the school district shall establish the structure, including 43014
the number of committees and the number of teacher and 43015
administrative members on each committee; the specific 43016
administrative members to be part of each committee; whether the 43017
scope of the committees will be district levels, building 43018
levels, or by type of grade or age levels for which educator 43019
licenses are designated; the lengths of terms for members; the 43020
manner of filling vacancies on the committees; and the frequency 43021
and time and place of meetings. However, in all cases, except as 43022
provided in division (F) (4) of this section, there shall be a 43023
majority of teacher members of any professional development 43024

committee, there shall be at least five total members of any 43025
professional development committee, and the exclusive 43026
representative shall designate replacement members in the case 43027
of vacancies among teacher members, unless the collective 43028
bargaining agreement specifies a different method of selecting 43029
such replacements. 43030

(4) Whenever an administrator's coursework plan is being 43031
discussed or voted upon, the local professional development 43032
committee shall, at the request of one of its administrative 43033
members, cause a majority of the committee to consist of 43034
administrative members by reducing the number of teacher members 43035
voting on the plan. 43036

(G) (1) The department of education and workforce, 43037
educational service centers, county boards of developmental 43038
disabilities, college and university departments of education, 43039
head start programs, and the Ohio education computer network may 43040
establish local professional development committees to determine 43041
whether the coursework proposed by their employees who are 43042
licensed or certificated under this section or section 3319.222 43043
of the Revised Code, or under the former version of either 43044
section as it existed prior to October 16, 2009, meet the 43045
requirements of the rules adopted under this section. They may 43046
establish local professional development committees on their own 43047
or in collaboration with a school district or other agency 43048
having authority to establish them. 43049

Local professional development committees established by 43050
county boards of developmental disabilities shall be structured 43051
in a manner comparable to the structures prescribed for school 43052
districts in divisions (F) (2) and (3) of this section, as shall 43053
the committees established by any other entity specified in 43054

division (G) (1) of this section that provides educational 43055
services by employing or contracting for services of classroom 43056
teachers licensed or certificated under this section or section 43057
3319.222 of the Revised Code, or under the former version of 43058
either section as it existed prior to October 16, 2009. All 43059
other entities specified in division (G) (1) of this section 43060
shall structure their committees in accordance with guidelines 43061
which shall be issued by the ~~state board~~ department. 43062

(2) Educational service centers may establish local 43063
professional development committees to serve educators who are 43064
not employed in schools in this state, including pupil services 43065
personnel who are licensed under this section. Local 43066
professional development committees shall be structured in a 43067
manner comparable to the structures prescribed for school 43068
districts in divisions (F) (2) and (3) of this section. 43069

These committees may agree to review the coursework, 43070
continuing education units, or other equivalent activities 43071
related to classroom teaching or the area of licensure that is 43072
proposed by an individual who satisfies both of the following 43073
conditions: 43074

(a) The individual is licensed or certificated under this 43075
section or under the former version of this section as it 43076
existed prior to October 16, 2009. 43077

(b) The individual is not currently employed as an 43078
educator or is not currently employed by an entity that operates 43079
a local professional development committee under this section. 43080

Any committee that agrees to work with such an individual 43081
shall work to determine whether the proposed coursework, 43082
continuing education units, or other equivalent activities meet 43083

the requirements of the rules adopted by the state board under 43084
this section. 43085

(3) Any public agency that is not specified in division 43086
(G) (1) or (2) of this section but provides educational services 43087
and employs or contracts for services of classroom teachers 43088
licensed or certificated under this section or section 3319.222 43089
of the Revised Code, or under the former version of either 43090
section as it existed prior to October 16, 2009, may establish a 43091
local professional development committee, subject to the 43092
approval of the department of education and workforce. The 43093
committee shall be structured in accordance with guidelines 43094
issued by the ~~state board~~ department. 43095

(H) Not later than July 1, 2016, the state board, in 43096
accordance with Chapter 119. of the Revised Code, shall adopt 43097
rules pursuant to division (A) (3) of this section that do both 43098
of the following: 43099

(1) Exempt consistently high-performing teachers from the 43100
requirement to complete any additional coursework for the 43101
renewal of an educator license issued under this section or 43102
section 3319.26 of the Revised Code. The rules also shall 43103
specify that such teachers are exempt from any requirements 43104
prescribed by professional development committees established 43105
under divisions (F) and (G) of this section. 43106

(2) For purposes of division (H) (1) of this section, the 43107
state board shall define the term "consistently high-performing 43108
teacher." 43109

Sec. 3319.221. (A) The state board of education, the 43110
department of education and workforce, any city, local, exempted 43111
village, and joint vocational school district board of 43112

education, and any other public school, as defined in section 43113
3301.0711 of the Revised Code, shall not require a separate 43114
pupil services license issued by the state board as a credential 43115
for working in a public school, on either a permanent basis or a 43116
substitute or other temporary basis, for the following licensed 43117
professionals: 43118

(1) A speech-language pathologist who holds a currently 43119
valid license issued under Chapter 4753. of the Revised Code; 43120

(2) An audiologist who holds a currently valid license 43121
issued under Chapter 4753. of the Revised Code; 43122

(3) A registered nurse who holds a bachelor's degree and a 43123
currently valid license issued under Chapter 4723. of the 43124
Revised Code; 43125

(4) A physical therapist who holds a currently valid 43126
license issued under Chapter 4755. of the Revised Code; 43127

(5) An occupational therapist who holds a currently valid 43128
license issued under Chapter 4755. of the Revised Code; 43129

(6) A physical therapy assistant who holds a currently 43130
valid license issued under Chapter 4755. of the Revised Code; 43131

(7) An occupational therapy assistant who holds a 43132
currently valid license issued under Chapter 4755. of the 43133
Revised Code; 43134

(8) A social worker who holds a currently valid license 43135
issued under Chapter 4757. of the Revised Code. 43136

(B) A person employed by a school district or school for 43137
any of the occupations listed in divisions (A) (1) to (8) of this 43138
section shall be required to apply for and receive a 43139
registration from the ~~department~~ state board of education. The 43140

registration shall be valid for five years. As a condition of 43141
registration under this section, an individual shall be subject 43142
to a criminal records check as prescribed by section 3319.391 of 43143
the Revised Code. In the manner prescribed by the ~~department~~ 43144
state board, the individual shall submit the criminal records 43145
check to the ~~department~~ state board. The ~~department~~ state board 43146
shall use the information submitted to enroll the individual in 43147
the retained applicant fingerprint database, established under 43148
section 109.5721 of the Revised Code, in the same manner as any 43149
teacher licensed under sections 3319.22 to 3319.31 of the 43150
Revised Code. 43151

If the ~~department~~ state board receives notification of the 43152
arrest or conviction of an individual registered under division 43153
(B) of this section, the ~~department~~ state board shall promptly 43154
notify the employing district and may take any action authorized 43155
under sections 3319.31 and 3319.311 of the Revised Code that it 43156
considers appropriate. No district shall employ any individual 43157
under division (A) of this section if the district learns that 43158
the individual has plead guilty to, has been found guilty by a 43159
jury or court of, or has been convicted of any of the offenses 43160
listed in division (C) of section 3319.31 of the Revised Code. 43161

(C) The ~~department~~ state board shall charge a registration 43162
fee of one hundred fifty dollars each for the initial 43163
registration and one hundred fifty dollars for renewal of the 43164
registration. 43165

Sec. 3319.224. Notwithstanding section 3319.30 of the 43166
Revised Code, a school district or educational service center 43167
may contract with a provider licensed under Chapter 4753. of the 43168
Revised Code for speech and language services or for audiology 43169
services. The contracted services shall be retained only after 43170

the district or service center has demonstrated to the 43171
department of education and workforce that attempts to obtain 43172
the services of a speech and language or audiology provider 43173
licensed under this chapter have been unsuccessful. 43174

Sec. 3319.228. (A) This section applies only to a person 43175
who meets the following conditions: 43176

(1) Holds a minimum of a baccalaureate degree; 43177

(2) Has been licensed and employed as a teacher in another 43178
state for each of the preceding five years; 43179

(3) Was initially licensed as a teacher in any state 43180
within the preceding fifteen years; 43181

(4) Has not had a teacher's license suspended or revoked 43182
in any state. 43183

(B) (1) Not later than July 1, 2012, the superintendent of 43184
public instruction shall develop a list of states that the 43185
superintendent considers to have standards for teacher licensure 43186
that are inadequate to ensure that a person to whom this section 43187
applies and who was most recently licensed to teach in that 43188
state is qualified for a professional educator license issued 43189
under section 3319.22 of the Revised Code. 43190

(2) Following development of the list, the superintendent 43191
shall establish a panel of experts to evaluate the adequacy of 43192
the teacher licensure standards of each state on the list. Each 43193
person selected by the superintendent to be a member of the 43194
panel shall be approved by the state board of education. In 43195
evaluating the superintendent's list, the panel shall provide an 43196
opportunity for representatives of the department of education, 43197
or similar state-level agency, of each state on the list to 43198
provide evidence to refute the state's placement on the list. 43199

Not later than April 1, 2013, the panel shall recommend to 43200
the state board that the list be approved without changes or 43201
that specified states be removed from the list prior to 43202
approval. Not later than July 1, 2013, the state board shall 43203
approve a final list of states with standards for teacher 43204
licensure that are inadequate to ensure that a person to whom 43205
this section applies and who was most recently licensed to teach 43206
in that state is qualified for a professional educator license 43207
issued under section 3319.22 of the Revised Code. 43208

(C) Except as otherwise provided in division (E)(1) of 43209
this section, until the date on which the state board approves a 43210
final list of states with inadequate teacher licensure standards 43211
under division (B)(2) of this section, the state board shall 43212
issue a one-year provisional educator license to any applicant 43213
to whom this section applies. On and after that date, neither 43214
the state board nor the department of education and workforce 43215
shall be party to any reciprocity agreement with a state on that 43216
list that requires the state board to issue a person to whom 43217
this section applies any type of professional educator license 43218
on the basis of the person's licensure and teaching experience 43219
in that state. 43220

(D) Upon the expiration of a provisional license issued to 43221
a person under division (C) of this section, the state board 43222
shall issue the person a professional educator license, if the 43223
person satisfies either of the following conditions: 43224

(1) The person was issued the provisional license prior to 43225
the development of the list by the state superintendent under 43226
division (B)(1) of this section and, prior to issuance of the 43227
provisional license, the person was most recently licensed to 43228
teach by a state not on the superintendent's list or, if the 43229

final list of states with inadequate teacher licensure standards 43230
has been approved by the state board under division (B) (2) of 43231
this section, by a state not on that list. 43232

(2) All of the following apply to the person: 43233

(a) Prior to obtaining the provisional license, the person 43234
was most recently licensed to teach by a state on the 43235
superintendent's list or, if the final list of states with 43236
inadequate teacher licensure standards has been approved by the 43237
state board under division (B) (2) of this section, by a state on 43238
that list. 43239

(b) The person was employed under the provisional license 43240
by a school district; community school established under Chapter 43241
3314. of the Revised Code; science, technology, engineering, and 43242
mathematics school established under Chapter 3326. of the 43243
Revised Code; or an entity contracted by such a district or 43244
school to provide internet- or computer-based instruction or 43245
distance learning programs to students. 43246

(c) The district or school certifies to the state board 43247
that the person's teaching was satisfactory while employed or 43248
contracted by the district or school. 43249

(E) (1) From July 1, 2012, until the date on which the 43250
state board approves a final list of states with inadequate 43251
teacher licensure standards under division (B) (2) of this 43252
section, the state board shall issue a professional educator 43253
license to any applicant to whom this section applies and who 43254
was most recently licensed to teach by a state that is not on 43255
the list developed by the state superintendent under division 43256
(B) (1) of this section. 43257

(2) Beginning on the date on which the state board 43258

approves a final list of states with inadequate teacher 43259
licensure standards under division (B) (2) of this section, the 43260
state board shall issue a professional educator license to any 43261
applicant to whom this section applies and who was most recently 43262
licensed to teach by a state that is not on that list. 43263

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 43264
section 3319.229 of the Revised Code by S.B. 216 of the 132nd 43265
general assembly, the state board of education shall accept 43266
applications for new, and for renewal of, professional career- 43267
technical teaching licenses through June 30, 2019, and issue 43268
them on the basis of the applications received by that date in 43269
accordance with the rules described in that former section. 43270
Except as otherwise provided in divisions (A) (2) and (3) of this 43271
section, beginning July 1, 2019, the state board shall issue 43272
career-technical workforce development educator licenses only 43273
under this section. 43274

(2) An individual who, on July 1, 2019, holds a 43275
professional career-technical teaching license issued under the 43276
rules described in former section 3319.229 of the Revised Code, 43277
may continue to renew that license in accordance with those 43278
rules for the remainder of the individual's teaching career. 43279
However, nothing in this division shall be construed to prohibit 43280
the individual from applying to the state board for a career- 43281
technical workforce development educator license under this 43282
section. 43283

(3) An individual who, on July 1, 2019, holds an 43284
alternative resident educator license for teaching career- 43285
technical education issued under section 3319.26 of the Revised 43286
Code may, upon the expiration of the license, apply for a 43287
professional career-technical teaching license issued under the 43288

rules described in former section 3319.229 of the Revised Code. 43289
Such an individual may continue to renew the professional 43290
license in accordance with those rules for the remainder of the 43291
individual's teaching career. However, nothing in this division 43292
shall be construed to prohibit the individual from applying to 43293
the state board for a career-technical workforce development 43294
educator license under this section. 43295

(B) The state board, in collaboration with the chancellor 43296
of higher education, shall adopt rules establishing standards 43297
and requirements for obtaining a two-year initial career- 43298
technical workforce development educator license and a five-year 43299
advanced career-technical workforce development educator 43300
license. Each license shall be valid for teaching career- 43301
technical education or workforce development programs in grades 43302
four through twelve. The rules shall require applicants for 43303
either license to have a high school diploma or a certificate of 43304
high school equivalence as awarded under section 3301.80 of the 43305
Revised Code or as recognized as the equivalent of such 43306
certificate under division (C) of that section. 43307

(C) (1) The state board shall issue an initial career- 43308
technical workforce development educator license to an applicant 43309
upon request from the superintendent of a school district that 43310
has agreed to employ the applicant. In making the request, the 43311
superintendent shall provide documentation, in accordance with 43312
procedures prescribed by the ~~department of education~~ state 43313
board, showing that the applicant has at least five years of 43314
work experience, or the equivalent, in the subject area in which 43315
the applicant will teach. The license shall be valid for 43316
teaching only in the requesting district. The superintendent 43317
also shall provide documentation, in accordance with procedures 43318
prescribed by the ~~department~~ state board, that the applicant is 43319

enrolled in a career-technical workforce development educator preparation program offered by an institution of higher education that has an existing teacher preparatory program in place that meets all of the following criteria: 43320

(a) Is approved by the chancellor of higher education to provide instruction in teaching methods and principles; 43321
43322
43323

(b) Provides classroom support to the license holder; 43324
43325

(c) Includes at least three semester hours of coursework in the teaching of reading in the subject area; 43326
43327
43328

(d) Is aligned with career-technical education and workforce development competencies developed by the department; 43329
43330

(e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C) (1) (d) of this section to evaluate the license holder's knowledge and skills; 43331
43332
43333
43334

(f) Consists of not less than twenty-four semester hours of coursework, or the equivalent. 43335
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(2) As a condition of continuing to hold the initial career-technical workforce development license, the holder of the license shall be participating in a career-technical workforce development educator preparation program described in division (C) (1) of this section. 43337
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(3) The state board shall renew an initial career-technical workforce development educator license if the supervisor of the program described in division (C) (1) of this section and the superintendent of the employing school district indicate that the applicant is making sufficient progress in both the program and the teaching position. 43342
43343
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(D) The state board shall issue an advanced career- 43348
technical workforce development educator license to an applicant 43349
who has successfully completed the program described in division 43350
(C) (1) of this section, as indicated by the supervisor of the 43351
program, and who demonstrates mastery of the applicable career- 43352
technical education and workforce development competencies 43353
described in division (C) (1) (d) of this section in the teaching 43354
position, as indicated by the superintendent of the employing 43355
school district. 43356

(E) The holder of an advanced career-technical workforce 43357
development educator license shall work with a local 43358
professional development committee established under section 43359
3319.22 of the Revised Code in meeting requirements for renewal 43360
of the license. 43361

(F) Notwithstanding the provisions of section 3319.226 of 43362
the Revised Code, the state board shall not require any 43363
applicant for an educator license for substitute teaching who 43364
holds a license issued under this section to hold a post- 43365
secondary degree in order to be issued a license under section 43366
3319.226 of the Revised Code to work as a substitute teacher for 43367
career-technical education classes. 43368

Sec. 3319.231. As used in this section, "community 43369
service" has the same meaning as in section 3313.605 of the 43370
Revised Code. 43371

The ~~state board~~ department of education and workforce 43372
shall adopt rules establishing qualifications for the teaching 43373
of community service education for high school credit under 43374
division (C) of section 3313.605 of the Revised Code. In 43375
addition, the ~~board~~ department shall provide technical 43376
assistance to school districts providing community service 43377

instructional programs for teachers. 43378

Sec. 3319.234. The teacher quality partnership, a 43379
consortium of teacher preparation programs that have been 43380
approved by the chancellor of ~~the Ohio board of regents~~ higher 43381
education under section 3333.048 of the Revised Code, shall 43382
study the relationship of teacher performance on educator 43383
licensure assessments, as adopted by the state board of 43384
education under section 3319.22 of the Revised Code, to teacher 43385
effectiveness in the classroom. Not later than September 1, 43386
2008, the partnership shall begin submitting annual data reports 43387
along with any other data on teacher effectiveness the 43388
partnership determines appropriate to the governor, the 43389
president and minority leader of the senate, the speaker and 43390
minority leader of the house of representatives, the 43391
chairpersons and ranking minority members of the standing 43392
committees of the senate and the house of representatives that 43393
consider education legislation, the ~~superintendent of public~~ 43394
~~instruction, the state board of education, and the chancellor of~~ 43395
~~the Ohio board of regents.~~ 43396

Sec. 3319.235. (A) The standards for the preparation of 43397
teachers adopted under section 3333.048 of the Revised Code 43398
shall require any institution that provides a course of study 43399
for the training of teachers to ensure that graduates of such 43400
course of study are skilled at integrating educational 43401
technology in the instruction of children, as evidenced by the 43402
graduate having either demonstrated proficiency in such skills 43403
in a manner prescribed by the department of education and 43404
workforce or completed a course that includes training in such 43405
skills. 43406

(B) The chancellor of ~~the Ohio board of regents,~~ higher 43407

education, in consultation with the department of education and 43408
workforce, shall establish model professional development 43409
programs to assist teachers who completed their teacher 43410
preparation prior to the effective date of division (A) of this 43411
section to become skilled at integrating educational technology 43412
in the instruction of children. The chancellor shall provide 43413
technical assistance to school districts wishing to establish 43414
such programs. 43415

Sec. 3319.236. (A) Except as provided in division (B) of 43416
this section, a school district shall require an individual to 43417
hold a valid educator license in computer science, or have a 43418
license endorsement in computer technology and a passing score 43419
on a content examination in the area of computer science, to 43420
teach computer science courses. 43421

(B) A school district may employ an individual, for the 43422
purpose of teaching computer science courses, who holds a valid 43423
educator license in any of grades kindergarten through twelve, 43424
provided the individual meets the requirements established by 43425
rules of the state board of education to qualify for a 43426
supplemental teaching license for teaching computer science. The 43427
rules shall require an applicant for a supplemental teaching 43428
license to pass a content examination in the area of computer 43429
science. The rules also shall permit an individual, after at 43430
least two years of successfully teaching computer science 43431
courses under the supplemental teaching license, to advance to a 43432
standard educator license in computer science by completing a 43433
pedagogy course applicable to the grade levels in which the 43434
individual is teaching. However, the rules may exempt an 43435
individual teaching computer science from the requirement to 43436
complete a pedagogy course if the individual previously 43437
completed a pedagogy course applicable to the grade levels in 43438

which the individual is teaching. 43439

(C) In order for an individual to teach advanced placement 43440
computer science courses, a school district shall require the 43441
individual to also complete a professional development program 43442
endorsed or provided by the organization that creates and 43443
administers national advanced placement examinations. For this 43444
purpose, the individual may complete the program at any time 43445
during the calendar year. 43446

(D) Notwithstanding section 3301.012 of the Revised Code, 43447
as used in this section, "computer science courses" means any 43448
courses that are reported in the education management 43449
information system established under section 3301.0714 of the 43450
Revised Code as computer science courses and which are aligned 43451
to computer science standards adopted by the ~~state board~~ 43452
department of education and workforce. 43453

Sec. 3319.25. Any teacher performance assessment entity 43454
with which the department of education and workforce or the 43455
state board of education contracts or any independent agent with 43456
whom such entity, the department, or the state board contracts 43457
to provide services as a teacher performance assessor, trainer 43458
of assessors, or assessment coordinator is not liable for 43459
damages in a civil action concerning the actions of such entity 43460
or agent made in the conduct of a teacher performance assessment 43461
unless those actions were conducted with malicious purpose, in 43462
bad faith, or in a wanton or reckless manner. 43463

As used in this section, "teacher performance assessment" 43464
means an assessment prescribed by the state board of education 43465
to measure the classroom performance of a teacher who is a 43466
candidate for licensure based on observations conducted by a 43467
trained assessor while the teacher is engaged in actual 43468

classroom instruction. 43469

Sec. 3319.262. (A) Notwithstanding any other provision of 43470
the Revised Code or any rule adopted by the state board of 43471
education to the contrary, the state board shall adopt rules 43472
establishing standards and requirements for obtaining a 43473
nonrenewable four-year initial early college high school 43474
educator license for teaching grades seven through twelve at an 43475
early college high school described in section 3313.6013 of the 43476
Revised Code to any applicant who meets the following 43477
conditions: 43478

(1) Has a graduate or terminal degree from an accredited 43479
institution of higher education in a field related to the 43480
subject area to be taught, as determined by the ~~department of~~ 43481
education state board; 43482

(2) Has obtained a passing score on an examination in the 43483
subject area to be taught, as prescribed by the state board; 43484

(3) Has experience teaching students at any grade level, 43485
including post-secondary students; 43486

(4) Has proof that an early college high school intends to 43487
employ the applicant pending a valid license under this section. 43488

An individual licensed under this section shall be subject 43489
to sections 3319.291 and 3319.39 of the Revised Code. An initial 43490
educator license issued under division (A) of this section shall 43491
be valid for teaching only at the employing school described in 43492
division (A) (4) of this section. 43493

(B) After four years of teaching under an initial early 43494
college high school educator license issued under this section, 43495
an individual may apply for a renewable five-year professional 43496
educator license in the same subject area named in the initial 43497

license. The state board shall issue the applicant a 43498
professional educator license if the applicant attains a passing 43499
score on an assessment of professional knowledge prescribed by 43500
the state board. Nothing in division (B) of this section shall 43501
be construed to prohibit an individual from applying for a 43502
professional ~~education~~ educator license under section 3319.22 of 43503
the Revised Code. 43504

Sec. 3319.263. ~~Beginning on the first day of July~~ 43505
~~succeeding the effective date of this section and for only five~~ 43506
~~years thereafter~~ Until July 1, 2028, notwithstanding anything to 43507
the contrary in section 3319.26 of the Revised Code or any rule 43508
of the state board of education adopted under that section, the 43509
state board ~~and the department of education~~ shall not limit the 43510
subject areas for which an individual may receive an alternative 43511
resident educator license issued under that section. 43512

Sec. 3319.28. (A) As used in this section, "STEM school" 43513
means a science, technology, engineering, and mathematics school 43514
established under Chapter 3326. of the Revised Code. 43515

(B) Notwithstanding any other provision of the Revised 43516
Code or any rule adopted by the state board of education to the 43517
contrary, the state board shall issue a two-year provisional 43518
educator license for teaching science, technology, engineering, 43519
or mathematics in grades six through twelve in a STEM school to 43520
any applicant who meets the following conditions: 43521

(1) Holds a bachelor's degree from an accredited 43522
institution of higher education in a field related to the 43523
subject area to be taught; 43524

(2) Has passed an examination prescribed by the state 43525
board in the subject area to be taught. 43526

(C) The holder of a provisional educator license issued 43527
under this section shall complete a structured apprenticeship 43528
program provided by an educational service center or a teacher 43529
preparation program approved under section 3333.048 of the 43530
Revised Code, in partnership with the STEM school that employs 43531
the license holder. The apprenticeship program shall include the 43532
following: 43533

(1) Mentoring by a teacher or administrator who regularly 43534
observes the license holder's classroom instruction, provides 43535
feedback on the license holder's teaching strategies and 43536
classroom management, and engages the license holder in 43537
discussions about methods for fostering and measuring student 43538
learning; 43539

(2) Regularly scheduled seminars or meetings that address 43540
the following topics: 43541

(a) The statewide academic standards adopted ~~by the state-~~ 43542
~~board~~ under section 3301.079 of the Revised Code and the 43543
importance of aligning curriculum with those standards; 43544

(b) The achievement assessments prescribed by section 43545
3301.0710 of the Revised Code; 43546

(c) The school district and building accountability system 43547
established under Chapter 3302. of the Revised Code; 43548

(d) Instructional methods and strategies; 43549

(e) Student development; 43550

(f) Assessing student progress and providing remediation 43551
and intervention, as necessary, to meet students' special needs; 43552

(g) Classroom management and record keeping. 43553

(D) After two years of teaching under a provisional educator license issued under this section, a person may apply for a five-year professional educator license in the same subject area named in the provisional license. The state board shall issue the applicant a professional educator license if the applicant meets the following conditions:

(1) The applicant completed the apprenticeship program described in division (C) of this section.

(2) The applicant receives a positive recommendation indicating that the applicant is an effective teacher from both of the following:

(a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom teacher;

(b) The educational service center or teacher preparation program administrator in charge of the apprenticeship program completed by the applicant.

(3) The applicant meets all other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.

(E) ~~The department of education~~ state board shall evaluate the experiences of STEM schools with classroom teachers holding provisional educator licenses issued under this section. The evaluation shall cover the first two school years for which licenses are issued and shall consider at least the schools' satisfaction with the teachers and the operation of the apprenticeship programs.

Sec. 3319.291. (A) The state board of education shall require each of the following persons, at the times prescribed

by division (A) of this section, to undergo a criminal records check, unless the person has undergone a records check under this section or a former version of this section less than five years prior to that time.

(1) Any person initially applying for any certificate, license, or permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code at the time that application is made;

(2) Any person applying for renewal of any certificate, license, or permit described in division (A)(1) of this section at the time that application is made;

(3) Any person who is teaching under a professional teaching certificate issued under former section 3319.222 of the Revised Code upon a date prescribed by the state board;

(4) Any person who is teaching under a permanent teaching certificate issued under former section 3319.22 as it existed prior to October 29, 1996, or under former section 3319.222 of the Revised Code upon a date prescribed by the state board and every five years thereafter.

(B)(1) Except as otherwise provided in division (B)(2) of this section, the state board shall require each person subject to a criminal records check under this section to submit two complete sets of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation pursuant to division (F) of section 109.57 of the Revised Code and that authorizes that bureau to forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau

maintains on the person. 43612

(2) If both of the following conditions apply to a person 43613
subject to a criminal records check under this section, the 43614
state board shall require the person to submit one complete set 43615
of fingerprints and written permission that authorizes the 43616
superintendent of public instruction to forward the fingerprints 43617
to the bureau of criminal identification and investigation so 43618
that bureau may forward the fingerprints to the federal bureau 43619
of investigation for purposes of obtaining any criminal records 43620
that the federal bureau maintains on the person: 43621

(a) Under this section or any former version of this 43622
section, the state board or the superintendent of public 43623
instruction previously requested the superintendent of the 43624
bureau of criminal identification and investigation to determine 43625
whether the bureau has any information, gathered pursuant to 43626
division (A) of section 109.57 of the Revised Code, on the 43627
person. 43628

(b) The person presents proof that the person has been a 43629
resident of this state for the five-year period immediately 43630
prior to the date upon which the person becomes subject to a 43631
criminal records check under this section. 43632

(C) Except as provided in division (D) of this section, 43633
prior to issuing or renewing any certificate, license, or permit 43634
for a person described in division (A) (1) or (2) of this section 43635
who is subject to a criminal records check and in the case of a 43636
person described in division (A) (3) or (4) of this section who 43637
is subject to a criminal records check, the state board or the 43638
superintendent of public instruction shall do one of the 43639
following: 43640

(1) If the person is required to submit fingerprints and written permission under division (B) (1) of this section, request the superintendent of the bureau of criminal identification and investigation to determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, pertaining to the person and to obtain any criminal records that the federal bureau of investigation has on the person.

(2) If the person is required to submit fingerprints and written permission under division (B) (2) of this section, request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that the federal bureau of investigation has on the person.

(D) The state board or the superintendent of public instruction may choose not to request any information about a person required by division (C) of this section if the person provides proof that a criminal records check that satisfies the requirements of that division was conducted on the person as a condition of employment pursuant to section 3319.39 of the Revised Code within the immediately preceding year. The state board or the superintendent of public instruction _may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by the person in lieu of requesting that information under division (C) of this section if the records were issued by the bureau within the immediately preceding year.

(E) (1) If a person described in division (A) (3) or (4) of this section who is subject to a criminal records check fails to submit fingerprints and written permission by the date specified in the applicable division, and the state board or the

superintendent of public instruction does not apply division (D) 43671
of this section to the person, or if a person who is subject to 43672
division (G) of this section fails to submit fingerprints and 43673
written permission by the date prescribed under that division, 43674
the superintendent shall prepare a written notice stating that 43675
if the person does not submit the fingerprints and written 43676
permission within fifteen days after the date the notice was 43677
mailed, the person's application will be rejected or the 43678
person's professional or permanent teaching certificate or 43679
license will be inactivated. The superintendent shall send the 43680
notification by regular mail to the person's last known 43681
residence address or last known place of employment, as 43682
indicated in the ~~department of education's~~ state board's 43683
records, or both. 43684

If the person fails to submit the fingerprints and written 43685
permission within fifteen days after the date the notice was 43686
mailed, the superintendent of public instruction, on behalf of 43687
the state board, shall issue a written order rejecting the 43688
application or inactivating the person's professional or 43689
permanent teaching certificate or license. The rejection or 43690
inactivation shall remain in effect until the person submits the 43691
fingerprints and written permission. The superintendent shall 43692
send the order by regular mail to the person's last known 43693
residence address or last known place of employment, as 43694
indicated in the ~~department's~~ state board's records, or both. 43695
The order shall state the reason for the rejection or 43696
inactivation and shall explain that the rejection or 43697
inactivation remains in effect until the person submits the 43698
fingerprints and written permission. 43699

The rejection or inactivation of a professional or 43700
permanent teaching certificate or license under division (E) (1) 43701

of this section does not constitute a suspension or revocation 43702
of the certificate or license by the state board under section 43703
3319.31 of the Revised Code and the state board and the 43704
superintendent of public instruction need not provide the person 43705
with an opportunity for a hearing with respect to the rejection 43706
or inactivation. 43707

(2) If a person whose professional or permanent teaching 43708
certificate or license has been rejected or inactivated under 43709
division (E)(1) of this section submits fingerprints and written 43710
permission as required by division (B) or (G) of this section, 43711
the superintendent of public instruction, on behalf of the state 43712
board, shall issue a written order issuing or reactivating the 43713
certificate or license. The superintendent shall send the order 43714
to the person by regular mail. 43715

(F) Notwithstanding divisions (A) to (C) of this section, 43716
if a person holds more than one certificate, license, or permit 43717
described in division (A)(1) of this section, the following 43718
shall apply: 43719

(1) If the certificates, licenses, or permits are of 43720
different durations, the person shall be subject to divisions 43721
(A) to (C) of this section only when applying for renewal of the 43722
certificate, license, or permit that is of the longest duration. 43723
Prior to renewing any certificate, license, or permit with a 43724
shorter duration, the state board or the superintendent of 43725
public instruction shall determine whether the ~~department of~~ 43726
~~education~~ state board has received any information about the 43727
person pursuant to section 109.5721 of the Revised Code, but the 43728
person shall not be subject to divisions (A) to (C) of this 43729
section as long as the person's certificate, license, or permit 43730
with the longest duration is valid. 43731

(2) If the certificates, licenses, or permits are of the same duration but do not expire in the same year, the person shall designate one of the certificates, licenses, or permits as the person's primary certificate, license, or permit and shall notify the ~~department~~state board of that designation. The person shall be subject to divisions (A) to (C) of this section only when applying for renewal of the person's primary certificate, license, or permit. Prior to renewing any certificate, license, or permit that is not the person's primary certificate, license, or permit, the state board or the superintendent of public instruction shall determine whether the ~~department~~state board has received any information about the person pursuant to section 109.5721 of the Revised Code, but the person shall not be subject to divisions (A) to (C) of this section as long as the person's primary certificate, license, or permit is valid.

(3) If the certificates, licenses, or permits are of the same duration and expire in the same year and the person applies for renewal of the certificates, licenses, or permits at the same time, the state board or the superintendent of public instruction shall request only one criminal records check of the person under division (C) of this section.

(G) If the ~~department~~state board is unable to enroll a person who has submitted an application for licensure, or to whom the state board has issued a license, in the retained applicant fingerprint database established under section 109.5721 of the Revised Code because the person has not satisfied the requirements for enrollment, the ~~department~~board shall require the person to satisfy the requirements for enrollment, including requiring the person to submit, by a date prescribed by the ~~department~~state board, one complete set of

fingerprints and written permission that authorizes the 43763
superintendent of public instruction to forward the fingerprints 43764
to the bureau of criminal identification and investigation for 43765
the purpose of enrolling the person in the database. If the 43766
person fails to comply by the prescribed date, the ~~department-~~ 43767
state board shall reject the application or shall take action to 43768
inactivate the person's license in accordance with division (E) 43769
of this section. 43770

Sec. 3319.292. As used in this section, "license" has the 43771
same meaning as in section 3319.31 of the Revised Code. 43772

The state board of education ~~and the department of-~~ 43773
~~education~~ may question an applicant for issuance or renewal of 43774
any license with respect to any criminal offense committed or 43775
alleged to have been committed by the applicant. If the record 43776
of a conviction, plea of guilty, bail forfeiture, or other 43777
disposition of a criminal offense committed or alleged to have 43778
been committed by the applicant has been sealed or expunged, the 43779
state board ~~and the department~~ need not assert or demonstrate 43780
that its questioning with respect to the offense bears a direct 43781
and substantial relationship to the issuance or renewal of the 43782
license or to the position in which the applicant will work 43783
under the license. 43784

Any questions regarding a record of a conviction, plea of 43785
guilty, bail forfeiture, or other disposition of a criminal 43786
offense committed or alleged to have been committed by the 43787
applicant that has been sealed or expunged and the responses of 43788
the applicant to such questions shall not be a public record 43789
under section 149.43 of the Revised Code. 43790

Sec. 3319.316. The ~~department of education, on behalf of-~~ 43791
~~the~~ state board of education, shall be a participating public 43792

office for purposes of the retained applicant fingerprint 43793
database established under section 109.5721 of the Revised Code 43794
and shall receive notification from the bureau of criminal 43795
identification and investigation of the arrest or conviction of 43796
persons to whom the state board has issued a license, as defined 43797
in section 3319.31 of the Revised Code. 43798

Sec. 3319.319. The appointing or hiring officer of a 43799
school district or school located in Ohio or another state may 43800
request from the ~~department~~ state board of education any report 43801
~~the department has~~ received under sections 3314.40, 3319.313, 43802
3326.24, 3328.19, or 5126.253 of the Revised Code regarding an 43803
individual who is under consideration for employment by the 43804
district or school. If the ~~department~~ superintendent of public 43805
instruction has received a report under any of those sections 43806
regarding the individual, the ~~department~~ state superintendent 43807
shall provide the contents of the report to the requesting 43808
officer. Upon provision of the contents of the report to the 43809
requesting officer, the ~~department~~ state superintendent shall 43810
notify the officer that the information provided is confidential 43811
and may not be disseminated to any other person or entity. 43812

If the ~~department~~ state superintendent provides the 43813
contents of a report to an appointing or hiring officer under 43814
this section, the ~~department~~ state superintendent shall document 43815
the information provided in the record of any investigation 43816
undertaken pursuant to section 3319.311 of the Revised Code 43817
based on the report. Such documentation shall include a list of 43818
the information provided, the date the information was provided, 43819
and the name and contact information of the appointing or hiring 43820
officer to whom the information was provided. 43821

Sec. 3319.33. On or before the first day of August in each 43822

year, the board of education of each city, exempted village, and local school district shall report to the ~~state board department~~ of education and workforce the school statistics of its district. Such report shall be made on forms furnished by the ~~state board of education department~~ and shall contain such information as the ~~state board of education department~~ requires. The report shall also set forth with respect to each civil proceeding in which the board of education is a defendant and each civil proceeding in which the board of education is a party and is not a defendant and in which one of the other parties is a board of education in this state or an officer, board, or official of this state:

(A) The nature of the proceeding;

(B) The capacity in which the board is a party to the proceeding;

(C) The total expenses incurred by the board with respect to the proceeding;

(D) The total expenses incurred by the board with respect to the proceeding during the reporting period.

Divisions (A) to (D) of this section do not apply to any proceeding for which no expenses have been incurred during the reporting period.

The board of education of each city, exempted village, and local school district may prepare and publish annually a report of the condition and administration of the schools under its supervision which shall include therein an exhibit of the financial affairs of the district and the information required in divisions (A) to (D) of this section. Such annual report shall be for a full year.

Sec. 3319.35. If the superintendent or treasurer of any 43852
school district or educational service center fails to prepare 43853
any required report, that superintendent shall be liable in the 43854
sum of three hundred dollars, to be recovered by a civil action. 43855
In the case of reports required to be submitted to the 43856
superintendent, such action shall be instituted in the name of 43857
the governing board of the service center upon the complaint of 43858
the service center superintendent and the amount collected shall 43859
be paid into the service center's general fund. In the case of 43860
reports to be submitted to the ~~state board~~ department of 43861
education and workforce, the action shall be instituted in the 43862
name of the state on complaint of the board and the amount 43863
collected shall be paid into the general revenue fund. 43864

Sec. 3319.361. (A) The state board of education shall 43865
establish rules for the issuance of a supplemental teaching 43866
license. This license shall be issued at the request of the 43867
superintendent of a city, local, exempted village, or joint 43868
vocational school district, educational service center, or the 43869
governing authority of a STEM school, chartered nonpublic 43870
school, or community school to an individual who meets all of 43871
the following criteria: 43872

(1) Holds a current professional or permanent Ohio 43873
teaching certificate or resident educator license, professional 43874
educator license, senior professional educator license, or lead 43875
professional educator license, as issued under section 3319.22 43876
or 3319.26 of the Revised Code; 43877

(2) Is of good moral character; 43878

(3) Is employed in a supplemental licensure area or 43879
teaching field, as defined by the state board; 43880

- (4) Completes an examination prescribed by the state board in the licensure area; 43881
43882
- (5) Completes, while employed under the supplemental teaching license and subsequent renewals thereof, additional coursework, if applicable, and testing requirements for full licensure in the supplemental area as a condition of holding and teaching under a supplemental teaching license. 43883
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- (B) The employing school district, service center, or school shall assign a mentor to the individual holding a supplemental teaching license. The assigned mentor shall be an experienced teacher who currently holds a license in the same, or a related, content area as the supplemental license. 43888
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- (C) Before the ~~department of education~~ state board will issue an individual a supplemental teaching license in another area, the supplemental licensee must complete the supplemental licensure program, or its equivalent, and be issued a standard teaching license in the area of the currently held supplemental license. 43893
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- (D) An individual may advance from a supplemental teaching license to a standard teaching license upon: 43899
43900
- (1) Verification from the employing superintendent or governing authority that the individual holding the supplemental teaching license has taught successfully in the licensure area for a minimum of two years; and 43901
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- (2) Completing requirements as applicable to the licensure area or teaching field as established by the state board. 43905
43906
- (E) A licensee who has filed an application under this section may work in the supplemental licensure area for up to sixty school days while completing the requirements in division 43907
43908
43909

(A) (4) of this section. If the requirements are not completed 43910
within sixty days, the application shall be declined. 43911

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) 43912
(b) of section 109.57 of the Revised Code, the appointing or 43913
hiring officer of the board of education of a school district, 43914
the governing board of an educational service center, or of a 43915
chartered nonpublic school shall request the superintendent of 43916
the bureau of criminal identification and investigation to 43917
conduct a criminal records check with respect to any applicant 43918
who has applied to the school district, educational service 43919
center, or school for employment in any position. The appointing 43920
or hiring officer shall request that the superintendent include 43921
information from the federal bureau of investigation in the 43922
criminal records check, unless all of the following apply to the 43923
applicant: 43924

(a) The applicant is applying to be an instructor of adult 43925
education. 43926

(b) The duties of the position for which the applicant is 43927
applying do not involve routine interaction with a child or 43928
regular responsibility for the care, custody, or control of a 43929
child or, if the duties do involve such interaction or 43930
responsibility, during any period of time in which the 43931
applicant, if hired, has such interaction or responsibility, 43932
another employee of the school district, educational service 43933
center, or chartered nonpublic school will be present in the 43934
same room with the child or, if outdoors, will be within a 43935
thirty-yard radius of the child or have visual contact with the 43936
child. 43937

(c) The applicant presents proof that the applicant has 43938
been a resident of this state for the five-year period 43939

immediately prior to the date upon which the criminal records 43940
check is requested or provides evidence that within that five- 43941
year period the superintendent has requested information about 43942
the applicant from the federal bureau of investigation in a 43943
criminal records check. 43944

(2) A person required by division (A)(1) of this section 43945
to request a criminal records check shall provide to each 43946
applicant a copy of the form prescribed pursuant to division (C) 43947
(1) of section 109.572 of the Revised Code, provide to each 43948
applicant a standard impression sheet to obtain fingerprint 43949
impressions prescribed pursuant to division (C)(2) of section 43950
109.572 of the Revised Code, obtain the completed form and 43951
impression sheet from each applicant, and forward the completed 43952
form and impression sheet to the superintendent of the bureau of 43953
criminal identification and investigation at the time the person 43954
requests a criminal records check pursuant to division (A)(1) of 43955
this section. 43956

(3) An applicant who receives pursuant to division (A)(2) 43957
of this section a copy of the form prescribed pursuant to 43958
division (C)(1) of section 109.572 of the Revised Code and a 43959
copy of an impression sheet prescribed pursuant to division (C) 43960
(2) of that section and who is requested to complete the form 43961
and provide a set of fingerprint impressions shall complete the 43962
form or provide all the information necessary to complete the 43963
form and shall provide the impression sheet with the impressions 43964
of the applicant's fingerprints. If an applicant, upon request, 43965
fails to provide the information necessary to complete the form 43966
or fails to provide impressions of the applicant's fingerprints, 43967
the board of education of a school district, governing board of 43968
an educational service center, or governing authority of a 43969
chartered nonpublic school shall not employ that applicant for 43970

any position. 43971

(4) Notwithstanding any provision of this section to the 43972
contrary, an applicant who meets the conditions prescribed in 43973
divisions (A) (1) (a) and (b) of this section and who, within the 43974
two-year period prior to the date of application, was the 43975
subject of a criminal records check under this section prior to 43976
being hired for short-term employment with the school district, 43977
educational service center, or chartered nonpublic school to 43978
which application is being made shall not be required to undergo 43979
a criminal records check prior to the applicant's rehiring by 43980
that district, service center, or school. 43981

(B) (1) Except as provided in rules adopted by the 43982
~~department~~ state board of education in accordance with division 43983
(E) of this section and as provided in division (B) (3) of this 43984
section, no board of education of a school district, no 43985
governing board of an educational service center, and no 43986
governing authority of a chartered nonpublic school shall employ 43987
a person if the person previously has been convicted of or 43988
pleaded guilty to any of the following: 43989

(a) A violation of section 2903.01, 2903.02, 2903.03, 43990
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 43991
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 43992
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 43993
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 43994
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 43995
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 43996
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 43997
section 2905.04 of the Revised Code as it existed prior to July 43998
1, 1996, a violation of section 2919.23 of the Revised Code that 43999
would have been a violation of section 2905.04 of the Revised 44000

Code as it existed prior to July 1, 1996, had the violation been 44001
committed prior to that date, a violation of section 2925.11 of 44002
the Revised Code that is not a minor drug possession offense, or 44003
felonious sexual penetration in violation of former section 44004
2907.12 of the Revised Code; 44005

(b) A violation of an existing or former law of this 44006
state, another state, or the United States that is substantially 44007
equivalent to any of the offenses or violations described in 44008
division (B) (1) (a) of this section. 44009

(2) A board, governing board of an educational service 44010
center, or a governing authority of a chartered nonpublic school 44011
may employ an applicant conditionally until the criminal records 44012
check required by this section is completed and the board or 44013
governing authority receives the results of the criminal records 44014
check. If the results of the criminal records check indicate 44015
that, pursuant to division (B) (1) of this section, the applicant 44016
does not qualify for employment, the board or governing 44017
authority shall release the applicant from employment. 44018

(3) No board and no governing authority of a chartered 44019
nonpublic school shall employ a teacher who previously has been 44020
convicted of or pleaded guilty to any of the offenses listed in 44021
section 3319.31 of the Revised Code. 44022

(C) (1) Each board and each governing authority of a 44023
chartered nonpublic school shall pay to the bureau of criminal 44024
identification and investigation the fee prescribed pursuant to 44025
division (C) (3) of section 109.572 of the Revised Code for each 44026
criminal records check conducted in accordance with that section 44027
upon the request pursuant to division (A) (1) of this section of 44028
the appointing or hiring officer of the board or governing 44029
authority. 44030

(2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the board or governing authority pays under division (C) (1) of this section. If a fee is charged under this division, the board or governing authority shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the board or governing authority will not consider the applicant for employment.

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

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

employment of a person holding a certificate, license, or permit 44062
described in this chapter or in division (B) of section 3301.071 44063
or in section 3301.074 of the Revised Code shall comply with 44064
section 9.79 of the Revised Code. 44065

The ~~department~~state board shall amend rule 3301-83-23 of 44066
the Ohio Administrative Code that took effect August 27, 2009, 44067
and that specifies the offenses that disqualify a person for 44068
employment as a school bus or school van driver and establishes 44069
rehabilitation standards for school bus and school van drivers. 44070

(F) Any person required by division (A)(1) of this section 44071
to request a criminal records check shall inform each person, at 44072
the time of the person's initial application for employment, of 44073
the requirement to provide a set of fingerprint impressions and 44074
that a criminal records check is required to be conducted and 44075
satisfactorily completed in accordance with section 109.572 of 44076
the Revised Code if the person comes under final consideration 44077
for appointment or employment as a precondition to employment 44078
for the school district, educational service center, or school 44079
for that position. 44080

(G) As used in this section: 44081

(1) "Applicant" means a person who is under final 44082
consideration for appointment or employment in a position with a 44083
board of education, governing board of an educational service 44084
center, or a chartered nonpublic school, except that "applicant" 44085
does not include a person already employed by a board or 44086
chartered nonpublic school who is under consideration for a 44087
different position with such board or school. 44088

(2) "Teacher" means a person holding an educator license 44089
or permit issued under section 3319.22 or 3319.301 of the 44090

Revised Code and teachers in a chartered nonpublic school. 44091

(3) "Criminal records check" has the same meaning as in 44092
section 109.572 of the Revised Code. 44093

(4) "Minor drug possession offense" has the same meaning 44094
as in section 2925.01 of the Revised Code. 44095

(H) If the board of education of a local school district 44096
adopts a resolution requesting the assistance of the educational 44097
service center in which the local district has territory in 44098
conducting criminal records checks of substitute teachers and 44099
substitutes for other district employees under this section, the 44100
appointing or hiring officer of such educational service center 44101
shall serve for purposes of this section as the appointing or 44102
hiring officer of the local board in the case of hiring 44103
substitute teachers and other substitute employees for the local 44104
district. 44105

Sec. 3319.391. This section applies to any person hired by 44106
a school district, educational service center, or chartered 44107
nonpublic school in any position that does not require a 44108
"license" issued by the state board of education, as defined in 44109
section 3319.31 of the Revised Code, and is not for the 44110
operation of a vehicle for pupil transportation. 44111

(A) For each person to whom this section applies who is 44112
hired on or after November 14, 2007, the employer shall request 44113
a criminal records check in accordance with section 3319.39 of 44114
the Revised Code and shall request a subsequent criminal records 44115
check by the fifth day of September every fifth year thereafter. 44116
For each person to whom this division applies who is hired prior 44117
to November 14, 2007, the employer shall request a criminal 44118
records check by a date prescribed by the ~~department of~~ 44119

~~education state board~~ and shall request a subsequent criminal 44120
records check by the fifth day of September every fifth year 44121
thereafter. 44122

(B) (1) Each request for a criminal records check under 44123
this section shall be made to the superintendent of the bureau 44124
of criminal identification and investigation in the manner 44125
prescribed in section 3319.39 of the Revised Code, except that 44126
if both of the following conditions apply to the person subject 44127
to the records check, the employer shall request the 44128
superintendent only to obtain any criminal records that the 44129
federal bureau of investigation has on the person: 44130

(a) The employer previously requested the superintendent 44131
to determine whether the bureau of criminal identification and 44132
investigation has any information, gathered pursuant to division 44133
(A) of section 109.57 of the Revised Code, on the person in 44134
conjunction with a criminal records check requested under 44135
section 3319.39 of the Revised Code or under this section. 44136

(b) The person presents proof that the person has been a 44137
resident of this state for the five-year period immediately 44138
prior to the date upon which the person becomes subject to a 44139
criminal records check under this section. 44140

(2) Upon receipt of a request under division (B) (1) of 44141
this section, the superintendent shall conduct the criminal 44142
records check in accordance with section 109.572 of the Revised 44143
Code as if the request had been made under section 3319.39 of 44144
the Revised Code. However, as specified in division (B) (2) of 44145
section 109.572 of the Revised Code, if the employer requests 44146
the superintendent only to obtain any criminal records that the 44147
federal bureau of investigation has on the person for whom the 44148
request is made, the superintendent shall not conduct the review 44149

prescribed by division (B)(1) of that section. 44150

(C) Any person who is the subject of a criminal records 44151
check under this section and has been convicted of or pleaded 44152
guilty to any offense described in division (B)(1) of section 44153
3319.39 of the Revised Code shall not be hired or shall be 44154
released from employment, as applicable, unless the person meets 44155
the rehabilitation standards adopted by the ~~department~~state 44156
board under division (E) of that section. 44157

Sec. 3319.393. (A) Each school district and chartered 44158
nonpublic school shall include the following notice in boldface 44159
type in each employment application: "ANY PERSON WHO KNOWINGLY 44160
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 44161
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 44162
DEGREE." 44163

(B)(1) Each district and chartered nonpublic school shall 44164
consult the "educator profile" database maintained on the web 44165
site of the ~~department~~state board of education prior to making 44166
any hiring decision. 44167

(2) After consulting the "educator profile" database, a 44168
district or chartered nonpublic school may further discern the 44169
employment, disciplinary, or criminal record of an applicant for 44170
employment in either or both of the following ways: 44171

(a) Consulting the state board of education's office of 44172
professional conduct ~~within the department of education~~ in 44173
accordance with section 3319.319 of the Revised Code to 44174
determine whether the individual has been the subject of either: 44175

(i) Any notice to the ~~department~~superintendent of public 44176
instruction under section 3314.40, 3319.313, 3326.24, 3328.19, 44177
or 5126.253 of the Revised Code; 44178

(ii) Any disciplinary actions conducted by the 44179
~~department~~state board. 44180

(b) Consulting any prior education-related employers of 44181
the individual. 44182

(3) A district or chartered nonpublic school may require 44183
additional background checks other than the criminal records 44184
checks authorized under sections 109.574 to 109.577 of the 44185
Revised Code or those required under section 3319.39 or 3319.391 44186
of the Revised Code for any applicant for employment or 44187
potential volunteer. 44188

(C) A district or chartered nonpublic school may 44189
conditionally employ an individual pending the receipt of 44190
information sought in accordance with division (B) (2) of this 44191
section. Should that information indicate that the individual 44192
has engaged in conduct unbecoming to the teaching profession or 44193
has committed an offense that prevents, limits, or otherwise 44194
affects the applicant's employment with the district or school, 44195
the district or chartered nonpublic school may release the 44196
individual from employment. 44197

Sec. 3319.40. (A) As used in this section, "license" has 44198
the same meaning as in section 3319.31 of the Revised Code. 44199

(B) If a person who is employed by a school district or 44200
chartered nonpublic school is arrested, summoned, or indicted 44201
for an alleged violation of an offense listed in division (C) of 44202
section 3319.31 of the Revised Code, if the person holds a 44203
license, or an offense listed in division (B) (1) of section 44204
3319.39 of the Revised Code, if the person does not hold a 44205
license, the superintendent of the district or the chief 44206
administrative officer of the chartered nonpublic school shall 44207

suspend that person from all duties that require the care, 44208
custody, or control of a child during the pendency of the 44209
criminal action against the person. If the person who is 44210
arrested, summoned, or indicted for an alleged violation of an 44211
offense listed in division (C) of section 3319.31 or division 44212
(B) (1) of section 3319.39 of the Revised Code is a person whose 44213
duties are assigned by the district treasurer under division (B) 44214
of section 3313.31 of the Revised Code, the treasurer shall 44215
suspend the person from all duties that require the care, 44216
custody, or control of a child. If the person who is arrested, 44217
summoned, or indicted for an alleged violation of an offense 44218
listed in division (C) of section 3319.31 or division (B) (1) of 44219
section 3319.39 of the Revised Code is the superintendent or 44220
treasurer of the district, the district board shall suspend the 44221
superintendent or treasurer from all duties that require the 44222
care, custody, or control of a child. If the person who is 44223
arrested, summoned, or indicted for an alleged violation of an 44224
offense listed in division (C) of section 3319.31 or division 44225
(B) (1) of section 3319.39 of the Revised Code is the chief 44226
administrative officer of the chartered nonpublic school, the 44227
governing authority of the chartered nonpublic school shall 44228
suspend the chief administrative officer from all duties that 44229
require the care, custody, or control of a child. 44230

(C) When a person who holds a license is suspended in 44231
accordance with this section, the superintendent, treasurer, 44232
board of education, chief administrative officer, or governing 44233
authority that imposed the suspension promptly shall report the 44234
person's suspension to the ~~department~~ state board of education. 44235
The report shall include the offense for which the person was 44236
arrested, summoned, or indicted. 44237

Sec. 3319.44. True copies of all contracts made on behalf 44238

of this state pursuant to sections 3319.42 and 3319.43 of the Revised Code shall be kept on file in the offices of the ~~state~~ department of education and workforce and of the secretary of state. The ~~state~~ department of education and workforce shall publish all such contracts in convenient form.

Sec. 3319.46. (A) (1) The ~~state board~~ department of education and workforce shall adopt rules under Chapter 119. of the Revised Code that establish both of the following:

(a) A policy and standards for the implementation of positive behavior intervention and supports framework;

(b) A policy and standards for the use of physical restraint or seclusion on students.

(2) ~~Within ninety days after the effective date of this amendment, the state board~~ The department shall amend or update rule 3301-35-15 of the Administrative Code to reflect the requirements of this section.

(B) (1) Each school district board of education shall do all of the following:

(a) Implement a positive behavior intervention and supports framework on a system-wide basis that complies with this section;

(b) Comply with any policy and standards adopted, amended, or updated by the ~~state board~~ department under this section;

(c) Submit any reports required by the department ~~of education~~ or the general assembly with respect to the implementation of a positive behavior intervention and supports framework or suspension and expulsion of students in any of grades pre-kindergarten through three.

(2) Each school district's positive behavior intervention and supports framework may focus on the following: 44267
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(a) Comprehensive, school-wide data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other critical indicators across classrooms; 44269
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(b) School-wide investment in evidence-based curricula and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction; 44272
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(c) An expectation by school administrators that classroom practices be linked to and aligned with the school-wide system; 44275
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(d) Improving staff climate and culture regarding the role of discipline in the classroom, established through the use of positive and proactive communication and staff recognition. 44277
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(C) For purposes of this section, "positive behavior intervention and supports framework" or "positive behavior intervention and supports" means a multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students. 44280
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(D) The department ~~of education~~ shall oversee each school district's and school's compliance with this section. 44286
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Sec. 3319.55. (A) A grant program is hereby established to recognize and reward teachers in public and chartered nonpublic schools who hold valid teaching certificates or licenses issued by the national board for professional teaching standards. The ~~superintendent of public instruction department of education and workforce~~ shall administer this program in accordance with this section and ~~the rules which the state board of education it adopts.~~ The department shall adopt those rules in accordance 44288
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with Chapter 119. of the Revised Code. 44296

In each fiscal year that the general assembly appropriates 44297
funds for purposes of this section, the ~~superintendent of public~~ 44298
~~instruction department~~ shall award a grant to each person who, 44299
by the first day of April of that year and in accordance with 44300
the rules adopted under this section, submits to the 44301
~~superintendent department~~ evidence indicating both of the 44302
following: 44303

(1) The person holds a valid certificate or license issued 44304
by the national board for professional teaching standards; 44305

(2) The person has been employed full-time as a teacher by 44306
the board of education of a school district or by a chartered 44307
nonpublic school in this state during the current school year. 44308

An individual may receive a grant under this section in 44309
each fiscal year the person is eligible for a grant and submits 44310
evidence of that eligibility in accordance with this section. No 44311
person may receive a grant after the expiration of the person's 44312
initial certification or license issued by the national board. 44313

(B) The amount of the grant awarded to each eligible 44314
person under division (A) of this section in any fiscal year 44315
shall equal two thousand five hundred dollars. However, if the 44316
funds appropriated for purposes of this section in any fiscal 44317
year are not sufficient to award the full grant amount to each 44318
person who is eligible in that fiscal year, the ~~superintendent~~ 44319
~~department~~ shall prorate the amount of the grant awarded in that 44320
fiscal year to each eligible person. 44321

Sec. 3319.56. The department of education and workforce 44322
shall identify promising practices in Ohio and throughout the 44323
country for engaging teachers certified by the national board 44324

for professional teaching standards, and lead teachers who meet 44325
the criteria adopted by the educator standards board pursuant to 44326
section 3319.61 of the Revised Code, in ways that add value 44327
beyond their own classrooms. Practices identified by the 44328
department as promising may include placing national board 44329
certified and lead teachers in key roles in peer review 44330
programs; having such teachers serve as coaches, mentors, and 44331
trainers for other teachers; or having such teachers develop 44332
curricula or instructional integration strategies. 44333

Once the department has identified promising practices, 44334
the department shall inform all school districts of the 44335
practices by posting such information on the department's world 44336
wide web site. 44337

Sec. 3319.57. (A) A grant program is hereby established 44338
under which the department of education and workforce shall 44339
award grants to assist certain schools in a city, exempted 44340
village, local, or joint vocational school district in 44341
implementing one of the following innovations: 44342

(1) The use of instructional specialists to mentor and 44343
support classroom teachers; 44344

(2) The use of building managers to supervise the 44345
administrative functions of school operation so that a school 44346
principal can focus on supporting instruction, providing 44347
instructional leadership, and engaging teachers as part of the 44348
instructional leadership team; 44349

(3) The reconfiguration of school leadership structure in 44350
a manner that allows teachers to serve in leadership roles so 44351
that teachers may share the responsibility for making and 44352
implementing school decisions; 44353

- (4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day; 44354
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- (5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching; 44357
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- (6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals; 44361
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- (7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size; 44366
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- (8) The provision of incentives to attract qualified mathematics, science, or special education teachers; 44368
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- (9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas; 44370
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- (10) The implementation of a program to increase the cultural competency of both new and veteran teachers; 44373
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- (11) The implementation of a program to increase the subject matter competency of veteran teachers. 44375
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- (B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria: 44377
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- (1) Be hard to staff, as defined by the department. 44380

(2) Use existing school district funds for the 44381
implementation of the innovation in an amount equal to the grant 44382
amount multiplied by (1 - the district's state share percentage 44383
for the fiscal year in which the grant is awarded). 44384

For purposes of division (B) (2) of this section, "state 44385
share percentage" has the same meaning as in section 3317.02 of 44386
the Revised Code. 44387

(C) The amount and number of grants awarded under this 44388
section shall be determined by the department based on any 44389
appropriations made by the general assembly for grants under 44390
this section. 44391

(D) The ~~state board of education~~ department shall adopt 44392
rules for the administration of this grant program. 44393

Sec. 3319.60. There is hereby established the educator 44394
standards board. The board shall develop and recommend to the 44395
state board of education standards for entering and continuing 44396
in the educator professions and standards for educator 44397
professional development. The board membership shall reflect the 44398
diversity of the state in terms of gender, race, ethnic 44399
background, and geographic distribution. 44400

(A) The board shall consist of the following members: 44401

(1) The following nineteen members appointed by the state 44402
board of education: 44403

(a) Ten persons employed as teachers in a school district. 44404
Three persons appointed under this division shall be employed as 44405
teachers in a secondary school, two persons shall be employed as 44406
teachers in a middle school, three persons shall be employed as 44407
teachers in an elementary school, one person shall be employed 44408
as a teacher in a pre-kindergarten classroom, and one person 44409

shall be a teacher who serves on a local professional 44410
development committee pursuant to section 3319.22 of the Revised 44411
Code. At least one person appointed under this division shall 44412
hold a teaching certificate or license issued by the national 44413
board for professional teaching standards. The Ohio education 44414
association shall submit a list of fourteen nominees for these 44415
appointments and the state board may appoint up to seven members 44416
to the educator standards board from that list. The Ohio 44417
federation of teachers shall submit a list of six nominees for 44418
these appointments and the state board may appoint up to three 44419
members to the educator standards board from that list. If there 44420
is an insufficient number of nominees from both lists to satisfy 44421
the membership requirements of this division, the state board 44422
shall request additional nominees who satisfy those 44423
requirements. 44424

(b) One person employed as a teacher in a chartered, 44425
nonpublic school. Stakeholder groups selected by the state board 44426
shall submit a list of two nominees for this appointment. 44427

(c) Five persons employed as school administrators in a 44428
school district. Of those five persons, one person shall be 44429
employed as a secondary school principal, one person shall be 44430
employed as a middle school principal, one person shall be 44431
employed as an elementary school principal, one person shall be 44432
employed as a school district treasurer or business manager, and 44433
one person shall be employed as a school district 44434
superintendent. The buckeye association of school administrators 44435
shall submit a list of two nominees for the school district 44436
superintendent, the Ohio association of school business 44437
officials shall submit a list of two nominees for the school 44438
district treasurer or business manager, the Ohio association of 44439
elementary school administrators shall submit a list of two 44440

nominees for the elementary school principal, and the Ohio 44441
association of secondary school administrators shall submit a 44442
list of two nominees for the middle school principal and a list 44443
of two nominees for the secondary school principal.- 44444

(d) One person who is a member of a school district board 44445
of education. The Ohio school boards association shall submit a 44446
list of two nominees for this appointment. 44447

(e) One person who is a parent of a student currently 44448
enrolled in a school operated by a school district. The Ohio 44449
parent teacher association shall submit a list of two nominees 44450
for this appointment. 44451

(f) One person who represents community schools 44452
established under Chapter 3314. of the Revised Code. 44453

(2) The chancellor of ~~the Ohio board of regents~~higher 44454
education shall appoint three persons employed by institutions 44455
of higher education that offer educator preparation programs. 44456
One person shall be employed by an institution of higher 44457
education that has a certificate of authorization under Chapter 44458
1713. of the Revised Code; one person shall be employed by a 44459
state university, as defined in section 3345.011 of the Revised 44460
Code, or a university branch; and one person shall be employed 44461
by a state community college, community college, or technical 44462
college. Of the two persons appointed from an institution of 44463
higher education that has a certificate of authorization under 44464
Chapter 1713. of the Revised Code and from a state university or 44465
university branch, one shall be employed in a college of 44466
education and one shall be employed in a college of arts and 44467
sciences. 44468

(3) The speaker of the house of representatives shall 44469

appoint two persons who are active in or retired from the 44470
education profession. 44471

(4) The president of the senate shall appoint two persons 44472
who are active in or retired from the education profession. 44473

(5) The superintendent of public instruction ~~or a designee~~ 44474
~~of the superintendent,~~ the chancellor of ~~the Ohio board of~~ 44475
~~regents or a designee of the chancellor~~ higher education, the 44476
director of education and workforce, their designees, and the 44477
chairpersons and the ranking minority members of the education 44478
committees of the senate and house of representatives shall 44479
serve as nonvoting, ex officio members. 44480

(B) Terms of office shall be for two years. Each member 44481
shall hold office from the date of the member's appointment 44482
until the end of the term for which the member was appointed. At 44483
the first meeting, appointed members shall select a chairperson 44484
and a vice-chairperson. Vacancies on the board shall be filled 44485
in the same manner as prescribed for appointments under division 44486
(A) of this section. Any member appointed to fill a vacancy 44487
occurring prior to the expiration of the term for which the 44488
member's predecessor was appointed shall hold office for the 44489
remainder of such term. Any member shall continue in office 44490
subsequent to the expiration date of the member's term until the 44491
member's successor takes office, or until a period of sixty days 44492
has elapsed, whichever occurs first. The terms of office of 44493
members are renewable. 44494

(C) Members shall receive no compensation for their 44495
services. 44496

(D) The board shall establish guidelines for its 44497
operation. These guidelines shall require the creation of a 44498

standing subcommittee on higher education, and shall permit the 44499
creation of other standing subcommittees when necessary. The 44500
board shall determine the membership of any subcommittee it 44501
creates. The board may select persons who are not members of the 44502
board to participate in the deliberations of any subcommittee as 44503
representatives of stakeholder groups, but no such person shall 44504
vote on any issue before the subcommittee. 44505

Sec. 3319.61. (A) The educator standards board, in 44506
consultation with the chancellor of higher education, shall do 44507
all of the following: 44508

(1) Develop state standards for teachers and principals 44509
that reflect what teachers and principals are expected to know 44510
and be able to do at all stages of their careers. These 44511
standards shall be aligned with the statewide academic content 44512
standards for students adopted pursuant to section 3301.079 of 44513
the Revised Code, be primarily based on educator performance 44514
instead of years of experience or certain courses completed, and 44515
rely on evidence-based factors. These standards shall also be 44516
aligned with the operating standards adopted under division (D) 44517
(3) of section 3301.07 of the Revised Code. 44518

(a) The standards for teachers shall reflect the following 44519
additional criteria: 44520

(i) Alignment with the interstate new teacher assessment 44521
and support consortium standards; 44522

(ii) Differentiation among novice, experienced, and 44523
advanced teachers; 44524

(iii) Reliance on competencies that can be measured; 44525

(iv) Reliance on content knowledge, teaching skills, 44526
discipline-specific teaching methods, and requirements for 44527

professional development;	44528
(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards;	44529 44530 44531 44532 44533
(vi) The standards under section 3301.079 of the Revised Code, including standards on collaborative learning environments and interdisciplinary, project-based, real-world learning and differentiated instruction;	44534 44535 44536 44537
(vii) The Ohio leadership framework.	44538
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	44539 44540
(2) Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and the operating standards developed under division (D) (3) of section 3301.07 of the Revised Code.	44541 44542 44543 44544 44545 44546 44547
(3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards and the operating standards developed under division (D) (3) of section 3301.07 of the Revised Code.	44548 44549 44550 44551 44552 44553 44554 44555
(4) Develop standards for the renewal of licenses under	44556

sections 3301.074 and 3319.22 of the Revised Code; 44557

(5) Develop standards for educator professional 44558
development; 44559

(6) Investigate and make recommendations for the creation, 44560
expansion, and implementation of school building and school 44561
district leadership academies; 44562

(7) Develop standards for school counselors that reflect 44563
what school counselors are expected to know and be able to do at 44564
all stages of their careers. The standards shall reflect 44565
knowledge of academic, personal, and social counseling for 44566
students and effective principles to implement an effective 44567
school counseling program. The standards also shall reflect 44568
Ohio-specific knowledge of career counseling for students and 44569
education options that provide flexibility for earning credit, 44570
such as earning units of high school credit using the methods 44571
adopted by the ~~state board department of education and workforce~~ 44572
under division (J) of section 3313.603 of the Revised Code and 44573
earning college credit through the college credit plus program 44574
established under Chapter 3365. of the Revised Code and the 44575
career-technical education credit transfer criteria, policies, 44576
and procedures established under section 3333.162 of the Revised 44577
Code. The standards shall align with the American school 44578
counselor association's professional standards and the operating 44579
standards developed under division (D) (3) of section 3301.07 of 44580
the Revised Code. 44581

The director of education and workforce, superintendent of 44582
public instruction, the chancellor of higher education, or the 44583
education standards board itself may request that the educator 44584
standards board update, review, or reconsider any standards 44585
developed under this section. 44586

(B) The educator standards board shall incorporate 44587
indicators of cultural competency into the standards developed 44588
under division (A) of this section. For this purpose, the 44589
educator standards board shall develop a definition of cultural 44590
competency based upon content and experiences that enable 44591
educators to know, understand, and appreciate the students, 44592
families, and communities that they serve and skills for 44593
addressing cultural diversity in ways that respond equitably and 44594
appropriately to the cultural needs of individual students. 44595

(C) In developing the standards under division (A) of this 44596
section, the educator standards board shall consider the impact 44597
of the standards on closing the achievement gap between students 44598
of different subgroups. 44599

(D) In developing the standards under division (A) of this 44600
section, the educator standards board shall ensure both of the 44601
following: 44602

(1) That teachers have sufficient knowledge to provide 44603
appropriate instruction for students identified as gifted 44604
pursuant to Chapter 3324. of the Revised Code and to assist in 44605
the identification of such students, and have sufficient 44606
knowledge that will enable teachers to provide learning 44607
opportunities for all children to succeed; 44608

(2) That principals, superintendents, school treasurers, 44609
and school business managers have sufficient knowledge to 44610
provide principled, collaborative, foresighted, and data-based 44611
leadership that will provide learning opportunities for all 44612
children to succeed. 44613

(E) The standards for educator professional development 44614
developed under division (A) (5) of this section shall include 44615

the following: 44616

(1) Standards for the inclusion of local professional 44617
development committees established under section 3319.22 of the 44618
Revised Code in the planning and design of professional 44619
development; 44620

(2) Standards that address the crucial link between 44621
academic achievement and mental health issues. 44622

(F) The educator standards board shall also perform the 44623
following functions: 44624

(1) Monitor compliance with the standards developed under 44625
division (A) of this section and make recommendations to the 44626
state board of education for appropriate corrective action if 44627
such standards are not met; 44628

(2) Research, develop, and recommend policies on the 44629
professions of teaching and school administration; 44630

(3) Recommend policies to close the achievement gap 44631
between students of different subgroups; 44632

(4) Define a "master teacher" in a manner that can be used 44633
uniformly by all school districts; 44634

(5) Adopt criteria that a candidate for a lead 44635
professional educator license under section 3319.22 of the 44636
Revised Code who does not hold a valid certificate issued by the 44637
national board for professional teaching standards must meet to 44638
be considered a lead teacher for purposes of division (B) (4) (d) 44639
of that section. It is the intent of the general assembly that 44640
the educator standards board shall adopt multiple, equal- 44641
weighted criteria to use in determining whether a person is a 44642
lead teacher. The criteria shall be in addition to the other 44643

standards and qualifications prescribed in division (B)(4) of 44644
section 3319.22 of the Revised Code. The criteria may include, 44645
but shall not be limited to, completion of educational levels 44646
beyond a master's degree or other professional development 44647
courses or demonstration of a leadership role in the teacher's 44648
school building or district. The board shall determine the 44649
number of criteria that a teacher shall satisfy to be recognized 44650
as a lead teacher, which shall not be the total number of 44651
criteria adopted by the board. 44652

(6) Develop model teacher and principal evaluation 44653
instruments and processes. The models shall be based on the 44654
standards developed under division (A) of this section. 44655

(7) Develop a method of measuring the academic improvement 44656
made by individual students during a one-year period and make 44657
recommendations for incorporating the measurement as one of 44658
multiple evaluation criteria into each of the following: 44659

(a) Eligibility for a professional educator license, 44660
senior professional educator license, lead professional educator 44661
license, or principal license issued under section 3319.22 of 44662
the Revised Code; 44663

(b) The Ohio teacher residency program established under 44664
section 3319.223 of the Revised Code; 44665

(c) The model teacher and principal evaluation instruments 44666
and processes developed under division (F)(6) of this section. 44667

~~(G) The educator standards board shall submit 44668
recommendations of standards developed under division (A) of 44669
this section to the state board of education not later than 44670
September 1, 2010. The state board of education shall review 44671
those recommendations at the state board's regular meeting that 44672~~

~~next succeeds the date that the recommendations are submitted to 44673
the state board. At that meeting, the state board of education 44674
shall vote to either adopt standards based on those 44675
recommendations or request that the educator standards board 44676
reconsider its recommendations. The state board of education 44677
shall articulate reasons for requesting reconsideration of the 44678
recommendations but shall not direct the content of the 44679
recommendations. The educator standards board shall reconsider 44680
its recommendations if the state board of education so requests, 44681
may revise the recommendations, and shall resubmit the 44682
recommendations, whether revised or not, to the state board not 44683
later than two weeks prior to the state board's regular meeting 44684
that next succeeds the meeting at which the state board 44685
requested reconsideration of the initial recommendations. The 44686
state board of education shall review the recommendations as 44687
resubmitted by the educator standards board at the state board's 44688
regular meeting that next succeeds the meeting at which the 44689
state board requested reconsideration of the initial 44690
recommendations and may adopt the standards as resubmitted or, 44691
if the resubmitted standards have not addressed the state 44692
board's concerns, the state board may modify the standards prior 44693
to adopting them. The final responsibility to determine whether 44694
to adopt standards as described in division (A) of this section 44695
and the content of those standards, if adopted, belongs solely 44696
to the state board of education. 44697~~

Sec. 3319.611. The subcommittee on standards for 44698
superintendents of the education standards board is hereby 44699
established. The subcommittee shall consist of the following 44700
members: 44701

(A) The school district superintendent appointed to the 44702
educator standards board under section 3319.60 of the Revised 44703

Code, who shall act as chairperson of the subcommittee; 44704

(B) Three additional school district superintendents 44705
appointed by the state board of education, for terms of two 44706
years. The buckeye association of school administrators shall 44707
submit a list of six nominees for appointments under this 44708
section. 44709

(C) Three additional members of the educator standards 44710
board, appointed by the chairperson of the educator standards 44711
board; 44712

(D) The superintendent of public instruction~~and, the~~ 44713
chancellor of ~~the Ohio board of regents~~higher education, and the 44714
director of education and workforce, or their designees, who 44715
shall serve as nonvoting, ex officio members of the 44716
subcommittee. 44717

Members of the subcommittee shall receive no compensation 44718
for their services. The members appointed under divisions (B) 44719
and (C) of this section may be reappointed. 44720

The subcommittee shall assist the educator standards board 44721
in developing the standards for superintendents and with any 44722
additional matters the educator standards board directs the 44723
subcommittee to examine. 44724

Sec. 3319.612. The subcommittee on standards for school 44725
treasurers and business managers of the educator standards board 44726
is hereby established. The subcommittee shall consist of the 44727
following members: 44728

(A) The school district treasurer or business manager 44729
appointed to the educator standards board under section 3319.60 44730
of the Revised Code, who shall act as chairperson of the 44731
subcommittee; 44732

(B) Three additional school district treasurers or 44733
business managers appointed by the state board of education for 44734
terms of two years. The Ohio association of school business 44735
officials shall submit a list of six nominees for appointments 44736
under this section. 44737

(C) Three additional members of the educator standards 44738
board, appointed by the chairperson of the educator standards 44739
board; 44740

(D) The superintendent of public instruction ~~and, the~~ 44741
chancellor of ~~the Ohio board of regents~~ higher education, and the 44742
director of education and workforce, or their designees, who 44743
shall serve as nonvoting, ex officio members of the 44744
subcommittee. 44745

Members of the subcommittee shall receive no compensation 44746
for their services. The members appointed under divisions (B) 44747
and (C) of this section may be reappointed. 44748

The subcommittee shall assist the educator standards board 44749
in developing the standards for school treasurers and business 44750
managers and with any additional matters the educator standards 44751
board directs the subcommittee to examine. 44752

Sec. 3319.613. The subcommittee on standards for teacher 44753
preparation of the educator standards board is hereby 44754
established. The subcommittee shall consist of the following 44755
members: 44756

(A) The three persons employed by institutions of higher 44757
education who are appointed by the chancellor of higher 44758
education to the educator standards board under section 3319.60 44759
of the Revised Code, one of whom shall act as chairperson of the 44760
subcommittee as determined by the subcommittee; 44761

(B) Two additional higher education representatives 44762
appointed by the state board of education, for terms of two 44763
years. One shall represent state institutions of higher 44764
education, as defined in section 3345.011 of the Revised Code, 44765
and one shall represent private nonprofit institutions of higher 44766
education. The state university education deans of Ohio, or its 44767
successor organization, shall submit to the state board one or 44768
more nominees for the appointee representing state institutions 44769
of higher education, and the Ohio association of private 44770
colleges for teacher education, or its successor organization, 44771
shall submit to the state board one or more nominees for the 44772
appointee representing private nonprofit institutions of higher 44773
education. 44774

(C) Two additional members of the educator standards 44775
board, appointed by the chairperson of the educator standards 44776
board; 44777

(D) The superintendent of public instruction~~and, the~~ 44778
chancellor of higher education, and the director of education 44779
and workforce, or their designees, who shall serve as nonvoting, 44780
ex officio members of the subcommittee. 44781

Members of the subcommittee shall receive no compensation 44782
for their services. The members appointed under divisions (B) 44783
and (C) of this section may be reappointed. 44784

The subcommittee shall assist the educator standards board 44785
with issues pertaining to educator preparation programs and with 44786
any additional matters the educator standards board directs the 44787
subcommittee to examine. 44788

Sec. 3321.01. (A) (1) As used in this chapter, "parent," 44789
"guardian," or "other person having charge or care of a child" 44790

means either parent unless the parents are separated or divorced 44791
or their marriage has been dissolved or annulled, in which case 44792
"parent" means the parent who is the residential parent and 44793
legal custodian of the child. If the child is in the legal or 44794
permanent custody of a person or government agency, "parent" 44795
means that person or government agency. When a child is a 44796
resident of a home, as defined in section 3313.64 of the Revised 44797
Code, and the child's parent is not a resident of this state, 44798
"parent," "guardian," or "other person having charge or care of 44799
a child" means the head of the home. 44800

A child between six and eighteen years of age is "of 44801
compulsory school age" for the purpose of sections 3321.01 to 44802
3321.13 of the Revised Code. A child under six years of age who 44803
has been enrolled in kindergarten also shall be considered "of 44804
compulsory school age" for the purpose of sections 3321.01 to 44805
3321.13 of the Revised Code unless at any time the child's 44806
parent or guardian, at the parent's or guardian's discretion and 44807
in consultation with the child's teacher and principal, formally 44808
withdraws the child from kindergarten. The compulsory school age 44809
of a child shall not commence until the beginning of the term of 44810
such schools, or other time in the school year fixed by the 44811
rules of the board of the district in which the child resides. 44812

(2) In a district in which all children are admitted to 44813
kindergarten and the first grade in August or September, a child 44814
shall be admitted if the child is five or six years of age, 44815
respectively, by the thirtieth day of September of the year of 44816
admittance, or by the first day of a term or semester other than 44817
one beginning in August or September in school districts 44818
granting admittance at the beginning of such term or semester. A 44819
child who does not meet the age requirements of this section for 44820
admittance to kindergarten or first grade, but who will be five 44821

or six years old, respective, prior to the first day of January 44822
of the school year in which admission is requested, shall be 44823
evaluated for early admittance in accordance with district 44824
policy upon referral by the child's parent or guardian, an 44825
educator employed by the district, a preschool educator who 44826
knows the child, or a pediatrician or psychologist who knows the 44827
child. Following an evaluation in accordance with a referral 44828
under this section, the district board shall decide whether to 44829
admit the child. If a child for whom admission to kindergarten 44830
or first grade is requested will not be five or six years of 44831
age, respectively, prior to the first day of January of the 44832
school year in which admission is requested, the child shall be 44833
admitted only in accordance with the district's acceleration 44834
policy adopted under section 3324.10 of the Revised Code. 44835

(3) Notwithstanding division (A) (2) of this section, 44836
beginning with the school year that starts in 2001 and 44837
continuing thereafter the board of education of any district may 44838
adopt a resolution establishing the first day of August in lieu 44839
of the thirtieth day of September as the required date by which 44840
students must have attained the age specified in that division. 44841

(4) After a student has been admitted to kindergarten in a 44842
school district or chartered nonpublic school, no board of 44843
education of a school district to which the student transfers 44844
shall deny that student admission based on the student's age. 44845

(B) As used in division (C) of this section, "successfully 44846
completed kindergarten" means that the child has completed the 44847
kindergarten requirements at one of the following: 44848

(1) A public or chartered nonpublic school; 44849

(2) A kindergarten class that is both of the following: 44850

(a) Offered by a day-care provider licensed under Chapter 5104. of the Revised Code;	44851 44852
(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:	44853 44854
(i) A valid educator license issued under section 3319.22 of the Revised Code;	44855 44856
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	44857 44858 44859
(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B) (2) (b) (ii) of this section;	44860 44861 44862
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	44863 44864
(C) (1) Except as provided in division (A) (2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	44865 44866 44867
(2) Notwithstanding division (A) (2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade.	44868 44869 44870 44871
(D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.	44872 44873 44874 44875
(E) Any kindergarten class offered by a day-care provider or school described by division (B) (1) or (B) (2) (a) of this section shall be developmentally appropriate.	44876 44877 44878

(F) Upon written request of a day-care provider described 44879
by division (B) (2) (a) of this section, the department of 44880
education and workforce shall determine whether certification 44881
held by a teacher employed by the provider meets the requirement 44882
of division (B) (2) (b) (iii) of this section and, if so, shall 44883
furnish the provider a statement to that effect. 44884

(G) As used in this division, "all-day kindergarten" has 44885
the same meaning as in section 3321.05 of the Revised Code. 44886

(1) A school district that is offering all-day 44887
kindergarten for the first time or that charged fees or tuition 44888
for all-day kindergarten in the 2012-2013 school year may charge 44889
fees or tuition for a student enrolled in all-day kindergarten 44890
in any school year following the 2012-2013 school year. The 44891
department shall adjust the district's average daily membership 44892
certification under section 3317.03 of the Revised Code by one- 44893
half of the full-time equivalency for each student charged fees 44894
or tuition for all-day kindergarten under this division. If a 44895
district charges fees or tuition for all-day kindergarten under 44896
this division, the district shall develop a sliding fee scale 44897
based on family incomes. 44898

(2) The department ~~of education~~ shall conduct an annual 44899
survey of each school district described in division (G) (1) of 44900
this section to determine the following: 44901

(a) Whether the district charges fees or tuition for 44902
students enrolled in all-day kindergarten; 44903

(b) The amount of the fees or tuition charged; 44904

(c) How many of the students for whom tuition is charged 44905
are eligible for free lunches under the "National School Lunch 44906
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the 44907

"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 44908
amended, and how many of the students for whom tuition is 44909
charged are eligible for reduced price lunches under those acts; 44910

(d) How many students are enrolled in traditional half-day 44911
kindergarten rather than all-day kindergarten. 44912

Each district shall report to the department, in the 44913
manner prescribed by the department, the information described 44914
in divisions (G) (2) (a) to (d) of this section. 44915

The department shall issue an annual report on the results 44916
of the survey and shall post the report on its web site. The 44917
department shall issue the first report not later than April 30, 44918
2008, and shall issue a report not later than the thirtieth day 44919
of April each year thereafter. 44920

Sec. 3321.03. As used in this section and section 3321.04 44921
of the Revised Code, "special education program" means a school 44922
or the educational agency that provides special education and 44923
related services to children with disabilities in accordance 44924
with Chapter 3323. of the Revised Code. 44925

Except as provided in this section, the parent of a child 44926
of compulsory school age shall cause such child to attend a 44927
school in the school district in which the child is entitled to 44928
attend school under division (B) or (F) of section 3313.64 or 44929
section 3313.65 of the Revised Code, to participate in a special 44930
education program under Chapter 3323. of the Revised Code, or to 44931
otherwise cause the child to be instructed in accordance with 44932
law. Every child of compulsory school age shall attend a school 44933
or participate in a special education program that conforms to 44934
the minimum standards prescribed by the ~~state board~~ director of 44935
education and workforce until the child: 44936

(A) Receives a diploma granted by the board of education 44937
or other governing authority, successfully completes the 44938
curriculum of any high school, or successfully completes the 44939
individualized education program developed for the student by 44940
any high school pursuant to Chapter 3323. of the Revised Code; 44941

(B) Receives an age and schooling certificate as provided 44942
in section 3331.01 of the Revised Code; or 44943

(C) Is excused from school under standards adopted by the 44944
~~state board~~ department of education and workforce pursuant to 44945
section 3321.04 of the Revised Code, or if in need of special 44946
education, the child is excused from such programs pursuant to 44947
section 3321.04 of the Revised Code. 44948

Sec. 3321.04. Notwithstanding division (D) of section 44949
3311.19 and division (D) of section 3311.52 of the Revised Code, 44950
this section does not apply to any joint vocational or 44951
cooperative education school district or its superintendent. 44952

Every parent of any child of compulsory school age who is 44953
not employed under an age and schooling certificate must send 44954
such child to a school or a special education program that 44955
conforms to the minimum standards prescribed by the ~~state board~~ 44956
director of education and workforce, for the full time the 44957
school or program attended is in session, which shall not be for 44958
less than thirty-two weeks per school year. Such attendance must 44959
begin within the first week of the school term or program or 44960
within one week of the date on which the child begins to reside 44961
in the district or within one week after the child's withdrawal 44962
from employment. 44963

For the purpose of operating a school or program on a 44964
trimester plan, "full time the school attended is in session," 44965

as used in this section means the two trimesters to which the child is assigned by the board of education. For the purpose of operating a school or program on a quarterly plan, "full time the school attended is in session," as used in this section, means the three quarters to which the child is assigned by the board of education. For the purpose of operating a school or program on a pentamester plan, "full time the school is in session," as used in this section, means the four pentamesters to which the child is assigned by the board of education.

Excuses from future attendance at or past absence from school or a special education program may be granted for the causes, by the authorities, and under the following conditions:

(A) The superintendent of the school district in which the child resides may excuse the child from attendance for any part of the remainder of the current school year upon satisfactory showing of either of the following facts:

(1) That the child's bodily or mental condition does not permit attendance at school or a special education program during such period; this fact is certified in writing by a licensed physician or, in the case of a mental condition, by a licensed physician, a licensed psychologist, licensed school psychologist or a certificated school psychologist; and provision is made for appropriate instruction of the child, in accordance with Chapter 3323. of the Revised Code;

(2) That the child is being instructed at home by a person qualified to teach the branches in which instruction is required, and such additional branches, as the advancement and needs of the child may, in the opinion of such superintendent, require. In each such case the issuing superintendent shall file in the superintendent's office, with a copy of the excuse,

papers showing how the inability of the child to attend school 44996
or a special education program or the qualifications of the 44997
person instructing the child at home were determined. All such 44998
excuses shall become void and subject to recall upon the removal 44999
of the disability of the child or the cessation of proper home 45000
instruction; and thereupon the child or the child's parents may 45001
be proceeded against after due notice whether such excuse be 45002
recalled or not. 45003

(B) The ~~state board~~ department of education and workforce 45004
may adopt rules authorizing the superintendent of schools of the 45005
district in which the child resides to excuse a child over 45006
fourteen years of age from attendance for a future limited 45007
period for the purpose of performing necessary work directly and 45008
exclusively for the child's parents or legal guardians. 45009

All excuses provided for in divisions (A) and (B) of this 45010
section shall be in writing and shall show the reason for 45011
excusing the child. A copy thereof shall be sent to the person 45012
in charge of the child. 45013

(C) The board of education of the school district or the 45014
governing authorities of a private or parochial school may in 45015
the rules governing the discipline in such schools, prescribe 45016
the authority by which and the manner in which any child may be 45017
excused for absence from such school for good and sufficient 45018
reasons. 45019

The ~~state board of education~~ department may by rule 45020
prescribe conditions governing the issuance of excuses, which 45021
shall be binding upon the authorities empowered to issue them. 45022

Sec. 3321.07. If any child attends upon instruction 45023
elsewhere than in a public school such instruction shall be in a 45024

school which conforms to the minimum standards prescribed by the 45025
~~state board director of~~ education and workforce. The hours and 45026
term of attendance exacted shall be equivalent to the hours and 45027
term of attendance required of children in the public schools of 45028
the district. This section does not require a child to attend a 45029
high school instead of a vocational, commercial, or other 45030
special type of school, provided the instruction therein is for 45031
a term and for hours equivalent to those of the high school, and 45032
provided ~~his~~ the child's attendance at such school will not 45033
interfere with a continuous program of education for the child 45034
to the age of sixteen. 45035

Sec. 3321.09. Attendance at a part-time school or class 45036
provided by an employer, by a partnership, corporation, or 45037
individual, by a private or parochial school, by a college, or 45038
by a philanthropic or similar agency shall serve in lieu of 45039
attendance at a part-time school or class provided by a board of 45040
education in case the given school or class is conducted for 45041
substantially a term and hours equivalent to those of the part- 45042
time schools or classes provided by the local board, and in case 45043
the school or class is approved by the ~~state board~~ department of 45044
education and workforce. When such school or class is conducted 45045
within or in connection with the establishment in which the 45046
child is working the obligation of attendance at part-time 45047
school or class indicated in section 3321.08 of the Revised 45048
Code, shall apply to the children holding age and schooling 45049
certificates who are employed in the given establishment 45050
regardless of the accessibility of public part-time schools or 45051
classes. 45052

Sec. 3321.12. Notwithstanding division (D) of section 45053
3311.19 and division (D) of section 3311.52 of the Revised Code, 45054
the provisions of this section that require reporting to the 45055

treasurer of a city school district do not require reporting to 45056
the treasurer of any joint vocational or cooperative education 45057
school district. 45058

The principal or teacher in charge of any public, private, 45059
or parochial school, shall report to the treasurer of the board 45060
of education of the city, local, or exempted village school 45061
district in which the school is situated, the names, ages, and 45062
places of residence of all pupils below eighteen years of age in 45063
attendance at their schools together with such other facts as 45064
said treasurer requires to facilitate the carrying out of the 45065
laws relating to compulsory education and the employment of 45066
minors. Such report shall be made within the first two weeks of 45067
the beginning of school in each school year, and shall be 45068
corrected with the entry of such items as are prescribed by the 45069
~~state board department~~ of education and workforce within the 45070
first week of each subsequent school month of the year. 45071

Nothing in this section shall require any person to 45072
release, or to permit access to, public school records in 45073
violation of section 3319.321 of the Revised Code. 45074

Sec. 3321.13. (A) Whenever any child of compulsory school 45075
age withdraws from school the teacher of that child shall 45076
ascertain the reason for withdrawal. The fact of the withdrawal 45077
and the reason for it shall be immediately transmitted by the 45078
teacher to the superintendent of the city, local, or exempted 45079
village school district. If the child who has withdrawn from 45080
school has done so because of change of residence, the next 45081
residence shall be ascertained and shall be included in the 45082
notice thus transmitted. The superintendent shall thereupon 45083
forward a card showing the essential facts regarding the child 45084
and stating the place of the child's new residence to the 45085

superintendent of schools of the district to which the child has 45086
moved. 45087

The ~~superintendent of public instruction department of~~ 45088
education and workforce may prescribe the forms to be used in 45089
the operation of this division. 45090

(B) (1) Upon receipt of information that a child of 45091
compulsory school age has withdrawn from school for a reason 45092
other than because of change of residence and is not enrolled in 45093
and attending in accordance with school policy an approved 45094
program to obtain a diploma or its equivalent, the district 45095
superintendent shall notify the registrar of motor vehicles and 45096
the juvenile judge of the county in which the district is 45097
located of the withdrawal and failure to enroll in and attend an 45098
approved program to obtain a diploma or its equivalent. A 45099
notification to the registrar required by this division shall be 45100
given in the manner the registrar by rule requires and a 45101
notification to the juvenile judge required by this division 45102
shall be given in writing. Each notification shall be given 45103
within two weeks after the withdrawal and failure to enroll in 45104
and attend an approved program or its equivalent. 45105

(2) The board of education of a school district may adopt 45106
a resolution providing that the provisions of division (B) (2) of 45107
this section apply within the district. The provisions of 45108
division (B) (2) of this section do not apply within any school 45109
district, and no superintendent of a school district shall send 45110
a notification of the type described in division (B) (2) of this 45111
section to the registrar of motor vehicles or the juvenile judge 45112
of the county in which the district is located, unless the board 45113
of education of the district has adopted such a resolution. If 45114
the board of education of a school district adopts a resolution 45115

providing that the provisions of division (B) (2) of this section 45116
apply within the district, and if the superintendent of schools 45117
of that district receives information that, during any semester 45118
or term, a child of compulsory school age has been absent 45119
without legitimate excuse from the school the child is supposed 45120
to attend for more than sixty consecutive hours in a single 45121
month or for at least ninety hours in a school year, the 45122
superintendent shall notify the child and the child's parent, 45123
guardian, or custodian, in writing, that the information has 45124
been provided to the superintendent, that as a result of that 45125
information the child's temporary instruction permit or driver's 45126
license will be suspended or the opportunity to obtain such a 45127
permit or license will be denied, and that the child and the 45128
child's parent, guardian, or custodian may appear in person at a 45129
scheduled date, time, and place before the superintendent or a 45130
designee to challenge the information provided to the 45131
superintendent. 45132

The notification to the child and the child's parent, 45133
guardian, or custodian required by division (B) (2) of this 45134
section shall set forth the information received by the 45135
superintendent and shall inform the child and the child's 45136
parent, guardian, or custodian of the scheduled date, time, and 45137
place of the appearance that they may have before the 45138
superintendent or a designee. The date scheduled for the 45139
appearance shall be no earlier than three and no later than five 45140
days after the notification is given, provided that an extension 45141
may be granted upon request of the child or the child's parent, 45142
guardian, or custodian. If an extension is granted, the 45143
superintendent shall schedule a new date, time, and place for 45144
the appearance and shall inform the child and the child's 45145
parent, guardian, or custodian of the new date, time, and place. 45146

If the child and the child's parent, guardian, or custodian do not appear before the superintendent or a designee on the scheduled date and at the scheduled time and place, or if the child and the child's parent, guardian, or custodian appear before the superintendent or a designee on the scheduled date and at the scheduled time and place but the superintendent or a designee determines that the information the superintendent received indicating that, during the semester or term, the child had been absent without legitimate excuse from the school the child was supposed to attend for more than sixty consecutive hours or for at least ninety total hours, the superintendent shall notify the registrar of motor vehicles and the juvenile judge of the county in which the district is located that the child has been absent for that period of time and that the child does not have any legitimate excuse for the habitual absence. A notification to the registrar required by this division shall be given in the manner the registrar by rule requires and a notification to the juvenile judge required by this division shall be given in writing. Each notification shall be given within two weeks after the receipt of the information of the habitual absence from school without legitimate excuse, or, if the child and the child's parent, guardian, or custodian appear before the superintendent or a designee to challenge the information, within two weeks after the appearance.

For purposes of division (B) (2) of this section, a legitimate excuse for absence from school includes, but is not limited to, the fact that the child in question has enrolled in another school or school district in this or another state, the fact that the child in question was excused from attendance for any of the reasons specified in section 3321.04 of the Revised Code, or the fact that the child in question has received an age

and schooling certificate in accordance with section 3331.01 of 45178
the Revised Code. 45179

(3) Whenever a pupil is suspended or expelled from school 45180
pursuant to section 3313.66 of the Revised Code and the reason 45181
for the suspension or expulsion is the use or possession of 45182
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 45183
superintendent of schools of that district may notify the 45184
registrar and the juvenile judge of the county in which the 45185
district is located of such suspension or expulsion. Any such 45186
notification of suspension or expulsion shall be given to the 45187
registrar, in the manner the registrar by rule requires and 45188
shall be given to the juvenile judge in writing. The 45189
notifications shall be given within two weeks after the 45190
suspension or expulsion. 45191

(4) Whenever a pupil is suspended, expelled, removed, or 45192
permanently excluded from a school for misconduct included in a 45193
policy that the board of education of a city, exempted village, 45194
or local school district has adopted under division (A) of 45195
section 3313.661 of the Revised Code, and the misconduct 45196
involves a firearm or a knife or other weapon as defined in that 45197
policy, the superintendent of schools of that district shall 45198
notify the registrar and the juvenile judge of the county in 45199
which the district is located of the suspension, expulsion, 45200
removal, or permanent exclusion. The notification shall be given 45201
to the registrar in the manner the registrar, by rule, requires 45202
and shall be given to the juvenile judge in writing. The 45203
notifications shall be given within two weeks after the 45204
suspension, expulsion, removal, or permanent exclusion. 45205

(C) A notification of withdrawal, habitual absence without 45206
legitimate excuse, suspension, or expulsion given to the 45207

registrar or a juvenile judge under division (B) (1), (2), (3), 45208
or (4) of this section shall contain the name, address, date of 45209
birth, school, and school district of the child. If the 45210
superintendent finds, after giving a notification of withdrawal, 45211
habitual absence without legitimate excuse, suspension, or 45212
expulsion to the registrar and the juvenile judge under division 45213
(B) (1), (2), (3), or (4) of this section, that the notification 45214
was given in error, the superintendent immediately shall notify 45215
the registrar and the juvenile judge of that fact. 45216

Sec. 3321.18. The attendance officer provided for by 45217
section 3321.14 or 3321.15 of the Revised Code shall institute 45218
proceedings against any officer, parent, guardian, or other 45219
person violating laws relating to compulsory education and the 45220
employment of minors, and otherwise discharge the duties 45221
described in sections 3321.14 to 3321.21 of the Revised Code, 45222
and perform any other service that the superintendent of schools 45223
or board of education of the district by which the attendance 45224
officer is employed considers necessary to preserve the morals 45225
and secure the good conduct of school children, and to enforce 45226
those laws. 45227

The attendance officer shall be furnished with copies of 45228
the enumeration in each school district in which the attendance 45229
officer serves and of the lists of pupils enrolled in the 45230
schools and shall report to the superintendent discrepancies 45231
between these lists and the enumeration. 45232

The attendance officer and assistants shall cooperate with 45233
the director of commerce in enforcing the laws relating to the 45234
employment of minors. The attendance officer shall furnish upon 45235
request any data that the attendance officer and the attendance 45236
officer's assistants have collected in their reports of children 45237

from six to eighteen years of age and also concerning employers 45238
to the director and upon request to the ~~state board department~~ 45239
of education and workforce. The attendance officer shall keep a 45240
record of the attendance officer's transactions for the 45241
inspection and information of the superintendent of schools and 45242
the board of education; and shall make reports to the 45243
superintendent of schools as often as required by the 45244
superintendent. The ~~state board of education department~~ may 45245
prescribe forms for the use of attendance officers in the 45246
performance of their duties. The blank forms and record books or 45247
indexes shall be furnished to the attendance officers by the 45248
boards of education by which they are employed. 45249

Sec. 3321.19. (A) As used in this section and section 45250
3321.191 of the Revised Code, "habitual truant" has the same 45251
meaning as in section 2151.011 of the Revised Code. 45252

(B) When a board of education of any city, exempted 45253
village, local, joint vocational, or cooperative education 45254
school district or the governing board of any educational 45255
service center determines that a student in its district has 45256
been truant and the parent, guardian, or other person having 45257
care of the child has failed to cause the student's attendance 45258
at school, the board may require the parent, guardian, or other 45259
person having care of the child pursuant to division (B) of this 45260
section to attend an educational program established pursuant to 45261
rules adopted by the ~~state board department~~ of education and 45262
workforce for the purpose of encouraging parental involvement in 45263
compelling the attendance of the child at school. 45264

No parent, guardian, or other person having care of a 45265
child shall fail without good cause to attend an educational 45266
program described in this division if the parent, guardian, or 45267

other person has been served notice pursuant to division (C) of 45268
this section. 45269

(C) On the request of the superintendent of schools, the 45270
superintendent of any educational service center, the board of 45271
education of any city, exempted village, local, joint 45272
vocational, or cooperative education school district, or the 45273
governing board of any educational service center or when it 45274
otherwise comes to the notice of the attendance officer or other 45275
appropriate officer of the school district, the attendance 45276
officer or other appropriate officer shall examine into any case 45277
of supposed truancy within the district and shall warn the 45278
child, if found truant, and the child's parent, guardian, or 45279
other person having care of the child, in writing, of the legal 45280
consequences of being truant. When any child of compulsory 45281
school age, in violation of law, is not attending school, the 45282
attendance or other appropriate officer shall notify the parent, 45283
guardian, or other person having care of that child of the fact, 45284
and require the parent, guardian, or other person to cause the 45285
child to attend school immediately. The parent, guardian, or 45286
other person having care of the child shall cause the child's 45287
attendance at school. Upon the failure of the parent, guardian, 45288
or other person having care of the child to do so, the 45289
attendance officer or other appropriate officer, if so directed 45290
by the superintendent, the district board, or the educational 45291
service center governing board, shall send notice requiring the 45292
attendance of that parent, guardian, or other person at a 45293
parental education program established pursuant to division (B) 45294
of this section and, subject to divisions (D) and (E) of this 45295
section, may file a complaint against the parent, guardian, or 45296
other person having care of the child in any court of competent 45297
jurisdiction. 45298

(D) (1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, within ten days, subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code.

(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.

(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, the attendance officer shall file a

complaint, provided that the conditions described in division 45330
(B) of section 3321.16 of the Revised Code are satisfied. 45331

Sec. 3321.191. (A) Effective beginning with the 2017-2018 45332
school year, the board of education of each city, exempted 45333
village, local, joint vocational, and cooperative education 45334
school district and the governing board of each educational 45335
service center shall adopt a new or amended policy to guide 45336
employees of the school district or service center in addressing 45337
and ameliorating student absences. In developing the policy, the 45338
appropriate board shall consult with the judge of the juvenile 45339
court of the county or counties in which the district or service 45340
center is located, with the parents, guardians, or other persons 45341
having care of the pupils attending school in the district, and 45342
with appropriate state and local agencies. 45343

(B) The policy developed under division (A) of this 45344
section shall include as an intervention strategy all of the 45345
following actions, if applicable: 45346

(1) Providing a truancy intervention plan for any student 45347
who is excessively absent from school, as described in the first 45348
paragraph of division (C) of this section; 45349

(2) Providing counseling for an habitual truant; 45350

(3) Requesting or requiring a parent, guardian, or other 45351
person having care of an habitual truant to attend parental 45352
involvement programs, including programs adopted under section 45353
3313.472 or 3313.663 of the Revised Code; 45354

(4) Requesting or requiring a parent, guardian, or other 45355
person having care of an habitual truant to attend truancy 45356
prevention mediation programs; 45357

(5) Notification of the registrar of motor vehicles under 45358

section 3321.13 of the Revised Code; 45359

(6) Taking legal action under section 2919.222, 3321.20, 45360
or 3321.38 of the Revised Code. 45361

(C) (1) In the event that a child of compulsory school age 45362
is absent with a nonmedical excuse or without legitimate excuse 45363
from the public school the child is supposed to attend for 45364
thirty-eight or more hours in one school month, or sixty-five or 45365
more hours in a school year, the attendance officer of that 45366
school shall notify the child's parent, guardian, or custodian 45367
of the child's absences, in writing, within seven days after the 45368
date after the absence that triggered the notice requirement. At 45369
the time notice is given, the school also may take any 45370
appropriate action as an intervention strategy contained in the 45371
policy developed by the board pursuant to division (A) of this 45372
section. 45373

(2) (a) If the absences of a student surpass the threshold 45374
for an habitual truant as set forth in section 2151.011 of the 45375
Revised Code, the principal or chief administrator of the school 45376
or the superintendent of the school district shall assign the 45377
student to an absence intervention team. Within fourteen school 45378
days after the assignment of a student to an absence 45379
intervention team, the team shall develop an intervention plan 45380
for that student in an effort to reduce or eliminate further 45381
absences. Each intervention plan shall vary based on the 45382
individual needs of the student, but the plan shall state that 45383
the attendance officer shall file a complaint not later than 45384
sixty-one days after the date the plan was implemented, if the 45385
child has refused to participate in, or failed to make 45386
satisfactory progress on, the intervention plan or an 45387
alternative to adjudication under division (C) (2) (b) of section 45388

3321.191 of the Revised Code. Within seven days after the 45389
development of the plan, the school district or school shall 45390
make reasonable efforts to provide the student's parent, 45391
guardian, custodian, guardian ad litem, or temporary custodian 45392
with written notice of the plan. 45393

(b) As part of the absence intervention plan described in 45394
division (C)(2) of this section, the school district or school, 45395
in its discretion, may contact the appropriate juvenile court 45396
and ask to have a student informally enrolled in any alternative 45397
to adjudication described in division (G) of section 2151.27 of 45398
the Revised Code. If the school district or school chooses to 45399
have students informally enrolled in an alternative to 45400
adjudication, the school district or school shall develop a 45401
written policy regarding the use of, and selection process for, 45402
offering alternatives to adjudication to ensure fairness. 45403

(c) The superintendent of each school district, or the 45404
superintendent's designee, shall establish an absence 45405
intervention team for the district to be used by any schools of 45406
the district that do not establish their own absence 45407
intervention team as permitted under division (C)(2)(d) of this 45408
section. Membership of each absence intervention team may vary 45409
based on the needs of each individual student but shall include 45410
a representative from the child's school district or school, 45411
another representative from the child's school district or 45412
school who knows the child, and the child's parent or parent's 45413
designee, or the child's guardian, custodian, guardian ad litem, 45414
or temporary custodian. The team also may include a school 45415
psychologist, counselor, social worker, or representative of a 45416
public or nonprofit agency designed to assist students and their 45417
families in reducing absences. 45418

(d) The principal or chief administrator of each school 45419
may establish an absence intervention team or series of teams to 45420
be used in lieu of the district team established pursuant to 45421
division (C) (2) (c) of this section. Membership of each absence 45422
intervention team may vary based on the needs of each individual 45423
student but shall include a representative from the child's 45424
school district or school, another representative from the 45425
child's school district or school who knows the child, and the 45426
child's parent or parent's designee, or the child's guardian, 45427
custodian, guardian ad litem, or temporary custodian. The team 45428
also may include a school psychologist, counselor, social 45429
worker, or representative of a public or nonprofit agency 45430
designed to assist students and their families in reducing 45431
absences. 45432

(e) A superintendent, as described in division (C) (2) (c) 45433
of this section, or principal or chief administrator, as 45434
described in division (C) (2) (d) of this section, shall select 45435
the members of an absence intervention team within seven school 45436
days of the triggering event described in division (C) (2) (a) of 45437
this section. The superintendent, principal, or chief 45438
administrator, within the same period of seven school days, 45439
shall make at least three meaningful, good faith attempts to 45440
secure the participation of the student's parent, guardian, 45441
custodian, guardian ad litem, or temporary custodian on that 45442
team. If the student's parent responds to any of those attempts, 45443
but is unable to participate for any reason, the representative 45444
of the school district shall inform the parent of the parent's 45445
right to appear by designee. If seven school days elapse and the 45446
student's parent, guardian, custodian, guardian ad litem, or 45447
temporary custodian fails to respond to the attempts to secure 45448
participation, the school district or school shall do both of 45449

the following: 45450

(i) Investigate whether the failure to respond triggers 45451
mandatory reporting to the public children services agency for 45452
the county in which the child resides in the manner described in 45453
section 2151.421 of the Revised Code; 45454

(ii) Instruct the absence intervention team to develop an 45455
intervention plan for the child notwithstanding the absence of 45456
the child's parent, guardian, custodian, guardian ad litem, or 45457
temporary custodian. 45458

(f) In the event that a student becomes habitually truant 45459
within twenty-one school days prior to the last day of 45460
instruction of a school year, the school district or school may, 45461
in its discretion, assign one school official to work with the 45462
child's parent, guardian, custodian, guardian ad litem, or 45463
temporary custodian to develop an absence intervention plan 45464
during the summer. If the school district or school selects this 45465
method, the plan shall be implemented not later than seven days 45466
prior to the first day of instruction of the next school year. 45467
In the alternative, the school district or school may toll the 45468
time periods to accommodate for the summer months and reconvene 45469
the absence intervention process upon the first day of 45470
instruction of the next school year. 45471

(3) For purposes of divisions (C) (2) (c) and (d) of this 45472
section, the ~~state board department~~ department of education and workforce 45473
shall develop a format for parental permission to ensure 45474
compliance with the "Family Educational Rights and Privacy Act 45475
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 45476
regulations promulgated under that act, and section 3319.321 of 45477
the Revised Code. 45478

(D) Each school district or school may consult or partner with public and nonprofit agencies to provide assistance as appropriate to students and their families in reducing absences.

(E) Beginning with the 2017-2018 school year, each school district shall report to the department ~~of education~~, as soon as practicable, and in a format and manner determined by the department, any of the following occurrences:

(1) When a notice required by division (C)(1) of this section is submitted to a parent, guardian, or custodian;

(2) When a child of compulsory school age has been absent without legitimate excuse from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year;

(3) When a child of compulsory school age who has been adjudicated an unruly child for being an habitual truant violates the court order regarding that adjudication;

(4) When an absence intervention plan has been implemented for a child under this section.

(F) Nothing in this section shall be construed to limit the duty or authority of a district board of education or governing body of an educational service center to develop other policies related to truancy or to limit the duty or authority of any employee of the school district or service center to respond to pupil truancy. However, a board shall be subject to the prohibition against suspending, expelling, or otherwise preventing a student from attending school for excessive absences as prescribed by section 3313.668 of the Revised Code.

Sec. 3323.01. As used in this chapter:

(A) "Child with a disability" means a child who is at least three years of age and less than twenty-two years of age; who has an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability (including dyslexia), deaf-blindness, or multiple disabilities; and who, by reason thereof, needs special education and related services.

A "child with a disability" may include a child who is at least three years of age and less than six years of age; who is experiencing developmental delays, as defined by standards adopted by the ~~state board~~ department of education and workforce and as measured by appropriate diagnostic instruments and procedures in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and who, by reason thereof, needs special education and related services.

(B) "Free appropriate public education" means special education and related services that meet all of the following:

(1) Are provided at public expense, under public supervision and direction, and without charge;

(2) Meet the standards of the ~~state board of education~~ department;

(3) Include an appropriate preschool, elementary, or secondary education as otherwise provided by the law of this state;

- (4) Are provided for each child with a disability in conformity with the child's individualized education program. 45537
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- (C) "Homeless children" means "homeless children and youths" as defined in section 725 of the "McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11434a. 45539
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- (D) "Individualized education program" or "IEP" means the written statement described in section 3323.011 of the Revised Code. 45542
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- (E) "Individualized education program team" or "IEP team" means a group of individuals composed of: 45545
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- (1) The parents of a child with a disability; 45547
- (2) At least one regular education teacher of the child, if the child is or may be participating in the regular education environment; 45548
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- (3) At least one special education teacher, or where appropriate, at least one special education provider of the child; 45551
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- (4) A representative of the school district who meets all of the following: 45554
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- (a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; 45556
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- (b) Is knowledgeable about the general education curriculum; 45559
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- (c) Is knowledgeable about the availability of resources of the school district. 45561
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- (5) An individual who can interpret the instructional 45563

implications of evaluation results, who may be a member of the 45564
team as described in divisions (E) (2) to (4) of this section; 45565

(6) At the discretion of the parent or the school 45566
district, other individuals who have knowledge or special 45567
expertise regarding the child, including related services 45568
personnel as appropriate; 45569

(7) Whenever appropriate, the child with a disability. 45570

(F) "Instruction in braille reading and writing" means the 45571
teaching of the system of reading and writing through touch 45572
commonly known as standard English braille. 45573

(G) "Other educational agency" means a department, 45574
division, bureau, office, institution, board, commission, 45575
committee, authority, or other state or local agency, which is 45576
not a city, local, or exempted village school district or an 45577
agency administered by the department of developmental 45578
disabilities, that provides or seeks to provide special 45579
education or related services to children with disabilities. The 45580
term "other educational agency" includes a joint vocational 45581
school district. 45582

(H) "Parent" of a child with a disability, except as used 45583
in sections 3323.09 and 3323.141 of the Revised Code, means: 45584

(1) A natural or adoptive parent of a child but not a 45585
foster parent of a child; 45586

(2) A guardian, but not the state if the child is a ward 45587
of the state; 45588

(3) An individual acting in the place of a natural or 45589
adoptive parent, including a grandparent, stepparent, or other 45590
relative, with whom the child lives, or an individual who is 45591

legally responsible for the child's welfare; 45592

(4) An individual assigned to be a surrogate parent, 45593
provided the individual is not prohibited by this chapter from 45594
serving as a surrogate parent for a child. 45595

(I) "Preschool child with a disability" means a child with 45596
a disability who is at least three years of age but is not of 45597
compulsory school age, as defined under section 3321.01 of the 45598
Revised Code, and who is not currently enrolled in kindergarten. 45599

(J) "Related services" means transportation, and such 45600
developmental, corrective, and other supportive services 45601
(including speech-language pathology and audiology services, 45602
interpreting services, psychological services, physical and 45603
occupational therapy, recreation, including therapeutic 45604
recreation, school nurse services designed to enable a child 45605
with a disability to receive a free appropriate public education 45606
as described in the individualized education program of the 45607
child, counseling services, including rehabilitation counseling, 45608
orientation and mobility services, school health services, 45609
social work services in schools, and parent counseling and 45610
training, and medical services, except that such medical 45611
services shall be for diagnostic and evaluation purposes only) 45612
as may be required to assist a child with a disability to 45613
benefit from special education, and includes the early 45614
identification and assessment of disabling conditions in 45615
children. "Related services" does not include a medical device 45616
that is surgically implanted, or the replacement of such device. 45617

(K) "School district" means a city, local, or exempted 45618
village school district. 45619

(L) "School district of residence," as used in sections 45620

3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, 45621
means: 45622

(1) The school district in which the child's natural or 45623
adoptive parents reside; 45624

(2) If the school district specified in division (L)(1) of 45625
this section cannot be determined, the last school district in 45626
which the child's natural or adoptive parents are known to have 45627
resided if the parents' whereabouts are unknown; 45628

(3) If the school district specified in division ~~(M)~~(L)(2) 45629
of this section cannot be determined, the school district 45630
determined under section 2151.362 of the Revised Code, or if no 45631
district has been so determined, the school district as 45632
determined by the probate court of the county in which the child 45633
resides. 45634

(4) Notwithstanding divisions ~~(M)~~(L)(1) to (3) of this 45635
section, if a school district is required by section 3313.65 of 45636
the Revised Code to pay tuition for a child, that district shall 45637
be the child's school district of residence. 45638

(M) "Special education" means specially designed 45639
instruction, at no cost to parents, to meet the unique needs of 45640
a child with a disability. "Special education" includes 45641
instruction conducted in the classroom, in the home, in 45642
hospitals and institutions, and in other settings, including an 45643
early childhood education setting, and instruction in physical 45644
education. 45645

(N) "Student with a visual impairment" means any person 45646
who is less than twenty-two years of age and who has a visual 45647
impairment as that term is defined in this section. 45648

(O) "Transition services" means a coordinated set of 45649

activities for a child with a disability that meet all of the 45650
following: 45651

(1) Is designed to be within a results-oriented process, 45652
that is focused on improving the academic and functional 45653
achievement of the child with a disability to facilitate the 45654
child's movement from school to post-school activities, 45655
including post-secondary education; vocational education; 45656
integrated employment (including supported employment); 45657
continuing and adult education; adult services; independent 45658
living; or community participation; 45659

(2) Is based on the individual child's needs, taking into 45660
account the child's strengths, preferences, and interests; 45661

(3) Includes instruction, related services, community 45662
experiences, the development of employment and other post-school 45663
adult living objectives, and, when appropriate, acquisition of 45664
daily living skills and functional vocational evaluation. 45665

"Transition services" for children with disabilities may 45666
be special education, if provided as specially designed 45667
instruction, or may be a related service, if required to assist 45668
a child with a disability to benefit from special education. 45669

(P) "Visual impairment" for any individual means that one 45670
of the following applies to the individual: 45671

(1) The individual has a visual acuity of 20/200 or less 45672
in the better eye with correcting lenses or has a limited field 45673
of vision in the better eye such that the widest diameter 45674
subtends an angular distance of no greater than twenty degrees. 45675

(2) The individual has a medically indicated expectation 45676
of meeting the requirements of division (P) (1) of this section 45677
over a period of time. 45678

(3) The individual has a medically diagnosed and medically uncorrectable limitation in visual functioning that adversely affects the individual's ability to read and write standard print at levels expected of the individual's peers of comparable ability and grade level.

(Q) "Ward of the state" has the same meaning as in section 602(36) of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1401(36).

Sec. 3323.011. As used in this chapter, "individualized education program" or "IEP" means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this definition and that includes:

(A) A statement of the child's present levels of academic achievement and functional performance, including:

(1) How the child's disability affects the child's involvement and progress in the general education curriculum;

(2) For a preschool child with a disability, as appropriate, how the disability affects the child's participation in appropriate activities;

(3) For a child with a disability who is not a preschool child and who will take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.

(B) A statement of measurable annual goals, including academic and functional goals and, at the discretion of the department of education and workforce, short-term instructional objectives that are designed to:

(1) Meet the child's needs that result from the child's

disability so as to enable the child to be involved in and make progress in the general education curriculum; 45707
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(2) Meet each of the child's other educational needs that result from the child's disability. 45709
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(C) A description of how the child's progress toward meeting the annual goals described pursuant to division (B) of this section will be measured and when periodic reports on the progress the child is making toward meeting the annual goals will be provided. Such reports may be quarterly or other periodic reports that are issued concurrent with the issuance of regular report cards. 45711
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(D) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child so that the child may: 45718
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(1) Advance appropriately toward attaining the annual goals described pursuant to division (B) of this section; 45724
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(2) Be involved in and make progress in the general education curriculum and participate in extracurricular and other nonacademic activities; 45726
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(3) Be educated with and participate with both other children with disabilities and nondisabled children in the specific activities described pursuant to division (D) of this section. 45729
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(E) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class, including an early childhood education setting, 45733
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and in the activities described pursuant to division (D) of this section; 45736
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(F) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state and districtwide assessments consistent with section 612(a)(16) of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412(a)(16). If the IEP team determines that the child shall take an alternate assessment on a particular state or districtwide assessment of student achievement, the IEP shall contain a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child. 45738
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(G) The projected date for the beginning of the services and modifications described pursuant to division (D) of this section and the anticipated frequency, location, and duration of those services and modifications; 45749
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(H) Beginning not later than the first IEP to be in effect when the child is fourteen years of age, and updated annually thereafter, a statement describing: 45753
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(1) Appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, education, and independent living skills; 45756
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(2) Appropriate measurable post-secondary goals based on age-appropriate transition assessments related to employment in a competitive environment in which workers are integrated regardless of disability; 45759
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(3) The transition services, including courses of study, needed to assist the child in reaching the goals described in 45763
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divisions (H) (1) and (2) of this section. 45765

(I) Beginning not later than one year before the child 45766
reaches eighteen years of age, a statement that the child has 45767
been informed of the child's rights under Title XX of the United 45768
States Code that will transfer to the child on reaching eighteen 45769
years of age in accordance with section 615(m) of the 45770
"Individuals with Disabilities Education Improvement Act of 45771
2004," 20 U.S.C. 1415(m). 45772

Nothing in this section shall be construed to require that 45773
additional information be included in a child's IEP beyond the 45774
items explicitly required by this section and that the IEP team 45775
include information under one component of a child's IEP that is 45776
already contained under another component of the IEP. 45777

Sec. 3323.02. As used in this section, "IDEIA" means the 45778
"Individuals with Disabilities Education Improvement Act of 45779
2004," Pub. L. No. 108-446. 45780

It is the purpose of this chapter to ensure that all 45781
children with disabilities residing in this state who are at 45782
least three years of age and less than twenty-two years of age, 45783
including children with disabilities who have been suspended or 45784
expelled from school, have available to them a free appropriate 45785
public education. No school district, county board of 45786
developmental disabilities, or other educational agency shall 45787
receive state or federal funds for special education and related 45788
services unless those services for children with disabilities 45789
are provided in accordance with IDEIA and related provisions of 45790
the Code of Federal Regulations, the provisions of this chapter, 45791
rules and standards adopted by the ~~state board~~ department of 45792
education and workforce, and any procedures or guidelines issued 45793
by the ~~superintendent of public instruction~~ director of education 45794

and workforce. Any options or discretion provided to the state 45795
by IDEIA may be exercised in state law or in rules or standards 45796
adopted by the ~~state board of education~~department. 45797

The ~~state board of education~~department shall establish 45798
rules or standards for the provision of special education and 45799
related services for all children with disabilities who are at 45800
least three years of age and less than twenty-two years of age 45801
residing in the state, regardless of the severity of their 45802
disabilities, including children with disabilities who have been 45803
suspended or expelled from school. The state law and the rules 45804
or standards of the ~~state board of education~~department may 45805
impose requirements that are not required by IDEIA or related 45806
provisions of the Code of Federal Regulations. The school 45807
district of residence is responsible, in all instances, for 45808
ensuring that the requirements of Part B of IDEIA are met for 45809
every eligible child in its jurisdiction, regardless of whether 45810
services are provided by another school district, other 45811
educational agency, or other agency, department, or entity, 45812
unless IDEIA or related provisions of the Code of Federal 45813
Regulations, another section of this chapter, or a rule adopted 45814
by the ~~state board of education~~department specifies that 45815
another school district, other educational agency, or other 45816
agency, department, or entity is responsible for ensuring 45817
compliance with Part B of IDEIA. 45818

Notwithstanding division (A) (4) of section 3301.53 of the 45819
Revised Code and any rules adopted pursuant to that section and 45820
division (A) of section 3313.646 of the Revised Code, a board of 45821
education of a school district may provide special education and 45822
related services for preschool children with disabilities in 45823
accordance with this chapter and section 3301.52, divisions (A) 45824
(1) to (3) and (A) (5) and (6) of section 3301.53, and sections 45825

3301.54 to 3301.59 of the Revised Code. 45826

~~The superintendent of public instruction department~~ may 45827
require any state or local agency to provide documentation that 45828
special education and related services for children with 45829
disabilities provided by the agency are in compliance with the 45830
requirements of this chapter. 45831

Not later than the first day of February of each year the 45832
~~superintendent of public instruction department~~ shall furnish 45833
the chairpersons of the education committees of the house of 45834
representatives and the senate with a report on the status of 45835
implementation of special education and related services for 45836
children with disabilities required by this chapter. The report 45837
shall include but shall not be limited to the following items: 45838
the most recent available figures on the number of children 45839
identified as children with disabilities and the number of 45840
identified children receiving special education and related 45841
services. The information contained in these reports shall be 45842
public information. 45843

Sec. 3323.021. As used in this section, "participating 45844
county board of developmental disabilities" means a county board 45845
of developmental disabilities electing to participate in the 45846
provision of or contracting for educational services for 45847
children under division (D) of section 5126.05 of the Revised 45848
Code. 45849

(A) When a school district, educational service center, or 45850
participating county board of developmental disabilities enters 45851
into an agreement or contract with another school district, 45852
educational service center, or participating county board of 45853
developmental disabilities to provide educational services to a 45854
disabled child during a school year, both of the following shall 45855

apply: 45856

(1) Beginning with fiscal year 1999, if the provider of 45857
the services intends to increase the amount it charges for some 45858
or all of those services during the next school year or if the 45859
provider intends to cease offering all or part of those services 45860
during the next school year, the provider shall notify the 45861
entity for which the services are provided of these intended 45862
changes no later than the first day of March of the current 45863
fiscal year. 45864

(2) Beginning with fiscal year 1999, if the entity for 45865
which services are provided intends to cease obtaining those 45866
services from the provider for the next school year or intends 45867
to change the type or amount of services it obtains from the 45868
provider for the next school year, the entity shall notify the 45869
service provider of these intended changes no later than the 45870
first day of March of the current fiscal year. 45871

(B) School districts, educational service centers, 45872
participating county boards of developmental disabilities, and 45873
other applicable governmental entities shall collaborate where 45874
possible to maximize federal sources of revenue to provide 45875
additional funds for special education related services for 45876
disabled children. Annually, each school district shall report 45877
to the department of education and workforce any amounts of such 45878
federal revenue the district received. 45879

(C) The ~~state board~~ department of education and workforce, 45880
the department of developmental disabilities, and the department 45881
of medicaid shall develop working agreements for pursuing 45882
additional funds for services for disabled children. 45883

Sec. 3323.022. The rules of the ~~state board~~ department of 45884

education and workforce for staffing ratios for programs with 45885
preschool children with disabilities shall require the 45886
following: 45887

(A) A full-time staff member shall be provided when there 45888
are eight full-day or sixteen half-day preschool children 45889
eligible for special education enrolled in a center-based 45890
preschool special education program. 45891

(B) Staff ratios of one teacher for every eight children 45892
shall be maintained at all times for a program with a center- 45893
based teacher, and a second adult shall be present when there 45894
are nine or more children, including nondisabled children 45895
enrolled in a class session. 45896

(C) Unless otherwise specified in the individualized 45897
education program, a minimum of ten hours of services per week 45898
shall be provided for each child served by a center-based 45899
teacher. 45900

Sec. 3323.03. The ~~state board~~ department of education and 45901
workforce shall, in consultation with the department of health, 45902
the department of mental health and addiction services, and the 45903
department of developmental disabilities, establish standards 45904
and procedures for the identification, location, and evaluation 45905
of all children with disabilities residing in the state, 45906
including children with disabilities who are homeless children 45907
or are wards of the state and children with disabilities 45908
attending nonpublic schools, regardless of the severity of their 45909
disabilities, and who are in need of special education and 45910
related services. The ~~state board~~ department of education and 45911
workforce shall develop and implement a practical method to 45912
determine which children with disabilities are currently 45913
receiving needed special education and related services. 45914

In conducting the evaluation, the board of education of 45915
each school district shall use a variety of assessment tools and 45916
strategies to gather relevant functional, developmental, and 45917
academic information about the child, including information 45918
provided by the child's parent. The board of education of each 45919
school district, in consultation with the county board of 45920
developmental disabilities, the county family and children first 45921
council, and the board of alcohol, drug addiction, and mental 45922
health services of each county in which the school district has 45923
territory, shall identify, locate, and evaluate all children 45924
with disabilities residing within the district to determine 45925
which children with disabilities are not receiving appropriate 45926
special education and related services. In addition, the board 45927
of education of each school district, in consultation with such 45928
county boards or council, shall identify, locate, and evaluate 45929
all children with disabilities who are enrolled by their parents 45930
in nonpublic elementary and secondary schools located within the 45931
public school district, without regard to where those children 45932
reside in accordance with rules ~~of the state board of education~~ 45933
or guidelines of the ~~superintendent of public instruction~~ 45934
department of education and workforce. 45935

Each county board of developmental disabilities, county 45936
family and children first council, and board of alcohol, drug 45937
addiction, and mental health services and the board's or 45938
council's contract agencies may transmit to boards of education 45939
the names and addresses of children with disabilities who are 45940
not receiving appropriate special education and related 45941
services. 45942

Sec. 3323.04. The ~~state board~~ department of education and 45943
workforce, in consultation with the department of mental health 45944
and addiction services and the department of developmental 45945

disabilities, shall establish procedures and standards for the 45946
development of individualized education programs for children 45947
with disabilities. 45948

The ~~state board~~ department of education and workforce 45949
shall require the board of education of each school district to 45950
develop an individualized education program for each child with 45951
a disability who is at least three years of age and less than 45952
twenty-two years of age residing in the district in a manner 45953
that is in accordance with rules of the ~~state board~~ department. 45954

Prior to the placement of a child with a disability in a 45955
program operated under section 3323.09 of the Revised Code, the 45956
district board of education shall consult the county board of 45957
developmental disabilities of the county in which the child 45958
resides regarding the proposed placement. 45959

A child with a disability enrolled in a nonpublic school 45960
or facility shall be provided special education and related 45961
services, in accordance with an individualized education 45962
program, at no cost for those services, if the child is placed 45963
in, or referred to, that nonpublic school or facility by the 45964
department of education and workforce or a school district. 45965

The IEP team shall review the individualized education 45966
program of each child with a disability periodically, but at 45967
least annually, to determine whether the annual goals for the 45968
child are being achieved, and shall revise the individualized 45969
education program as appropriate. 45970

The ~~state board~~ department of education and workforce 45971
shall establish procedures and standards to assure that to the 45972
maximum extent appropriate, children with disabilities, 45973
including children in public or private institutions or other 45974

care facilities, shall be educated with children who are not 45975
disabled. Special classes, separate schools, or other removal of 45976
children with disabilities from the regular educational 45977
environment shall be used only when the nature or severity of a 45978
child's disability is such that education in regular classes 45979
with supplementary aids and services cannot be achieved 45980
satisfactorily. 45981

If an agency directly affected by a placement decision 45982
objects to such decision, an impartial hearing officer, 45983
appointed by the department of education and workforce from a 45984
list prepared by the department, shall conduct a hearing to 45985
review the placement decision. The agencies that are parties to 45986
a hearing shall divide the costs of such hearing equally. The 45987
decision of the hearing officer shall be final, except that any 45988
party to the hearing who is aggrieved by the findings or the 45989
decision of the hearing officer may appeal the findings or 45990
decision in accordance with division (H) of section 3323.05 of 45991
the Revised Code or the parent of any child affected by such 45992
decision may present a complaint in accordance with that 45993
section. 45994

Sec. 3323.041. To the extent consistent with the number 45995
and location of children with disabilities in the state who are 45996
enrolled by their parents in nonpublic elementary and secondary 45997
schools in the school district served by a board of education of 45998
a school district, provision is made for the participation of 45999
those children in the program for the education of children with 46000
disabilities which is assisted or carried out under Part B of 46001
the "Individuals with Disabilities Education Improvement Act of 46002
2004, P.L." Pub. L. No. 108-446. The district in which the 46003
nonpublic elementary or secondary school is located shall 46004
provide for such children special education and related services 46005

in accordance with Section 612(a)(10) of the "Individuals with 46006
Disabilities Education Improvement Act of 2004," 20 U.S.C. 46007
1412(a)(10) and related provisions of the Code of Federal 46008
Regulations and in accordance with any rules adopted ~~by the~~ 46009
~~state board of education,~~ or guidelines issued, by the 46010
~~superintendent of public instruction~~ department of education and 46011
workforce. 46012

Amounts to be expended for the provision of those 46013
services, including direct services to parentally placed 46014
nonpublic school children, by the school district shall be equal 46015
to a proportionate amount of federal funds made available under 46016
Part B of the "Individuals with Disabilities Education 46017
Improvement Act of 2004." The school district shall exercise the 46018
following responsibilities towards parentally placed children 46019
with disabilities who attend nonpublic schools located in the 46020
school district: child find, timely and meaningful consultation, 46021
written affirmation of timely and meaningful consultation, 46022
compliance, and provision of equitable services, as provided by 46023
the "Individuals with Disabilities Education Improvement Act of 46024
2004" and related provisions of the Code of Federal Regulations 46025
and in accordance with any rules adopted ~~by the state board of~~ 46026
~~education,~~ or guidelines issued by, ~~the superintendent of public~~ 46027
~~instruction~~ department. 46028

Sec. 3323.05. The ~~state board~~ department of education and 46029
workforce shall establish procedures to ensure that children 46030
with disabilities and their parents are guaranteed procedural 46031
safeguards under this chapter with respect to a free appropriate 46032
public education. 46033

The procedures shall include, but need not be limited to: 46034

(A) An opportunity for the parents of a child with a 46035

disability to examine all records related to the child and to 46036
participate in meetings with respect to identification, 46037
evaluation, and educational placement of the child, and to 46038
obtain an independent educational evaluation of the child; 46039

(B) Procedures to protect the rights of the child whenever 46040
the parents of the child are not known, an agency after making 46041
reasonable efforts cannot find the parents, or the child is a 46042
ward of the state, including the assignment of an individual to 46043
act as a surrogate for the parents made by the school district 46044
or other educational agency responsible for educating the child 46045
or by the court with jurisdiction over the child's custody. Such 46046
assignment shall be made in accordance with section 3323.051 of 46047
the Revised Code. 46048

(C) Prior written notice to the child's parents of a 46049
school district's proposal or refusal to initiate or change the 46050
identification, evaluation, or educational placement of the 46051
child or the provision of a free appropriate education for the 46052
child. The procedures established under this division shall: 46053

(1) Be designed to ensure that the written prior notice is 46054
in the native language of the parents, unless it clearly is not 46055
feasible to do so. 46056

(2) Specify that the prior written notice shall include: 46057

(a) A description of the action proposed or refused by the 46058
district; 46059

(b) An explanation of why the district proposes or refuses 46060
to take the action and a description of each evaluation 46061
procedure, assessment, record, or report the district used as a 46062
basis for the proposed or refused action; 46063

(c) A statement that the parents of a child with a 46064

disability have protection under the procedural safeguards and, 46065
if the notice is not in regard to an initial referral for 46066
evaluation, the means by which a copy of a description of the 46067
procedural safeguards can be obtained; 46068

(d) Sources for parents to contact to obtain assistance in 46069
understanding the provisions of Part B of the "Individuals with 46070
Disabilities Education Improvement Act of 2004"; 46071

(e) A description of other options considered by the IEP 46072
team and the reason why those options were rejected; 46073

(f) A description of the factors that are relevant to the 46074
agency's proposal or refusal. 46075

(D) An opportunity for the child's parents to present 46076
complaints to the superintendent of the child's school district 46077
of residence with respect to any matter relating to the 46078
identification, evaluation, or educational placement of the 46079
child, or the provision of a free appropriate public education 46080
under this chapter. 46081

Within twenty school days after receipt of a complaint, 46082
the district superintendent or the superintendent's designee, 46083
without undue delay and at a time and place convenient to all 46084
parties, shall review the case, may conduct an administrative 46085
review, and shall notify all parties in writing of the 46086
superintendent's or designee's decision. Where the child is 46087
placed in a program operated by a county board of developmental 46088
disabilities or other educational agency, the superintendent 46089
shall consult with the administrator of that board or agency. 46090

Any party aggrieved by the decision of the district 46091
superintendent or the superintendent's designee may file a 46092
complaint with the ~~state board~~ department as provided under 46093

division (E) of this section, request mediation as provided 46094
under division (F) of this section, or present a due process 46095
complaint notice and request for a due process hearing in 46096
writing to the superintendent of the district, with a copy to 46097
the ~~state board~~ department, as provided under division (G) of 46098
this section. 46099

(E) An opportunity for a party to file a complaint with 46100
the ~~state board of education~~ department with respect to the 46101
identification, evaluation, or educational placement of the 46102
child, or the provision of a free appropriate public education 46103
to such child. The department ~~of education~~ shall review and, 46104
where appropriate, investigate the complaint and issue findings. 46105

(F) An opportunity for parents and a school district to 46106
resolve through mediation disputes involving any matter. 46107

(1) The procedures established under this section shall 46108
ensure that the mediation process is voluntary on the part of 46109
the parties, is not used to deny or delay a parent's right to a 46110
due process hearing or to deny any other rights afforded under 46111
this chapter, and is conducted by a qualified and impartial 46112
mediator who is trained in effective mediation techniques. 46113

(2) A school district may establish procedures to offer to 46114
parents and schools that choose not to use the mediation 46115
process, an opportunity to meet, at a time and location 46116
convenient to the parents, with a disinterested party to 46117
encourage the use, and explain the benefits, of the mediation 46118
process to the parents. The disinterested party shall be an 46119
individual who is under contract with a parent training and 46120
information center or community parent resource center in the 46121
state or is under contract with an appropriate alternative 46122
dispute resolution entity. 46123

(3) The department shall maintain a list of individuals 46124
who are qualified mediators and knowledgeable in laws and 46125
regulations relating to the provision of special education and 46126
related services. 46127

(4) The department shall bear the cost of the mediation 46128
process, including the costs of meetings described in division 46129
(F) (2) of this section. 46130

(5) Each session in the mediation process shall be 46131
scheduled in a timely manner and shall be held in a location 46132
that is convenient to the parties to the dispute. 46133

(6) Discussions that occur during the mediation process 46134
shall be confidential and shall not be used as evidence in any 46135
subsequent due process hearing or civil proceeding. 46136

(7) In the case that a resolution is reached to resolve 46137
the complaint through the mediation process, the parties shall 46138
execute a legally binding agreement that sets forth the 46139
resolution and that: 46140

(a) States that all discussions that occurred during the 46141
mediation process shall be confidential and shall not be used as 46142
evidence in any subsequent due process hearing or civil 46143
proceeding; 46144

(b) Is signed by both the parent and a representative for 46145
the school district who has the authority to bind the district; 46146

(c) Is enforceable in any state court of competent 46147
jurisdiction or in a district court of the United States. 46148

(G) (1) An opportunity for parents or a school district to 46149
present a due process complaint and request for a due process 46150
hearing to the superintendent of the school district of the 46151

child's residence with respect to the identification, 46152
evaluation, or educational placement of the child, or the 46153
provision of a free appropriate public education to the child. 46154
The party presenting the due process complaint and request for a 46155
due process hearing shall provide due process complaint notice 46156
to the other party and forward a copy of the notice to the ~~state~~ 46157
~~board~~ department. The due process complaint notice shall 46158
include: 46159

(a) The name of the child, the address of the residence of 46160
the child, or the available contact information in the case of a 46161
homeless child, and the name of the school the child is 46162
attending; 46163

(b) A description of the nature of the problem of the 46164
child relating to the proposed initiation or change, including 46165
facts relating to the problem; 46166

(c) A proposed resolution of the problem to the extent 46167
known and available to the party at the time. 46168

A party shall not have a due process hearing until the 46169
party, or the attorney representing the party, files a notice 46170
that meets the requirement for filing a due process complaint 46171
notice. 46172

A due process hearing shall be conducted by an impartial 46173
hearing officer in accordance with standards and procedures 46174
adopted by the ~~state board~~ department. A hearing officer shall 46175
not be an employee of the ~~state board~~ department or any agency 46176
involved in the education or care of the child or a person 46177
having a personal or professional interest that conflicts with 46178
the person's objectivity in the hearing. A hearing officer shall 46179
possess knowledge of, and the ability to understand, the 46180

provisions of the "Individuals with Disabilities Education 46181
Improvement Act of 2004," federal and state regulations 46182
pertaining to that act, and legal interpretations of that act by 46183
federal and state courts; possess the knowledge and ability to 46184
conduct hearings in accordance with appropriate standard legal 46185
practice; and possess the knowledge and ability to render and 46186
write decisions in accordance with appropriate standard legal 46187
practice. The due process requirements of section 615 of the 46188
"Individuals with Disabilities Education Improvement Act of 46189
2004," 20 U.S.C. 1415, apply to due process complaint notices 46190
and requests for due process hearings and to due process 46191
hearings held under division (G) of this section, including, but 46192
not limited to, timelines for requesting hearings, requirements 46193
for sufficient complaint notices, resolution sessions, and 46194
sufficiency and hearing decisions. 46195

(2) Discussions that occur during a resolution session 46196
shall be confidential and shall not be used as evidence in any 46197
subsequent due process hearing or civil proceeding. If a 46198
resolution to the dispute is reached at a resolution session, 46199
the parties must execute a legally binding written settlement 46200
agreement which shall state that all discussions that occurred 46201
during the resolution process shall be confidential and shall 46202
not be used as evidence in any subsequent due process hearing or 46203
civil proceeding. 46204

(3) A party to a hearing under division (G) of this 46205
section shall be accorded: 46206

(a) The right to be accompanied and advised by counsel and 46207
by individuals with special knowledge or training with respect 46208
to the problems of children with disabilities; 46209

(b) The right to present evidence and confront, cross- 46210

examine, and compel the attendance of witnesses; 46211

(c) The right to a written or electronic verbatim record 46212
of the hearing; 46213

(d) The right to written findings of fact and decisions, 46214
which findings of fact and decisions shall be made available to 46215
the public consistent with the requirements relating to the 46216
confidentiality of personally identifiable data, information, 46217
and records collected and maintained by state educational 46218
agencies and local educational agencies; and shall be 46219
transmitted to the advisory panel established and maintained by 46220
the department for the purpose of providing policy guidance with 46221
respect to special education and related services for children 46222
with disabilities in the state. 46223

(H) An opportunity for any party aggrieved by the findings 46224
and decision rendered in a hearing under division (G) of this 46225
section to appeal within forty-five days of notification of the 46226
decision to the ~~state board~~ department, which shall appoint a 46227
state level officer who shall review the case and issue a final 46228
order. The state level officer shall be appointed and shall 46229
review the case in accordance with standards and procedures 46230
adopted by the ~~state board~~ department. 46231

Any party aggrieved by the final order of the state level 46232
officer may appeal the final order, in accordance with Chapter 46233
119. of the Revised Code, within forty-five days after 46234
notification of the order to the court of common pleas of the 46235
county in which the child's school district of residence is 46236
located, or to a district court of the United States within 46237
ninety days after the date of the decision of the state level 46238
review officer, as provided in section 615(i)(2) of the 46239
"Individuals with Disabilities Education Improvement Act of 46240

2004," 20 U.S.C. 1415(i)(2).

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Sec. 3323.051. No individual shall be assigned to act as a surrogate for the parents of a child with a disability under division (B) of section 3323.05 of the Revised Code if the individual is an employee of the department of education and workforce or the school district or any other agency involved in the education or care of the child or if the individual has any interest that conflicts with the interests of the child. If a conflict of interest arises subsequent to the assignment of a surrogate, the authority that made the assignment shall terminate it and assign another surrogate. Neither the surrogate nor the authority that assigned the surrogate shall be liable in civil damages for acts of the surrogate unless such acts constitute willful or wanton misconduct.

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Sec. 3323.052. (A) The department of education and workforce shall develop a document that compares a parent's and child's rights under this chapter and 20 U.S.C. 1400 et seq. with the parent's and child's rights under the Jon Peterson special needs scholarship program, established in sections 3310.51 to 3310.64 of the Revised Code, including the provisions of divisions (A) and (B) of section 3310.53 of the Revised Code. The department shall revise that document as necessary to reflect any pertinent changes in state or federal statutory law, rule, or regulation.

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(B) The department and each school district shall ensure that the document prescribed in division (A) of this section is included in, appended to, or otherwise distributed in conjunction with the notice required under 20 U.S.C. 1415(d), and any provision of the Code of Federal Regulations implementing that requirement, in the manner and at all the

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times specified for such notice in federal law or regulation. 46271

(C) In addition to the requirement prescribed by division 46272
(B) of this section, each time a child's school district 46273
completes an evaluation for a child with a disability or 46274
undertakes the development, review, or revision of the child's 46275
IEP, the district shall notify the child's parent, by letter or 46276
electronic means, about both the autism scholarship program, 46277
under section 3310.41 of the Revised Code, and the Jon Peterson 46278
special needs scholarship program, under sections 3310.51 to 46279
3310.64 of the Revised Code. The notice shall include the 46280
following statement: 46281

"Your child may be eligible for a scholarship under the 46282
Autism Scholarship Program or the Jon Peterson Special Needs 46283
Scholarship Program to attend a special education program that 46284
implements the child's individualized education program and that 46285
is operated by an alternative public provider or by a registered 46286
private provider." 46287

The notice shall include the telephone number of the 46288
office of the department responsible for administering the 46289
scholarship programs and the specific location of scholarship 46290
information on the department's web site. 46291

(D) As used in this section, a "child's school district" 46292
means the school district in which the child is entitled to 46293
attend school under section 3313.64 or 3313.65 of the Revised 46294
Code. 46295

Sec. 3323.06. (A) The ~~state board~~ department of education 46296
and workforce shall develop, implement, provide general 46297
supervision of, and assure compliance with a state plan for the 46298
following: 46299

(1) The identification, location, and evaluation of all children with disabilities in the state;

(2) The provision of special education and related services to ensure a free appropriate public education for all children with disabilities at least three years of age and less than twenty-two years of age, including children with disabilities who have been suspended or expelled from school;

(3) The availability of special education and related services for children with disabilities under three years of age, as authorized by division (C) of this section and as specified in rules of the ~~state board~~ department.

The state plan shall provide assurances that the ~~state board~~ department has in effect policies and procedures to ensure that the state meets the conditions specified in section 612 of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412.

(B) The ~~state board~~ department shall establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state. A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities representing all ages, birth through twenty-six years of age. The advisory panel shall meet the requirements of section 612(a)(21) of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412(a)(21), and related provisions of the Code of Federal Regulations. The panel shall advise the Ohio department of education and workforce of unmet needs within the state in the education of children with disabilities; comment publicly on rules proposed by that department regarding the education of

children with disabilities; advise that department in developing 46330
evaluations and reporting on data to the United States secretary 46331
of education under section 618 of the act, 20 U.S.C. 1418; 46332
advise the Ohio department in developing corrective action plans 46333
to address findings identified in federal monitoring reports 46334
under Part B of the act; and advise the Ohio department in 46335
developing and implementing policies relating to the 46336
coordination of services for children with disabilities. 46337

(C) In addition to the policies and procedures authorized 46338
under division (A) of this section, the ~~state board~~ department 46339
may authorize school districts to establish and maintain special 46340
education and related services for children less than three 46341
years of age as specified in rules of the ~~state board~~ 46342
department. 46343

(D) In the exercise of its general supervisory 46344
responsibility, the ~~state board~~ department shall monitor the 46345
implementation of Part B of the "Individuals with Disabilities 46346
Education Improvement Act of 2004" by school districts. 46347
Monitoring activities shall include, but are not limited to, 46348
focused monitoring, investigations of complaints, and technical 46349
assistance. The primary focus of the ~~state board's~~ department's 46350
monitoring activities shall be improving educational results and 46351
functional outcomes for all children with disabilities and 46352
ensuring that the ~~state board~~ department meets the program 46353
requirements under Part B, with a particular emphasis on those 46354
requirements that are most closely related to improving 46355
educational results for children with disabilities. 46356

Sec. 3323.07. The ~~state board~~ department of education and 46357
workforce shall authorize the establishment and maintenance of 46358
special education and related services for all children with 46359

disabilities who are at least three years of age and less than 46360
twenty-two years of age, including children with disabilities 46361
who have been suspended or expelled from school, and may 46362
authorize special education and related services for children 46363
with disabilities who are less than three years of age in 46364
accordance with rules adopted by the ~~state board~~ department. The 46365
~~state board~~ department of education and workforce shall require 46366
the boards of education of school districts, shall authorize the 46367
department of mental health and addiction services and the 46368
department of developmental disabilities, and may authorize any 46369
other educational agency, to establish and maintain such special 46370
education and related services in accordance with standards 46371
adopted by the ~~state board~~ department of education and 46372
workforce. 46373

Sec. 3323.08. (A) Each school district shall submit a plan 46374
to the ~~superintendent of public instruction~~ department of 46375
education and workforce that provides assurances that the school 46376
district will provide for the education of children with 46377
disabilities within its jurisdiction and has in effect policies, 46378
procedures, and programs that are consistent with the policies 46379
and procedures adopted by the ~~state board of education~~ department 46380
in accordance with section 612 of the "Individuals with 46381
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 46382
and that meet the conditions applicable to school districts 46383
under section 613 of that act, 20 U.S.C. 1413. 46384

Each district's plan shall do all of the following: 46385

(1) Provide, as specified in section 3323.11 of the 46386
Revised Code and in accordance with standards established by the 46387
~~state board~~ department, for an organizational structure and 46388
necessary and qualified staffing and supervision for the 46389

identification of and provision of special education and related 46390
services for children with disabilities; 46391

(2) Provide, as specified by section 3323.03 of the 46392
Revised Code and in accordance with standards established by the 46393
~~state board~~ department, for the identification, location, and 46394
evaluation of all children with disabilities residing in the 46395
district, including children with disabilities who are homeless 46396
children or are wards of the state and children with 46397
disabilities attending private schools and who are in need of 46398
special education and related services. A practical method shall 46399
be developed and implemented to determine which children with 46400
disabilities are currently receiving needed special education 46401
and related services. 46402

(3) Provide, as specified by section 3323.07 of the 46403
Revised Code and standards established by the ~~state board~~ 46404
department, for the establishment and maintenance of special 46405
education and related services for children with disabilities 46406
who are at least three years of age and less than twenty-two 46407
years of age, including children with disabilities who have been 46408
suspended or expelled from school. 46409

(4) Provide, as specified by section 3323.04 of the 46410
Revised Code and in accordance with standards adopted by the 46411
~~state board~~ department, for an individualized education program 46412
for each child with a disability who is at least three years of 46413
age and less than twenty-two years of age residing within the 46414
district; 46415

(5) Provide, as specified by section 3323.02 of the 46416
Revised Code and in accordance with standards established by the 46417
~~state board~~ department, for special education and related 46418
services and a free appropriate public education for every child 46419

with a disability who is at least three years of age and less than twenty-two years of age, including children with disabilities who have been suspended or expelled from school;

(6) Provide procedural safeguards and prior written notice as required under section 3323.05 of the Revised Code and the standards established by the ~~state board~~ department;

(7) Outline the steps that have been or are being taken to comply with standards established by the ~~state board~~ department.

(B) (1) A school district may arrange, by a cooperative agreement or contract with one or more school districts or with a cooperative education or joint vocational school district or an educational service center, to provide for the identification, location, and evaluation of children with disabilities, and to provide special education and related services for such children that meet the standards established by the ~~state board~~ department. A school district may arrange, by a cooperative agreement or contract, for the provision of related services for children with disabilities that meet the standards established by the ~~state board~~ department.

(2) A school district shall arrange by interagency agreement with one or more school districts or with a cooperative education or joint vocational school district or an educational service center or other providers of early learning services to provide for the identification, location, evaluation of children with disabilities of ages birth through five years of age and for the transition of children with disabilities at age three in accordance with the standards established by the ~~state board~~ department. A school district may arrange by interagency agreement with providers of early learning services to provide special education and related services for such

children that meet the standards established by the ~~state board~~
department. 46450
46451

(3) If at the time an individualized education program is 46452
developed for a child a school district is not providing special 46453
education and related services required by that individualized 46454
education program, the school district may arrange by contract 46455
with a nonpublic entity for the provision of the special 46456
education and related services, provided the special education 46457
and related services meet the standards for special education 46458
and related services established by the ~~state board~~ department 46459
and is provided within the state. 46460

(4) Any cooperative agreement or contract under division 46461
(B) (1) or (2) of this section involving a local school district 46462
shall be approved by the governing board of the educational 46463
service center which serves that district. 46464

(C) No plan of a local school district shall be submitted 46465
to the ~~superintendent of public instruction~~ department until it 46466
has been approved by the superintendent of the educational 46467
service center which serves that district. 46468

(D) Upon approval of a school district's plan by the 46469
~~superintendent of public instruction~~ department, the district 46470
shall immediately certify students for state funds under section 46471
3317.03 of the Revised Code to implement and maintain such plan. 46472
The district shall, in accordance with guidelines adopted by the 46473
~~state board~~ department, identify problems relating to the 46474
provision of qualified personnel and adequate facilities, and 46475
indicate the extent to which the cost of programs required under 46476
the plan will exceed anticipated state reimbursement. Each 46477
school district shall immediately implement the identification, 46478
location, and evaluation of children with disabilities in 46479

accordance with this chapter, and shall implement those parts of 46480
the plan involving placement and provision of special education 46481
and related services. 46482

Sec. 3323.09. (A) As used in this section: 46483

(1) "Home" has the meaning given in section 3313.64 of the 46484
Revised Code. 46485

(2) "Preschool child" means a child who is at least age 46486
three but under age six on the thirtieth day of September of an 46487
academic year. 46488

(B) Each county board of developmental disabilities shall 46489
establish special education programs for all children with 46490
disabilities who in accordance with section 3323.04 of the 46491
Revised Code have been placed in special education programs 46492
operated by the county board and for preschool children who are 46493
developmentally delayed or at risk of being developmentally 46494
delayed. The board annually shall submit to the department of 46495
education and workforce a plan for the provision of these 46496
programs. The ~~superintendent of public instruction department~~ 46497
shall review the plan and approve or modify it in accordance 46498
with rules adopted ~~by the state board of education~~ under section 46499
3301.07 of the Revised Code. The ~~superintendent of public~~ 46500
~~instruction department~~ shall compile the plans submitted by 46501
county boards and shall submit a comprehensive plan to the state 46502
board. 46503

A county board of developmental disabilities may combine 46504
transportation for children enrolled in classes funded under 46505
sections 3317.0213 or 3317.20 with transportation for children 46506
and adults enrolled in programs and services offered by the 46507
board under Chapter 5126. of the Revised Code. 46508

(C) A county board of developmental disabilities that 46509
during the school year provided special education pursuant to 46510
this section for any child with mental disabilities under 46511
twenty-two years of age shall prepare and submit the following 46512
reports and statements: 46513

(1) The board shall prepare a statement for each child who 46514
at the time of receiving such special education was a resident 46515
of a home and was not in the legal or permanent custody of an 46516
Ohio resident or a government agency in this state, and whose 46517
natural or adoptive parents are not known to have been residents 46518
of this state subsequent to the child's birth. The statement 46519
shall contain the child's name, the name of the child's school 46520
district of residence, the name of the county board providing 46521
the special education, and the number of months, including any 46522
fraction of a month, it was provided. Not later than the 46523
thirtieth day of June, the board shall forward a certified copy 46524
of such statement to both the director of developmental 46525
disabilities and to the home. 46526

Within thirty days after its receipt of a statement, the 46527
home shall pay tuition to the county board computed in the 46528
manner prescribed by section 3323.141 of the Revised Code. 46529

(2) The board shall prepare a report for each school 46530
district that is the school district of residence of one or more 46531
of such children for whom statements are not required by 46532
division (C)(1) of this section. The report shall contain the 46533
name of the county board providing special education, the name 46534
of each child receiving special education, the number of months, 46535
including fractions of a month, that the child received it, and 46536
the name of the child's school district of residence. Not later 46537
than the thirtieth day of June, the board shall forward 46538

certified copies of each report to the school district named in 46539
the report, the ~~superintendent of public instruction~~department, 46540
and the director of developmental disabilities. 46541

Sec. 3323.091. (A) The department of mental health and 46542
addiction services, the department of developmental 46543
disabilities, the department of youth services, and the 46544
department of rehabilitation and correction shall establish and 46545
maintain special education programs for children with 46546
disabilities in institutions under their jurisdiction according 46547
to standards adopted by the ~~state board~~ department of education 46548
and workforce. 46549

(B) The superintendent of each state institution required 46550
to provide services under division (A) of this section may apply 46551
to the department of education and workforce for special 46552
education and related services funding for children with 46553
disabilities other than preschool children with disabilities, 46554
calculated in accordance with section 3317.201 of the Revised 46555
Code. 46556

Each county board of developmental disabilities providing 46557
special education for children with disabilities other than 46558
preschool children with disabilities may apply to the department 46559
of education and workforce for opportunity funds and special 46560
education and related services funding calculated in accordance 46561
with section 3317.20 of the Revised Code. 46562

(C) In addition to the authorization to apply for state 46563
funding described in division (B) of this section, each state 46564
institution required to provide services under division (A) of 46565
this section is entitled to tuition payments calculated in the 46566
manner described in division (C) of this section. 46567

On or before the thirtieth day of June of each year, the 46568
superintendent of each institution that during the school year 46569
provided special education pursuant to this section shall 46570
prepare a statement for each child with a disability under 46571
twenty-two years of age who has received special education. The 46572
statement shall contain the child's data verification code 46573
assigned pursuant to division (D)(2) of section 3301.0714 of the 46574
Revised Code and the name of the child's school district of 46575
residence. Within sixty days after receipt of such statement, 46576
the department of education and workforce shall perform one of 46577
the following: 46578

(1) For any child except a preschool child with a 46579
disability described in division (C)(2) of this section, pay to 46580
the institution submitting the statement an amount equal to the 46581
tuition calculated under division (A) of section 3317.08 of the 46582
Revised Code for the period covered by the statement, and deduct 46583
the same from the amount of state funds, if any, payable under 46584
Chapter 3317. of the Revised Code, to the child's school 46585
district of residence or, if the amount of such state funds is 46586
insufficient, require the child's school district of residence 46587
to pay the institution submitting the statement an amount equal 46588
to the amount determined under this division. 46589

(2) For any preschool child with a disability, perform the 46590
following: 46591

(a) Pay to the institution submitting the statement an 46592
amount equal to the tuition calculated under division (B) of 46593
section 3317.08 of the Revised Code for the period covered by 46594
the statement, except that in calculating the tuition under that 46595
section the operating expenses of the institution submitting the 46596
statement under this section shall be used instead of the 46597

operating expenses of the school district of residence; 46598

(b) Deduct from the amount of state funds, if any, payable 46599
under Chapter 3317. of the Revised Code to the child's school 46600
district of residence an amount equal to the amount paid under 46601
division (C) (2) (a) of this section. 46602

Sec. 3323.13. (A) If a child who is a school resident of 46603
one school district receives special education from another 46604
district, the board of education of the district providing the 46605
education, subject to division (C) of this section, may require 46606
the payment by the board of education of the district of 46607
residence of a sum not to exceed one of the following, as 46608
applicable: 46609

(1) For any child except a preschool child with a 46610
disability described in division (A) (2) of this section, the 46611
tuition of the district providing the education for a child of 46612
normal needs of the same school grade. The determination of the 46613
amount of such tuition shall be in the manner provided for by 46614
division (A) of section 3317.08 of the Revised Code. 46615

(2) For any preschool child with a disability, the tuition 46616
of the district providing the education for the child as 46617
calculated under division (B) of section 3317.08 of the Revised 46618
Code. 46619

(B) The board of the district of residence may contract 46620
with the board of another district for the transportation of 46621
such child into any school in such other district, on terms 46622
agreed upon by such boards. Upon direction of the ~~state board~~ 46623
department of education and workforce, the board of the district 46624
of residence shall pay for the child's transportation and the 46625
tuition. 46626

(C) The board of education of a district providing the education for a child shall be entitled to require payment from the district of residence under this section or section 3323.14 of the Revised Code only if the district providing the education has done at least one of the following:

(1) Invited the district of residence to send representatives to attend the meetings of the team developing the child's individualized education program;

(2) Received from the district of residence a copy of the individualized education program or a multifactored evaluation developed for the child by the district of residence;

(3) Informed the district of residence in writing that the district is providing the education for the child.

As used in division (C) (2) of this section, "multifactored evaluation" means an evaluation, conducted by a multidisciplinary team, of more than one area of the child's functioning so that no single procedure shall be the sole criterion for determining an appropriate educational program placement for the child.

Sec. 3323.14. (A) Where a child who is a school resident of one school district receives special education from another district and the per capita cost to the educating district for that child exceeds the sum of the amount received by the educating district for that child under division (A) of section 3317.08 of the Revised Code and the amount received by the district from the ~~state board~~ department of education and workforce for that child, then the board of education of the district of residence shall pay to the board of the school district that is providing the special education such excess

cost as is determined by using a formula approved by the 46656
department ~~of education~~ and agreed upon in contracts entered 46657
into by the boards of the districts concerned at the time the 46658
district providing such special education accepts the child for 46659
enrollment. The department shall certify the amount of the 46660
payments under Chapter 3317. of the Revised Code for such pupils 46661
with disabilities for each school year ending on the thirtieth 46662
day of July. 46663

(B) In the case of a child described in division (A) of 46664
this section who has been placed in a home, as defined in 46665
section 3313.64 of the Revised Code, pursuant to the order of a 46666
court and who is not subject to section 3323.141 of the Revised 46667
Code, the district providing the child with special education 46668
and related services may charge to the child's district of 46669
residence the excess cost determined by formula approved by the 46670
department, regardless of whether the district of residence has 46671
entered into a contract with the district providing the 46672
services. If the district providing the services chooses to 46673
charge excess costs, the district may report the amount 46674
calculated under this division to the department. 46675

(C) If a district providing special education for a child 46676
reports an amount for the excess cost of those services, as 46677
authorized and calculated under division (A) or (B) of this 46678
section, the department shall pay that amount of excess cost to 46679
the district providing the services and shall deduct that amount 46680
from the child's district of residence in accordance with 46681
division (K) of section 3317.023 of the Revised Code. 46682

(D) If a district providing special education to a child 46683
to whom division (C) (4) of section 3313.64 of the Revised Code 46684
applies chooses to receive a tuition payment for that child 46685

under that division, that district shall not receive any 46686
payments under this section. 46687

Sec. 3323.141. (A) When a child who is not in the legal or 46688
permanent custody of an Ohio resident or a government agency in 46689
this state and whose natural or adoptive parents are not known 46690
to have been residents of this state subsequent to the child's 46691
birth is a resident of a home as defined in section 3313.64 of 46692
the Revised Code and receives special education and related 46693
services from a school district or county board of developmental 46694
disabilities, the home shall pay tuition to the board providing 46695
the special education. 46696

(B) In the case of a child described in division (A) of 46697
this section who receives special education and related services 46698
from a school district, tuition shall be the amount determined 46699
under division (B) (1) or (2) of this section. 46700

(1) For a child other than a child described in division 46701
(B) (2) of this section the tuition shall be an amount equal to 46702
the sum of the following: 46703

(a) Tuition as determined in the manner provided for by 46704
division (B) of section 3317.081 of the Revised Code for the 46705
district that provides the special education; 46706

(b) Such excess cost as is determined by using a formula 46707
established by rule of the department of education and 46708
workforce. The excess cost computed in this section shall not be 46709
used as excess cost computed under section 3323.14 of the 46710
Revised Code. 46711

(2) For a child who is a preschool child with a 46712
disability, the tuition shall be computed as follows: 46713

(a) Determine the amount of the tuition of the district 46714

providing the education for the child as calculated under 46715
division (B) of section 3317.08 of the Revised Code; 46716

(b) For each type of special education service included in 46717
the computation of the amount of tuition under division (B) (2) 46718
(a) of this section, divide the amount determined for that 46719
computation under division (B) (2) of section 3317.08 of the 46720
Revised Code by the total number of preschool children with 46721
disabilities used for that computation under division (B) (3) of 46722
section 3317.08 of the Revised Code; 46723

(c) Determine the sum of the quotients obtained under 46724
division (B) (2) (b) of this section; 46725

(d) Determine the sum of the amounts determined under 46726
divisions (B) (2) (a) and (c) of this section. 46727

(C) In the case of a child described in division (A) of 46728
this section who receives special education and related services 46729
from a county board of developmental disabilities, tuition shall 46730
be the amount determined under division (C) (1) or (2) of this 46731
section. 46732

(1) For a child other than a child described in division 46733
(C) (2) of this section, the tuition shall be an amount equal to 46734
such board's per capita cost of providing special education and 46735
related services for children at least three but less than 46736
twenty-two years of age as determined by using a formula 46737
established by rule of the department of developmental 46738
disabilities. 46739

(2) For a child who is a preschool child with a 46740
disability, the tuition shall equal the sum of the amounts of 46741
each such board's per capita cost of providing each of the 46742
special education or related service that the child receives. 46743

The calculation of tuition shall be made by using a formula 46744
established by rule of the department of developmental 46745
disabilities. The formula for the calculation of per capita 46746
costs under division (C) (2) of this section shall be based only 46747
on each such county board's cost of providing each type of 46748
special education or related service to preschool children with 46749
disabilities. 46750

(D) If a home fails to pay the tuition required under this 46751
section, the board of education or county board of developmental 46752
disabilities providing the education may recover in a civil 46753
action the tuition and the expenses incurred in prosecuting the 46754
action, including court costs and reasonable attorney's fees. If 46755
the prosecuting attorney or city director of law represents the 46756
board in such action, costs and reasonable attorney's fees 46757
awarded by the court, based upon the time spent preparing and 46758
presenting the case by the prosecuting attorney, director, or a 46759
designee of either, shall be deposited in the county or city 46760
general fund. 46761

Sec. 3323.142. As used in this section, "per pupil amount" 46762
for a preschool child with a disability included in such an 46763
approved unit means the amount determined by dividing the amount 46764
received for the classroom unit in which the child has been 46765
placed by the number of children in the unit. For any other 46766
child, "per pupil amount" means the amount paid for the child 46767
under section 3317.20 of the Revised Code. 46768

When a school district places or has placed a child with a 46769
county board of developmental disabilities for special 46770
education, but another district is responsible for tuition under 46771
section 3313.64 or 3313.65 of the Revised Code and the child is 46772
not a resident of the territory served by the county board of 46773

developmental disabilities, the board may charge the district 46774
responsible for tuition with the educational costs in excess of 46775
the per pupil amount received by the board under Chapter 3317. 46776
of the Revised Code. The amount of the excess cost shall be 46777
determined by the formula established by rule of the department 46778
of education and workforce under section 3323.14 of the Revised 46779
Code, and the payment for such excess cost shall be made by the 46780
school district directly to the county board of developmental 46781
disabilities. 46782

A school district board of education and the county board 46783
of developmental disabilities that serves the school district 46784
may negotiate and contract, at or after the time of placement, 46785
for payments by the board of education to the county board for 46786
additional services provided to a child placed with the county 46787
board and whose individualized education program established 46788
pursuant to section 3323.08 of the Revised Code requires 46789
additional services that are not routinely provided children in 46790
the county board's program but are necessary to maintain the 46791
child's enrollment and participation in the program. Additional 46792
services may include, but are not limited to, specialized 46793
supplies and equipment for the benefit of the child and 46794
instruction, training, or assistance provided by staff members 46795
other than staff members for which funding is received under 46796
Chapter 3317. of the Revised Code. 46797

Sec. 3323.15. The ~~state board~~ department of education and 46798
workforce may arrange to pay to any board of education, the 46799
board for any children with disabilities who are not residents 46800
of the district but for whom the district is providing special 46801
education. Payments shall be made in accordance with rules and 46802
standards of the state board of education. 46803

Sec. 3323.17. The department of education and workforce shall: 46804
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(A) Provide supervision and technical assistance to school districts in all accepted methods of educating children with disabilities who have hearing impairments, including the oral, manual, and total communication methods, with no demonstrable bias toward any one method over another; 46806
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(B) Consult with employees of school districts and chartered nonpublic schools who confer with the parents of hearing impaired children about their children's education; 46811
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(C) Consult with chartered nonpublic schools and consult with and provide technical assistance to school districts that are or may be interested in integrating sign language into their curricula and that offer or may be interested in offering American sign language as a foreign language; 46814
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(D) Consult with school districts and chartered nonpublic schools that use interpreters in classrooms and with any other interested school districts or chartered nonpublic schools about how to obtain the best interpreters and how interpreters can improve their skills. 46819
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Sec. 3323.19. (A) Within three months after a student identified with disabilities begins receiving services for the first time under an individualized education program, the school district in which that student is enrolled shall require the student to undergo a comprehensive eye examination performed either by an optometrist licensed under Chapter 4725. of the Revised Code or by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who is comprehensively trained and educated 46824
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in the treatment of the human eye, eye disease, or comprehensive vision services, unless the student underwent such an examination within the nine-month period immediately prior to being identified with disabilities.

However, no student who has not undergone the eye examination required under this section shall be prohibited from initiating, receiving, or continuing to receive services prescribed in the student's individualized education program.

(B) The superintendent of each school district or the superintendent's designee may determine fulfillment of the requirement prescribed in division (A) of this section based on any special circumstances of the student, the student's parent, guardian, or family that may prevent the student from undergoing the eye examination prior to beginning special education services.

(C) Except for a student who may be entitled to a comprehensive eye examination in the identification of the student's disabilities, in the development of the student's individualized education program, or as a related service under the student's individualized education program, neither the state nor any school district shall be responsible for paying for the eye examination required by this section.

(D) The department of education and workforce annually shall do both of the following:

(1) Notify each school district and community school of the requirements of this section;

(2) Collect from each school district and community school the total number of students enrolled in the district who were subject to the requirements of this section and the total number

of students who received the examination, as verified by 46862
documentation received from the district. 46863

Sec. 3323.20. On July 1, 2006, and on each first day of 46864
July thereafter, the department of education and workforce shall 46865
electronically report to the general assembly the number of 46866
preschool children with disabilities who received services for 46867
which the department made a payment to any provider during the 46868
previous fiscal year, disaggregated according to each area of 46869
developmental deficiency identified by the department for the 46870
evaluation of such children. 46871

Sec. 3323.25. (A) As used in this section and section 46872
3323.251 of the Revised Code: 46873

(1) "Dyslexia" means a specific learning disorder that is 46874
neurological in origin and that is characterized by unexpected 46875
difficulties with accurate or fluent word recognition and by 46876
poor spelling and decoding abilities not consistent with the 46877
person's intelligence, motivation, and sensory capabilities, 46878
which difficulties typically result from a deficit in the 46879
phonological component of language. 46880

(2) "Appropriate certification" means either of the 46881
following: 46882

(a) Certification at a certified level, or higher, from a 46883
research-based, structured literacy program; 46884

(b) Any other certification as recognized by a majority 46885
vote of the Ohio dyslexia committee. 46886

(B) (1) The department of education and workforce shall 46887
establish the Ohio dyslexia committee which shall consist of the 46888
following members: 46889

- (a) A school district superintendent appointed by the ~~superintendent of public instruction~~ director of education and workforce; 46890
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- (b) An elementary school principal appointed by the ~~state~~ superintendent director; 46893
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- (c) A classroom teacher appointed by the ~~state~~ superintendent director. The teacher shall have an appropriate certification and at least two years of experience teaching in a structured literacy program. 46895
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- (d) An educational service center employee appointed by the ~~state~~ superintendent director. The employee shall have an appropriate certification. 46899
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- (e) An employee of the department ~~of education~~ appointed by the ~~state~~ superintendent director; 46902
46903
- (f) A parent of a child with dyslexia or an adult with dyslexia appointed by the international dyslexia association in Ohio; 46904
46905
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- (g) An individual with experience in higher education and teacher preparation programs appointed by the chancellor of higher education. The individual appointed by the chancellor shall have an appropriate certification. 46907
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- (h) A board member of the international dyslexia association in Ohio appointed by the international dyslexia association in Ohio. The board member shall have an appropriate certification. 46911
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- (i) A school psychologist appointed by the ~~state~~ superintendent director; 46915
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- (j) A reading intervention specialist appointed by the 46917

~~state superintendent director~~. The reading intervention specialist shall have an appropriate certification. 46918
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(k) A speech-language pathologist appointed by the state speech and hearing professionals board. The speech-language pathologist shall have an appropriate certification. 46920
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(2) Each appointing authority shall determine a selection process for the appointments under this section. Each appointing authority that is not the ~~state superintendent director~~ shall make and submit to the department each appointment prescribed under this section ~~not later than thirty days after April 12, 2021. The state superintendent also shall make each appointment prescribed to the state superintendent under this section not later than that date.~~ Members of the committee shall serve at the pleasure of their appointing authority. 46923
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(3) An individual may be appointed to the committee without required certification or experience if the appointing authority determines that the individual has sufficient experience in the individual's respective field. 46932
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(4) The ~~state superintendent director~~ shall convene the first meeting of the committee within thirty days after nine members have been appointed to the committee. At the first meeting, members of the committee shall elect one of the members as chairperson. 46936
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(5) The department shall provide facilities for the meetings of the committee. 46941
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(C) (1) Not later than December 31, 2021, the Ohio dyslexia committee shall develop a guidebook regarding the best practices and methods for universal screening, intervention, and remediation for children with dyslexia or children displaying 46943
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dyslexic characteristics and tendencies using a structured literacy program. 46947
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(2) The committee shall provide an opportunity for public input when developing the guidebook, in the manner determined by the committee. 46949
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(3) Prior to its distribution, the guidebook shall be subject to final approval by the ~~state board of education~~ department. 46952
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(4) The guidebook shall be developed and issued to districts and schools in an electronic format. After the initial development of the guidebook, the Ohio dyslexia committee shall update the guidebook as necessary. 46955
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(D) ~~Not later than December 31, 2021, the~~ The department, in collaboration with the Ohio dyslexia committee, shall do all of the following: 46959
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(1) Provide structured literacy program professional development for teachers in evidence-based dyslexia screening and intervention practices for the purposes of section 3319.077 of the Revised Code. 46962
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(2) Assist school districts and other public schools in establishing multidisciplinary teams to support the identification, intervention, and remediation of dyslexia; 46966
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(3) Develop reporting mechanisms for districts and schools to submit to the department the information and data required in the guidebook developed under this section; 46969
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46971

(4) Develop academic standards for kindergarten in reading and writing that incorporate a structured literacy program; 46972
46973

(5) Provide on the department's web site information about 46974

training for teachers about dyslexia that is available at 46975
minimal or no cost. 46976

(E) The department, in collaboration with the Ohio 46977
dyslexia committee, shall identify reliable, valid, universal, 46978
and evidence-based screening and intervention measures that 46979
evaluate the literacy skills of students enrolled in grades 46980
kindergarten through five using a structured literacy program. 46981

(F) The Ohio dyslexia committee may do any of the 46982
following: 46983

(1) Recommend appropriate ratios in school buildings for 46984
students to teachers who have received certification in 46985
identifying and addressing dyslexia; 46986

(2) Recommend which other school personnel, including 46987
school psychologists or speech-language pathologists, should 46988
receive certification in identifying and addressing dyslexia; 46989

(3) Consider and make recommendations regarding whether 46990
professional development required under section 3319.077 of the 46991
Revised Code should require the completion of a practicum. 46992

Sec. 3323.251. (A) Each school district and other public 46993
school shall do all of the following: 46994

(1) For the 2023-2024 school year, administer a tier one 46995
dyslexia screening measure to a student to whom either of the 46996
following applies: 46997

(a) The student is enrolled in any of grades kindergarten 46998
through three. A screening measure shall be administered to a 46999
student enrolled in kindergarten after January 1, 2024, but 47000
prior to January 1, 2025. 47001

(b) The student is enrolled in any of grades four through 47002

six and either of the following applies: 47003

(i) The student's parent, guardian, or custodian requests 47004
that the screening measure be administered to the student. 47005

(ii) A classroom teacher requests that the screening 47006
measure be administered to the student and the student's parent, 47007
guardian, or custodian grants permission for the screening 47008
measure to be administered. 47009

A school district may implement the screening under 47010
division (A) (1) of this section prior to the 2023-2024 school 47011
year. 47012

(2) For the 2024-2025 school year and each school year 47013
thereafter, administer a tier one dyslexia screening measure to 47014
a student to whom either of the following applies: 47015

(a) A student enrolled in kindergarten. A screening 47016
measure shall be administered to a student after the first day 47017
of January of the school year in which the student is enrolled 47018
in kindergarten and prior to the first day of January of the 47019
following school year. 47020

(b) A student enrolled in any of grades one through six if 47021
either of the following applies: 47022

(i) The student's parent, guardian, or custodian requests 47023
that the screening measure be administered to the student. 47024

(ii) A classroom teacher requests that the screening 47025
measure be administered to the student and the student's parent, 47026
guardian, or custodian grants permission for the screening 47027
measure to be administered. 47028

A district or school may administer a tier two dyslexia 47029
screening measure to a student to whom the district or school 47030

administers a tier one screening measure under division (A) (1) 47031
or (2) of this section. In that case, a district or school shall 47032
not be required to complete division (A) (4) of this section. 47033

(3) Identify each student that is at risk of dyslexia 47034
based on the student's results on the tier one screening measure 47035
and notify the student's parent, guardian, or custodian that the 47036
student has been identified as being at risk. 47037

(4) Monitor the progress of each at-risk student toward 47038
attaining grade-level reading and writing skills for up to six 47039
weeks. The district or school shall check each at-risk student's 47040
progress on at least the second week, fourth week, and sixth 47041
week after the student is identified as being at risk. If no 47042
progress is observed during the monitoring period, the district 47043
or school shall notify the parent, guardian, or custodian of the 47044
student and administer a tier two dyslexia screening measure to 47045
the student. 47046

(5) Report to a student's parent or guardian the student's 47047
results on a tier two screening measure approved by the Ohio 47048
dyslexia committee within thirty days after the measure's 47049
administration. If, as determined by the tier two screening 47050
measure, the student is identified as having dyslexia 47051
tendencies, the student's parent or guardian shall be provided 47052
with information about reading development, the risk factors for 47053
dyslexia, and descriptions for evidenced-based interventions. 47054

(6) If a student demonstrates markers for dyslexia, 47055
provide the student's parents or guardian with a written 47056
explanation of the district or school's structured literacy 47057
program. 47058

(B) (1) Beginning in the 2023-2024 school year, each 47059

district or school shall: 47060

(a) Administer a tier one dyslexia screening measure to 47061
each kindergarten student that transfers into the district or 47062
school midyear during the school's regularly scheduled screening 47063
of the kindergarten class or within thirty days after the 47064
student's enrollment if the screening already has been 47065
completed; 47066

(b) Administer a tier one dyslexia screening measure to 47067
each student in grades one through six that transfers into the 47068
district or school midyear within thirty days after the 47069
student's enrollment. 47070

(2) If a student is identified as being at risk of 47071
dyslexia under division (B) (1) of this section, the district or 47072
school shall administer a tier two screening measure in a timely 47073
manner. 47074

(C) Each district or school shall do all of the following: 47075

(1) Comply with any provisions that are statutorily 47076
required, as they pertain to the guidebook developed under 47077
division (C) of section 3323.25 of the Revised Code; 47078

(2) Select screening and intervention measures to 47079
administer to students from the measures identified under 47080
division (E) of section 3323.25 of the Revised Code; 47081

(3) Establish a multidisciplinary team to administer 47082
screening and intervention measures and analyze the results of 47083
the measures. The team shall include trained and certified 47084
personnel and a stakeholder with expertise in the 47085
identification, intervention, and remediation of dyslexia. 47086

(4) Report to the department of education and workforce 47087

the results of screening measures administered under this 47088
section. 47089

In addition, districts and schools may utilize any best 47090
practices and recommendations contained in the guidebook 47091
developed under division (C) of section 3323.25 of the Revised 47092
Code. 47093

Sec. 3323.32. (A) The department of education and 47094
workforce shall contract with an entity to administer programs 47095
and coordinate services for infants, preschool and school-age 47096
children, and adults with autism and low incidence disabilities. 47097
The entity shall be selected by the ~~superintendent of public~~ 47098
~~instruction~~ director of education and workforce in consultation 47099
with the advisory board established under section 3323.33 of the 47100
Revised Code. 47101

The contract with the entity selected shall include, but 47102
not be limited to, the following provisions: 47103

(1) A description of the programs to be administered and 47104
services to be provided or coordinated by the entity, which 47105
shall include at least the duties prescribed by sections 3323.34 47106
and 3323.35 of the Revised Code; 47107

(2) A description of the expected outcomes from the 47108
programs administered and services provided or coordinated by 47109
the entity; 47110

(3) A stipulation that the entity's performance is subject 47111
to evaluation by the department and renewal of the entity's 47112
contract is subject to the department's satisfaction with the 47113
entity's performance; 47114

(4) A description of the measures and milestones the 47115
department will use to determine whether the performance of the 47116

entity is satisfactory; 47117

(5) Any other provision the department determines is 47118
necessary to ensure the quality of services to individuals with 47119
autism and low incidence disabilities. 47120

(B) In selecting the entity under division (A) of this 47121
section, the ~~superintendent~~director of education and workforce 47122
and the advisory board shall give primary consideration to the 47123
Ohio Center for Autism and Low Incidence, established under 47124
section 3323.31 of the Revised Code, as long as the principal 47125
goals and mission of the Center, as determined by the 47126
~~superintendent~~director and the advisory board, are consistent 47127
with the requirements of divisions (A) (1) to (5) of this 47128
section. 47129

Sec. 3323.33. The ~~superintendent of public instruction~~ 47130
director of education and workforce shall establish an advisory 47131
board to assist and advise the Franklin county educational 47132
service center in the operation of the Ohio Center for Autism 47133
and Low Incidence and the ~~superintendent of public instruction~~ 47134
director in selecting an entity to administer programs and 47135
coordinate services for individuals with autism and low 47136
incidence disabilities as required by section 3323.32 of the 47137
Revised Code and to provide technical assistance in the 47138
provision of such services. As determined by the 47139
~~superintendent~~director, the advisory board shall consist of 47140
individuals who are stakeholders in the service to persons with 47141
autism and low incidence disabilities, including, but not 47142
limited to, the following: 47143

(A) Persons with autism and low incidence disabilities; 47144

(B) Parents and family members; 47145

(C) Educators and other professionals; 47146

(D) Higher education instructors; 47147

(E) Representatives of state agencies. 47148

The advisory board shall be organized as determined by the 47149
~~superintendent~~director. 47150

Members of the advisory board shall receive no 47151
compensation for their services. 47152

Sec. 3324.01. As used in this section and sections 3324.02 47153
through 3324.06 of the Revised Code: 47154

(A) "Approved" means approved by the department of 47155
education and workforce and included on the list compiled by the 47156
department under section 3324.02 of the Revised Code. 47157

(B) "Gifted" means students who perform or show potential 47158
for performing at remarkably high levels of accomplishment when 47159
compared to others of their age, experience, or environment and 47160
who are identified under division (A), (B), (C), or (D) of 47161
section 3324.03 of the Revised Code. 47162

(C) "School district" does not include a joint vocational 47163
school district. 47164

(D) "Specific academic ability field" means one or more of 47165
the following areas of instruction: 47166

(1) Mathematics; 47167

(2) Science; 47168

(3) Reading, writing, or a combination of these skills; 47169

(4) Social studies. 47170

Sec. 3324.02. (A) The department of education and 47171

workforce shall construct lists of existing assessment 47172
instruments it approves for use by school districts, and may 47173
include on the lists and make available to school districts 47174
additional assessment instruments developed by the department. 47175
Wherever possible, the department shall approve assessment 47176
instruments that utilize nationally recognized standards for 47177
scoring or are nationally normed. The lists of instruments shall 47178
include: 47179

(1) Initial screening instruments for use in selecting 47180
potentially gifted students for further assessment; 47181

(2) Instruments for identifying gifted students under 47182
section 3324.03 of the Revised Code. 47183

(B) The department, under Chapter 119. of the Revised 47184
Code, shall also adopt rules for the administration of any tests 47185
or assessment instruments it approves on the list required by 47186
division (A) of this section and for establishing the scores or 47187
performance levels required under section 3324.03 of the Revised 47188
Code. 47189

(C) The department shall ensure that the approved list of 47190
assessment instruments under this section includes instruments 47191
that allow for appropriate screening and identification of 47192
gifted minority and disadvantaged students, children with 47193
disabilities, and students for whom English is a second 47194
language. 47195

(D) Districts shall select screening and identification 47196
instruments from the approved lists for inclusion in their 47197
district policies. 47198

(E) The department shall make initial lists of approved 47199
assessment instruments and the rules for the administration of 47200

the instruments available by September 1, 1999. 47201

Sec. 3324.03. The board of education of each school 47202
district shall identify gifted students in grades kindergarten 47203
through twelve as follows: 47204

(A) A student shall be identified as exhibiting "superior 47205
cognitive ability" if the student did either of the following 47206
within the preceding twenty-four months: 47207

(1) Scored two standard deviations above the mean, minus 47208
the standard error of measurement, on an approved individual 47209
standardized intelligence test administered by a licensed school 47210
psychologist or licensed psychologist; 47211

(2) Accomplished any one of the following: 47212

(a) Scored at least two standard deviations above the 47213
mean, minus the standard error of measurement, on an approved 47214
standardized group intelligence test; 47215

(b) Performed at or above the ninety-fifth percentile on 47216
an approved individual or group standardized basic or composite 47217
battery of a nationally normed achievement test; 47218

(c) Attained an approved score on one or more above-grade 47219
level standardized, nationally normed approved tests. 47220

(B) A student shall be identified as exhibiting "specific 47221
academic ability" superior to that of children of similar age in 47222
a specific academic ability field if within the preceding 47223
twenty-four months the student performs at or above the ninety- 47224
fifth percentile at the national level on an approved individual 47225
or group standardized achievement test of specific academic 47226
ability in that field. A student may be identified as gifted in 47227
more than one specific academic ability field. 47228

(C) A student shall be identified as exhibiting "creative thinking ability" superior to children of a similar age, if within the previous twenty-four months, the student scored one standard deviation above the mean, minus the standard error of measurement, on an approved individual or group intelligence test and also did either of the following:

(1) Attained a sufficient score, as established by the department of education and workforce, on an approved individual or group test of creative ability;

(2) Exhibited sufficient performance, as established by the ~~department of education~~, on an approved checklist of creative behaviors.

(D) A student shall be identified as exhibiting "visual or performing arts ability" superior to that of children of similar age if the student has done both of the following:

(1) Demonstrated through a display of work, an audition, or other performance or exhibition, superior ability in a visual or performing arts area;

(2) Exhibited sufficient performance, as established by the ~~department of education~~, on an approved checklist of behaviors related to a specific arts area.

Sec. 3324.04. The board of education of each school district shall adopt a plan by January 1, 2000, for identifying gifted students. The plan shall be submitted to the department of education and workforce for approval. The department shall approve the plan within sixty days if it contains all of the following:

(A) A description of the assessment instruments from the list adopted by the department that the district will use to

screen and identify gifted students; 47258

(B) Acceptable scheduling procedures for screening and for 47259
administering assessment instruments for identifying gifted 47260
students. These procedures shall provide: 47261

(1) At least two opportunities a year for assessment in 47262
the case of students requesting assessment or recommended for 47263
assessment by teachers, parents, or other students; 47264

(2) Assurance of inclusion in screening and assessment 47265
procedures for minority and disadvantaged students, children 47266
with disabilities, and students for whom English is a second 47267
language; 47268

(3) Assurance that any student transferring into the 47269
district will be assessed within ninety days of the transfer at 47270
the request of a parent. 47271

(C) Procedures for notification of parents within thirty 47272
days about the results of any screening procedure or assessment 47273
instrument and the provision of an opportunity for parents to 47274
appeal any decision about the results of any screening procedure 47275
or assessment, the scheduling of children for assessment, or the 47276
placement of a student in any program or for receipt of 47277
services; 47278

(D) A commitment that the district will accept scores on 47279
assessment instruments provided by other school districts or 47280
trained personnel outside the school district, provided the 47281
assessment instruments are on the list approved by the 47282
department of ~~education~~ under section 3324.02 of the Revised 47283
Code. 47284

The district's plan may provide for the district to 47285
contract with any qualified public or private service provider 47286

to provide screening or assessment services under the plan. 47287

The department shall assist any district whose plan it 47288
disapproves under this section to amend the plan so that it 47289
meets the requirements of this section. 47290

Sec. 3324.05. (A) Each school district shall submit an 47291
annual report to the department of education and workforce 47292
specifying the number of students in each of grades kindergarten 47293
through twelve screened, the number assessed, and the number 47294
identified as gifted in each category specified in section 47295
3324.03 of the Revised Code. For fiscal years 2022 and 2023, 47296
this report shall also specify the number of students served in 47297
each category specified in section 3324.03 of the Revised Code. 47298

(B) For fiscal years 2022 and 2023, not later than the 47299
thirty-first day of October, the department shall publish both 47300
of the following using data submitted by school districts under 47301
the education management information system established under 47302
section 3301.0714 of the Revised Code: 47303

(1) Services offered by each school district to students 47304
identified as gifted in each of the following grade bands: 47305

(a) Kindergarten through third grade; 47306

(b) Fourth through eighth grade; 47307

(c) Ninth through twelfth grade. 47308

(2) The number of licensed gifted intervention specialists 47309
and coordinators employed or contracted by each school district. 47310

(C) The department ~~of education~~ shall audit each school 47311
district's identification numbers at least once every three 47312
years and may select any district at random or upon complaint or 47313
suspicion of noncompliance for a further audit to determine 47314

compliance with sections 3324.03 to 3324.06 of the Revised Code. 47315
If a school district's audit under this division occurs during 47316
fiscal year 2022 or 2023, the department shall also audit the 47317
district's service numbers. 47318

(D) The department shall provide technical assistance to 47319
any district found in noncompliance under division (C) of this 47320
section. For fiscal years 2022 and 2023, the department shall 47321
reduce funds received by the district under Chapter 3317. of the 47322
Revised Code by any amount if the district continues to be 47323
noncompliant. For fiscal year 2024 and each fiscal year 47324
thereafter, the department may reduce funds received by the 47325
district under Chapter 3317. of the Revised Code by any amount 47326
if the district continues to be noncompliant. 47327

Sec. 3324.06. The board of education of each school 47328
district shall adopt a statement of its policy for the screening 47329
and identification of gifted students and shall distribute the 47330
policy statement to parents. The policy statement shall specify: 47331

(A) The criteria and methods the district uses to screen 47332
students and to select students for further assessment who 47333
perform or show potential for performing at remarkably high 47334
levels of accomplishment in one of the gifted areas specified in 47335
section 3324.03 of the Revised Code; 47336

(B) The sources of assessment data the district uses to 47337
select students for further testing and an explanation for 47338
parents of the multiple assessment instruments required to 47339
identify gifted students under section 3324.03 of the Revised 47340
Code; 47341

(C) An explanation for parents of the methods the district 47342
uses to ensure equal access to screening and further assessment 47343

by all district students, including minority or disadvantaged 47344
students, children with disabilities, and students for whom 47345
English is a second language; 47346

(D) Provisions to ensure equal opportunity for all 47347
district students identified as gifted to receive any services 47348
offered by the district; 47349

(E) Provisions for students to withdraw from gifted 47350
programs or services, for reassessment of students, and for 47351
assessment of students transferring into the district; 47352

(F) Methods for resolving disagreements between parents 47353
and the district concerning identification and placement 47354
decisions. 47355

A copy of the district's policy adopted under this section 47356
shall accompany the district's plan submitted to the department 47357
of education and workforce under section 3324.04 of the Revised 47358
Code. 47359

Sec. 3324.07. (A) The board of education of each school 47360
district shall develop a plan for the service of gifted students 47361
enrolled in the district that are identified under section 47362
3324.03 of the Revised Code. Services specified in the plan 47363
developed by each board may include such options as the 47364
following: 47365

(1) A differentiated curriculum; 47366

(2) Cluster grouping; 47367

(3) Mentorships; 47368

(4) Accelerated course work; 47369

(5) The college credit plus program under Chapter 3365. of 47370

the Revised Code; 47371

(6) Advanced placement; 47372

(7) Honors classes; 47373

(8) Magnet schools; 47374

(9) Self-contained classrooms; 47375

(10) Independent study; 47376

(11) International baccalaureate; 47377

(12) Other options identified in rules adopted by the 47378
department of education and workforce. 47379

(B) Each board shall file the plan developed under 47380
division (A) of this section with the department of education ~~by~~ 47381
~~December 15, 2000~~ and workforce. The department shall review and 47382
analyze each plan to determine if it is adequate and to make 47383
funding estimates. 47384

(C) Unless otherwise required by law, rule, or as a 47385
condition for receipt of funds, school boards may implement the 47386
plans developed under division (A) of this section, but shall 47387
not be required to do so until further action by the general 47388
assembly or the ~~state superintendent of public~~ 47389
~~instruction~~ director of education and workforce. 47390

Sec. 3324.08. Any person employed by a school district and 47391
assigned to a school as a principal or any other position may 47392
also serve as the district's gifted education coordinator, if 47393
qualified to do so pursuant to the rules adopted by the ~~state~~ 47394
~~board~~ department of education and workforce under this chapter. 47395

Sec. 3324.09. (A) For fiscal years 2022 and 2023, not 47396
later than the thirtieth day of October, the department of 47397

education and workforce shall publish on its web site the funds 47398
received for the previous fiscal year by each school district 47399
under division (A) (6) of section 3317.022 of the Revised Code 47400
for the identification of and services provided to the 47401
district's gifted students and each district's expenditures of 47402
those funds. 47403

(B) For fiscal year 2024 and each fiscal year thereafter, 47404
not later than the thirtieth day of October, the department 47405
shall publish on its web site each school district's 47406
expenditures for the previous fiscal year of funds received 47407
under division (A) (6) of section 3317.022 of the Revised Code 47408
for the identification of and services provided to the 47409
district's gifted students. 47410

Sec. 3324.10. (A) ~~Prior to June 30, 2006, the state board~~ 47411
The department of education and workforce shall adopt a model 47412
student acceleration policy addressing recommendations in the 47413
former department of education's 2005 study conducted under the 47414
gifted research and demonstration grant program. The policy 47415
shall address, but not be limited to, whole grade acceleration, 47416
subject area acceleration, and early high school graduation. 47417

(B) The board of education of each city, local, and 47418
exempted village school district shall implement a student 47419
acceleration policy to take effect beginning in the 2006-2007 47420
school year. The policy shall either be the model adopted by the 47421
~~state board department~~ under division (A) of this section or a 47422
policy covering similar issues that is adopted by the district 47423
board. If the district board does not adopt the ~~state board's~~ 47424
department's model, it shall submit its policy to the department 47425
for review and approval. The department, upon request, shall 47426
provide technical assistance to the district board in developing 47427

the policy. 47428

Sec. 3324.11. No rule adopted by the ~~state board~~ director 47429
of education and workforce pursuant to this chapter, section 47430
3301.07 of the Revised Code, or any other provision of the 47431
Revised Code shall permit a school district to report that it 47432
has provided services to a student identified as gifted unless 47433
those services are paid for by the district. Nothing in this 47434
section shall prohibit a district from requiring a student to 47435
pay the costs of advanced placement or international 47436
baccalaureate examinations. 47437

Sec. 3325.01. The state school for the deaf and the state 47438
school for the blind shall be under the control and supervision 47439
of the ~~state board~~ department of education and workforce. ~~On the~~ 47440
~~recommendation of the superintendent of public instruction, the~~ 47441
~~state board of education~~ The department shall appoint a 47442
superintendent for the state school for the deaf and a 47443
superintendent for the state school for the blind, each of whom 47444
shall serve at the pleasure of the ~~state board~~ department. 47445

Sec. 3325.011. Subject to the regulations adopted by the 47446
~~state board~~ department of education and workforce, the state 47447
school for the deaf shall be open to receive persons who are 47448
deaf, partially deaf, and both blind and deaf residents of this 47449
state, who, in the judgment of the ~~superintendent of public~~ 47450
~~instruction~~ director of education and workforce and the 47451
superintendent of the school for the deaf, due to such 47452
disability, cannot be educated in the public school system and 47453
are suitable persons to receive instructions according to the 47454
methods employed in such school. The superintendent of the 47455
school for the deaf may pay the expenses necessary for the 47456
instruction of children who are both blind and deaf, who are 47457

resident of this state, in any suitable institution. 47458

Sec. 3325.02. (A) As used in this chapter, "visual 47459
impairment" means blindness, partial blindness, deaf-blindness, 47460
or multiple disabilities if one of the disabilities is vision 47461
related. 47462

(B) Subject to the regulations adopted by the ~~state board-~~ 47463
~~department of education and workforce,~~ the state school for the 47464
blind shall be open to receive persons who are residents of this 47465
state, whose disabilities are visual impairments, and who, in 47466
the judgment of the ~~superintendent of public instruction-~~ 47467
~~director of education and workforce~~ and the superintendent of 47468
the school for the blind, due to such disability, cannot be 47469
educated in the public school system and are suitable persons to 47470
receive instructions according to the methods employed in the 47471
school. 47472

Sec. 3325.03. The superintendent of the state school for 47473
the deaf or the superintendent of the state school for the blind 47474
may return to ~~its~~the pupil's parents, guardian, or proper agency 47475
any pupil under ~~his~~the superintendent's jurisdiction, who, in 47476
the opinion of such superintendent and the ~~superintendent of-~~ 47477
~~public instruction~~director of education and workforce, is not 47478
making sufficient progress in ~~its~~the pupil's school or 47479
industrial work to justify ~~its~~ continuance as a pupil in such 47480
school. 47481

Sec. 3325.04. The superintendent of the state school for 47482
the deaf and the superintendent of the state school for the 47483
blind, with the approval of the ~~superintendent of public-~~ 47484
~~instruction~~director of education and workforce, shall, for their 47485
respective schools and subject to the rules and regulations of 47486
the civil service, employ suitable teachers, nurses, and other 47487

help necessary to provide the proper instruction and care for 47488
the pupils under their jurisdiction. 47489

No individual hired on or after ~~the effective date of this~~ 47490
~~amendment August 29, 1991,~~ as a classroom teacher at the state 47491
school for the blind shall be permitted to retain employment as 47492
a teacher at the school unless prior to the date of such hiring, 47493
or within one year of that date, the individual completes at 47494
least two courses of instruction in braille at an institution of 47495
higher education or demonstrates equivalent competency in the 47496
use of braille to the satisfaction of the superintendent of the 47497
state school for the blind. 47498

Sec. 3325.05. The ~~state board~~ department of education and 47499
workforce may provide for the further and higher education of 47500
any blind pupils, who in its judgment are capable of receiving 47501
sufficient benefit to render them more efficient as citizens, by 47502
appointing readers for such persons to read from textbooks and 47503
pamphlets used in their studies while in attendance as regularly 47504
matriculated students in any college, university, or technical 47505
or professional school located in this state and authorized to 47506
grant degrees. Any fund appropriated for such purpose shall be 47507
distributed under the direct supervision of the ~~state board of~~ 47508
~~education~~ department. No person shall receive the benefit 47509
conferred by this section who has not had an actual residence in 47510
this state for at least one year. 47511

Sec. 3325.06. (A) The ~~state board~~ department of education 47512
and workforce shall institute and establish a program of 47513
education ~~by the department of education~~ to train parents of 47514
deaf or hard of hearing children of preschool age. The object 47515
and purpose of the educational program shall be to aid and 47516
assist the parents of deaf or hard of hearing children of 47517

preschool age in affording to the children the means of optimum 47518
communicational facilities. 47519

(B) The ~~state board of education~~ department shall 47520
institute and establish a program of education to train and 47521
assist parents of children of preschool age whose disabilities 47522
are visual impairments. The object and purpose of the 47523
educational program shall be to enable the parents of children 47524
of preschool age whose disabilities are visual impairments to 47525
provide their children with learning experiences that develop 47526
early literacy, communication, mobility, and daily living skills 47527
so the children can function independently in their living 47528
environments. 47529

Sec. 3325.07. The ~~state board~~ department of education and 47530
workforce in carrying out this section and division (A) of 47531
section 3325.06 of the Revised Code shall, insofar as 47532
practicable, plan, present, and carry into effect an educational 47533
program by means of any of the following methods of instruction: 47534

(A) Classes for parents of deaf or hard of hearing 47535
children of preschool age; 47536

(B) A nursery school where parent and child would enter 47537
the nursery school as a unit; 47538

(C) Correspondence course; 47539

(D) Personal consultations and interviews; 47540

(E) Day-care or child development courses; 47541

(F) Summer enrichment courses; 47542

(G) By such other means or methods as the superintendent 47543
of the state school for the deaf deems advisable that would 47544
permit a deaf or hard of hearing child of preschool age to 47545

construct a pattern of communication at an early age. 47546

The superintendent may allow children who are not deaf or 47547
hard of hearing to participate in the methods of instruction 47548
described in divisions (A) to (G) of this section as a means to 47549
assist deaf or hard of hearing children to construct a pattern 47550
of communication. The superintendent shall establish policies 47551
and procedures regarding the participation of children who are 47552
not deaf or hard of hearing. 47553

The superintendent may establish reasonable fees for 47554
participation in the methods of instruction described in 47555
divisions (A) to (G) of this section to defray the costs of 47556
carrying them out. The superintendent shall determine the manner 47557
by which any such fees shall be collected. All fees shall be 47558
deposited in the even start fees and gifts fund, which is hereby 47559
created in the state treasury. The money in the fund shall be 47560
used to implement this section. 47561

Sec. 3325.071. The ~~state board~~ department of education and 47562
workforce in carrying out this section and division (B) of 47563
section 3325.06 of the Revised Code shall, insofar as 47564
practicable, plan, present, and carry into effect an educational 47565
program by means of any of the following methods of instruction: 47566

(A) Classes for parents of children of preschool age whose 47567
disabilities are visual impairments, independently or in 47568
cooperation with community agencies; 47569

(B) Periodic interactive parent-child classes for infants 47570
and toddlers whose disabilities are visual impairments; 47571

(C) Correspondence course; 47572

(D) Personal consultations and interviews; 47573

(E) Day-care or child development courses for children and parents; 47574
47575

(F) Summer enrichment courses; 47576

(G) By such other means or methods as the superintendent of the state school for the blind deems advisable that would permit a child of preschool age whose disability is a visual impairment to construct a pattern of communication and develop literacy, mobility, and independence at an early age. 47577
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The superintendent may allow children who do not have disabilities that are visual impairments to participate in the methods of instruction described in divisions (A) to (G) of this section so that children of preschool age whose disabilities are visual impairments are able to learn alongside their peers while receiving specialized instruction that is based on early learning and development strategies. The superintendent shall establish policies and procedures regarding the participation of children who do not have disabilities that are visual impairments. 47582
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The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the state school for the blind even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section. 47592
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Sec. 3325.08. (A) A diploma shall be granted by the superintendent of the state school for the blind and the superintendent of the state school for the deaf to any student 47600
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enrolled in one of these state schools to whom all of the 47603
following apply: 47604

(1) The student has successfully completed the 47605
individualized education program developed for the student for 47606
the student's high school education pursuant to section 3323.08 47607
of the Revised Code; 47608

(2) Subject to section 3313.614 of the Revised Code, the 47609
student has met the assessment requirements of division (A) (2) 47610
(a) or (b) of this section, as applicable. 47611

(a) If the student entered the ninth grade prior to July 47612
1, 2014, the student either: 47613

(i) Has attained at least the applicable scores designated 47614
under division (B) (1) of section 3301.0710 of the Revised Code 47615
on all the assessments prescribed by that division unless 47616
division (L) of section 3313.61 of the Revised Code applies to 47617
the student; 47618

(ii) Has satisfied the alternative conditions prescribed 47619
in section 3313.615 of the Revised Code. 47620

(b) If the student entered the ninth grade on or after 47621
July 1, 2014, the student has met the requirement prescribed by 47622
section 3313.618 of the Revised Code, except to the extent that 47623
division (L) of section 3313.61 of the Revised Code applies to 47624
the student. 47625

(3) The student is not eligible to receive an honors 47626
diploma granted pursuant to division (B) of this section. 47627

No diploma shall be granted under this division to anyone 47628
except as provided under this division. 47629

(B) In lieu of a diploma granted under division (A) of 47630

this section, the superintendent of the state school for the 47631
blind and the superintendent of the state school for the deaf 47632
shall grant an honors diploma, in the same manner that the 47633
boards of education of school districts grant such diplomas 47634
under division (B) of section 3313.61 of the Revised Code, to 47635
any student enrolled in one of these state schools who 47636
accomplishes all of the following: 47637

(1) Successfully completes the individualized education 47638
program developed for the student for the student's high school 47639
education pursuant to section 3323.08 of the Revised Code; 47640

(2) Subject to section 3313.614 of the Revised Code, has 47641
met the assessment requirements of division (B) (2) (a) or (b) of 47642
this section, as applicable. 47643

(a) If the student entered the ninth grade prior to July 47644
1, 2014, the student either: 47645

(i) Has attained at least the applicable scores designated 47646
under division (B) (1) of section 3301.0710 of the Revised Code 47647
on all the assessments prescribed under that division; 47648

(ii) Has satisfied the alternative conditions prescribed 47649
in section 3313.615 of the Revised Code. 47650

(b) If the student entered the ninth grade on or after 47651
July 1, 2014, the student has met the requirement prescribed by 47652
section 3313.618 of the Revised Code. 47653

(3) Has met additional criteria for granting an honors 47654
diploma. 47655

These additional criteria shall be the same as those 47656
prescribed by the state board under division (B) of section 47657
3313.61 of the Revised Code for the granting of such diplomas by 47658

school districts. No honors diploma shall be granted to anyone 47659
failing to comply with this division and not more than one 47660
honors diploma shall be granted to any student under this 47661
division. 47662

(C) A diploma or honors diploma awarded under this section 47663
shall be signed by the ~~superintendent of public instruction~~ 47664
director of education and workforce and the superintendent of 47665
the state school for the blind or the superintendent of the 47666
state school for the deaf, as applicable. Each diploma shall 47667
bear the date of its issue and be in such form as the school 47668
superintendent prescribes. 47669

(D) Upon granting a diploma to a student under this 47670
section, the superintendent of the state school in which the 47671
student is enrolled shall provide notice of receipt of the 47672
diploma to the board of education of the school district where 47673
the student is entitled to attend school under section 3313.64 47674
or 3313.65 of the Revised Code when not residing at the state 47675
school for the blind or the state school for the deaf. The 47676
notice shall indicate the type of diploma granted. 47677

Sec. 3325.09. (A) The ~~state board~~ department of education 47678
and workforce shall institute and establish career-technical 47679
education and work training programs for secondary and post- 47680
secondary students whose disabilities are visual impairments. 47681
These programs shall develop communication, mobility, and work 47682
skills and assist students in becoming productive members of 47683
society so that they can contribute to their communities and 47684
living environments. 47685

(B) The state school for the blind may use any gifts, 47686
donations, or bequests it receives under section 3325.10 of the 47687
Revised Code for one or more of the following purposes that are 47688

related to career-technical and work training programs for 47689
secondary and post-secondary students whose disabilities are 47690
visual impairments: 47691

(1) Room and board; 47692

(2) Training in mobility and orientation; 47693

(3) Activities that teach daily living skills; 47694

(4) Rehabilitation technology; 47695

(5) Activities that teach group and individual social and 47696
interpersonal skills; 47697

(6) Work placement in the community by the school or a 47698
community agency; 47699

(7) Transportation to and from work sites or locations of 47700
community interaction; 47701

(8) Supervision and management of programs and services. 47702

Sec. 3325.11. There is hereby created in the state 47703
treasury the state school for the blind student activity and 47704
work-study fund. Moneys received from donations, bequests, the 47705
school vocational program, and any other moneys designated for 47706
deposit in the fund by the superintendent of the state school 47707
for the blind shall be credited to the fund. Notwithstanding 47708
section 3325.01 of the Revised Code, the approval of the ~~state-~~ 47709
~~board department of education and workforce~~ is not required to 47710
designate money for deposit into the fund. The school for the 47711
blind shall use money in the fund for school operating expenses, 47712
including, but not limited to, personal services, maintenance, 47713
and equipment related to student support, activities, and 47714
vocational programs, and for providing scholarships to students 47715
for further training upon graduation. 47716

Sec. 3325.12. Money deposited with the superintendent of 47717
the state school for the blind and the superintendent of the 47718
state school for the deaf by parents, relatives, guardians, and 47719
friends for the special benefit of any pupil shall remain in the 47720
hands of the respective superintendent for use accordingly. Each 47721
superintendent shall deposit the money into one or more personal 47722
deposit funds. Each superintendent shall keep itemized book 47723
accounts of the receipt and disposition of the money, which 47724
books shall be open at all times to the inspection of the 47725
~~superintendent of public instruction~~director of education and 47726
workforce. The superintendent of the state school for the blind 47727
and the superintendent of the state school for the deaf each 47728
shall adopt rules governing the deposit, transfer, withdrawal, 47729
or investment of the money and the investment earnings of the 47730
money. 47731

Whenever a pupil ceases to be enrolled in the state school 47732
for the blind or the state school for the deaf, if personal 47733
money of the pupil remains in the hands of the respective 47734
superintendent and no demand is made upon the superintendent by 47735
the pupil or the pupil's parent or guardian, the superintendent 47736
shall hold the money in a personal deposit fund for a period of 47737
at least one year. During that time, the superintendent shall 47738
make every effort possible to locate the pupil or the pupil's 47739
parent or guardian. If, at the end of this period, no demand has 47740
been made for the money held by the state school for the blind, 47741
the superintendent of the state school for the blind shall 47742
dispose of the money by transferring it to the state school for 47743
the blind student activity and work-study fund established by 47744
section 3325.11 of the Revised Code. If at the end of this 47745
period, no demand has been made for the money held by the state 47746
school for the deaf, the superintendent of the state school for 47747

the deaf shall dispose of the money by transferring it to the 47748
state school for the deaf educational program expenses fund 47749
established by section 3325.16 of the Revised Code. 47750

Sec. 3325.13. The state school for the blind employees 47751
food service fund is hereby created in the state treasury. The 47752
fund shall consist of payments received from employees who make 47753
purchases from the school's food service program. 47754
Notwithstanding section 3325.01 of the Revised Code, the 47755
approval of the ~~state board~~ department of education and 47756
workforce is not required to designate money for deposit into 47757
the fund. The school for the blind shall use money in the fund 47758
to pay costs associated with the school's food service program. 47759

Sec. 3325.14. The state school for the deaf employees food 47760
service fund is hereby created in the state treasury. The fund 47761
shall consist of payments received from employees who make 47762
purchases from the school's food service program. 47763
Notwithstanding section 3325.01 of the Revised Code, the 47764
approval of the ~~state board~~ department of education and 47765
workforce is not required to designate money for deposit into 47766
the fund. The school for the deaf shall use money in the fund to 47767
pay costs associated with the school's food service program. 47768

Sec. 3325.16. There is hereby created in the state 47769
treasury the state school for the deaf educational program 47770
expenses fund. Moneys received by the school from donations, 47771
bequests, student fundraising activities, fees charged for camps 47772
and workshops, gate receipts from athletic contests, and the 47773
student work experience program operated by the school, and any 47774
other moneys designated for deposit in the fund by the 47775
superintendent of the school, shall be credited to the fund. 47776
Notwithstanding section 3325.01 of the Revised Code, the 47777

approval of the ~~state board~~ department of education and 47778
workforce is not required to designate money for deposit into 47779
the fund. The state school for the deaf shall use moneys in the 47780
fund for educational programs, after-school activities, and 47781
expenses associated with student activities and clubs. 47782

Sec. 3325.17. There is hereby created in the state 47783
treasury the state school for the blind educational program 47784
expense fund. Moneys received by the school from donations, 47785
bequests, student fundraising activities, fees charged for 47786
camps, workshops, and summer work and learn cooperative 47787
programs, gate receipts from school activities, and any other 47788
moneys designated for deposit in the fund by the superintendent 47789
of the school, shall be credited to the fund. Notwithstanding 47790
section 3325.01 of the Revised Code, the approval of the ~~state-~~ 47791
~~board~~ department of education and workforce is not required to 47792
designate money for deposit into the fund. The state school for 47793
the blind shall use moneys in the fund for educational programs, 47794
after-school activities, and expenses associated with student 47795
activities. 47796

Sec. 3326.02. There is hereby established the STEM 47797
committee of the department of education and workforce 47798
consisting of the following members: 47799

(A) The ~~superintendent of public instruction~~ director of 47800
education and workforce, or the ~~superintendent's~~ director's 47801
designee; 47802

(B) The chancellor of higher education, or the 47803
chancellor's designee; 47804

(C) The director of development, or the director's 47805
designee; 47806

(D) Four members of the public, two of whom shall be 47807
appointed by the governor, one of whom shall be appointed by the 47808
speaker of the house of representatives, and one of whom shall 47809
be appointed by the president of the senate. Members of the 47810
public shall be appointed based on their expertise in business 47811
or in STEM fields. 47812

All members of the committee appointed under division (D) 47813
of this section shall serve at the pleasure of their appointing 47814
authority. 47815

If a member listed in divisions (A) to (C) of this section 47816
elects to assign a designee to participate in committee business 47817
on the member's behalf, the member shall assign that designation 47818
to a single person for the time period in which the designation 47819
is effective. 47820

Members of the committee shall receive no compensation for 47821
their services. The department of education and workforce shall 47822
provide administrative support for the committee. 47823

Sec. 3326.03. (A) The STEM committee shall authorize the 47824
establishment of science, technology, engineering, and 47825
mathematics schools based on proposals submitted to the 47826
committee. 47827

The committee shall determine the criteria for proposals, 47828
establish procedures for the submission of proposals, accept and 47829
evaluate proposals, and choose which proposals to approve to 47830
become a STEM school. In approving proposals for STEM schools, 47831
the committee shall consider designating schools in diverse 47832
geographic regions of the state so that all students have access 47833
to a STEM school. 47834

The committee shall seek technical assistance from the 47835

Ohio STEM learning network, or its successor, throughout the 47836
process of accepting and evaluating proposals and choosing which 47837
proposals to approve. In approving proposals for STEM schools, 47838
the committee shall consider the recommendations of the Ohio 47839
STEM learning network, or its successor. 47840

The committee may authorize the establishment of a group 47841
of multiple STEM schools to operate from multiple facilities 47842
located in one or more school districts under the direction of a 47843
single governing body in the manner prescribed by section 47844
3326.031 of the Revised Code. The committee shall consider the 47845
merits of each of the proposed STEM schools within a group and 47846
shall authorize each school separately. Anytime after 47847
authorizing a group of STEM schools to be under the direction of 47848
a single governing body, the committee may authorize one or more 47849
additional schools to operate as part of that group, provided a 47850
proposal for each school is submitted in accordance with this 47851
section. 47852

The STEM committee may approve one or more STEM schools to 47853
serve only students identified as gifted under Chapter 3324. of 47854
the Revised Code. 47855

(B) Proposals may be submitted only by a partnership of 47856
public and private entities consisting of at least all of the 47857
following: 47858

- (1) A city, exempted village, or local school district; 47859
- (2) Higher education entities; 47860
- (3) Business organizations. 47861

A community school established under Chapter 3314. of the 47862
Revised Code, a chartered nonpublic school, or both may be part 47863
of the partnership. 47864

- (C) Each proposal shall include at least the following: 47865
- (1) A statement of which of grades kindergarten through 47866
twelve will be offered by the school; 47867
- (2) Assurances that the STEM school or group of STEM 47868
schools will be under the oversight of a governing body and a 47869
description of the members of that governing body and how they 47870
will be selected; 47871
- (3) Assurances that each STEM school will operate in 47872
compliance with this chapter and the provisions of the proposal 47873
as accepted by the committee and that the school will maintain 47874
the STEM education practices set forth in the proposal; 47875
- (4) Evidence that each school will exhibit school-wide 47876
cultural strategies reflecting innovation, an entrepreneurial 47877
spirit, inquiry, and collaboration with individual 47878
accountability; 47879
- (5) Evidence that each school will offer a rigorous, 47880
diverse, integrated, and problem- or project-based curriculum to 47881
all students enrolled in the school, with the goal to prepare 47882
all students for post-high school learning experiences, the 47883
workforce, and citizenship, and that does all of the following: 47884
- (a) Emphasizes and supports the role of science, 47885
technology, engineering, and mathematics in promoting innovation 47886
and economic progress; 47887
- (b) Emphasizes the use of design thinking as a school-wide 47888
approach; 47889
- (c) Provides opportunities for students to engage in 47890
personalized learning; 47891
- (d) Includes the arts and humanities. If the proposal is 47892

for a STEAM school, it also shall include evidence that the 47893
curriculum will integrate arts and design into the study of 47894
science, technology, engineering, and mathematics to foster 47895
creative thinking, problem-solving, and new approaches to 47896
scientific invention. 47897

(6) Evidence that school leadership supports the 47898
curriculum principles of division (C) (5) of this section; 47899

(7) A description of how each school's curriculum was 47900
developed using the curriculum principles described in division 47901
(C) (5) of this section and approved by a team in accordance with 47902
section 3326.09 of the Revised Code; 47903

(8) Evidence that each school will participate in regular 47904
STEM-focused professional development and share knowledge of 47905
best practices; 47906

(9) Evidence that each school has established partnerships 47907
with institutions of higher education and businesses. If the 47908
proposal is for a STEAM school, it also shall include evidence 47909
of established partnerships with one or more arts organizations. 47910

(10) Assurances that each school has received commitments 47911
of sustained and verifiable fiscal and in-kind support from 47912
regional education and business entities. If the proposal is for 47913
a STEAM school, it also shall include assurances that the school 47914
has received commitments of sustained and verifiable fiscal and 47915
in-kind support from arts organizations. 47916

(11) A description of how each school's assets will be 47917
distributed if the school closes for any reason. 47918

(D) A STEM school that is designated under this section 47919
may submit an amended proposal to the STEM committee at any time 47920
to offer additional grade levels. Upon approval of the amended 47921

proposal by the committee, those grades may be offered by the 47922
school. 47923

(E) (1) If a school is designated as a STEM school under 47924
this section, it shall maintain that designation for five years 47925
unless the STEM committee revokes its designation during that 47926
five-year period under division (F) of this section. At the end 47927
of that five-year period, the school shall reapply to the STEM 47928
committee in order to maintain that designation. The committee 47929
shall authorize the continuation of the school's STEM 47930
designation if the committee finds that the school is in 47931
compliance with this chapter and the provisions of its proposal 47932
and any subsequent amendments to that proposal. 47933

If a school chooses not to reapply for designation as a 47934
STEM school under division (E) (1) of this section, the committee 47935
shall revoke the school's designation at the end of its five- 47936
year designation period. 47937

(2) If a school reapplies for its designation as a STEM 47938
school under division (E) (1) of this section and the committee 47939
has reason to believe that it is not in compliance with this 47940
chapter or the provisions of its proposal and any subsequent 47941
amendments to that proposal, the committee shall require the 47942
school, in collaboration with the department of education and 47943
workforce and the Ohio STEM learning network or its successor, 47944
to develop a corrective action plan. The school shall implement 47945
the corrective action plan and demonstrate exemplary STEM 47946
pedagogy and practices within one year of the plan's 47947
development. If the school fails to implement the corrective 47948
action plan to the satisfaction of the committee at the end of 47949
that year, the committee shall revoke the school's designation. 47950

(3) The department shall maintain records of the 47951

application status and designation renewal deadlines for each 47952
school that has been designated as a STEM school under this 47953
section. 47954

(F) If the STEM committee has reason to believe that a 47955
school that is designated as a STEM school under this section is 47956
not in compliance with this chapter or the provisions of its 47957
proposal and any subsequent amendments to that proposal, it may 47958
review the school's designation prior to the end of its five- 47959
year designation period. If the committee reviews a school's 47960
designation under this division, it must require the school to 47961
develop a corrective action plan in the same manner as specified 47962
in division (E) (2) of this section and implement that plan and 47963
demonstrate exemplary STEM pedagogy and practices within one 47964
year of the plan's development. If the school fails to implement 47965
the corrective action plan to the satisfaction of the committee 47966
at the end of that year, the committee shall revoke the school's 47967
designation. 47968

(G) If a STEM school wishes to become a STEAM school, it 47969
may change its existing proposal to include the items required 47970
under divisions (C) (5) (d), (C) (9), and (C) (10) of this section 47971
and submit the revised proposal to the STEM committee for 47972
approval. 47973

(H) Notwithstanding division (B) (1) of this section, on 47974
~~and after the effective date of this amendment~~ September 30, 47975
2021, a school operated by a joint vocational school district 47976
that was designated as a STEM school prior to that date may 47977
maintain that designation provided the school continues to 47978
comply with this chapter and all provisions of its proposal and 47979
any subsequent amendments to that proposal. However, nothing 47980
shall prohibit that school from electing to apply for a 47981

designation of STEM school equivalent or distinction as a STEM 47982
program of excellence under section 3326.032 or 3326.04 of the 47983
Revised Code, respectively. 47984

Sec. 3326.032. (A) The STEM committee may grant a 47985
designation of STEM school equivalent to any of the following 47986
schools: 47987

(1) A school operated by a joint vocational school 47988
district; 47989

(2) A school offering career-technical education programs 47990
that is operated by a school district that is a comprehensive 47991
career-technical education provider; 47992

(3) A school offering career-technical education programs 47993
that is operated by a school district that is a participant in a 47994
compact career-technical education provider; 47995

(4) A community school established under Chapter 3314. of 47996
the Revised Code; 47997

(5) A chartered nonpublic school. 47998

In order to be eligible for this designation, a school 47999
shall submit a proposal that satisfies the requirements of this 48000
section. 48001

The committee shall determine the criteria for proposals, 48002
establish procedures for the submission of proposals, accept and 48003
evaluate proposals, and choose which proposals warrant a school 48004
to be designated as a STEM school equivalent. 48005

(B) A proposal for designation as a STEM school equivalent 48006
shall include at least the following: 48007

(1) A statement of which of grades kindergarten through 48008

twelve will be offered by the school;	48009
(2) Assurances that the school will operate in compliance	48010
with this section and the provisions of the proposal as accepted	48011
by the committee and that the school will maintain the STEM	48012
education practices set forth in the proposal;	48013
(3) Evidence that the school will exhibit school-wide	48014
cultural strategies reflecting innovation, an entrepreneurial	48015
spirit, inquiry, and collaboration with individual	48016
accountability;	48017
(4) Evidence that the school will offer a rigorous,	48018
diverse, integrated, and problem- or project-based curriculum to	48019
all students enrolled in the school, with the goal to prepare	48020
all students for post-secondary learning experiences, the	48021
workforce, and citizenship, and that does all of the following:	48022
(a) Emphasizes and supports the role of science,	48023
technology, engineering, and mathematics in promoting innovation	48024
and economic progress;	48025
(b) Emphasizes the use of design thinking as a school-wide	48026
approach;	48027
(c) Provides opportunities for students to engage in	48028
personalized learning;	48029
(d) Includes the arts and humanities. If the proposal is	48030
for a STEAM school equivalent, it also shall include evidence	48031
that the curriculum will integrate arts and design into the	48032
study of science, technology, engineering, and mathematics to	48033
foster creative thinking, problem-solving, and new approaches to	48034
scientific invention.	48035
(5) Evidence that the school leadership supports the	48036

curriculum principles of division (B)(4) of this section; 48037

(6) A description of how the school's curriculum was 48038
developed using the principles of division (B)(4) of this 48039
section and approved by a team in accordance with section 48040
3326.09 of the Revised Code; 48041

(7) Evidence that the school will participate in regular 48042
professional development and share knowledge of best practices; 48043

(8) Evidence that the school has established partnerships 48044
with institutions of higher education and businesses. If the 48045
proposal is for a STEAM school equivalent, it also shall include 48046
evidence of established partnerships with one or more arts 48047
organizations. 48048

(9) Assurances that the school has received commitments of 48049
sustained and verifiable fiscal and in-kind support from 48050
regional education and business entities. If the proposal is for 48051
a STEAM school equivalent, it also shall include assurances that 48052
the school has received commitments of sustained and verifiable 48053
fiscal and in-kind support from arts organizations. 48054

(C)(1) If a school is designated as a STEM school 48055
equivalent under this section, it shall maintain that 48056
designation for five years unless the STEM committee revokes its 48057
designation during that five-year period under division (D) of 48058
this section. At the end of that five-year period, the school 48059
shall reapply to the STEM committee in order to maintain that 48060
designation. The committee shall authorize the continuation of 48061
the school's designation as a STEM school equivalent if the 48062
committee finds that the school is in compliance with this 48063
chapter and the provisions of its proposal and any subsequent 48064
amendments to that proposal. 48065

If a school chooses not to reapply for designation as a STEM school equivalent under division (C)(1) of this section, the committee shall revoke the school's designation at the end of its five-year designation period.

(2) If a school reapplies for its designation as a STEM school equivalent under division (C)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the school, in collaboration with the department of education and workforce and the Ohio STEM learning network or its successor, to develop a corrective action plan. The school shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation.

(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school equivalent under this section.

(D) If the STEM committee has reason to believe that a school that is designated as a STEM school equivalent under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as

specified in division (C) (2) of this section and implement that 48096
plan and demonstrate exemplary STEM pedagogy and practices 48097
within one year of the plan's development. If the school fails 48098
to implement the corrective action plan to the satisfaction of 48099
the committee at the end of that year, the committee shall 48100
revoke the school's designation. 48101

(E) A school that is designated as a STEM school 48102
equivalent under this section shall not be subject to the 48103
requirements of Chapter 3326. of the Revised Code, except that 48104
the school shall be subject to the requirements of this section 48105
and to the curriculum requirements of section 3326.09 of the 48106
Revised Code. 48107

Nothing in this section, however, shall relieve a 48108
community school of the applicable requirements of Chapter 3314. 48109
of the Revised Code. Nor shall anything in this section relieve 48110
a school operated by a joint vocational school district, a 48111
school operated by a comprehensive career-technical education 48112
provider, a school operated by a compact career-technical 48113
education provider, or a chartered nonpublic school of any 48114
provisions of law outside of this chapter that are applicable to 48115
such schools. 48116

(2) A school that is designated as a STEM school 48117
equivalent under this section shall not be eligible for 48118
operating funding under sections 3326.31 to 3326.37, 3326.39 to 48119
3326.40, and 3326.51 of the Revised Code. 48120

(3) A school that is designated as a STEM school 48121
equivalent under this section may apply for any of the grants 48122
and additional funds described in section 3326.38 of the Revised 48123
Code for which the school is eligible. 48124

(F) If a school that is designated as a STEM school 48125
equivalent under this section intends to close or intends to no 48126
longer be designated as a STEM school equivalent, it shall 48127
notify the STEM committee of that fact. 48128

(G) If a school that is designated as a STEM school 48129
equivalent wishes to be designated as a STEAM school equivalent, 48130
it may change its existing proposal to include the items 48131
required under divisions (B) (4) (d), (B) (8), and (B) (9) of this 48132
section and submit the revised proposal to the STEM committee 48133
for approval. 48134

Sec. 3326.04. (A) The STEM committee shall grant 48135
distinctions as STEM programs of excellence to STEM programs 48136
operated by joint vocational school districts, comprehensive 48137
career-technical education providers, compact career-technical 48138
education providers, and educational service centers in 48139
accordance with this section. 48140

(B) A joint vocational school district, comprehensive 48141
career-technical education provider, compact career-technical 48142
education provider, or educational service center may submit a 48143
proposal to the STEM committee seeking distinction as a STEM 48144
program of excellence. The proposal shall demonstrate to the 48145
satisfaction of the STEM committee that the program meets at 48146
least the following standards: 48147

(1) Unless the program is designed to serve only students 48148
identified as gifted under Chapter 3324. of the Revised Code, 48149
the program will serve all students enrolled in the grades for 48150
which the program is designed. 48151

(2) The program will provide students with the opportunity 48152
to innovate, develop an entrepreneurial spirit, engage in 48153

inquiry, and collaborate with individual accountability. 48154

(3) The program will offer a rigorous, diverse, 48155
integrated, and problem- or project-based curriculum to 48156
students, with the goal to prepare students for post-secondary 48157
learning experiences, the workforce, and citizenship, and that 48158
does all of the following: 48159

(a) Emphasizes and supports the role of science, 48160
technology, engineering, and mathematics in promoting innovation 48161
and economic progress; 48162

(b) Emphasizes the use of design thinking as a school-wide 48163
approach; 48164

(c) Provides opportunities for students to engage in 48165
personalized learning; 48166

(d) Includes the arts and humanities. If the proposal is 48167
for distinction as a STEAM program of excellence, it also shall 48168
include evidence that the curriculum will integrate arts and 48169
design into the study of science, technology, engineering, and 48170
mathematics to foster creative thinking, problem-solving, and 48171
new approaches to scientific invention. 48172

(4) The district, provider, or service center leadership 48173
supports the curriculum principles of division (B) (3) of this 48174
section. 48175

(5) The program's leaders participate in regular STEM- 48176
focused professional development and share knowledge of best 48177
practices. 48178

(6) The program has established partnerships with 48179
institutions of higher education and businesses. If the proposal 48180
is for distinction as a STEAM program of excellence, it also 48181

shall include evidence of established partnerships with one or 48182
more arts organizations. 48183

(7) The program has received commitments of sustained and 48184
verifiable fiscal and in-kind support from regional education 48185
and business entities. If the proposal is for distinction as a 48186
STEAM program of excellence, the program also has received 48187
commitments of sustained and verifiable fiscal and in-kind 48188
support from arts organizations; 48189

(8) The program's curriculum was developed using the 48190
principles described in division (B)(3) of this section and 48191
approved by a team in accordance with section 3326.09 of the 48192
Revised Code. 48193

(C)(1) If a joint vocational school district, 48194
comprehensive career-technical education provider, compact 48195
career-technical education provider, or educational service 48196
center receives a distinction as a STEM program of excellence 48197
under this section, it shall maintain that distinction for five 48198
years unless the STEM committee revokes the distinction during 48199
that five-year period under division (E) of this section. At the 48200
end of that five-year period, the district, provider, or service 48201
center shall reapply to the STEM committee in order to maintain 48202
that distinction. The committee shall authorize the continuation 48203
of the district's, provider's, or service center's distinction 48204
as a STEM program of excellence if the committee finds that the 48205
district, provider, or service center is in compliance with this 48206
chapter and the provisions of its proposal and any subsequent 48207
amendments to that proposal. 48208

If a joint vocational school district, comprehensive 48209
career-technical education provider, compact career-technical 48210
education provider, or educational service center chooses not to 48211

reapply for a distinction for a STEM program of excellence under 48212
division (C)(1) of this section, the committee shall revoke the 48213
district's, provider's, or service center's distinction at the 48214
end of its five-year period of distinction. 48215

(2) If a joint vocational school district, comprehensive 48216
career-technical education provider, compact career-technical 48217
education provider, or educational service center reapplies for 48218
distinction as a STEM program of excellence under division (C) 48219
(1) of this section and the committee has reason to believe that 48220
it is not in compliance with this chapter or the provisions of 48221
its proposal and any subsequent amendments to that proposal, the 48222
committee shall require the district, provider, or service 48223
center, in collaboration with the department of education and 48224
workforce and the Ohio STEM learning network or its successor, 48225
to develop a corrective action plan. The district, provider, or 48226
service center shall implement the corrective action plan and 48227
demonstrate exemplary STEM pedagogy and practices within one 48228
year of the plan's development. If the district, provider, or 48229
service center fails to implement the corrective action plan to 48230
the satisfaction of the committee at the end of that year, the 48231
committee shall revoke the district's, provider's, or service 48232
center's distinction. 48233

(3) The department shall maintain records of the 48234
application status and designation renewal deadlines for each 48235
joint vocational school district, comprehensive career-technical 48236
education provider, compact career-technical education provider, 48237
or educational service center that has received a distinction as 48238
a STEM program of excellence under this section. 48239

(D) If the STEM committee has reason to believe that a 48240
joint vocational school district, comprehensive career-technical 48241

education provider, compact career-technical education provider, 48242
or educational service center that has received a distinction as 48243
a STEM program of excellence under this section is not in 48244
compliance with this chapter or the provisions of its proposal 48245
and any subsequent amendments to that proposal, it may review 48246
the district's, provider's, or service center's distinction 48247
prior to the end of the five-year period during which that 48248
distinction is effective. If the committee reviews a district's, 48249
provider's, or service center's distinction under this division, 48250
it must require the district, provider, or service center to 48251
develop a corrective action plan in the same manner as specified 48252
in division (C) (2) of this section and implement that plan and 48253
demonstrate exemplary STEM pedagogy and practices within one 48254
year of the plan's development. If the district, provider, or 48255
service center fails to implement the corrective action plan to 48256
the satisfaction of the committee at the end of that year, the 48257
committee shall revoke the district's, provider's, or service 48258
center's distinction. 48259

(E) If a joint vocational school district, comprehensive 48260
career-technical education provider, compact career-technical 48261
education provider, or educational service center that has 48262
received distinction for a STEM program of excellence instead 48263
wishes to receive a distinction for a STEAM program of 48264
excellence, it may change its existing proposal to include the 48265
items required under divisions (B) (3) (d), (B) (6), and (B) (7) of 48266
this section and submit the revised proposal to the STEM 48267
committee for approval. 48268

Sec. 3326.08. (A) The governing body of each science, 48269
technology, engineering, and mathematics school shall engage the 48270
services of administrative officers, teachers, and nonteaching 48271
employees of the STEM school necessary for the school to carry 48272

out its mission and shall oversee the operations of the school. 48273
The governing body of each STEM school shall engage the services 48274
of a chief administrative officer to serve as the school's 48275
instructional and administrative leader. The chief 48276
administrative officer shall be granted the authority to oversee 48277
the recruitment, retention, and employment of teachers and 48278
nonteaching employees. 48279

(B) The department of education and workforce shall 48280
monitor the oversight of each STEM school exercised by the 48281
school's governing body and shall monitor the school's 48282
compliance with this chapter and with the proposal for the 48283
establishment of the school as it was approved by the STEM 48284
committee under section 3326.03 of the Revised Code. Except in 48285
the case of a STEM school that is governed and controlled by a 48286
school district in accordance with section 3326.51 of the 48287
Revised Code, if the department finds that the school is not in 48288
compliance with this chapter or with the proposal and the STEM 48289
committee has revoked the school's STEM designation under 48290
division (E) (1) or (2) or (F) of section 3326.03 of the Revised 48291
Code, the department shall consult with the STEM committee, and 48292
the committee shall order the school to close on the last day of 48293
the school year in which the committee issues its order. 48294

(C) The governing body of each STEM school shall comply 48295
with sections 121.22 and 149.43 of the Revised Code. 48296

Sec. 3326.081. (A) As used in this section, "license" has 48297
the same meaning as in section 3319.31 of the Revised Code. 48298

(B) If a person who is employed by a science, technology, 48299
engineering, and mathematics school established under this 48300
chapter is arrested, summoned, or indicted for an alleged 48301
violation of an offense listed in division (C) of section 48302

3319.31 of the Revised Code, if the person holds a license, or 48303
an offense listed in division (B) (1) of section 3319.39 of the 48304
Revised Code, if the person does not hold a license, the chief 48305
administrative officer of the school shall suspend that person 48306
from all duties that require the care, custody, or control of a 48307
child during the pendency of the criminal action against the 48308
person. If the person who is arrested, summoned, or indicted for 48309
an alleged violation of an offense listed in division (C) of 48310
section 3319.31 or division (B) (1) of section 3319.39 of the 48311
Revised Code is the chief administrative officer of the school, 48312
the governing body of the school shall suspend the chief 48313
administrative officer from all duties that require the care, 48314
custody, or control of a child. 48315

(C) When a person who holds a license is suspended in 48316
accordance with this section, the chief administrative officer 48317
or governing body that imposed the suspension promptly shall 48318
report the person's suspension to the department of education 48319
and workforce and to the state board of education. The report 48320
shall include the offense for which the person was arrested, 48321
summoned, or indicted. 48322

Sec. 3326.15. Each science, technology, engineering, and 48323
mathematics school and its governing body shall comply with 48324
sections 3313.603 and 3313.6027 of the Revised Code as if it 48325
were a school district. However, a STEM school may permit a 48326
student to earn units of high school credit based on a 48327
demonstration of subject area competency instead of or in 48328
combination with completing hours of classroom instruction prior 48329
to the adoption by the ~~state board~~ department of education and 48330
workforce of the plan for granting high school credit based on 48331
competency, as required by division (J) of that section. Upon 48332
adoption of the plan, each STEM school shall comply with that 48333

plan and award units of high school credit in accordance with 48334
the plan. 48335

Sec. 3326.17. (A) The department of education and 48336
workforce shall issue an annual report card for each science, 48337
technology, engineering, and mathematics school that includes 48338
all information applicable to school buildings under section 48339
3302.03 of the Revised Code. 48340

(B) Beginning with the report cards issued for the 2020- 48341
2021 school year, for each student enrolled in a STEM school 48342
that is not a STEM school governed by a STEM school sponsoring 48343
district, as defined in section 3326.51 of the Revised Code, the 48344
department shall combine data regarding the academic performance 48345
of that student with comparable data from the school district in 48346
which the student is entitled to attend school pursuant to 48347
section 3313.64 or 3313.65 of the Revised Code for the purpose 48348
of calculating the performance of the district as a whole on the 48349
report card issued for the district under section 3302.03 of the 48350
Revised Code. 48351

(C) The department also shall compute a rating for each 48352
group of STEM schools that is under the direction of the same 48353
governing body, as authorized under section 3326.031 of the 48354
Revised Code, and issue a distinct report card for the group as 48355
a whole. 48356

(D) Each STEM school and its governing body shall comply 48357
with sections 3302.04 and 3302.041 of the Revised Code, except 48358
that any action required to be taken by a school district 48359
pursuant to those sections shall be taken by the school. 48360
~~However, the school shall not be required to take any action~~ 48361
~~described in division (F) of section 3302.04 of the Revised~~ 48362
~~Code.~~ 48363

Sec. 3326.211. (A) If the auditor of state or a public accountant, pursuant to section 117.41 of the Revised Code, declares a science, technology, engineering, and mathematics school to be unauditabile, the auditor of state shall provide written notification of that declaration to the school and the department of education and workforce. The auditor of state also shall post the notification on the auditor of state's web site.

(B) If the STEM school's current treasurer held that position during the period for which the school is unauditabile, upon receipt of the notification under division (A) of this section, the governing body of the school shall suspend the treasurer until the auditor of state or a public accountant has completed an audit of the school. Suspension of the treasurer may be with or without pay, as determined by the governing body based on the circumstances that prompted the auditor of state's declaration. The governing body shall appoint a person to assume the duties of the treasurer during the period of the suspension. If the appointee is not licensed as a treasurer under section 3301.074 of the Revised Code, the appointee shall be approved by the ~~superintendent of public instruction~~ director of education and workforce before assuming the duties of the treasurer. The state board of education may take action under section 3319.31 of the Revised Code to suspend, revoke, or limit the license of a treasurer who has been suspended under this division.

(C) Not later than forty-five days after receiving the notification under division (A) of this section, the governing body of the STEM school shall provide a written response to the auditor of state. The response shall include the following:

(1) An overview of the process the governing body will use to review and understand the circumstances that led to the

school becoming unauditabile; 48394

(2) A plan for providing the auditor of state with the 48395
documentation necessary to complete an audit of the school and 48396
for ensuring that all financial documents are available in the 48397
future; 48398

(3) The actions the governing body will take to ensure 48399
that the plan described in division (C) (2) of this section is 48400
implemented. 48401

(D) If the STEM school fails to make reasonable efforts 48402
and continuing progress to bring its accounts, records, files, 48403
or reports into an auditabile condition within ninety days after 48404
being declared unauditabile, the auditor of state, in addition to 48405
requesting legal action under sections 117.41 and 117.42 of the 48406
Revised Code, shall notify the school and the department of the 48407
school's failure. If the auditor of state or a public accountant 48408
subsequently is able to complete a financial audit of the 48409
school, the auditor of state shall notify the school and the 48410
department that the audit has been completed. 48411

(E) Notwithstanding any provision to the contrary in this 48412
chapter or in any other provision of law, upon notification by 48413
the auditor of state under division (D) of this section that the 48414
STEM school has failed to make reasonable efforts and continuing 48415
progress to bring its accounts, records, files, or reports into 48416
an auditabile condition, the department shall immediately cease 48417
all payments to the school under this chapter and any other 48418
provision of law. Upon subsequent notification from the auditor 48419
of state under that division that the auditor of state or a 48420
public accountant was able to complete a financial audit of the 48421
school, the department shall release all funds withheld from the 48422
school under this section. 48423

Sec. 3326.23. This section does not apply to any science, 48424
technology, engineering, and mathematics school that is governed 48425
and controlled by a school district in accordance with section 48426
3326.51 of the Revised Code on or after ~~the effective date of~~ 48427
~~this amendment~~ September 30, 2021. 48428

The governing body of each science, technology, 48429
engineering, and mathematics school annually shall provide the 48430
following assurances in writing to the department of education 48431
and workforce not later than ten business days prior to the 48432
opening of the school: 48433

(A) That the school has a plan for providing special 48434
education and related services to students with disabilities and 48435
has demonstrated the capacity to provide those services in 48436
accordance with Chapter 3323. of the Revised Code and federal 48437
law; 48438

(B) That the school has a plan and procedures for 48439
administering the achievement and diagnostic assessments 48440
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 48441
the Revised Code; 48442

(C) That school personnel have the necessary training, 48443
knowledge, and resources to properly use and submit information 48444
to all databases maintained by the department for the collection 48445
of education data, including the education management 48446
information system established under section 3301.0714 of the 48447
Revised Code; 48448

(D) That all required information about the school has 48449
been submitted to the Ohio education directory system or any 48450
successor system; 48451

(E) That all classroom teachers are licensed in accordance 48452

with sections 3319.22 to 3319.31 of the Revised Code or are	48453
engaged to teach pursuant to section 3319.301 of the Revised	48454
Code;	48455
(F) That the school's treasurer is in compliance with	48456
section 3326.21 of the Revised Code;	48457
(G) That the school has complied with sections 3319.39 and	48458
3319.391 of the Revised Code with respect to all employees and	48459
that the school has conducted a criminal records check of each	48460
of its governing body members;	48461
(H) That the school holds all of the following:	48462
(1) Proof of property ownership or a lease for the	48463
facilities used by the school;	48464
(2) A certificate of occupancy;	48465
(3) Liability insurance for the school, as required by	48466
section 3326.11 of the Revised Code;	48467
(4) A satisfactory health and safety inspection;	48468
(5) A satisfactory fire inspection;	48469
(6) A valid food permit, if applicable.	48470
(I) That the governing body has conducted a pre-opening	48471
site visit to the school for the school year for which the	48472
assurances are provided;	48473
(J) That the school has designated a date it will open for	48474
the school year for which the assurances are provided;	48475
(K) That the school has met all of the governing body's	48476
requirements for opening and any other requirements of the	48477
governing body.	48478

Sec. 3326.28. (A) With the approval of its governing body, 48479
a STEM school established under this chapter may procure 48480
epinephrine autoinjectors in the manner prescribed by section 48481
3313.7110 of the Revised Code. A STEM school that elects to do 48482
so shall comply with all provisions of that section as if it 48483
were a school district. 48484

(B) (1) The following are not liable in damages in a civil 48485
action for injury, death, or loss to person or property that 48486
allegedly arises from an act or omission associated with 48487
procuring, maintaining, accessing, or using an epinephrine 48488
autoinjector under this section, unless the act or omission 48489
constitutes willful or wanton misconduct: 48490

(a) A STEM school; 48491

(b) A member of a STEM school governing body; 48492

(c) A STEM school employee or contractor; 48493

(d) A licensed health professional authorized to prescribe 48494
drugs who personally furnishes or prescribes epinephrine 48495
autoinjectors, provides a consultation, or issues a protocol 48496
pursuant to this section. 48497

(2) This division does not eliminate, limit, or reduce any 48498
other immunity or defense that a STEM school or governing body, 48499
member of a STEM school governing body, STEM school employee or 48500
contractor, or licensed health professional may be entitled to 48501
under Chapter 2744. or any other provision of the Revised Code 48502
or under the common law of this state. 48503

(C) A STEM school may accept donations of epinephrine 48504
autoinjectors from a wholesale distributor of dangerous drugs or 48505
a manufacturer of dangerous drugs, as defined in section 4729.01 48506
of the Revised Code, and may accept donations of money from any 48507

person to purchase epinephrine autoinjectors. 48508

(D) A STEM school that elects to procure epinephrine 48509
autoinjectors under this section shall report to the department 48510
of education and workforce each procurement and occurrence in 48511
which an epinephrine autoinjector is used from the school's 48512
supply of epinephrine autoinjectors. 48513

Sec. 3326.30. (A) As used in this section, "inhaler" has 48514
the same meaning as in section 3313.7113 of the Revised Code. 48515

(B) With the approval of its governing body, a STEM school 48516
may procure inhalers in the manner prescribed by section 48517
3313.7113 of the Revised Code. A STEM school that elects to do 48518
so shall comply with all provisions of that section as if it 48519
were a school district. 48520

(C) A STEM school, a member of a STEM school governing 48521
body, or a STEM school employee or contractor is not liable in 48522
damages in a civil action for injury, death, or loss to person 48523
or property that allegedly arises from an act or omission 48524
associated with procuring, maintaining, accessing, or using an 48525
inhaler under this section, unless the act or omission 48526
constitutes willful or wanton misconduct. 48527

This division does not eliminate, limit, or reduce any 48528
other immunity or defense that a STEM school or governing body, 48529
member of a STEM school governing body, or STEM school employee 48530
or contractor may be entitled to under Chapter 2744. or any 48531
other provision of the Revised Code or under the common law of 48532
this state. 48533

(D) A STEM school may accept donations of inhalers from a 48534
wholesale distributor of dangerous drugs or a manufacturer of 48535
dangerous drugs, as defined in section 4729.01 of the Revised 48536

Code, and may accept donations of money from any person to purchase inhalers.

(E) A STEM school that elects to procure inhalers under this section shall report to the department of education and workforce each procurement and occurrence in which an inhaler is used from the school's supply of inhalers.

Sec. 3326.32. Each science, technology, engineering, and mathematics school shall report to the department of education and workforce, in the form and manner required by the department, all of the following information:

(A) The total number of students enrolled in the school who are residents of this state;

(B) The number of students reported under division (A) of this section who are receiving special education and related services pursuant to an IEP;

(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student;

(D) The full-time equivalent number of students reported under division (A) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) (1), (2), (3), (4), and (5) of section 3317.014 of the Revised Code that are provided by the STEM school;

(E) The number of students reported under division (A) of this section who are English learners and which category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student;

(F) The number of students reported under division (A) of

this section who are economically disadvantaged, as defined by 48565
the department. A student shall not be categorically excluded 48566
from the number reported under division (F) of this section 48567
based on anything other than family income. 48568

(G) The resident district of each student reported under 48569
division (A) of this section; 48570

(H) The total number of students enrolled in the school 48571
who are not residents of this state and any additional 48572
information regarding these students that the department 48573
requires the school to report. The school shall not receive any 48574
payments under this chapter for students reported under this 48575
division. 48576

(I) Any additional information the department determines 48577
necessary to make payments under this chapter. 48578

Sec. 3326.34. If a science, technology, engineering, and 48579
mathematics school established under this chapter incurs costs 48580
for a fiscal year for a student receiving special education and 48581
related services pursuant to an IEP for a disability described 48582
in divisions (B) to (F) of section 3317.013 of the Revised Code 48583
that exceed the threshold catastrophic cost for serving the 48584
student as specified in division (B) of section 3317.0214 of the 48585
Revised Code, the STEM school may submit to the ~~superintendent~~ 48586
of public instruction department of education and workforce 48587
documentation, as prescribed by the ~~superintendent~~department, of 48588
all its costs for that student. Upon submission of documentation 48589
for a student of the type and in the manner prescribed, the 48590
department ~~of education~~ shall pay to the school or, if the 48591
school is part of a group of science, technology, engineering, 48592
and mathematics schools under section 3326.031 of the Revised 48593
Code, to the governing body of that group an amount equal to the 48594

school's costs for the student in excess of the threshold 48595
catastrophic costs. 48596

The school shall only report under this section, and the 48597
department shall only pay for, the costs of educational expenses 48598
and the related services provided to the student in accordance 48599
with the student's IEP. Any legal fees, court costs, or other 48600
costs associated with any cause of action relating to the 48601
student may not be included in the amount. 48602

Sec. 3326.35. The department of education and workforce 48603
shall adjust the amounts paid under section 3317.022 of the 48604
Revised Code to reflect any enrollment of students in science, 48605
technology, engineering, and mathematics schools for less than 48606
the equivalent of a full school year. 48607

Sec. 3326.36. The department of education and workforce 48608
shall reduce the amounts paid to a science, technology, 48609
engineering, and mathematics school or to the governing body of 48610
a group of science, technology, engineering, and mathematics 48611
schools under section 3317.022 of the Revised Code to reflect 48612
payments made to colleges under section 3365.07 of the Revised 48613
Code. A student shall be considered enrolled in the school for 48614
any portion of the school year the student is attending a 48615
college under Chapter 3365. of the Revised Code. 48616

Sec. 3326.37. The department of education and workforce 48617
shall not pay to a science, technology, engineering, and 48618
mathematics school or to the governing body of a group of 48619
science, technology, engineering, or mathematics schools any 48620
amount for any of the following: 48621

(A) Any student who has graduated from the twelfth grade 48622
of a public or nonpublic school; 48623

(B) Any student who is not a resident of the state; 48624

(C) Any student who was enrolled in a STEM school during 48625
the previous school year when assessments were administered 48626
under section 3301.0711 of the Revised Code but did not take one 48627
or more of the assessments required by that section and was not 48628
excused pursuant to division (C) (1) or (3) of that section, 48629
unless the ~~superintendent of public instruction~~ director of 48630
education and workforce grants the student a waiver from the 48631
requirement to take the assessment. The ~~superintendent~~ director 48632
may grant a waiver only for good cause in accordance with rules 48633
adopted by the ~~state board of education~~ department. 48634

(D) Any student who has attained the age of twenty-two 48635
years, except for veterans of the armed services whose 48636
attendance was interrupted before completing the recognized 48637
twelve-year course of the public schools by reason of induction 48638
or enlistment in the armed forces and who apply for enrollment 48639
in a STEM school not later than four years after termination of 48640
war or their honorable discharge. If, however, any such veteran 48641
elects to enroll in special courses organized for veterans for 48642
whom tuition is paid under federal law, or otherwise, the 48643
department shall not pay to the school or to the governing body 48644
any amount for that veteran. 48645

Sec. 3326.45. (A) The governing body of a science, 48646
technology, engineering, and mathematics school may contract 48647
with the governing board of an educational service center or the 48648
board of education of a joint vocational school district for the 48649
provision of services to the STEM school or to any student 48650
enrolled in the school. Services provided under the contract and 48651
the amount to be paid for those services shall be mutually 48652
agreed to by the parties to the contract, and shall be specified 48653

in the contract. 48654

(B) A contract entered into under this section may require 48655
an educational service center to provide any one or a 48656
combination of the following services to a STEM school: 48657

(1) Supervisory teachers; 48658

(2) In-service and continuing education programs for 48659
personnel of the STEM school; 48660

(3) Curriculum services as provided to the client school 48661
districts of the service center; 48662

(4) Research and development programs; 48663

(5) Academic instruction for which the service center 48664
governing board employs teachers; 48665

(6) Assistance in the provision of special accommodations 48666
and classes for students with disabilities. 48667

Services described in division (B) of this section shall 48668
be provided to the STEM school in the same manner they are 48669
provided to client school districts of the service center, 48670
unless otherwise specified in the contract. The contract shall 48671
specify whether the service center will receive a per-pupil 48672
payment from the department of education and workforce for the 48673
provision of these services and, if so, the amount of the per- 48674
pupil payment. 48675

(C) For each contract entered into under this section, the 48676
department shall deduct the amount owed by the STEM school from 48677
the state funds due to the STEM school under this chapter and 48678
shall pay that amount to the educational service center or joint 48679
vocational school district that is party to the contract. 48680

(D) No contract entered into under this section shall be 48681
valid unless a copy is filed with the department by the first 48682
day of the school year for which the contract is in effect. 48683

(E) As used in this section, "client school district" 48684
means a city, exempted village, or local school district that 48685
has entered into an agreement under section 3313.843 or 3313.845 48686
of the Revised Code to receive any services from an educational 48687
service center. 48688

Sec. 3326.51. (A) As used in this section: 48689

(1) "Resident district" has the same meaning as in section 48690
3326.31 of the Revised Code. 48691

(2) "STEM school sponsoring district" means a municipal, 48692
city, local, or exempted village school district that governs 48693
and controls a STEM school pursuant to this section. 48694

(B) Notwithstanding any other provision of this chapter to 48695
the contrary: 48696

(1) If a proposal for a STEM school submitted under 48697
section 3326.03 of the Revised Code proposes that the governing 48698
body of the school be the board of education of a municipal, 48699
city, local, or exempted village school district that is one of 48700
the partners submitting the proposal, and the STEM committee 48701
approves that proposal, that school district board shall govern 48702
and control the STEM school as one of the schools of its 48703
district. 48704

(2) The STEM school sponsoring district shall maintain a 48705
separate accounting for the STEM school as a separate and 48706
distinct operational unit within the district's finances. The 48707
auditor of state, in the course of an annual or biennial audit 48708
of the school district serving as the STEM school sponsoring 48709

district, shall audit that school district for compliance with 48710
the financing requirements of this section. 48711

(3) With respect to students enrolled in a STEM school 48712
whose resident district is the STEM school sponsoring district: 48713

(a) The department of education and workforce shall make 48714
payments to the school in accordance with section 3317.022 of 48715
the Revised Code from the STEM school sponsoring district's 48716
state payments. 48717

(b) The STEM school sponsoring district is responsible for 48718
providing children with disabilities with a free appropriate 48719
public education under Chapter 3323. of the Revised Code. 48720

(c) The STEM school sponsoring district shall provide 48721
student transportation in accordance with laws and policies 48722
generally applicable to the district. 48723

(4) With respect to students enrolled in the STEM school 48724
whose resident district is another school district, the 48725
department shall consider the students as open enrollment 48726
students and shall make payments to the school in accordance 48727
with section 3317.022 of the Revised Code. 48728

(5) A STEM school sponsoring district and its board may 48729
assign its district employees to the STEM school, in which case 48730
section 3326.18 of the Revised Code shall not apply. The 48731
district and board may apply any other resources of the district 48732
to the STEM school in the same manner that it applies district 48733
resources to other district schools. 48734

(6) Provisions of this chapter requiring a STEM school and 48735
its governing body to comply with specified laws as if it were a 48736
school district and in the same manner as a board of education 48737
shall instead require such compliance by the STEM school 48738

sponsoring district and its board of education, respectively, 48739
with respect to the STEM school. Where a STEM school or its 48740
governing body is required to perform a specific duty or 48741
permitted to take a specific action under this chapter, that 48742
duty is required to be performed or that action is permitted to 48743
be taken by the STEM school sponsoring district or its board of 48744
education, respectively, with respect to the STEM school. 48745

(7) No provision of this chapter limits the authority, as 48746
provided otherwise by law, of a school district and its board of 48747
education to levy taxes and issue bonds secured by tax revenues. 48748

(8) The treasurer of the STEM school sponsoring district 48749
or, if the STEM school sponsoring district is a municipal school 48750
district, the chief financial officer of the district, shall 48751
have all of the respective rights, authority, exemptions, and 48752
duties otherwise conferred upon the treasurer or chief financial 48753
officer by the Revised Code. 48754

Sec. 3326.60. (A) With the approval of its governing body, 48755
a STEM school established under this chapter may procure 48756
injectable or nasally administered glucagon in the manner 48757
prescribed by section 3313.7115 of the Revised Code. A STEM 48758
school that elects to do so shall comply with all provisions of 48759
that section as if it were a school district. 48760

(B) (1) The following are not liable in damages in a civil 48761
action for injury, death, or loss to person or property that 48762
allegedly arises from an act or omission associated with 48763
procuring, maintaining, accessing, or using injectable or 48764
nasally administered glucagon under this section, unless the act 48765
or omission constitutes willful or wanton misconduct: 48766

(a) A STEM school; 48767

(b) A member of a STEM school governing body; 48768

(c) A STEM school employee or contractor; 48769

(d) A licensed health professional authorized to prescribe 48770
drugs who personally furnishes or prescribes injectable or 48771
nasally administered glucagon, provides a consultation, or 48772
issues a protocol pursuant to this section. 48773

(2) This division does not eliminate, limit, or reduce any 48774
other immunity or defense that a STEM school or governing body, 48775
member of a STEM school governing body, STEM school employee or 48776
contractor, or licensed health professional may be entitled to 48777
under Chapter 2744. or any other provision of the Revised Code 48778
or under the common law of this state. 48779

(C) A STEM school may accept donations of injectable or 48780
nasally administered glucagon from a wholesale distributor of 48781
dangerous drugs or a manufacturer of dangerous drugs, as defined 48782
in section 4729.01 of the Revised Code, and may accept donations 48783
of money from any person to purchase the drug. 48784

(D) A STEM school that elects to procure injectable or 48785
nasally administered glucagon under this section shall report to 48786
the department of education and workforce each procurement and 48787
each occurrence in which a dose of the drug is used from the 48788
school's supply. 48789

Sec. 3327.01. Notwithstanding division (D) of section 48790
3311.19 and division (D) of section 3311.52 of the Revised Code, 48791
this section and sections 3327.011, 3327.012, and 3327.02 of the 48792
Revised Code do not apply to any joint vocational or cooperative 48793
education school district. 48794

In all city, local, and exempted village school districts 48795
where resident school pupils in grades kindergarten through 48796

eight live more than two miles from the school for which the 48797
~~state board director~~ of education and workforce prescribes 48798
minimum standards pursuant to division (D) of section 3301.07 of 48799
the Revised Code and to which they are assigned by the board of 48800
education of the district of residence or to and from the 48801
nonpublic or community school which they attend, the board of 48802
education shall provide transportation for such pupils to and 48803
from that school except as provided in section 3327.02 of the 48804
Revised Code. 48805

In all city, local, and exempted village school districts 48806
where pupil transportation is required under a career-technical 48807
plan approved by the ~~state board~~ department of education and 48808
workforce under section 3313.90 of the Revised Code, for any 48809
student attending a career-technical program operated by another 48810
school district, including a joint vocational school district, 48811
as prescribed under that section, the board of education of the 48812
student's district of residence shall provide transportation 48813
from the public high school operated by that district to which 48814
the student is assigned to the career-technical program. 48815

In all city, local, and exempted village school districts, 48816
the board may provide transportation for resident school pupils 48817
in grades nine through twelve to and from the high school to 48818
which they are assigned by the board of education of the 48819
district of residence or to and from the nonpublic or community 48820
high school which they attend for which the ~~state board director~~ 48821
of education and workforce prescribes minimum standards pursuant 48822
to division (D) of section 3301.07 of the Revised Code. 48823

A board of education shall not be required to transport 48824
elementary or high school pupils to and from a nonpublic or 48825
community school where such transportation would require more 48826

than thirty minutes of direct travel time as measured by school 48827
bus from the public school building to which the pupils would be 48828
assigned if attending the public school designated by the 48829
district of residence. 48830

Where it is impractical to transport a pupil by school 48831
conveyance, a board of education may offer payment, in lieu of 48832
providing such transportation in accordance with section 3327.02 48833
of the Revised Code. 48834

A board of education shall provide transportation to 48835
students enrolled in a community school or nonpublic school in 48836
accordance with this section on each day in which that school is 48837
open for operation with students in attendance, regardless of 48838
whether the district's own schools are open for operation with 48839
students in attendance on that day. However, a board of 48840
education shall not be required to transport elementary or high 48841
school pupils to and from a nonpublic or community school on 48842
Saturday or Sunday, unless a board of education and a nonpublic 48843
or community school have an agreement in place to do so before 48844
the first day of July of the school year in which the agreement 48845
takes effect. 48846

In all city, local, and exempted village school districts, 48847
the board shall provide transportation for all children who are 48848
so disabled that they are unable to walk to and from the school 48849
for which the ~~state board~~ director of education and workforce 48850
prescribes minimum standards pursuant to division (D) of section 48851
3301.07 of the Revised Code and which they attend. In case of 48852
dispute whether the child is able to walk to and from the 48853
school, the health commissioner shall be the judge of such 48854
ability. In all city, exempted village, and local school 48855
districts, the board shall provide transportation to and from 48856

school or special education classes for mentally disabled 48857
children in accordance with standards adopted by the ~~state board~~ 48858
department of education and workforce. 48859

When transportation of pupils is provided the conveyance 48860
shall be run on a time schedule that shall be adopted and put in 48861
force by the board not later than ten days after the beginning 48862
of the school term. The operator of every school bus or motor 48863
van owned and operated by any school district or educational 48864
service center or privately owned and operated under contract 48865
with any school district or service center in this state shall 48866
deliver students enrolled in preschool through twelfth grades to 48867
their respective public and nonpublic schools not sooner than 48868
thirty minutes prior to the beginning of school and to be 48869
available to pick them up not later than thirty minutes after 48870
the close of their respective schools each day. 48871

The cost of any transportation service authorized by this 48872
section shall be paid first out of federal funds, if any, 48873
available for the purpose of pupil transportation, and secondly 48874
out of state appropriations, in accordance with regulations 48875
adopted by the ~~state board of education~~department. 48876

No transportation of any pupils shall be provided by any 48877
board of education to or from any school which in the selection 48878
of pupils, faculty members, or employees, practices 48879
discrimination against any person on the grounds of race, color, 48880
religion, or national origin. 48881

Sec. 3327.011. In determining how best to provide 48882
transportation, where persons or firms on or after April 1, 48883
1965, were providing transportation to and from schools pursuant 48884
to contracts with persons or agencies responsible for the 48885
operation of such schools, the board of education responsible 48886

for transportation in accordance with section 3327.01 of the Revised Code shall give preference if economically feasible during the term of any such contract to the firm or person providing such transportation. The boards of education within the county or group of counties shall establish transportation routes, schedules, and utilization of transportation equipment. The appeals from the determination of the board of education responsible for transportation shall be taken to the ~~state board~~ department of education and workforce.

Sec. 3327.012. Payments to school districts for transportation of school pupils shall be made on a current basis according to an estimate which shall be filed with the ~~state board~~ department of education and workforce by respective school districts in accordance with rules which the ~~state board of education department~~ shall promulgate. The sum due the respective school district as calculated from approved cost in accordance with the rules of the board of education shall be adjusted annually in the quarter next following the end of the school year. The ~~superintendent of public instruction, subject to the approval of the state board of education, department~~ may contract with any firm, person, or board of education to provide pupil transportation services authorized by this section. In no event shall the payment for such contract service exceed the average transportation cost per pupil, such average cost to be based on the cost of transportation of children by all boards of education in Ohio during the next preceding year.

Sec. 3327.018. The board of education of each city, local, or exempted village school district that owns and operates buses for transporting students may contract, in writing, with a public or private not-for-profit agency, group, or organization, with a municipal corporation or other political subdivision or

agency of the state, or with an agency of the federal government 48918
to operate its buses to assist the agency, group, organization, 48919
or political subdivision in the fulfillment of its legitimate 48920
activities and in times of emergency. These contracts shall be 48921
entered into under the authority of the school district as a 48922
political subdivision and shall not be considered commerce. When 48923
buses are made available to other agencies, groups, 48924
organizations, or political subdivisions under this section, the 48925
buses must be operated by individuals holding certificates 48926
issued by either the educational service center governing board 48927
that has entered into an agreement with the school district 48928
under section 3313.843 or 3313.845 of the Revised Code or the 48929
superintendent of the school district certifying that the 48930
individuals satisfy the requirements of section 3327.10 of the 48931
Revised Code. All ~~state board~~ department of education and 48932
workforce regulations governing the operation of school buses 48933
when transporting students shall apply when buses are used in 48934
accordance with this section. 48935

Any board of education of a city, local, or exempted 48936
village school district that makes one or more of its vehicles 48937
available under this section shall procure liability and 48938
property damage insurance, as provided in section 3327.09 of the 48939
Revised Code, covering all vehicles used and passengers 48940
transported under this section. The board of education may 48941
recover expenses from contracting entities, not to exceed the 48942
costs of operation and insurance coverage. 48943

Sec. 3327.02. (A) After considering each of the following 48944
factors, the board of education of a city, exempted village, or 48945
local school district, or a community school governing authority 48946
providing transportation pursuant to section 3314.091 of the 48947
Revised Code, may determine that it is impractical to transport 48948

a pupil who is eligible for transportation to and from a school 48949
under section 3327.01 of the Revised Code: 48950

(1) The time and distance required to provide the 48951
transportation; 48952

(2) The number of pupils to be transported; 48953

(3) The cost of providing transportation in terms of 48954
equipment, maintenance, personnel, and administration; 48955

(4) Whether similar or equivalent service is provided to 48956
other pupils eligible for transportation; 48957

(5) Whether and to what extent the additional service 48958
unavoidably disrupts current transportation schedules; 48959

(6) Whether other reimbursable types of transportation are 48960
available. 48961

(B) Based on its consideration of the factors established 48962
in division (A) of this section, the board or governing 48963
authority may pass a resolution declaring the impracticality of 48964
transportation. The resolution shall include each pupil's name 48965
and the reason for impracticality. Such determination shall be 48966
made not later than thirty calendar days prior to the district's 48967
or school's first day of instruction, or in the case of a 48968
student who enrolls within thirty calendar days prior to the 48969
first day of instruction or on or after the first day of 48970
instruction, not later than fourteen calendar days after the 48971
student's enrollment. The determination may be made by the 48972
superintendent and formalized at the next following meeting of 48973
the board or governing authority. 48974

The board or governing authority shall report its 48975
determination to the ~~state board~~ department of education and 48976

workforce in a manner determined by the ~~state board~~ department. 48977

In addition, the board or governing authority shall issue 48978
a letter to the pupil's parent, guardian, or other person in 48979
charge of the pupil, the nonpublic or community school in which 48980
the pupil is enrolled, and to the ~~state board~~ department with a 48981
detailed description of the reasons for which such determination 48982
was made. 48983

(C) After passing the resolution declaring the 48984
impracticality of transportation, the district board or 48985
governing authority shall offer to provide payment in lieu of 48986
transportation by doing the following: 48987

(1) In accordance with guidelines established by the 48988
~~department of education~~, informing the pupil's parent, guardian, 48989
or other person in charge of the pupil of both of the following: 48990

(a) The resolution; 48991

(b) The right of the pupil's parent, guardian, or other 48992
person in charge of the pupil to accept the offer of payment in 48993
lieu of transportation or to reject the offer and instead 48994
request the department to initiate mediation procedures. 48995

(2) Issuing the pupil's parent, guardian, or other person 48996
in charge of the pupil a contract or other form on which the 48997
parent, guardian, or other person in charge of the pupil is 48998
given the option to accept or reject the board's offer of 48999
payment in lieu of transportation. 49000

(D) If the parent, guardian, or other person in charge of 49001
the pupil accepts the offer of payment in lieu of providing 49002
transportation, the board or governing authority shall pay the 49003
parent, guardian, or other person in charge of the pupil an 49004
amount that shall be not less than fifty per cent, and not more 49005

than the amount determined by the department ~~of education~~ as the 49006
average cost of pupil transportation for the previous school 49007
year. Payment may be prorated if the time period involved is 49008
only a part of the school year. 49009

(E) (1) (a) Upon the request of a parent, guardian, or other 49010
person in charge of the pupil who rejected the payment in lieu 49011
of transportation, the department shall conduct mediation 49012
procedures. A parent, guardian, or other person in charge of the 49013
pupil may authorize the nonpublic or community school in which 49014
the pupil is enrolled to act on the parent's, guardian's, or 49015
other person's behalf during the mediation proceedings. 49016

(b) If the mediation does not resolve the dispute, the 49017
~~state board department~~ shall conduct a hearing in accordance 49018
with Chapter 119. of the Revised Code. The ~~state board~~ 49019
~~department~~ may approve the payment in lieu of transportation or 49020
may order the district board of education or governing authority 49021
to provide transportation. The decision of the ~~state board~~ 49022
~~department~~ is binding in subsequent years and on future parties 49023
in interest provided the facts of the determination remain 49024
comparable. 49025

(2) The school district or governing authority shall 49026
provide transportation for the pupil from the time the parent, 49027
guardian, or other person in charge of the pupil requests 49028
mediation until the matter is resolved under division (E) (1) (a) 49029
or (b) of this section. 49030

(F) (1) If the department determines that a school district 49031
board or governing authority has failed or is failing to provide 49032
transportation as required by division (E) (2) of this section or 49033
as ordered by the ~~state board department~~ under division (E) (1) 49034
(b) of this section, the department shall order the school 49035

district board or governing authority to pay to the pupil's parent, guardian, or other person in charge of the pupil, an amount equal to fifty per cent of the cost of providing transportation as determined by the board or governing authority under division (A) (3) of this section, and not more than two thousand five hundred dollars. The school district board or governing authority shall make payments on a schedule ordered by the department.

(2) If the department subsequently finds that a school district board is not in compliance with an order issued under division (F) (1) of this section and the affected pupils are enrolled in a nonpublic or community school, the department shall deduct the amount that the board is required to pay under that order from any pupil transportation payments the department makes to the school district board under section 3317.0212 of the Revised Code or other provisions of law. The department shall use the moneys so deducted to make payments to the nonpublic or community school attended by the pupil. The department shall continue to make the deductions and payments required under this division until the school district board either complies with the department's order issued under division (F) (1) of this section or begins providing transportation.

(G) A nonpublic or community school that receives payments from the department under division (F) (2) of this section shall do either of the following:

(1) Disburse the entire amount of the payments to the parent, guardian, or other person in charge of the pupil affected by the failure of the school district of residence to provide transportation;

(2) Use the entire amount of the payments to provide 49066
acceptable transportation for the affected pupil. 49067

(H) At any time after a parent, guardian, or other person 49068
in charge of a pupil requests transportation for a pupil, that 49069
parent, guardian, or other person may authorize the nonpublic or 49070
community school in which the pupil is enrolled to act on the 49071
parent's, guardian's, or other person's behalf for purposes of 49072
this section. 49073

Sec. 3327.021. The department of education and workforce 49074
shall monitor each city, local, or exempted village school 49075
district's compliance with sections 3327.01 and 3327.016 and 49076
division (B) of section 3327.017 of the Revised Code. If the 49077
department determines a consistent or prolonged period of 49078
noncompliance on the part of the school district to provide 49079
transportation as required under those sections, the department 49080
shall deduct from the district's payment for student 49081
transportation under Chapter 3317. of the Revised Code the total 49082
daily amount of that payment, as computed by the department, for 49083
each day that the district is not in compliance. 49084

This section does not affect the authority of a school 49085
district to provide payment in lieu of transportation in 49086
accordance with section 3327.02 of the Revised Code. 49087

Sec. 3327.05. (A) Except as provided in division (B) of 49088
this section, no board of education of any school district shall 49089
provide transportation for any pupil who is a school resident of 49090
another school district unless the pupil is enrolled pursuant to 49091
section 3313.98 of the Revised Code or the board of the other 49092
district has given its written consent thereto. If the board of 49093
any school district files with the ~~state board~~ department of 49094
education and workforce a written complaint that transportation 49095

for resident pupils is being provided by the board of another 49096
school district contrary to this division, the ~~state board of~~ 49097
~~education department~~ shall make an investigation of such 49098
complaint. If the ~~state board of education department~~ finds that 49099
transportation is being provided contrary to this section, it 49100
may withdraw from state funds due the offending district any 49101
part of the amount that has been approved for transportation 49102
pursuant to section 3317.0212 of the Revised Code or other 49103
provisions of law. 49104

(B) Notwithstanding division (D) of section 3311.19 and 49105
division (D) of section 3311.52 of the Revised Code, this 49106
division does not apply to any joint vocational or cooperative 49107
education school district. 49108

A board of education may provide transportation to and 49109
from the nonpublic school of attendance if both of the following 49110
apply: 49111

(1) The parent, guardian, or other person in charge of the 49112
pupil agrees to pay the board for all costs incurred in 49113
providing the transportation that are not reimbursed pursuant to 49114
Chapter 3317. of the Revised Code; 49115

(2) The pupil's school district of residence does not 49116
provide transportation for public school pupils of the same 49117
grade as the pupil being transported under this division, or 49118
that district is not required under section 3327.01 of the 49119
Revised Code to transport the pupil to and from the nonpublic 49120
school because the direct travel time to the nonpublic school is 49121
more than thirty minutes. 49122

Upon receipt of the request to provide transportation, the 49123
board shall review the request and determine whether the board 49124

will accommodate the request. If the board agrees to transport 49125
the pupil, the board may transport the pupil to and from the 49126
nonpublic school and a collection point in the district, as 49127
determined by the board. If the board transports the pupil, the 49128
board may include the pupil in the district's enrollment 49129
reported to the department ~~of education~~ for purposes of 49130
calculating the district's transportation ADM under section 49131
3317.03 of the Revised Code and, accordingly, may receive a 49132
state payment under section 3317.0212 of the Revised Code or 49133
other provisions of law for transporting the pupil. 49134

If the board declines to transport the pupil, the board, 49135
in a written communication to the parent, guardian, or other 49136
person in charge of the pupil, shall state the reasons for 49137
declining the request. 49138

Sec. 3327.08. Boards of education of city school 49139
districts, local school districts, exempted village school 49140
districts, cooperative education school districts, and joint 49141
vocational school districts and governing boards of educational 49142
service centers may purchase on individual contract school buses 49143
and other equipment used in transporting children to and from 49144
school and to other functions as authorized by the boards, or 49145
the boards, at their discretion, may purchase the buses and 49146
equipment through any system of centralized purchasing 49147
established by the ~~state~~ department of education and workforce 49148
for that purpose, provided that state subsidy payments shall be 49149
based on the amount of the lowest price available to the boards 49150
by either method of purchase. No board shall be deprived of any 49151
form of state assistance in the purchase of buses and equipment 49152
by reason of purchases of buses and equipment on an individual 49153
contract. 49154

The purchase of school buses shall be made only after 49155
competitive bidding in accordance with section 3313.46 of the 49156
Revised Code. All bids shall state that the buses, prior to 49157
delivery, will comply with the safety rules of the department of 49158
public safety adopted pursuant to section 4511.76 of the Revised 49159
Code and all other pertinent provisions of law. 49160

At no time shall bid bonds be required for the purchase of 49161
school buses, unless the district board or educational service 49162
center governing board requests that bid bonds be part of the 49163
competitive bidding process for a specified purchase. 49164

Sec. 3327.10. (A) No person shall be employed as driver of 49165
a school bus or motor van, owned and operated by any school 49166
district or educational service center or privately owned and 49167
operated under contract with any school district or service 49168
center in this state, who has not received a certificate from 49169
either the educational service center governing board that has 49170
entered into an agreement with the school district under section 49171
3313.843 or 3313.845 of the Revised Code or the superintendent 49172
of the school district, certifying that such person is at least 49173
eighteen years of age and is qualified physically and otherwise 49174
for such position. The service center governing board or the 49175
superintendent, as the case may be, shall provide for an annual 49176
physical examination that conforms with rules adopted by the 49177
~~state board~~ department of education and workforce of each driver 49178
to ascertain the driver's physical fitness for such employment. 49179
The examination shall be performed by one of the following: 49180

(1) A person licensed under Chapter 4731. or 4734. of the 49181
Revised Code or by another state to practice medicine and 49182
surgery, osteopathic medicine and surgery, or chiropractic; 49183

(2) A physician assistant; 49184

(3) A certified nurse practitioner;	49185
(4) A clinical nurse specialist;	49186
(5) A certified nurse-midwife;	49187
(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.	49188 49189 49190 49191
Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D) (1) of this section, or upon a conviction or a guilty plea for a violation, or any other action, that results in a loss or suspension of driving rights. Failure to comply with such division may be cause for disciplinary action or termination of employment under division (C) of section 3319.081, or section 124.34 of the Revised Code.	49192 49193 49194 49195 49196 49197 49198 49199
(B) No person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following:	49200 49201 49202 49203 49204 49205 49206 49207 49208 49209
(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;	49210 49211 49212
(2) A physician assistant;	49213

(3) A certified nurse practitioner;	49214
(4) A clinical nurse specialist;	49215
(5) A certified nurse-midwife;	49216
(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.	49217 49218 49219 49220
Any written documentation of the physical examination shall be completed by the individual who performed the examination.	49221 49222 49223
Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section.	49224 49225 49226
(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district.	49227 49228 49229 49230
(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:	49231 49232 49233 49234 49235 49236
(1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and	49237 49238 49239 49240 49241

operated school bus or motor van under contract. 49242

(2) If employed under division (B) of this section, the 49243
person shall file the notice with the employing school 49244
administrator or contractor, or a person designated by the 49245
administrator or contractor. 49246

(E) In addition to resulting in possible revocation of a 49247
certificate as authorized by divisions (A) and (B) of this 49248
section, violation of division (D) of this section is a minor 49249
misdemeanor. 49250

(F) (1) Not later than thirty days after June 30, 2007, 49251
each owner of a school bus or motor van shall obtain the 49252
complete driving record for each person who is currently 49253
employed or otherwise authorized to drive the school bus or 49254
motor van. An owner of a school bus or motor van shall not 49255
permit a person to operate the school bus or motor van for the 49256
first time before the owner has obtained the person's complete 49257
driving record. Thereafter, the owner of a school bus or motor 49258
van shall obtain the person's driving record not less frequently 49259
than semiannually if the person remains employed or otherwise 49260
authorized to drive the school bus or motor van. An owner of a 49261
school bus or motor van shall not permit a person to resume 49262
operating a school bus or motor van, after an interruption of 49263
one year or longer, before the owner has obtained the person's 49264
complete driving record. 49265

(2) The owner of a school bus or motor van shall not 49266
permit a person to operate the school bus or motor van for ten 49267
years after the date on which the person pleads guilty to or is 49268
convicted of a violation of section 4511.19 of the Revised Code 49269
or a substantially equivalent municipal ordinance. 49270

(3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all other requirements contained in rules adopted by the ~~state board of education~~ department prescribing qualifications of drivers of school buses and other student transportation.

(G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply:

(1) Information pertaining to that driver has been submitted to the ~~department of education~~, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training.

(2) The most recent criminal records check required by division (J) of this section has been completed and received by the superintendent or public or private employer.

(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in rules adopted by the ~~state board~~ department.

(I) For qualified drivers who, on July 1, 2007, are employed by the owner of a school bus or motor van to drive the school bus or motor van, any instance in which the driver was

convicted of or pleaded guilty to a violation of section 4511.19 49300
of the Revised Code or a substantially equivalent municipal 49301
ordinance prior to two years prior to July 1, 2007, shall not be 49302
considered a disqualifying event with respect to division (F) of 49303
this section. 49304

(J) (1) This division applies to persons hired by a school 49305
district, educational service center, community school, 49306
chartered nonpublic school, or science, technology, engineering, 49307
and mathematics school established under Chapter 3326. of the 49308
Revised Code to operate a vehicle used for pupil transportation. 49309

For each person to whom this division applies who is hired 49310
on or after November 14, 2007, the employer shall request a 49311
criminal records check in accordance with section 3319.39 of the 49312
Revised Code and every six years thereafter. For each person to 49313
whom this division applies who is hired prior to that date, the 49314
employer shall request a criminal records check by a date 49315
prescribed by the department ~~of education~~ and every six years 49316
thereafter. 49317

(2) This division applies to persons hired by a public or 49318
private employer not described in division (J) (1) of this 49319
section to operate a vehicle used for pupil transportation. 49320

For each person to whom this division applies who is hired 49321
on or after November 14, 2007, the employer shall request a 49322
criminal records check prior to the person's hiring and every 49323
six years thereafter. For each person to whom this division 49324
applies who is hired prior to that date, the employer shall 49325
request a criminal records check by a date prescribed by the 49326
department and every six years thereafter. 49327

(3) Each request for a criminal records check under 49328

division (J) of this section shall be made to the superintendent 49329
of the bureau of criminal identification and investigation in 49330
the manner prescribed in section 3319.39 of the Revised Code, 49331
except that if both of the following conditions apply to the 49332
person subject to the records check, the employer shall request 49333
the superintendent only to obtain any criminal records that the 49334
federal bureau of investigation has on the person: 49335

(a) The employer previously requested the superintendent 49336
to determine whether the bureau of criminal identification and 49337
investigation has any information, gathered pursuant to division 49338
(A) of section 109.57 of the Revised Code, on the person in 49339
conjunction with a criminal records check requested under 49340
section 3319.39 of the Revised Code or under division (J) of 49341
this section. 49342

(b) The person presents proof that the person has been a 49343
resident of this state for the five-year period immediately 49344
prior to the date upon which the person becomes subject to a 49345
criminal records check under this section. 49346

Upon receipt of a request, the superintendent shall 49347
conduct the criminal records check in accordance with section 49348
109.572 of the Revised Code as if the request had been made 49349
under section 3319.39 of the Revised Code. However, as specified 49350
in division (B) (2) of section 109.572 of the Revised Code, if 49351
the employer requests the superintendent only to obtain any 49352
criminal records that the federal bureau of investigation has on 49353
the person for whom the request is made, the superintendent 49354
shall not conduct the review prescribed by division (B) (1) of 49355
that section. 49356

(K) (1) Until the effective date of the amendments to rule 49357
3301-83-23 of the Ohio Administrative Code required by the 49358

second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code.

(2) Beginning on the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense that, under the rule, disqualifies a person for employment to operate a vehicle used for pupil transportation shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed by the rule.

Sec. 3327.101. Notwithstanding anything to the contrary in this chapter or Chapter 3301-83 of the Administrative Code, the department of education and workforce shall develop an online bus driver training program to satisfy the classroom portion of pre-service and annual in-service training for school bus driver certification. On-the-bus training for drivers shall continue to be completed in person.

Sec. 3327.13. The board of education of a school district that owns and operates busses for transporting pupils to and from school may contract with a nonpublic school located within the district to make available to the nonpublic school under a

lease agreement, one or more of the district's busses to be used 49389
by the nonpublic school for transporting nonpublic school pupils 49390
to and from a school related activity that would be an approved 49391
school related activity if it were being offered by a public 49392
school within the district to public school pupils. All ~~state-~~ 49393
~~board~~ department of education and workforce regulations 49394
governing the use of such busses by public schools while 49395
transporting pupils to and from school related activities shall 49396
be applicable to their use by the nonpublic school. 49397

The cost to the nonpublic school of leasing such busses 49398
shall not exceed the costs of operating such busses, as 49399
determined by the board of education of the school district. The 49400
charge to be made to the nonpublic school for the use of the 49401
busses shall be specified in the contract entered into pursuant 49402
to this section. 49403

Sec. 3327.14. The board of education of any school 49404
district that owns and operates buses for transporting pupils 49405
may contract under a lease agreement with a municipal 49406
corporation or a public or nonprofit private agency or 49407
organization delivering services to the aged, to make available 49408
one or more of the district's buses or other vehicles to be used 49409
for transporting persons sixty years of age or older. The board 49410
of education of any school district may also contract under a 49411
similar agreement with any group, organization or other entity 49412
engaged in adult education activities. 49413

The cost to the lessee of leasing such buses or other 49414
vehicles shall not exceed the costs of operating such buses or 49415
other vehicles as determined by the board of education of the 49416
school district. The charge to the lessee for the use of the 49417
buses or other vehicles, which may include the cost of providing 49418

an operator holding a certificate pursuant to section 3327.10 of 49419
the Revised Code, insurance coverage, and other direct and 49420
indirect costs to the school district shall be specified in the 49421
contract entered into pursuant to this section. 49422

All ~~state board~~ department of education and workforce 49423
regulations governing the use of such buses or other vehicles by 49424
public schools while transporting pupils to and from school 49425
related activities apply to the extent applicable to their use 49426
under this section. 49427

Any board of education making available one or more of its 49428
buses or other vehicles under this section shall procure 49429
liability and property damage insurance, as provided in section 49430
3327.09 of the Revised Code, covering each bus or vehicle used 49431
and each passenger transported under the leasing agreement. 49432

Sec. 3327.16. Notwithstanding division (D) of section 49433
3311.19 and division (D) of section 3311.52 of the Revised Code, 49434
this section does not apply to any joint vocational or 49435
cooperative education school district or its superintendent. 49436

(A) The superintendent of each school district may 49437
establish a volunteer bus rider assistance program, under which 49438
qualified adults or responsible older pupils, as determined by 49439
the superintendent, may be authorized to ride on school buses 49440
with pupils during such periods of time that the buses are being 49441
used to transport pupils to and from schools. Volunteers shall 49442
not be compensated for their services, but older pupils may be 49443
excused early from school to participate in the program. 49444

Volunteers may be assigned duties or responsibilities by 49445
the superintendent, including but not limited to, assisting 49446
younger pupils in embarking and disembarking from buses and in 49447

crossing streets where necessary to ensure the safety of the 49448
pupil, aiding the driver of the bus to maintain order on buses, 49449
assisting pupils with disabilities, and such other activities as 49450
the superintendent determines will aid in the safe and efficient 49451
transportation of pupils. 49452

Volunteers serving under this section are not employees 49453
for purposes of Chapter 4117. or 4123. of the Revised Code. 49454
Nothing in this section shall authorize a board of education to 49455
adversely affect the employment of any employee of the board. 49456

(B) The board of education of each city, local, or 49457
exempted village school district shall present a program to all 49458
pupils in kindergarten through third grade who are offered 49459
school bus transportation and who have not previously attended 49460
such program. The program shall consist of instruction in bus 49461
rider behavior, school bus safety, and the potential problems 49462
and hazards associated with school bus ridership. The department 49463
of education and workforce shall prescribe the content and 49464
length of such program, which shall be presented within two 49465
weeks after the commencement of classes each school year. 49466

Sec. 3328.01. As used in this chapter: 49467

(A) "Board of trustees" means the board of trustees 49468
established for a college-preparatory boarding school in 49469
accordance with section 3328.15 of the Revised Code. 49470

(B) "Child with a disability," "IEP," and "school district 49471
of residence" have the same meanings as in section 3323.01 of 49472
the Revised Code. 49473

(C) "Eligible student" means a student who is entitled to 49474
attend school in a participating school district; is at risk of 49475
academic failure; is from a family whose income is below two 49476

hundred per cent of the federal poverty guidelines, as defined 49477
in section 5101.46 of the Revised Code; meets any additional 49478
criteria prescribed by agreement between the ~~state board~~ 49479
department of education and workforce and the operator of the 49480
college-preparatory boarding school in which the student seeks 49481
enrollment; and meets at least two of the following additional 49482
conditions: 49483

(1) The student has a record of in-school disciplinary 49484
actions, suspensions, expulsions, or truancy. 49485

(2) The student has not attained at least a proficient 49486
score on the state achievement assessments in English language 49487
arts, reading, or mathematics prescribed under section 3301.0710 49488
of the Revised Code, after those assessments have been 49489
administered to the student at least once, or the student has 49490
not attained at least a score designated by the board of 49491
trustees of the college-preparatory boarding school in which the 49492
student seeks enrollment under this chapter on an end-of-course 49493
examination in English language arts or mathematics prescribed 49494
under section 3301.0712 of the Revised Code. 49495

(3) The student is a child with a disability. 49496

(4) The student has been referred for academic 49497
intervention services. 49498

(5) The student's head of household is a single parent. As 49499
used in this division and in division (C)(6) of this section, 49500
"head of household" means a person who occupies the same 49501
household as the student and who is financially responsible for 49502
the student. 49503

(6) The student's head of household is not the student's 49504
custodial parent. 49505

(7) A member of the student's family has been imprisoned, 49506
as defined in section 1.05 of the Revised Code. 49507

(D) "Entitled to attend school" means entitled to attend 49508
school in a school district under section 3313.64 or 3313.65 of 49509
the Revised Code. 49510

(E) "Formula ADM," "category one through six special 49511
education ADM," and "state education aid" have the same meanings 49512
as in section 3317.02 of the Revised Code. 49513

(F) "Operator" means the operator of a college-preparatory 49514
boarding school selected under section 3328.11 of the Revised 49515
Code. 49516

(G) "Participating school district" means either of the 49517
following: 49518

(1) The school district in which a college-preparatory 49519
boarding school established under this chapter is located; 49520

(2) A school district other than one described in division 49521
(G) (1) of this section that, pursuant to procedures adopted by 49522
the ~~state board of education department~~ under section 3328.04 of 49523
the Revised Code, agrees to be a participating school district 49524
so that eligible students entitled to attend school in that 49525
district may enroll in a college-preparatory boarding school 49526
established under this chapter. 49527

Sec. 3328.02. (A) Each college-preparatory boarding school 49528
established under this chapter is a public school and is part of 49529
the state's program of education. 49530

(B) Acting through its board of trustees, the school may 49531
sue and be sued, acquire facilities as needed, contract for any 49532
services necessary for the operation of the school, and enter 49533

into contracts with the department of education and workforce 49534
pursuant to this chapter. The board of trustees may carry out 49535
any act and ensure the performance of any function that is in 49536
compliance with the Ohio Constitution, this chapter, other 49537
statutes applicable to college-preparatory boarding schools, and 49538
the contract entered into under this chapter establishing the 49539
school. 49540

(C) Each college-preparatory boarding school shall be 49541
established as a public benefit corporation under Chapter 1702. 49542
of the Revised Code. 49543

Sec. 3328.04. The city, exempted village, or local school 49544
district in which a college-preparatory boarding school 49545
established under this chapter is located is a participating 49546
school district under this chapter. Any other city, exempted 49547
village, or local school district may agree to be a 49548
participating school district. The ~~state board~~ department of 49549
education and workforce shall adopt procedures for districts to 49550
agree to be participating school districts. 49551

Sec. 3328.11. (A) In accordance with the procedures 49552
prescribed in division (B) of this section, the ~~state board~~ 49553
department of education and workforce shall select a private 49554
nonprofit corporation that meets the following qualifications to 49555
operate each college-preparatory boarding school established 49556
under this chapter: 49557

(1) The corporation has experience operating a school or 49558
program similar to the schools authorized under this chapter. 49559

(2) The school or program described in division (A) (1) of 49560
this section has demonstrated to the satisfaction of the ~~state~~ 49561
~~board~~ department success in improving the academic performance 49562

of students. 49563

(3) The corporation has demonstrated to the satisfaction 49564
of the ~~state board~~ department that the corporation has the 49565
capacity to secure private funds for the development of the 49566
school authorized under this chapter. 49567

(B) (1) Not later than sixty days after ~~the effective date~~ 49568
~~of this section~~ September 29, 2011, the ~~state board~~ department 49569
shall issue a request for proposals from private nonprofit 49570
corporations qualified to operate a college-preparatory boarding 49571
school established under this chapter. If the ~~state board~~ 49572
department subsequently determines that the establishment of one 49573
or more additional college-preparatory boarding schools is 49574
advisable, the ~~state board~~ department shall issue requests for 49575
proposals from private nonprofit corporations qualified to 49576
operate those additional schools. 49577

In all cases, the ~~state board~~ department shall select the 49578
school's operator from among the qualified responders within one 49579
hundred eighty days after the issuance of the request for 49580
proposals. If no qualified responder submits a proposal, the 49581
~~state board~~ department may issue another request for proposals. 49582

(2) Each proposal submitted to the ~~state board~~ department 49583
shall contain the following information: 49584

(a) The proposed location of the college-preparatory 49585
boarding school, which may differ from any location recommended 49586
by the ~~state board~~ department in the request for proposals; 49587

(b) A plan for offering grade six in the school's initial 49588
year of operation and a plan for increasing the grade levels 49589
offered by the school in subsequent years; 49590

(c) Any other information about the proposed educational 49591

program, facilities, or operations of the school considered 49592
necessary by the ~~state board~~ department. 49593

(C) No college-preparatory boarding school established 49594
under this chapter shall open for operation prior to the 2013- 49595
2014 school year. 49596

Sec. 3328.12. The ~~state board~~ department of education and 49597
workforce shall enter into a contract with the operator of each 49598
college-preparatory boarding school established under this 49599
chapter. The contract shall stipulate the following: 49600

(A) The school's board of trustees shall oversee the 49601
acquisition of a facility for the school. 49602

(B) The operator shall operate the school in accordance 49603
with the terms of the proposal accepted by the ~~state board~~ 49604
department under section 3328.11 of the Revised Code, including 49605
the plan for increasing the grade levels offered by the school. 49606

(C) The school shall comply with the provisions of this 49607
chapter. 49608

(D) The school shall comply with any other provisions of 49609
law specified in the contract and the rules adopted by the ~~state~~ 49610
~~board~~ department under section 3328.50 of the Revised Code. 49611

(E) The school shall comply with the bylaws adopted by the 49612
board of trustees under section 3328.13 of the Revised Code. 49613

(F) The school shall meet the academic goals and other 49614
performance standards specified in the contract. 49615

(G) The school shall have a fiscal officer who meets 49616
standards established for the purposes of this division by the 49617
~~state board~~ department. 49618

(H) In accordance with procedures specified in the 49619
contract, the department ~~of education~~ shall monitor the 49620
operation, programs, and facilities of the school, including 49621
conducting on-site visits of the school. 49622

(I) The department may take actions, as specified in the 49623
contract, to resolve issues of noncompliance by the school of 49624
the provisions of this chapter, the contract, the bylaws adopted 49625
by the board of trustees, or rules adopted by the ~~state board~~
department. Such specified actions shall include procedures for 49626
notice of noncompliance and an appeal ~~to the state board of the~~
~~decisions of the department~~process. 49627
49628
49629

(J) The ~~state board~~department or the operator may 49630
terminate the contract in accordance with the procedures 49631
specified in the contract, which shall include at least a 49632
requirement that the party seeking termination give prior notice 49633
of the intent to terminate the contract and a requirement that 49634
the party receiving such notice be granted an opportunity to 49635
redress any grievances cited in the notice prior to the 49636
termination. 49637

(K) If the school closes for any reason, the school's 49638
board of trustees shall execute the closing in the manner 49639
specified in the contract. 49640

Sec. 3328.13. The board of trustees of each college- 49641
preparatory boarding school established under this chapter shall 49642
adopt bylaws for the oversight and operation of the school that 49643
are consistent with the provisions of this chapter, the rules 49644
adopted under section 3328.50 of the Revised Code, and the 49645
contract between the operator and the ~~state board~~department of
education and workforce. The bylaws shall include procedures for 49646
the appointment of future members of the school's board of 49647
49648

trustees upon expiration of the terms of the initial members, 49649
which procedures shall comply with section 3328.15 of the 49650
Revised Code. The bylaws also shall include standards for the 49651
admission of students to the school and their dismissal from the 49652
school. The bylaws shall be subject to the approval of the ~~state~~ 49653
~~board~~ department. 49654

Sec. 3328.15. (A) Each college-preparatory boarding school 49655
established under this chapter shall be governed by a board of 49656
trustees consisting of up to twenty-five members. Five of those 49657
members shall be appointed by the governor, with the advice and 49658
consent of the senate. The governor's appointments may be based 49659
on nonbinding recommendations made by the ~~superintendent of~~ 49660
~~public instruction~~ director of education and workforce. Of the 49661
remaining members, initial members shall be appointed by the 49662
school's operator and future members shall be appointed pursuant 49663
to the bylaws adopted under section 3328.13 of the Revised Code. 49664
The governor, operator, or any other person or entity who 49665
appoints a member of the board of trustees under this section or 49666
the bylaws adopted under section 3328.13 of the Revised Code may 49667
remove that member from the board at any time. 49668

(B) The terms of office of the initial members shall be as 49669
follows: 49670

(1) Two members appointed by the governor shall serve for 49671
an initial term of three years. 49672

(2) Two members appointed by the governor shall serve for 49673
an initial term of two years. 49674

(3) One member appointed by the governor shall serve for 49675
an initial term of one year. 49676

(4) One-third of the members appointed by the operator, 49677

rounded down to the nearest whole number, shall serve for an 49678
initial term of three years. 49679

(5) One-third of the members appointed by the operator, 49680
rounded down to the nearest whole number, shall serve for an 49681
initial term of two years. 49682

(6) One-third of the members appointed by the operator, 49683
rounded down to the nearest whole number, shall serve for an 49684
initial term of one year. 49685

(7) Any remaining members appointed by the operator shall 49686
serve for an initial term of one year. 49687

Thereafter the terms of office of all members shall be for 49688
three years. 49689

The beginning date and ending date of terms of office 49690
shall be as prescribed by the school's operator, unless modified 49691
in the bylaws adopted under section 3328.13 of the Revised Code. 49692

(C) Vacancies on the board shall be filled in the same 49693
manner as the initial appointments. A member appointed to an 49694
unexpired term shall serve for the remainder of that term and 49695
may be reappointed subject to division (D) of this section. 49696

(D) No member may serve for more than three consecutive 49697
three-year terms. 49698

(E) The officers of the board shall be selected by and 49699
from among the members of the board. 49700

(F) Compensation for the members of the board, if any, 49701
shall be as prescribed in the bylaws adopted under section 49702
3328.13 of the Revised Code. 49703

(G) It shall be construed that any contract entered into 49704

by the board of trustees or any officer or trustee of a college- 49705
preparatory boarding school, including, but not limited to, an 49706
agreement or contract required by section 3318.08, 3318.60, or 49707
3318.61 of the Revised Code, is entered into by such individuals 49708
in their official capacities as representatives of the college- 49709
preparatory boarding school. No officer, trustee, or member of 49710
the board of trustees of a college-preparatory boarding school 49711
incurs any personal liability by virtue of section 3318.08, 49712
3318.60, or 3318.61 of the Revised Code or the entering into any 49713
contract on behalf of the school. 49714

Sec. 3328.18. (A) As used in this section, "license" has 49715
the same meaning as in section 3319.31 of the Revised Code. 49716

(B) If a person who is employed by a college-preparatory 49717
boarding school established under this chapter or its operator 49718
is arrested, summoned, or indicted for an alleged violation of 49719
an offense listed in division (C) of section 3319.31 of the 49720
Revised Code, if the person holds a license, or an offense 49721
listed in division (B)(1) of section 3319.39 of the Revised 49722
Code, if the person does not hold a license, the chief 49723
administrator of the school in which that person works shall 49724
suspend that person from all duties that require the care, 49725
custody, or control of a child during the pendency of the 49726
criminal action against the person. If the person who is 49727
arrested, summoned, or indicted for an alleged violation of an 49728
offense listed in division (C) of section 3319.31 or division 49729
(B)(1) of section 3319.39 of the Revised Code is the chief 49730
administrator of the school, the board of trustees of the school 49731
shall suspend the chief administrator from all duties that 49732
require the care, custody, or control of a child. 49733

(C) When a person who holds a license is suspended in 49734

accordance with this section, the chief administrator or board 49735
that imposed the suspension promptly shall report the person's 49736
suspension to the department of education and workforce and to 49737
the state board of education. The report shall include the 49738
offense for which the person was arrested, summoned, or 49739
indicted. 49740

Sec. 3328.23. (A) A college-preparatory boarding school 49741
established under this chapter shall comply with Chapter 3323. 49742
of the Revised Code as if the school were a school district. For 49743
each child with a disability enrolled in the school for whom an 49744
IEP has been developed, the school shall verify in the manner 49745
prescribed by the department of education and workforce that the 49746
school is providing the services required under the child's IEP. 49747

(B) The school district in which a child with a disability 49748
enrolled in the college-preparatory boarding school is entitled 49749
to attend school and the child's school district of residence, 49750
if different, are not obligated to provide the student with a 49751
free appropriate public education under Chapter 3323. of the 49752
Revised Code for as long as the child is enrolled in the 49753
college-preparatory boarding school. 49754

Sec. 3328.26. (A) The department of education and 49755
workforce shall issue an annual report card for each college- 49756
preparatory boarding school established under this chapter that 49757
includes all information applicable to school buildings under 49758
section 3302.03 of the Revised Code. 49759

(B) For each student enrolled in the school, the 49760
department shall combine data regarding the academic performance 49761
of that student with comparable data from the school district in 49762
which the student is entitled to attend school for the purpose 49763
of calculating the performance of the district as a whole on the 49764

report card issued for the district under section 3302.03 of the Revised Code. 49765
49766

(C) Each college-preparatory boarding school and its operator shall comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the school. 49767
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Sec. 3328.29. (A) With the approval of its board of trustees, a college-preparatory boarding school established under this chapter may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 of the Revised Code. A college-preparatory boarding school that elects to do so shall comply with all provisions of that section as if it were a school district. 49772
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(B) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct: 49779
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(a) A college-preparatory boarding school; 49785

(b) A member of a college-preparatory boarding school board of trustees; 49786
49787

(c) A college-preparatory boarding school employee or contractor; 49788
49789

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section. 49790
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(2) This division does not eliminate, limit, or reduce any other immunity or defense that a college-preparatory boarding school or board of trustees, member of a college-preparatory boarding school board of trustees, college-preparatory boarding school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(C) A college-preparatory boarding school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(D) A college-preparatory boarding school that elects to procure epinephrine autoinjectors under this section shall report to the department of education and workforce each procurement and occurrence in which an epinephrine autoinjector is used from a school's supply of epinephrine autoinjectors.

Sec. 3328.30. (A) As used in this section, "inhaler" has the same meaning as in section 3313.7113 of the Revised Code.

(B) With the approval of its board of trustees, a college-preparatory boarding school may procure inhalers in the manner prescribed by section 3313.7113 of the Revised Code. A college-preparatory boarding school that elects to do so shall comply with all provisions of that section as if it were a school district.

(C) A college-preparatory boarding school, a member of a college-preparatory boarding school board of trustees, or a college-preparatory boarding school employee or contractor is

not liable in damages in a civil action for injury, death, or 49823
loss to person or property that allegedly arises from an act or 49824
omission associated with procuring, maintaining, accessing, or 49825
using an inhaler under this section, unless the act or omission 49826
constitutes willful or wanton misconduct. 49827

This division does not eliminate, limit, or reduce any 49828
other immunity or defense that a college-preparatory boarding 49829
school or board of trustees, member of a college-preparatory 49830
boarding school board of trustees, or college-preparatory 49831
boarding school employee or contractor may be entitled to under 49832
Chapter 2744. or any other provision of the Revised Code or 49833
under the common law of this state. 49834

(D) A college-preparatory boarding school may accept 49835
donations of inhalers from a wholesale distributor of dangerous 49836
drugs or a manufacturer of dangerous drugs, as defined in 49837
section 4729.01 of the Revised Code, and may accept donations of 49838
money from any person to purchase inhalers. 49839

(E) A college-preparatory boarding school that elects to 49840
procure inhalers under this section shall report to the 49841
department of education and workforce each procurement and 49842
occurrence in which an inhaler is used from a school's supply of 49843
inhalers. 49844

Sec. 3328.31. Each college-preparatory boarding school 49845
established under this chapter shall report to the department of 49846
education and workforce, in the form and manner prescribed by 49847
the department, the following information: 49848

(A) The total number of students enrolled in the school; 49849

(B) The number of students enrolled in the school who are 49850
receiving special education and related services pursuant to an 49851

IEP; 49852

(C) The city, exempted village, or local school district 49853
in which each student reported under division (A) of this 49854
section is entitled to attend school; 49855

(D) Any additional information the department determines 49856
necessary to make payments to the school under this chapter. 49857

Sec. 3328.34. (A) For each child enrolled in a college- 49858
preparatory boarding school, as reported under section 3328.31 49859
of the Revised Code, the department of education and workforce 49860
shall pay to the school the sum of the amount eighty-five per 49861
cent of the operating expenditure per pupil of the city, local, 49862
or exempted village school district in which the child is 49863
entitled to attend school plus the per-pupil boarding amount 49864
specified in division (B) of this section. 49865

As used in this division, a district's "operating 49866
expenditure per pupil" is the total amount of state payments and 49867
other nonfederal revenue spent by the district for operating 49868
expenses during the previous fiscal year, divided by the 49869
district's enrolled ADM, as that term is defined in section 49870
3317.02 of the Revised Code, for the previous fiscal year. 49871

(B) For the first fiscal year in which a college- 49872
preparatory boarding school may be established under this 49873
chapter, the "per-pupil boarding amount" is twenty-five thousand 49874
dollars. For each fiscal year thereafter, that amount shall be 49875
adjusted by the rate of inflation, as measured by the consumer 49876
price index (all urban consumers, all items) prepared by the 49877
bureau of labor statistics of the United States department of 49878
labor, for the previous twelve-month period. 49879

(C) The ~~state board of education~~ department may accept 49880

funds from federal and state noneducation support services 49881
programs for the purpose of funding the per pupil boarding 49882
amount prescribed in division (B) of this section. 49883
Notwithstanding any other provision of the Revised Code, the 49884
~~state board department~~ shall coordinate and streamline any 49885
noneducation program requirements in order to eliminate 49886
redundant or conflicting requirements, licensing provisions, and 49887
oversight by government programs or agencies. The applicable 49888
regulatory entities shall, to the maximum extent possible, use 49889
reports and financial audits provided by the auditor of state 49890
and coordinated by the ~~department of education~~ to eliminate or 49891
reduce contract and administrative reviews. Regulatory entities 49892
other than the ~~state board department~~ may suggest reasonable 49893
additional items to be included in such reports and financial 49894
audits to meet any requirements of federal law. Reporting 49895
paperwork prepared for the ~~state board department~~ shall be 49896
shared with and accepted by other state and local entities to 49897
the maximum extent feasible. 49898

(D) (1) Notwithstanding division (A) of this section, if, 49899
in any fiscal year, a college-preparatory boarding school 49900
receives federal funds for the purpose of supporting the 49901
school's operations, the amount of those federal funds shall be 49902
deducted from the total per-pupil boarding amount for all 49903
enrolled students paid by the department to the school for that 49904
fiscal year, unless the school's board of trustees and the 49905
department determine otherwise in a written agreement. Any 49906
portion of the total per-pupil boarding amount for all enrolled 49907
students remaining after the deduction of the federal funds 49908
shall be paid by the department to the school from state funds 49909
appropriated to the department. 49910

(2) Notwithstanding division (A) of this section, if, in 49911

any fiscal year, the department receives federal funds for the 49912
purpose of supporting the operations of a college-preparatory 49913
boarding school, the department shall use those federal funds, 49914
not including any portion of those funds designated for 49915
administration, to pay the school the total per-pupil boarding 49916
amount for all enrolled students for that fiscal year. Any 49917
portion of the total per-pupil boarding amount for all enrolled 49918
students remaining after the use of the federal funds shall be 49919
paid by the department to the school from state funds 49920
appropriated to the department. 49921

(3) If any federal funds are used for the purpose 49922
prescribed in division (D)(1) or (2) of this section, the 49923
department shall comply with all requirements upon which the 49924
acceptance of the federal funds is conditioned, including any 49925
requirements set forth in the funding application submitted by 49926
the school or the department and, to the extent sufficient funds 49927
are appropriated by the general assembly, any requirements 49928
regarding maintenance of effort in expenditures. 49929

Sec. 3328.35. To the extent permitted by federal law, the 49930
department of education and workforce shall include college- 49931
preparatory boarding schools established under this chapter in 49932
its annual allocation of federal moneys under Title I of the 49933
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 49934
6301, et seq. The department may apply for any other federal 49935
moneys that may be used to support the operations of college- 49936
preparatory boarding schools established under this chapter. 49937

Sec. 3328.37. (A) If the auditor of state or a public 49938
accountant, under section 117.41 of the Revised Code, declares a 49939
college-preparatory boarding school established under this 49940
chapter to be unauditible, the auditor of state shall provide 49941

written notification of that declaration to the school and the 49942
department of education and workforce. The auditor of state also 49943
shall post the notification on the auditor of state's web site. 49944

(B) If the college-preparatory boarding school's current 49945
fiscal officer held that position during the period for which 49946
the school is unauditible, upon receipt of the notification 49947
under division (A) of this section, the board of trustees of the 49948
school shall suspend the fiscal officer until the auditor of 49949
state or a public accountant has completed an audit of the 49950
school, except that if the fiscal officer is employed by the 49951
school's operator, the operator shall suspend the fiscal officer 49952
for that period. Suspension of the fiscal officer may be with or 49953
without pay, as determined by the entity imposing the suspension 49954
based on the circumstances that prompted the auditor of state's 49955
declaration. The entity imposing the suspension shall appoint a 49956
person to assume the duties of the fiscal officer during the 49957
period of the suspension. If the appointee is not licensed as a 49958
treasurer under section 3301.074 of the Revised Code, the 49959
appointee shall be approved by the ~~superintendent of public~~ 49960
~~instruction~~ director of education and workforce before assuming 49961
the duties of the fiscal officer. The state board of education 49962
may take action under section 3319.31 of the Revised Code to 49963
suspend, revoke, or limit the license of a fiscal officer who 49964
has been suspended under this division. 49965

(C) Not later than forty-five days after receiving the 49966
notification under division (A) of this section, the board of 49967
trustees of the college-preparatory boarding school shall 49968
provide a written response to the auditor of state. The response 49969
shall include the following: 49970

(1) An overview of the process the board will use to 49971

review and understand the circumstances that led to the school 49972
becoming unauditable; 49973

(2) A plan for providing the auditor of state with the 49974
documentation necessary to complete an audit of the school and 49975
for ensuring that all financial documents are available in the 49976
future; 49977

(3) The actions the board will take to ensure that the 49978
plan described in division (C) (2) of this section is 49979
implemented. 49980

(D) If the college-preparatory boarding school fails to 49981
make reasonable efforts and continuing progress to bring its 49982
accounts, records, files, or reports into an auditable condition 49983
within ninety days after being declared unauditable, the auditor 49984
of state, in addition to requesting legal action under sections 49985
117.41 and 117.42 of the Revised Code, shall notify the school 49986
and the department of the school's failure. If the auditor of 49987
state or a public accountant subsequently is able to complete a 49988
financial audit of the school, the auditor of state shall notify 49989
the school and the department that the audit has been completed. 49990

(E) Notwithstanding any provision to the contrary in this 49991
chapter or in any other provision of law, upon notification by 49992
the auditor of state under division (D) of this section that the 49993
college-preparatory boarding school has failed to make 49994
reasonable efforts and continuing progress to bring its 49995
accounts, records, files, or reports into an auditable 49996
condition, the department shall immediately cease all payments 49997
to the school under this chapter and any other provision of law. 49998
Upon subsequent notification from the auditor of state under 49999
that division that the auditor of state or a public accountant 50000
was able to complete a financial audit of the school, the 50001

department shall release all funds withheld from the school 50002
under this section. 50003

Sec. 3328.38. (A) With the approval of its board of 50004
trustees, a college-preparatory boarding school established 50005
under this chapter may procure injectable or nasally 50006
administered glucagon in the manner prescribed by section 50007
3313.7115 of the Revised Code. A college-preparatory boarding 50008
school that elects to do so shall comply with all provisions of 50009
that section as if it were a school district. 50010

(B) (1) The following are not liable in damages in a civil 50011
action for injury, death, or loss to person or property that 50012
allegedly arises from an act or omission associated with 50013
procuring, maintaining, accessing, or using injectable or 50014
nasally administered glucagon under this section, unless the act 50015
or omission constitutes willful or wanton misconduct: 50016

(a) A college-preparatory boarding school; 50017

(b) A member of a college-preparatory boarding school 50018
board of trustees; 50019

(c) A college-preparatory boarding school employee or 50020
contractor; 50021

(d) A licensed health professional authorized to prescribe 50022
drugs who personally furnishes or prescribes injectable or 50023
nasally administered glucagon, provides a consultation, or 50024
issues a protocol pursuant to this section. 50025

(2) This division does not eliminate, limit, or reduce any 50026
other immunity or defense that a college-preparatory boarding 50027
school or board of trustees, member of a college-preparatory 50028
boarding school board of trustees, college-preparatory boarding 50029
school employee or contractor, or licensed health professional 50030

may be entitled to under Chapter 2744. or any other provision of 50031
the Revised Code or under the common law of this state. 50032

(C) A college-preparatory boarding school may accept 50033
donations of injectable or nasally administered glucagon from a 50034
wholesale distributor of dangerous drugs or a manufacturer of 50035
dangerous drugs, as defined in section 4729.01 of the Revised 50036
Code, and may accept donations of money from any person to 50037
purchase the drug. 50038

(D) A college-preparatory boarding school that elects to 50039
procure injectable or nasally administered glucagon under this 50040
section shall report to the department of education and 50041
workforce each procurement and each occurrence in which a dose 50042
of the drug is used from the school's supply. 50043

Sec. 3328.45. (A) If the ~~state board~~ department of 50044
education and workforce determines that a college-preparatory 50045
boarding school established under this chapter is not in 50046
compliance with any provision of this chapter or the terms of 50047
the contract entered into under section 3328.12 of the Revised 50048
Code, or that the school has failed to meet the academic goals 50049
or performance standards specified in that contract, the ~~state~~
~~board~~ department may initiate the termination procedures 50050
specified in the contract. No termination shall take effect 50051
prior to the end of a school year. Upon the effective date of a 50052
termination, the school shall close. 50053
50054

(B) If a college-preparatory boarding school is required 50055
to close under division (A) of this section or closes for any 50056
other reason, the school's board of trustees shall execute the 50057
closing as provided in the contract under section 3328.12 of the 50058
Revised Code. 50059

Sec. 3328.50. The ~~state board~~ department of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures necessary for the implementation of this chapter.

Sec. 3329.01. Any publisher of textbooks or electronic textbooks in the United States desiring to offer such textbooks or electronic textbooks for use by pupils in the public schools of Ohio, before such textbooks or electronic textbooks may be adopted and purchased by any school board, must, on or before the first day of January of each year, file ~~in the office of the superintendent of public instruction~~ with the department of education and workforce, a statement that the list wholesale price to school districts in Ohio will be no more than the lowest list wholesale price available to school districts in any other state.

No publisher of a textbook shall file a statement under this section unless the publisher complies with all of the following:

(A) At the same time as filing the statement, the publisher also files:

(1) For textbooks published before August 18, 2006, the wholesale price of an electronic file that contains the text of the textbook in rich text format, or another electronic format approved by the ~~superintendent of public instruction~~ department, for translating the text of the textbook into braille;

(2) For textbooks published on or after August 18, 2006, the wholesale price of an electronic file that contains the text of the textbook, and of all instructional materials the publisher offers with the textbook, in the national

instructional materials accessibility standard (NIMAS) code for 50089
translating the text of the entire textbook into NIMAS-approved 50090
formats, including braille, audio, digital text, or large print. 50091

(B) The list wholesale price filed for any specified 50092
number of electronic files described in divisions (A) (1) and (2) 50093
of this section for the textbook and instructional materials the 50094
publisher offers with the textbook does not exceed the list 50095
wholesale price for the same number of the printed version of 50096
the textbook and materials. 50097

(C) For textbooks published on or after August 18, 2006, 50098
the publisher sends one copy of the electronic file described in 50099
division (A) (2) of this section for the entire textbook and all 50100
instructional materials the publisher offers with the textbook 50101
in NIMAS code, at no cost, to the national instructional 50102
materials access center. 50103

As used in this section and in sections 3329.03 to 3329.10 50104
of the Revised Code, "electronic textbook" means computer 50105
software, interactive videodisc, magnetic media, optical media, 50106
computer courseware, on-line service, electronic medium, or 50107
other means of conveying information to the student or otherwise 50108
contributing to the learning process through electronic means. 50109

Sec. 3329.03. If a publisher who files a statement under 50110
section 3329.01 of the Revised Code, fails or refuses to furnish 50111
such textbooks or electronic textbooks adopted as provided in 50112
sections 3329.01 to 3329.10 of the Revised Code to any board of 50113
education upon the terms provided in such sections, such board 50114
at once must notify the ~~state board~~ department of education and 50115
workforce of such failure or refusal, and the ~~state board of~~ 50116
~~education department~~ at once shall cause an investigation of 50117
such charge to be made. If it is found to be true, the ~~state~~ 50118

~~board of education department~~ at once shall notify such 50119
publisher and each board in the state that such textbooks or 50120
electronic textbooks shall not thereafter be adopted and 50121
purchased by boards of education. Such publisher shall pay to 50122
the state five hundred dollars for each failure, to be recovered 50123
in the name of the state, in an action to be brought by the 50124
attorney general, in the court of common pleas of Franklin 50125
county, or in any other proper court or in any other place where 50126
service can be made. The amount, when collected, must be paid 50127
into the state treasury to the credit of the state general 50128
revenue fund. 50129

Sec. 3329.10. A superintendent, supervisor, principal, or 50130
teacher employed by any board of education shall not act as 50131
sales agent, either directly or indirectly, for any person, 50132
firm, or corporation that files school textbooks or electronic 50133
textbooks with the ~~superintendent of public~~ 50134
~~instruction~~ department of education and workforce, or that sells 50135
school apparatus or equipment of any kind for use in the public 50136
schools. A violation of this section shall work a forfeiture of 50137
their licenses to teach in the public schools. 50138

Sec. 3331.01. (A) As used in this chapter: 50139

(1) "Superintendent" or "superintendent of schools" of a 50140
school district means the person employed as the superintendent 50141
or that person's designee. 50142

(2) "Chief administrative officer" means the chief 50143
administrative officer of a nonpublic or community school or 50144
that person's designee. 50145

(B) (1) Except as provided in division (B) (2) of this 50146
section, an age and schooling certificate may be issued only by 50147

the superintendent of the city, local, joint vocational, or 50148
exempted village school district in which the child in whose 50149
name such certificate is issued resides or by the chief 50150
administrative officer of the nonpublic or community school the 50151
child attends, and only upon satisfactory proof that the child 50152
to whom the certificate is issued is at least fourteen years of 50153
age. 50154

(2) A child who resides in this state shall apply for an 50155
age and schooling certificate to the superintendent of the 50156
school district in which the child resides, or to the chief 50157
administrative officer of the school that the child attends. 50158
Residents of other states who work in Ohio shall apply to the 50159
superintendent of the school district in which the place of 50160
employment is located, as a condition of employment or service. 50161

(C) Any such age and schooling certificate may be issued 50162
only upon satisfactory proof that the employment contemplated by 50163
the child is not prohibited by any law regulating the employment 50164
of such children. Section 4113.08 of the Revised Code does not 50165
apply to such employer in respect to such child while engaged in 50166
an employment legal for a child of the age stated therein. 50167

(D) Age and schooling certificate forms shall be approved 50168
by the ~~state board~~ department of education and workforce, 50169
including forms submitted electronically. Forms shall not 50170
display the social security number of the child. Except as 50171
otherwise provided in this section, every application for an age 50172
and schooling certificate must be signed in the presence of the 50173
officer issuing it by the child in whose name it is issued. 50174

(E) A child shall furnish the superintendent or chief 50175
administrative officer all information required by this chapter 50176
in support of the issuance of a certificate. 50177

(F) On and after September 1, 2002, each superintendent 50178
and chief administrative officer who issues an age and schooling 50179
certificate shall file electronically the certificate with the 50180
director of commerce in accordance with rules adopted by the 50181
director of administrative services pursuant to section 1306.21 50182
of the Revised Code. On and after September 1, 2002, only 50183
electronically filed certificates are valid to satisfy the 50184
requirements of Chapter 4109. of the Revised Code. 50185

Sec. 3331.02. (A) The superintendent of schools or the 50186
chief administrative officer, as appropriate pursuant to section 50187
3331.01 of the Revised Code, shall not issue an age and 50188
schooling certificate until the superintendent or chief 50189
administrative officer has received, examined, approved, and 50190
filed the following papers duly executed: 50191

(1) The written pledge or promise of the person, 50192
partnership, or corporation to legally employ the child, and for 50193
this purpose work performed by a minor, directly and exclusively 50194
for the benefit of such minor's parent, in the farm home or on 50195
the farm of such parent is legal employment, irrespective of any 50196
contract of employment, or the absence thereof, to permit the 50197
child to attend school as provided in section 3321.08 of the 50198
Revised Code, and give notice of the nonuse of an age and 50199
schooling certificate within five days from the date of the 50200
child's withdrawal or dismissal from the service of that person, 50201
partnership, or corporation, giving the reasons for such 50202
withdrawal or dismissal; 50203

(2) The child's school record or notification. As used in 50204
this division, a "school record" means documents properly filled 50205
out and signed by the person in charge of the school which the 50206
child last attended, giving the recorded age of the child, the 50207

child's address, standing in studies, rating in conduct, and 50208
attendance in days during the school year of the child's last 50209
attendance; "notification" means the information submitted to 50210
the superintendent by the parent of a child excused from 50211
attendance at school pursuant to division (A) (2) of section 50212
3321.04 of the Revised Code, as the notification is required by 50213
rules adopted by the department of education and workforce. 50214

(3) Evidence of the age of the child as follows: 50215

(a) A certified copy of an original birth record or a 50216
certification of birth, issued in accordance with Chapter 3705. 50217
of the Revised Code, or by an officer charged with the duty of 50218
recording births in another state or country, shall be 50219
conclusive evidence of the age of the child; 50220

(b) In the absence of such birth record or certification 50221
of birth, a passport, or duly attested transcript thereof, 50222
showing the date and place of birth of the child, filed with a 50223
register of passports at a port of entry of the United States; 50224
or an attested transcript of the certificate of birth or baptism 50225
or other religious record, showing the date and place of birth 50226
of the child, shall be conclusive evidence of the age of the 50227
child; 50228

(c) In case none of the above proofs of age can be 50229
produced, other documentary evidence, except the affidavit of 50230
the parent, guardian, or custodian, satisfactory to the 50231
superintendent or chief administrative officer may be accepted 50232
in lieu thereof; 50233

(d) In case no documentary proof of age can be procured, 50234
the superintendent or chief administrative officer may receive 50235
and file an application signed by the parent, guardian, or 50236

custodian of the child that a medical certificate be secured to 50237
establish the sufficiency of the age of the child, which 50238
application shall state the alleged age of the child, the place 50239
and date of birth, the child's present residence, and such 50240
further facts as may be of assistance in determining the age of 50241
the child, and shall certify that the person signing the 50242
application is unable to obtain any of the documentary proofs 50243
specified in divisions (A) (3) (a), (b), and (c) of this section; 50244
and if the superintendent or chief administrative officer is 50245
satisfied that a reasonable effort to procure such documentary 50246
proof has been without success such application shall be granted 50247
and the certificate of the school physician or if there be none, 50248
of a physician, a physician assistant, a clinical nurse 50249
specialist, or a certified nurse practitioner employed by the 50250
board of education, that said physician, physician assistant, 50251
clinical nurse specialist, or certified nurse practitioner is 50252
satisfied that the child is above the age required for an age 50253
and schooling certificate as stated in section 3331.01 of the 50254
Revised Code, shall be accepted as sufficient evidence of age⁺. 50255

(4) A certificate, including an athletic certificate of 50256
examination, from a physician licensed pursuant to Chapter 4731. 50257
of the Revised Code, a physician assistant, a clinical nurse 50258
specialist, or a certified nurse practitioner, or from the 50259
district health commissioner, showing after a thorough 50260
examination that the child is physically fit to be employed in 50261
such occupations as are not prohibited by law for a boy or girl, 50262
as the case may be, under eighteen years of age; but a 50263
certificate with "limited" written, printed, marked, or stamped 50264
thereon may be furnished by such physician, physician assistant, 50265
clinical nurse specialist, or certified nurse practitioner and 50266
accepted by the superintendent or chief administrative officer 50267

in issuing a "limited" age and schooling certificate provided in 50268
section 3331.06 of the Revised Code, showing that the child is 50269
physically fit to be employed in some particular occupation not 50270
prohibited by law for a boy or girl of such child's age, as the 50271
case may be, even if the child's complete physical ability to 50272
engage in such occupation cannot be vouched for. 50273

(B) (1) Except as provided in division (B) (2) of this 50274
section, a physical fitness certificate described in division 50275
(A) (4) of this section is valid for purposes of that division 50276
while the child remains employed in job duties of a similar 50277
nature as the job duties for which the child last was issued an 50278
age and schooling certificate. The superintendent or chief 50279
administrative officer who issues an age and schooling 50280
certificate shall determine whether job duties are similar for 50281
purposes of this division. 50282

(2) A "limited" physical fitness certificate described in 50283
division (A) (4) of this section is valid for one year. 50284

(C) The superintendent of schools or the chief 50285
administrative officer shall require a child who resides out of 50286
this state to file all the information required under division 50287
(A) of this section. The superintendent of schools or the chief 50288
administrative officer shall evaluate the information filed and 50289
determine whether to issue the age and schooling certificate 50290
using the same standards as those the superintendent or officer 50291
uses for in-state children. 50292

Sec. 3331.04. (A) Until July 1, 2016, an age and schooling 50293
certificate may be issued by the superintendent of schools to a 50294
child over sixteen years of age upon proof acceptable to such 50295
superintendent of the following facts and upon agreement to the 50296
respective conditions made in writing by the child and by the 50297

parents, guardian, or custodian in charge of such child: 50298

(1) That the child is addicted to no habit which is likely 50299
to detract from the child's reliability or effectiveness as a 50300
worker, or proper use of the child's earnings or leisure, or the 50301
probability of the child's faithfully carrying out the 50302
conditions to which the child agrees as specified in division 50303
(A) (2) of this section, and in addition any one of the following 50304
groups of facts: 50305

(a) That the child has been a resident of the school 50306
district for the last two years, has diligently attended upon 50307
instruction at school for the last two years, and is able to 50308
read, write, and perform the fundamental operations of 50309
arithmetic. These abilities shall be judged by the 50310
superintendent. 50311

(b) That the child having been a resident of the school 50312
district less than two years, diligently attended upon 50313
instruction in school in the district in which the child was a 50314
resident next preceding the child's residence in the present 50315
district for the last school year preceding the child's removal 50316
to the present district, and has diligently attended upon 50317
instruction in the schools of the present district for the 50318
period that the child has been a resident thereof; 50319

(c) That the child has removed to the present school 50320
district since the beginning of the last annual school session, 50321
and that instruction adapted to the child's needs is not 50322
provided in the regular day schools in the district; 50323

(d) That conditions are such that the child must provide 50324
for the child's own support or that the child is needed for the 50325
support or care of parents or for the support or care of 50326

brothers or sisters for whom the parents are unable to provide 50327
and that the child is desirous of working for the support or 50328
care of self or of such parents or siblings and that such child 50329
cannot render such needed support or care by a reasonable effort 50330
outside of school hours; but no age and schooling certificate 50331
shall be granted to a child of this group upon proof of such 50332
facts without written consent given to the superintendent by the 50333
juvenile judge and by the department of job and family services. 50334

(2) In case the certificate is granted under division (A) 50335
(1) of this section, that until reaching the age of eighteen 50336
years the child will diligently attend in addition to part-time 50337
classes, such evening classes as will add to the child's 50338
education for literacy, citizenship, or vocational preparation 50339
which may be made available to the child in the school district 50340
and which the child may be directed to attend by the 50341
superintendent, or in case no such classes are available, that 50342
the child will pursue such reading and study and report monthly 50343
thereon as may be directed by the superintendent. 50344

(B) Beginning July 1, 2016, an age and schooling 50345
certificate may be issued pursuant to this section only to a 50346
child over sixteen years of age who does both of the following: 50347

(1) Upon agreement in writing, by the child and the 50348
parents, guardian, or custodian in charge of such child, 50349
provides proof acceptable to the superintendent that the 50350
conditions in division (A) (1) of this section are met; 50351

(2) Is enrolled in a competency-based instructional 50352
program to earn a high school diploma in accordance with the 50353
rules adopted by the ~~state board~~ department of education and 50354
workforce pursuant to division (C) of this section. 50355

(C) ~~Not later than July 1, 2016, the state board~~The 50356
department, in accordance with Chapter 119. of the Revised Code, 50357
shall adopt rules on the requirements for completing a 50358
competency-based instructional program that leads to a high 50359
school diploma under this section. 50360

Sec. 3332.02. This chapter does not apply to the following 50361
categories of courses, schools, or colleges: 50362

(A) Tuition-free courses or schools conducted by employers 50363
exclusively for their own employees; 50364

(B) Nonprofit institutions with certificates of 50365
authorization issued pursuant to section 1713.02 of the Revised 50366
Code or that are nonprofit institutions exempted from the 50367
requirement to obtain a certificate by division (E) of that 50368
section; 50369

(C) Schools, colleges, technical colleges, or universities 50370
established by law or chartered by the ~~Ohio board chancellor of~~ 50371
~~regents higher education~~; 50372

(D) Courses of instruction required by law to be approved 50373
or licensed by a state board or agency other than the state 50374
board of career colleges and schools, except that a school so 50375
approved or licensed may apply to the state board of career 50376
colleges and schools for a certificate of registration to be 50377
issued in accordance with this chapter; 50378

(E) Schools for which minimum standards are prescribed by 50379
the ~~state board director of education and workforce~~ pursuant to 50380
division (D) of section 3301.07 of the Revised Code; 50381

(F) Courses of instruction conducted by a public school 50382
district or a combination of public school districts; 50383

(G) Courses of instruction conducted outside the United States; 50384
50385

(H) Private institutions exempt from regulation under this chapter as prescribed in section 3333.046 of the Revised Code; 50386
50387

(I) Training courses for employees paid for by their employers and conducted by outside service providers. 50388
50389

Sec. 3332.03. There is hereby created the state board of 50390
career colleges and schools to consist of the ~~state~~ 50391
~~superintendent of public instruction or an assistant~~ 50392
~~superintendent designated by the superintendent, the~~ chancellor 50393
of the ~~Ohio board of regents~~ higher education or a vice 50394
chancellor designated by the chancellor, the director of 50395
education and workforce or the director's designee, and six 50396
members appointed by the governor, with the advice and consent 50397
of the senate. Members' terms of office shall be for five years, 50398
commencing on the twenty-first day of November and ending on the 50399
twentieth day of November. Each member shall hold office from 50400
the date of appointment until the end of the term for which the 50401
member was appointed. 50402

Three of the members appointed by the governor shall have 50403
been engaged for a period of not less than five years 50404
immediately preceding appointment in an executive or managerial 50405
position in a private, trade, technical, or other school subject 50406
to this chapter. One member appointed by the governor shall be a 50407
representative of students and shall have graduated with an 50408
associate or baccalaureate degree, within five years prior to 50409
appointment, from a school subject to this chapter. Two members 50410
appointed by the governor shall be representatives of the 50411
general public and shall have had no affiliation with, or direct 50412
or indirect interest in, schools subject to this chapter for at 50413

least two years prior to appointment. In selecting the 50414
representatives of the general public, the governor shall make 50415
an effort to find individuals with background or experience in 50416
the regulation of commerce, business, or education. The two 50417
members of the board who are representatives of the general 50418
public shall not be affiliated in any way with or have any 50419
direct or indirect interest in any schools subject to this 50420
chapter during their terms. Except for enrollment in a school 50421
subject to this chapter, the member representing students shall 50422
have had no affiliation in any way with, or have any direct or 50423
indirect interest in any school subject to this chapter for at 50424
least two years prior to appointment or during the member's 50425
term. 50426

Any vacancy shall be filled in the manner provided for 50427
original appointment. Any member appointed to fill a vacancy 50428
occurring prior to the expiration of the term for which the 50429
member's predecessor was appointed shall hold office for the 50430
remainder of such term. Any appointed member shall continue in 50431
office subsequent to the expiration date of the member's term 50432
until the member's successor takes office, or until a period of 50433
sixty days has elapsed, whichever occurs first. 50434

Members of the board have full voting rights, except for 50435
the member representing students who shall be a nonvoting 50436
member. Each member of the board appointed by the governor shall 50437
be compensated at the rate established pursuant to division (J) 50438
of section 124.15 of the Revised Code, but shall not receive 50439
step advancements, for those days the member is engaged in the 50440
discharge of official duties. In addition, members appointed by 50441
the governor may be compensated for the expenses necessarily 50442
incurred in the attendance at meetings or in performing other 50443
services for the board. The chairperson of the board shall 50444

annually be elected or determined as follows: 50445

(A) If both members of the board representing the general 50446
public have served on the board for at least one year, the 50447
members shall elect one of these two members as chairperson. If 50448
one of these members declines to be elected or serve, the other 50449
member representing the general public shall be chairperson. If 50450
both members representing the general public decline to be 50451
elected or serve, division (C) of this section shall apply. 50452

(B) If only one member of the board representing the 50453
general public has served on the board for at least one year, 50454
this member shall be chairperson. If this member declines to 50455
serve, division (C) of this section shall apply. 50456

(C) If neither member of the board representing the 50457
general public has served on the board for at least one year or 50458
if this division applies pursuant to division (A) or (B) of this 50459
section, the members of the board shall elect a chairperson from 50460
among any of the voting members of the board who have served on 50461
the board for at least one year. 50462

Sec. 3332.04. The state board of career colleges and 50463
schools may appoint an executive director and such other staff 50464
as may be required for the performance of the board's duties and 50465
provide necessary facilities. In selecting an executive 50466
director, the board shall appoint an individual with a 50467
background or experience in the regulation of commerce, 50468
business, or education. The board may also arrange for services 50469
and facilities to be provided by the ~~state board of education~~ 50470
~~and the Ohio board of regents~~ department of education and 50471
workforce or the department of higher education. All receipts of 50472
the board shall be deposited in the state treasury to the credit 50473
of the occupational licensing and regulatory fund. 50474

Sec. 3333.04. The chancellor of higher education shall:	50475
(A) Make studies of state policy in the field of higher education and formulate a master plan for higher education for the state, considering the needs of the people, the needs of the state, and the role of individual public and private institutions within the state in fulfilling these needs;	50476 50477 50478 50479 50480
(B) (1) Report annually to the governor and the general assembly on the findings from the chancellor's studies and the master plan for higher education for the state;	50481 50482 50483
(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education.	50484 50485 50486
(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities;	50487 50488
(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education;	50489 50490 50491
(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel;	50492 50493 50494 50495 50496 50497
(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed	50498 50499 50500 50501 50502 50503

pursuant to this division, or for other good and sufficient 50504
cause. Prior to recommending a program for elimination, the 50505
chancellor shall request the board of regents to hold at least 50506
one public hearing on the matter and advise the chancellor on 50507
whether the program should be recommended for elimination. The 50508
board shall provide notice of each hearing within a reasonable 50509
amount of time prior to its scheduled date. Following the 50510
hearing, the board shall issue a recommendation to the 50511
chancellor. The chancellor shall consider the board's 50512
recommendation but shall not be required to accept it. 50513

For purposes of determining the amounts of any state 50514
instructional subsidies paid to state colleges, universities, 50515
and other state-assisted institutions of higher education, the 50516
chancellor may exclude students enrolled in any program that the 50517
chancellor has recommended for elimination pursuant to this 50518
division except that the chancellor shall not exclude any such 50519
student who enrolled in the program prior to the date on which 50520
the chancellor initially commences to exclude students under 50521
this division. 50522

The chancellor and state colleges, universities, and other 50523
state-assisted institutions of higher education shall jointly 50524
develop a process for determining which existing graduate or 50525
professional programs constitute unnecessary duplication. 50526

(G) Recommend to the state colleges, universities, and 50527
other state-assisted institutions of higher education programs 50528
which should be added to their present programs; 50529

(H) Conduct studies for the state colleges, universities, 50530
and other state-assisted institutions of higher education to 50531
assist them in making the best and most efficient use of their 50532
existing facilities and personnel; 50533

(I) Make recommendations to the governor and general assembly concerning the development of state-financed capital plans for higher education; the establishment of new state colleges, universities, and other state-assisted institutions of higher education; and the establishment of new programs at the existing state colleges, universities, and other institutions of higher education;

(J) Review the appropriation requests of the public community colleges and the state colleges and universities and submit to the office of budget and management and to the chairpersons of the finance committees of the house of representatives and of the senate the chancellor's recommendations in regard to the biennial higher education appropriation for the state, including appropriations for the individual state colleges and universities and public community colleges. For the purpose of determining the amounts of instructional subsidies to be paid to state-assisted colleges and universities, the chancellor shall define "full-time equivalent student" by program per academic year. The definition may take into account the establishment of minimum enrollment levels in technical education programs below which support allowances will not be paid. Except as otherwise provided in this section, the chancellor shall make no change in the definition of "full-time equivalent student" in effect on November 15, 1981, which would increase or decrease the number of subsidy-eligible full-time equivalent students, without first submitting a fiscal impact statement to the president of the senate, the speaker of the house of representatives, the legislative service commission, and the director of budget and management. The chancellor shall work in close cooperation with the director of budget and management in this respect and in all

other matters concerning the expenditures of appropriated funds 50565
by state colleges, universities, and other institutions of 50566
higher education. 50567

(K) Seek the cooperation and advice of the officers and 50568
trustees of both public and private colleges, universities, and 50569
other institutions of higher education in the state in 50570
performing the chancellor's duties and making the chancellor's 50571
plans, studies, and recommendations; 50572

(L) Appoint advisory committees consisting of persons 50573
associated with public or private secondary schools, members of 50574
the state board of education, or personnel of the ~~state~~ 50575
department of education and workforce; 50576

(M) Appoint advisory committees consisting of college and 50577
university personnel, or other persons knowledgeable in the 50578
field of higher education, or both, in order to obtain their 50579
advice and assistance in defining and suggesting solutions for 50580
the problems and needs of higher education in this state; 50581

(N) Approve or disapprove all new degrees and new degree 50582
programs at all state colleges, universities, and other state- 50583
assisted institutions of higher education. 50584

When considering approval of a new degree or degree 50585
program for a state institution of higher education, as defined 50586
in section 3345.011 of the Revised Code, the chancellor shall 50587
take into account the extent to which the degree or degree 50588
program aligns with the state's workforce development 50589
priorities. 50590

(O) Adopt such rules as are necessary to carry out the 50591
chancellor's duties and responsibilities. The rules shall 50592
prescribe procedures for the chancellor to follow when taking 50593

actions associated with the chancellor's duties and 50594
responsibilities and shall indicate which types of actions are 50595
subject to those procedures. The procedures adopted under this 50596
division shall be in addition to any other procedures prescribed 50597
by law for such actions. However, if any other provision of the 50598
Revised Code or rule adopted by the chancellor prescribes 50599
different procedures for such an action, the procedures adopted 50600
under this division shall not apply to that action to the extent 50601
they conflict with the procedures otherwise prescribed by law. 50602
The procedures adopted under this division shall include at 50603
least the following: 50604

(1) Provision for public notice of the proposed action; 50605

(2) An opportunity for public comment on the proposed 50606
action, which may include a public hearing on the action by the 50607
board of regents; 50608

(3) Methods for parties that may be affected by the 50609
proposed action to submit comments during the public comment 50610
period; 50611

(4) Submission of recommendations from the board of 50612
regents regarding the proposed action, at the request of the 50613
chancellor; 50614

(5) Written publication of the final action taken by the 50615
chancellor and the chancellor's rationale for the action; 50616

(6) A timeline for the process described in divisions (O) 50617
(1) to (5) of this section. 50618

(P) Make recommendations to the governor and the general 50619
assembly regarding the design and funding of the student 50620
financial aid programs specified in sections 3333.12, 3333.122, 50621
3333.21 to 3333.26, and 5910.02 of the Revised Code; 50622

(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;

(R) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;

(S) Conduct enrollment audits of state-supported institutions of higher education;

(T) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortia shall be distributed to the fiscal agents for the operation of the consortia. A consortium shall follow the rules of the college or university that serves as its fiscal agent. The chancellor may restructure existing consortia, appointed under this division, in accordance with procedures adopted under divisions (O) (1) to (6) of this section.

(U) Adopt rules establishing advisory duties and responsibilities of the board of regents not otherwise prescribed by law;

(V) Respond to requests for information about higher

education from members of the general assembly and direct staff 50652
to conduct research or analysis as needed for this purpose. 50653

Sec. 3333.041. (A) On or before the last day of December 50654
of each year, the chancellor of higher education shall submit to 50655
the governor and, in accordance with section 101.68 of the 50656
Revised Code, the general assembly a report or reports 50657
concerning all of the following: 50658

(1) The status of graduates of Ohio school districts at 50659
state institutions of higher education during the twelve-month 50660
period ending on the thirtieth day of September of the current 50661
calendar year. The report shall list, by school district, the 50662
number of graduates of each school district who attended a state 50663
institution of higher education and the percentage of each 50664
district's graduates enrolled in a state institution of higher 50665
education during the reporting period who were required during 50666
such period by the college or university, as a prerequisite to 50667
enrolling in those courses generally required for first-year 50668
students, to enroll in a remedial course in English, including 50669
composition or reading, mathematics, and any other area 50670
designated by the chancellor. The chancellor also shall make the 50671
information described in division (A)(1) of this section 50672
available to the board of education of each city, exempted 50673
village, and local school district. 50674

Each state institution of higher education shall, by the 50675
first day of November of each year, submit to the chancellor in 50676
the form specified by the chancellor the information the 50677
chancellor requires to compile the report. 50678

(2) The following information with respect to the Ohio 50679
tuition trust authority: 50680

(a) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the chancellor contracts; 50681
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(b) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the chancellor has contracted; 50684
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(c) Efforts by the chancellor to increase utilization of investment managers that are minority business enterprises or women's business enterprises. 50688
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(3) The chancellor's strategy in assigning choose Ohio first scholarships, as established under section 3333.61 of the Revised Code, among state universities and colleges and how the actual awards fit that strategy. 50691
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(4) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following: 50695
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50698

(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year; 50699
50700

(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy; 50701
50702
50703

(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy. 50704
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50706

(B) On or before the fifteenth day of February of each year, the ~~director~~chancellor shall submit to the governor and, 50707
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in accordance with section 101.68 of the Revised Code, the 50709
general assembly a report concerning aggregate academic growth 50710
data for students assigned to graduates of teacher preparation 50711
programs approved under section 3333.048 of the Revised Code who 50712
teach English language arts or mathematics in any of grades four 50713
to eight in a public school in Ohio. For this purpose, the 50714
~~director-chancellor~~ shall use the value-added progress dimension 50715
prescribed by section 3302.021 of the Revised Code or the 50716
alternative student academic progress measure if adopted under 50717
division (C)(1)(e) of section 3302.03 of the Revised Code. The 50718
~~director-chancellor~~ shall aggregate the data by graduating class 50719
for each approved teacher preparation program, except that if a 50720
particular class has ten or fewer graduates to which this 50721
division applies, the ~~director-chancellor~~ shall report the data 50722
for a group of classes over a three-year period. In no case 50723
shall the report identify any individual graduate. The 50724
department of education and workforce shall share any data 50725
necessary for the report with the ~~director-chancellor~~. 50726

(C) As used in this section: 50727

(1) "Minority business enterprise" has the same meaning as 50728
in section 122.71 of the Revised Code. 50729

(2) "State institution of higher education" and "state 50730
university" have the same meanings as in section 3345.011 of the 50731
Revised Code. 50732

(3) "State university or college" has the same meaning as 50733
in section 3345.12 of the Revised Code. 50734

(4) "Women's business enterprise" means a business, or a 50735
partnership, corporation, limited liability company, or joint 50736
venture of any kind, that is owned and controlled by women who 50737

are United States citizens and residents of this state. 50738

Sec. 3333.048. (A) ~~Not later than one year after October~~ 50739
~~16, 2009, the~~ The chancellor of higher education and the 50740
~~superintendent of public instruction~~ director of education and 50741
workforce jointly shall do the following: 50742

(1) In accordance with Chapter 119. of the Revised Code, 50743
establish metrics and educator preparation programs for the 50744
preparation of educators and other school personnel and the 50745
institutions of higher education that are engaged in their 50746
preparation. The metrics and educator preparation programs shall 50747
be aligned with the standards and qualifications for educator 50748
licenses adopted by the state board of education under section 50749
3319.22 of the Revised Code and the requirements of the Ohio 50750
teacher residency program established under section 3319.223 of 50751
the Revised Code. The metrics and educator preparation programs 50752
also shall ensure that educators and other school personnel are 50753
adequately prepared to use the value-added progress dimension 50754
prescribed by section 3302.021 of the Revised Code or the 50755
alternative student academic progress measure if adopted under 50756
division (C) (1) (e) of section 3302.03 of the Revised Code. 50757

(2) Provide for the inspection of institutions of higher 50758
education desiring to prepare educators and other school 50759
personnel. 50760

(B) ~~Not later than one year after October 16, 2009, the~~ 50761
The chancellor shall approve institutions of higher education 50762
engaged in the preparation of educators and other school 50763
personnel that maintain satisfactory training procedures and 50764
records of performance, as determined by the chancellor. 50765

(C) If the metrics established under division (A) (1) of 50766

this section require an institution of higher education that 50767
prepares teachers to satisfy the standards of an independent 50768
accreditation organization, the chancellor shall permit each 50769
institution to satisfy the standards of any applicable national 50770
educator preparation accrediting agency recognized by the United 50771
States department of education. 50772

(D) The metrics and educator preparation programs 50773
established under division (A) (1) of this section may require an 50774
institution of higher education, as a condition of approval by 50775
the chancellor, to make changes in the curricula of its 50776
preparation programs for educators and other school personnel. 50777

Notwithstanding division (E) of section 119.03 and 50778
division (A) (1) of section 119.04 of the Revised Code, any 50779
metrics, educator preparation programs, rules, and regulations, 50780
or any amendment or rescission of such metrics, educator 50781
preparation programs, rules, and regulations, adopted under this 50782
section that necessitate institutions offering preparation 50783
programs for educators and other school personnel approved by 50784
the chancellor to revise the curricula of those programs shall 50785
not be effective for at least one year after the first day of 50786
January next succeeding the publication of the said change. 50787

Each institution shall allocate money from its existing 50788
revenue sources to pay the cost of making the curricular 50789
changes. 50790

(E) The chancellor shall notify the state board of the 50791
metrics and educator preparation programs established under 50792
division (A) (1) of this section and the institutions of higher 50793
education approved under division (B) of this section. The state 50794
board shall publish the metrics, educator preparation programs, 50795
and approved institutions with the standards and qualifications 50796

for each type of educator license. 50797

(F) The graduates of educator preparation programs 50798
approved by the chancellor shall be licensed by the state board 50799
in accordance with the standards and qualifications adopted 50800
under section 3319.22 of the Revised Code. 50801

Sec. 3333.0411. Not later than December 31, 2014, and 50802
annually thereafter, the chancellor of higher education shall 50803
report for each approved teacher preparation program, the number 50804
and percentage of all graduates of the program who were rated at 50805
each of the performance levels prescribed by division (B)(1) of 50806
section 3319.112 of the Revised Code on an evaluation conducted 50807
in accordance with section 3319.111 of the Revised Code in the 50808
previous school year. 50809

In no case shall the report identify any individual 50810
graduate. The department of education and workforce shall share 50811
any data necessary for the report with the chancellor. 50812

Sec. 3333.0415. ~~Beginning in 2018, the~~ The chancellor of 50813
higher education, in collaboration with the department of 50814
education and workforce, shall prepare an annual report 50815
regarding the progress the state is making in increasing the 50816
percentage of adults in the state with a college degree, 50817
industry certificate, or other postsecondary credential to 50818
sixty-five per cent by the year 2025. The chancellor shall 50819
submit an electronic copy of the report to the governor, the 50820
president and minority leader of the senate, and the speaker and 50821
minority leader of the house of representatives. 50822

Sec. 3333.07. (A) Colleges, universities, and other 50823
institutions of higher education which receive state assistance, 50824
but are not supported primarily by the state, shall submit to 50825

the chancellor of higher education such accounting of the 50826
expenditure of state funds at such time and in such form as the 50827
chancellor prescribes. 50828

(B) No state institution of higher education shall 50829
establish a new branch or academic center without the approval 50830
of the chancellor. 50831

(C) No state institution of higher education shall offer a 50832
new degree or establish a new degree program without the 50833
approval of the chancellor. No degree approval shall be given 50834
for a technical education program unless such program is offered 50835
by a state assisted university, a university branch, a technical 50836
college, or a community college. 50837

(D) Any state college, university, or other state assisted 50838
institution of higher education not complying with a 50839
recommendation of the chancellor pursuant to division (F) or (G) 50840
of section 3333.04 of the Revised Code shall so notify the 50841
chancellor in writing within one hundred twenty days after 50842
receipt of the recommendation, stating the reasons why it cannot 50843
or should not comply. 50844

(E) The officers, trustees, and employees of all 50845
institutions of higher education which are state supported or 50846
state assisted shall cooperate with the chancellor in supplying 50847
information regarding their institutions, and advising and 50848
assisting the chancellor on matters of higher education in this 50849
state in every way possible when so requested by the chancellor. 50850

(F) Persons associated with the public school systems in 50851
this state, ~~and the personnel of the state department of~~ 50852
~~education, and members of the state board of education, and~~ 50853
workforce shall provide such data about high school students as 50854

are requested by the chancellor to aid in the development of 50855
state higher education plans. 50856

Sec. 3333.162. (A) As used in this section, "state 50857
institution of higher education" means an institution of higher 50858
education as defined in section 3345.12 of the Revised Code. 50859

(B) ~~By April 15, 2007, the~~ The chancellor of higher 50860
education, in consultation with the department of education and 50861
workforce, public adult and secondary career-technical education 50862
institutions, and state institutions of higher education, shall 50863
establish criteria, policies, and procedures that enable 50864
students to transfer agreed upon technical courses completed 50865
through an adult career-technical education institution, a 50866
public secondary career-technical institution, or a state 50867
institution of higher education to a state institution of higher 50868
education without unnecessary duplication or institutional 50869
barriers. The courses to which the criteria, policies, and 50870
procedures apply shall be those that adhere to recognized 50871
industry standards and equivalent coursework common to the 50872
secondary career pathway and adult career-technical education 50873
system and regionally accredited state institutions of higher 50874
education. Where applicable, the policies and procedures shall 50875
build upon the articulation agreement and transfer initiative 50876
course equivalency system required by section 3333.16 of the 50877
Revised Code. 50878

Sec. 3333.167. (A) As used in this section: 50879

(1) "Approved course" means a career-technical education 50880
course offered by a career-technical planning district to which 50881
either of the following applies: 50882

(a) The course complies with the criteria, policies, and 50883

procedures established under section 3333.162 of the Revised Code. 50884
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(b) The course is approved through an articulation agreement that a career-technical planning district has entered into with a state institution of higher education. 50886
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(2) "Career-technical planning district" has the same meaning as in section 3317.023 of the Revised Code. 50889
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(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 50891
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(B) The chancellor of higher education, in consultation with the ~~superintendent of public instruction~~director of education and workforce, shall develop and, if determined appropriate by the chancellor and the ~~state~~superintendentdirector, implement a statewide plan that permits a high school student enrolled in a career-technical planning district to receive post-secondary credit on a college transcript in a manner comparable to the college credit plus program established under Chapter 3365. of the Revised Code for the completion of an approved course. 50893
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(C) The statewide plan developed under division (B) of this section shall do all of the following: 50903
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(1) Identify and define the criteria, policies, procedures, and timelines necessary for a high school student to receive post-secondary credit on a college transcript for completing an approved course; 50905
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(2) Identify any technology solutions or statewide data information systems necessary to streamline and facilitate the electronic exchange of student data to improve the credit verification process for students, career-technical planning 50909
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districts, and state institutions of higher education; 50913

(3) Identify any regional or national accreditation 50914
requirements or state policy barriers that currently exist that 50915
need to be considered in developing the statewide plan; 50916

(4) If the chancellor and the ~~state superintendent~~ 50917
director determine it appropriate to implement the statewide 50918
plan, recommend a date and the method by which the statewide 50919
plan shall be implemented. 50920

(D) The chancellor shall convene a group of stakeholders 50921
to assist in preparing the plan under division (B) of this 50922
section. The group shall include a representative from each of 50923
the following: 50924

(1) The Ohio association of career-technical education; 50925

(2) The Ohio association of career-technical 50926
superintendents; 50927

(3) The Ohio association of compact and comprehensive 50928
career-technical schools; 50929

(4) The Ohio association of community colleges; 50930

(5) The inter-university council of Ohio; 50931

(6) The association of independent colleges and 50932
universities of Ohio; 50933

(7) Any other stakeholders determined appropriate by the 50934
chancellor. 50935

(E) Not later than June 30, 2020, the chancellor shall 50936
submit to the governor, the president and minority leader of the 50937
senate, and the speaker and minority leader of the house of 50938
representatives, the completed plan developed under division (B) 50939

of this section. 50940

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of 50941
the Revised Code, "term" and "academic year" mean "term" and 50942
"academic year" as defined by the chancellor of higher 50943
education. 50944

The chancellor shall establish and administer an academic 50945
scholarship program. Under the program, a total of one thousand 50946
new scholarships shall be awarded annually in the amount of not 50947
less than two thousand dollars per award. At least one such new 50948
scholarship shall be awarded annually to a student in each 50949
public high school and joint vocational school and each 50950
nonpublic high school for which the ~~state board~~ director of 50951
education and workforce prescribes minimum standards in 50952
accordance with section 3301.07 of the Revised Code. 50953

To be eligible for the award of a scholarship, a student 50954
shall be a resident of Ohio and shall be enrolled as a full-time 50955
undergraduate student in an Ohio institution of higher education 50956
that meets the requirements of Title VI of the "Civil Rights Act 50957
of 1964" and is state-assisted, is nonprofit and holds a 50958
certificate of authorization issued under section 1713.02 of the 50959
Revised Code, is a private institution exempt from regulation 50960
under Chapter 3332. of the Revised Code as prescribed in section 50961
3333.046 of the Revised Code, or holds a certificate of 50962
registration and program authorization issued under section 50963
3332.05 of the Revised Code and awards an associate or 50964
bachelor's degree. Students who attend an institution holding a 50965
certificate of registration shall be enrolled in a program 50966
leading to an associate or bachelor's degree for which associate 50967
or bachelor's degree program the institution has program 50968
authorization to offer the program issued under section 3332.05 50969

of the Revised Code. 50970

"Resident" and "full-time student" shall be defined in 50971
rules adopted by the chancellor. 50972

The chancellor shall award the scholarships on the basis 50973
of a formula designed by the chancellor to identify students 50974
with the highest capability for successful college study. The 50975
formula shall weigh the factor of achievement, as measured by 50976
grade point average, and the factor of ability, as measured by 50977
performance on a competitive examination specified by the 50978
chancellor. Students receiving scholarships shall be known as 50979
"Ohio academic scholars." 50980

Sec. 3333.31. (A) For state subsidy and tuition surcharge 50981
purposes, status as a resident of Ohio shall be defined by the 50982
chancellor of higher education by rule promulgated pursuant to 50983
Chapter 119. of the Revised Code. No adjudication as to the 50984
status of any person under such rule, however, shall be required 50985
to be made pursuant to Chapter 119. of the Revised Code. The 50986
term "resident" for these purposes shall not be equated with the 50987
definition of that term as it is employed elsewhere under the 50988
laws of this state and other states, and shall not carry with it 50989
any of the legal connotations appurtenant thereto. Rather, 50990
except as provided in divisions (B), (C), (D), (F), and (G) of 50991
this section, for such purposes, the rule promulgated under this 50992
section shall have the objective of excluding from treatment as 50993
residents those who are present in the state primarily for the 50994
purpose of attending a state-supported or state-assisted 50995
institution of higher education, and may prescribe presumptive 50996
rules, rebuttable or conclusive, as to such purpose based upon 50997
the source or sources of support of the student, residence prior 50998
to first enrollment, evidence of intention to remain in the 50999

state after completion of studies, or such other factors as the 51000
chancellor deems relevant. 51001

(B) The rules of the chancellor for determining student 51002
residency shall grant residency status to a veteran and to the 51003
veteran's spouse and any dependent of the veteran, if both of 51004
the following conditions are met: 51005

(1) The veteran either: 51006

(a) Served one or more years on active military duty and 51007
was honorably discharged or received a medical discharge that 51008
was related to the military service; 51009

(b) Was killed while serving on active military duty or 51010
has been declared to be missing in action or a prisoner of war. 51011

(2) If the veteran seeks residency status for tuition 51012
surcharge purposes, the veteran has established domicile in this 51013
state as of the first day of a term of enrollment in an 51014
institution of higher education. If the spouse or a dependent of 51015
the veteran seeks residency status for tuition surcharge 51016
purposes, the veteran and the spouse or dependent seeking 51017
residency status have established domicile in this state as of 51018
the first day of a term of enrollment in an institution of 51019
higher education, except that if the veteran was killed while 51020
serving on active military duty, has been declared to be missing 51021
in action or a prisoner of war, or is deceased after discharge, 51022
only the spouse or dependent seeking residency status shall be 51023
required to have established domicile in accordance with this 51024
division. 51025

(C) The rules of the chancellor for determining student 51026
residency shall grant residency status to both of the following: 51027

(1) A veteran who is the recipient of federal veterans' 51028

benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, if the veteran meets all of the following criteria: 51029
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(a) The veteran served at least ninety days on active duty. 51034
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(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code. 51036
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(c) The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education. 51038
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(2) A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in division (C) (1) of this section, if the person meets both of the following criteria: 51041
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(a) The person enrolls in a state institution of higher education. 51046
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(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education. 51048
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In order for a person using transferred federal veterans' benefits to qualify under division (C) (2) of this section, the veteran who transferred the benefits must have served at least ninety days on active duty or the service member who transferred the benefits must be on active duty. 51050
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(D) The rules of the chancellor for determining student residency shall grant residency status to a service member who 51055
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is on active duty and to the service member's spouse and any dependent of the service member while the service member is on active duty. In order to qualify under division (D) of this section, the rules shall require the student seeking in-state tuition rates to live in the state as of the first day of a term of enrollment in the state institution of higher education, but shall not require the service member or the service member's spouse or dependent to establish domicile in this state as of the first day of a term of enrollment in an institution of higher education.

(E) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates.

Documentation of full-time employment and domicile shall include both of the following documents:

(1) A sworn statement from the employer or the employer's representative on the letterhead of the employer or the employer's representative certifying that the parent or spouse of the student is employed full-time in Ohio;

(2) A copy of the lease under which the parent or spouse is the lessee and occupant of rented residential property in the state, a copy of the closing statement on residential real property of which the parent or spouse is the owner and occupant in this state or, if the parent or spouse is not the lessee or owner of the residence in which the parent or spouse has established domicile, a letter from the owner of the residence

certifying that the parent or spouse resides at that residence. 51087

Residency officers may also evaluate, in accordance with 51088
the chancellor's rule, requests for immediate residency status 51089
from dependent students whose parents are not living and whose 51090
domicile follows that of a legal guardian who has accepted full- 51091
time employment and established domicile in the state for 51092
reasons other than gaining the benefit of favorable tuition 51093
rates. 51094

(F) (1) The rules of the chancellor for determining student 51095
residency shall grant residency status to a person who enrolls 51096
in an institution of higher education and establishes domicile 51097
in this state, regardless of the student's residence prior to 51098
that enrollment and satisfies either of the following 51099
conditions: 51100

(a) The person, while a resident of this state for state 51101
subsidy and tuition surcharge purposes, graduated from a high 51102
school in this state or completed the final year of instruction 51103
at home as authorized under section 3321.04 of the Revised Code. 51104

(b) The person meets all of the following criteria: 51105

(i) The person officially withdrew from a school in this 51106
state while the person was a resident of this state for state 51107
subsidy and tuition surcharge purposes. 51108

(ii) The person has not received a high school diploma or 51109
honors diploma awarded under section 3313.61, 3313.611, 51110
3313.612, or 3325.08 of the Revised Code or a high school 51111
diploma awarded by a school located in another state or country. 51112

(iii) The person, while a resident of this state for state 51113
subsidy and tuition surcharge purposes, both took a high school 51114
equivalency test and was awarded a certificate of high school 51115

equivalence.	51116
(2) The rules of the chancellor for determining student residency shall not grant residency status to an alien if the alien is not also an immigrant or a nonimmigrant.	51117 51118 51119
(G) The rules of the chancellor for determining student residency status shall grant residency status to a person to whom all of the following apply:	51120 51121 51122
(1) The person, while not a resident of this state for state subsidy and tuition surcharge purposes, lives in this state and completes a bachelor's degree program at an institution of higher education in this state.	51123 51124 51125 51126
(2) The person, upon completing that bachelor's degree program, immediately enrolls in a graduate degree program, as determined appropriate by the chancellor, offered at any state institution of higher education.	51127 51128 51129 51130
(3) The person, while enrolled in the graduate degree program, resides in this state.	51131 51132
The chancellor's rules adopted under this section shall define "immediately" for the purposes of division (G) of this section.	51133 51134 51135
(H) As used in this section:	51136
(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.	51137 51138 51139
(2) "Alien" means a person who is not a United States citizen or a United States national.	51140 51141
(3) "Immigrant" means an alien who has been granted the	51142

right by the United States bureau of citizenship and immigration 51143
services to reside permanently in the United States and to work 51144
without restrictions in the United States. 51145

(4) "Nonimmigrant" means an alien who has been granted the 51146
right by the United States bureau of citizenship and immigration 51147
services to reside temporarily in the United States. 51148

(5) "Veteran" means any person who has completed service 51149
in the uniformed services, as defined in section 3511.01 of the 51150
Revised Code. 51151

(6) "Service member" has the same meaning as in section 51152
5903.01 of the Revised Code. 51153

(7) "Certificate of high school equivalence" means either 51154
of the following: 51155

(a) A certificate of high school equivalence awarded by 51156
the department of education and workforce under division (A) of 51157
section 3301.80 of the Revised Code; 51158

(b) The equivalent of a certificate of high school 51159
equivalence awarded by the state board of education under former 51160
law, as defined in division (C)(1) of section 3301.80 of the 51161
Revised Code. 51162

Sec. 3333.34. (A) As used in this section: 51163

(1) "Pre-college stackable certificate" means a 51164
certificate earned before an adult is enrolled in an institution 51165
of higher education that can be transferred to college credit 51166
based on standards established by the chancellor of higher 51167
education and the department of education and workforce. 51168

(2) "College-level certificate" means a certificate earned 51169
while an adult is enrolled in an institution of higher education 51170

that can be transferred to college credit based on standards 51171
established by the chancellor and the department ~~of education~~. 51172

(B) The chancellor and the department ~~of education~~ shall 51173
create a system of pre-college stackable certificates to provide 51174
a clear and accessible path for adults seeking to advance their 51175
education. The system shall do all of the following: 51176

(1) Be uniform across the state; 51177

(2) Be available from an array of providers, including 51178
adult career centers, institutions of higher education, and 51179
employers; 51180

(3) Be structured to respond to the expectations of both 51181
the workplace and higher education; 51182

(4) Be articulated in a way that ensures the most 51183
effective interconnection of competencies offered in specialized 51184
training programs; 51185

(5) Establish standards for earning pre-college 51186
certificates; 51187

(6) Establish transferability of pre-college certificates 51188
to college credit. 51189

(C) The chancellor shall develop college-level 51190
certificates that can be transferred to college credit in 51191
different subject competencies. The certificates shall be based 51192
on competencies and experience and not on classroom seat time. 51193

Sec. 3333.35. The ~~state board~~ department of education and 51194
workforce and the chancellor of higher education shall strive to 51195
reduce unnecessary student remediation costs incurred by 51196
colleges and universities in this state, increase overall access 51197
for students to higher education, and enhance the college credit 51198

plus program in accordance with Chapter 3365. of the Revised 51199
Code, ~~and. The state board of education shall strive to~~ enhance 51200
the alternative resident educator licensure program in 51201
accordance with section 3319.26 of the Revised Code. 51202

Sec. 3333.37. As used in sections 3333.37 to 3333.375 of 51203
the Revised Code, the following words and terms have the 51204
following meanings unless the context indicates a different 51205
meaning or intent: 51206

(A) "Cost of attendance" means all costs of a student 51207
incurred in connection with a program of study at an eligible 51208
institution, as determined by the institution, including 51209
tuition; instructional fees; room and board; books, computers, 51210
and supplies; and other related fees, charges, and expenses. 51211

(B) "Eligible institution" means one of the following: 51212

(1) A state-assisted post-secondary educational 51213
institution within the state; 51214

(2) A nonprofit institution of higher education within the 51215
state that holds a certificate of authorization issued under 51216
Chapter 1713. of the Revised Code, that is accredited by the 51217
appropriate regional and, when appropriate, professional 51218
accrediting associations within whose jurisdiction it falls, is 51219
authorized to grant a bachelor's degree or higher, and satisfies 51220
other conditions as set forth in the policy guidelines; 51221

(3) A private institution exempt from regulation under 51222
Chapter 3332. of the Revised Code as prescribed in section 51223
3333.046 of the Revised Code. 51224

(C) "Eligible student" means either of the following: 51225

(1) An undergraduate student who meets all of the 51226

following:	51227
(a) Is a resident of this state;	51228
(b) Has graduated from any Ohio secondary school for which the state board <u>director of education and workforce</u> prescribes minimum standards in accordance with section 3301.07 of the Revised Code;	51229 51230 51231 51232
(c) Is attending and in good standing, or has been accepted for attendance, at any eligible institution as a full- time student to pursue a bachelor's degree.	51233 51234 51235
(2) A graduate student who is a resident of this state, and is attending and in good standing, or has been accepted for attendance, at any eligible institution.	51236 51237 51238
(D) "Fellowship" or "fellowship program" means the Ohio priority needs fellowship created by sections 3333.37 to 3333.375 of the Revised Code.	51239 51240 51241
(E) "Full-time student" has the meaning as defined by rule of the chancellor of higher education.	51242 51243
(F) "Ohio outstanding scholar" means a student who is the recipient of a scholarship under sections 3333.37 to 3333.375 of the Revised Code.	51244 51245 51246
(G) "Policy guidelines" means the rules adopted by the chancellor pursuant to section 3333.374 of the Revised Code.	51247 51248
(H) "Priority needs fellow" means a student who is the recipient of a fellowship under sections 3333.37 to 3333.375 of the Revised Code.	51249 51250 51251
(I) "Priority needs field of study" means those academic majors and disciplines as determined by the chancellor that	51252 51253

support the purposes and intent of sections 3333.37 to 3333.375 51254
of the Revised Code as described in section 3333.371 of the 51255
Revised Code. 51256

(J) "Scholarship" or "scholarship program" means the Ohio 51257
outstanding scholarship created by sections 3333.37 to 3333.375 51258
of the Revised Code. 51259

Sec. 3333.39. The chancellor of higher education and the 51260
~~superintendent of public instruction~~ department of education and 51261
workforce shall establish and administer the teach Ohio program 51262
to promote and encourage citizens of this state to consider 51263
teaching as a profession. The program shall include all of the 51264
following: 51265

(A) A statewide program administered by a nonprofit 51266
corporation that has been in existence for at least fifteen 51267
years with demonstrated results in encouraging high school 51268
students from economically disadvantaged groups to enter the 51269
teaching profession. The chancellor and ~~superintendent~~ the 51270
department jointly shall select the nonprofit corporation. 51271

(B) The Ohio teaching fellows program established under 51272
sections 3333.391 and 3333.392 of the Revised Code; 51273

(C) The Ohio teacher residency program established under 51274
section 3319.223 of the Revised Code; 51275

(D) Alternative licensure procedures established under 51276
section 3319.26 of the Revised Code; 51277

(E) Any other program as identified by the chancellor and 51278
~~the superintendent~~ department. 51279

Sec. 3333.391. (A) As used in this section and in section 51280
3333.392 of the Revised Code: 51281

- (1) "Academic year" shall be as defined by the chancellor of higher education. 51282
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- (2) "Hard-to-staff school" and "hard-to-staff subject" shall be as defined by the department of education and workforce. 51284
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- (3) "Parent" means the parent, guardian, or custodian of a qualified student. 51287
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- (4) "Qualified service" means teaching at a qualifying school. 51289
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- (5) "Qualifying school" means a hard-to-staff school district building or a school district building that has a persistently low performance rating, as determined jointly by the chancellor and ~~superintendent of public instruction~~ the department of education and workforce, under section 3302.03 of the Revised Code at the time the recipient becomes employed by the district. 51291
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- (B) If the chancellor of higher education determines that sufficient funds are available from general revenue fund appropriations made to the department of higher education or to the chancellor, the chancellor and the ~~superintendent of public instruction~~ department of education and workforce jointly may develop and agree on a plan for the Ohio teaching fellows program to promote and encourage high school seniors to enter and remain in the teaching profession. Upon agreement of such a plan, the chancellor shall establish and administer the program in conjunction with the ~~superintendent~~ department of education and workforce and with the cooperation of teacher training institutions. Under the program, the chancellor annually shall provide scholarships to students who commit to teaching in a 51298
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qualifying school for a minimum of four years upon graduation 51311
from a teacher training program at a state institution of higher 51312
education or an Ohio nonprofit institution of higher education 51313
that has a certificate of authorization under Chapter 1713. of 51314
the Revised Code. The scholarships shall be for up to four years 51315
at the undergraduate level at an amount determined by the 51316
chancellor based on state appropriations. 51317

(C) The chancellor shall adopt a competitive process for 51318
awarding scholarships under the teaching fellows program, which 51319
shall include minimum grade point average and scores on national 51320
standardized tests for college admission. The process shall also 51321
give additional consideration to all of the following: 51322

(1) A person who has participated in the program described 51323
in division (A) of section 3333.39 of the Revised Code; 51324

(2) A person who plans to specialize in teaching students 51325
with special needs; 51326

(3) A person who plans to teach in the disciplines of 51327
science, technology, engineering, or mathematics. 51328

The chancellor shall require that all applicants to the 51329
teaching fellows program shall file a statement of service 51330
status in compliance with section 3345.32 of the Revised Code, 51331
if applicable, and that all applicants have not been convicted 51332
of, plead guilty to, or adjudicated a delinquent child for any 51333
violation listed in section 3333.38 of the Revised Code. 51334

(D) Teaching fellows shall complete the four-year teaching 51335
commitment within not more than seven years after graduating 51336
from the teacher training program. Failure to fulfill the 51337
commitment shall convert the scholarship into a loan to be 51338
repaid under section 3333.392 of the Revised Code. 51339

(E) The chancellor shall adopt rules in accordance with 51340
Chapter 119. of the Revised Code to administer this section and 51341
section 3333.392 of the Revised Code. 51342

Sec. 3333.43. This section does not apply to any 51343
baccalaureate degree program that is a cooperative education 51344
program, as defined in section 3333.71 of the Revised Code. 51345

(A) The chancellor of higher education shall require all 51346
state institutions of higher education that offer baccalaureate 51347
degrees, as a condition of reauthorization for certification of 51348
each baccalaureate program offered by the institution, to submit 51349
a statement describing how each major for which the school 51350
offers a baccalaureate degree may be completed within three 51351
academic years. The chronology of the statement shall begin with 51352
the fall semester of a student's first year of the baccalaureate 51353
program. 51354

(B) The statement required under this section may include, 51355
but not be limited to, any of the following methods to 51356
contribute to earning a baccalaureate degree in three years: 51357

(1) Advanced placement credit; 51358

(2) International baccalaureate program credit; 51359

(3) A waiver of degree and credit-hour requirements by 51360
completion of courses that are widely available at community 51361
colleges in the state or through online programs offered by 51362
state institutions of higher education or private nonprofit 51363
institutions of higher education holding certificates of 51364
authorization under Chapter 1713. of the Revised Code, and 51365
through courses taken by the student through the college credit 51366
plus program under Chapter 3365. of the Revised Code; 51367

(4) Completion of coursework during summer sessions; 51368

(5) A waiver of foreign-language degree requirements based 51369
on a proficiency examination specified by the institution. 51370

(C) (1) Not later than October 15, 2012, each state 51371
institution of higher education shall provide statements 51372
required under this section for ten per cent of all 51373
baccalaureate degree programs offered by the institution. 51374

(2) Not later than June 30, 2014, each state institution 51375
of higher education shall provide statements required under this 51376
section for sixty per cent of all baccalaureate degree programs 51377
offered by the institution. 51378

(D) Each state institution of higher education required to 51379
submit statements under this section shall post its three-year 51380
option on its web site and also provide that information to the 51381
department of education and workforce. The department shall 51382
distribute that information to the superintendent, high school 51383
principal, and guidance counselor, or equivalents, of each 51384
school district, community school established under Chapter 51385
3314. of the Revised Code, and STEM school established under 51386
Chapter 3326. of the Revised Code. 51387

(E) Nothing in this section requires an institution to 51388
take any action that would violate the requirements of any 51389
independent association accrediting baccalaureate degree 51390
programs. 51391

Sec. 3333.66. (A) (1) Except as provided in division (A) (2) 51392
of this section, in each academic year, no student who receives 51393
a choose Ohio first scholarship shall receive less than one 51394
thousand five hundred dollars or more than one-half of the 51395
highest in-state undergraduate instructional and general fees 51396
charged by all state universities. For this purpose, if Miami 51397

university is implementing the pilot tuition restructuring plan 51398
originally recognized in Am. Sub. H.B. 95 of the 125th general 51399
assembly, that university's instructional and general fees shall 51400
be considered to be the average full-time in-state undergraduate 51401
instructional and general fee amount after taking into account 51402
the Ohio resident and Ohio leader scholarships and any other 51403
credit provided to all Ohio residents. 51404

(2) The chancellor of higher education may authorize a 51405
state university or college or a nonpublic Ohio institution of 51406
higher education to award a choose Ohio first scholarship in the 51407
amount of not less than five hundred dollars but not more than 51408
one-half of the highest in-state undergraduate instructional and 51409
general fees charged by all state universities to a student 51410
enrolled in a certificate program designated as an eligible 51411
program by the chancellor. 51412

(3) A student receiving multiple awards under division (A) 51413
of this section may not exceed the maximum permitted amount for 51414
each individual award. 51415

(B) The general assembly intends that money appropriated 51416
for the choose Ohio first scholarship program in each fiscal 51417
year be used for scholarships in the following academic year. 51418

Sec. 3333.70. (A) The ~~director~~chancellor of higher 51419
education shall establish and administer the Ohio higher 51420
education innovation grant program to promote educational 51421
excellence and economic efficiency throughout the state in order 51422
to stabilize or reduce student tuition rates at institutions of 51423
higher education. Under the program, the ~~director~~chancellor 51424
shall award grants to state institutions of higher education, as 51425
defined in section 3345.011 of the Revised Code, and private 51426
nonprofit institutions for innovative projects that incorporate 51427

academic achievement and economic efficiencies. State 51428
institutions of higher education and private nonprofit 51429
institutions may apply for grants and initiate collaboration 51430
with other institutions of higher education, either public or 51431
private, on such projects. 51432

(B) The ~~director~~ chancellor shall adopt rules to 51433
administer the program including, but not limited to, 51434
requirements that each grant application provides for all of the 51435
following: 51436

(1) A system by which to measure academic achievement and 51437
reductions in expenditures, both in funding and administration; 51438

(2) Demonstration of how the project will be sustained 51439
beyond the grant period and continue to provide substantial 51440
value and lasting impact; 51441

(3) Proof of commitment from all parties responsible for 51442
the implementation of the project; 51443

(4) Implementation of an ongoing evaluation process and 51444
improvement plans, as necessary. 51445

(C) As used in this section, "private nonprofit 51446
institution" means a nonprofit institution in this state that 51447
has a certificate of authorization pursuant to Chapter 1713. of 51448
the Revised Code. 51449

Sec. 3333.82. (A) The chancellor of higher education shall 51450
establish a clearinghouse of digital texts, interactive distance 51451
learning courses, and other distance learning courses delivered 51452
via a computer-based method offered by school districts, 51453
community schools, STEM schools, state institutions of higher 51454
education, private colleges and universities, and other 51455
nonprofit and for-profit course providers for sharing with other 51456

school districts, community schools, STEM schools, state 51457
institutions of higher education, private colleges and 51458
universities, and individuals for the fee set pursuant to 51459
section 3333.84 of the Revised Code. The chancellor shall not be 51460
responsible for the content of digital texts or courses offered 51461
through the clearinghouse; however, all such digital texts and 51462
courses shall be delivered only in accordance with technical 51463
specifications approved by the chancellor and on a common 51464
statewide platform administered by the chancellor. The 51465
chancellor may provide professional development and training on 51466
the use of the distance learning clearinghouse. 51467

The clearinghouse's distance learning program for students 51468
in grades kindergarten to twelve shall be based on the following 51469
principles: 51470

(1) All Ohio students shall have access to high quality 51471
digital texts and distance learning courses at any point in 51472
their educational careers. 51473

(2) All students shall be able to customize their 51474
education using digital texts and distance learning courses 51475
offered through the clearinghouse and no student shall be denied 51476
access to any digital text or course in the clearinghouse in 51477
which the student is eligible to enroll. 51478

(3) Students may take distance learning courses for all or 51479
any portion of their curriculum requirements and may utilize a 51480
combination of digital texts and distance learning courses and 51481
courses taught in a traditional classroom setting. 51482

(4) Students may earn an unlimited number of academic 51483
credits through distance learning courses. 51484

(5) Students may take distance learning courses at any 51485

time of the calendar year. 51486

(6) Student advancement to higher coursework shall be 51487
based on a demonstration of subject area competency instead of 51488
completion of any particular number of hours of instruction. 51489

(B) To offer digital texts or a course through the 51490
clearinghouse, a provider shall apply to the chancellor in a 51491
form and manner prescribed by the chancellor. The application 51492
for each digital text or course shall describe the digital text 51493
or course of study in as much detail as required by the 51494
chancellor, whether an instructor is provided, the qualification 51495
and credentials of the instructor, the number of hours of 51496
instruction, and any other information required by the 51497
chancellor. The chancellor may require course providers to 51498
include in their applications information recommended by the 51499
state board of education under former section 3353.30 of the 51500
Revised Code. 51501

(C) The chancellor shall review the technical 51502
specifications of each application submitted under division (B) 51503
of this section. In reviewing applications, the chancellor may 51504
consult with the department of education and workforce; however, 51505
the responsibility to either approve or not approve a digital 51506
text or course for the clearinghouse belongs to the chancellor. 51507
The chancellor may request additional information from a 51508
provider that submits an application under division (B) of this 51509
section, if the chancellor determines that such information is 51510
necessary. The chancellor may negotiate changes in the proposal 51511
to offer a digital text or course, if the chancellor determines 51512
that changes are necessary in order to approve the digital text 51513
or course. 51514

(D) The chancellor shall catalog each digital text or 51515

course approved for the clearinghouse, through a print or 51516
electronic medium, displaying the following: 51517

(1) Information necessary for a student and the student's 51518
parent, guardian, or custodian and the student's school 51519
district, community school, STEM school, college, or university 51520
to decide whether to enroll in or subscribe to the course; 51521

(2) Instructions for enrolling in that digital text or 51522
course, including deadlines for enrollment. 51523

(E) Any expenses related to the installation of a course 51524
into the common statewide platform shall be borne by the course 51525
provider. 51526

(F) The chancellor may contract with an entity to perform 51527
any or all of the chancellor's duties under sections 3333.81 to 51528
3333.88 of the Revised Code. 51529

Sec. 3333.87. The chancellor of higher education and the 51530
~~state board department of education and workforce jointly, and~~ 51531
~~in consultation with the director of the governor's office of~~ 51532
~~21st century education,~~ shall adopt rules in accordance with 51533
Chapter 119. of the Revised Code prescribing procedures for the 51534
implementation of sections 3333.81 to 3333.86 of the Revised 51535
Code. 51536

Sec. 3333.91. The governor's office of workforce 51537
transformation, in collaboration with the chancellor of higher 51538
education, ~~the superintendent of public instruction~~ director of 51539
education and workforce, and the department of job and family 51540
services, shall develop and submit to the appropriate federal 51541
agency a single, state unified plan required under the 51542
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 51543
seq., which shall include the information required for the adult 51544

basic and literacy education program administered by the United States secretary of education and the "Carl D. Perkins Vocational and Technical Education Act," 20 U.S.C. 2301, et seq., as amended. Following the plan's initial submission to the appropriate federal agency, the governor's office of workforce transformation may update it as necessary. If the plan is updated, the governor's office of workforce transformation shall submit the updated plan to the appropriate federal agency.

Sec. 3335.36. The board of trustees of the Ohio state university may employ such employees as it considers appropriate for the conduct of educational programs of OSU extension and may provide for the payment from the OSU extension fund created by section 3335.35 of the Revised Code of reasonable compensation to such employees and of reasonable expenses incurred by them in the discharge of their duties, including expenses of travel and of maintaining, equipping, and supplying their offices.

The employees shall cooperate with the department of agriculture, the Ohio agricultural research and development center, the department of education and workforce, and the United States department of agriculture, for the purpose of making available the educational materials of OSU extension. The employees shall represent the university and shall conduct educational activities related to agriculture, natural resources, community development, family and consumer sciences, and 4-H programs for the citizens of this state through personal instruction, bulletins, practical demonstrations, mass media, and otherwise, subject to such rules as may be prescribed by the board of trustees of the university. The employees shall have offices provided by the county or other political subdivision in which they serve in which bulletins and other educational materials of value to the people may be consulted and through

which the employees may be reached. 51576

The board of trustees of the Ohio state university may 51577
hire or use employees of OSU extension to carry out the 51578
functions and duties of a director of economic development under 51579
division (B) of section 307.07 of the Revised Code pursuant to 51580
any agreement with a county under division (A) (2) of section 51581
307.07 of the Revised Code. 51582

Sec. 3335.61. There is hereby created a brain injury 51583
advisory committee, which shall advise the brain injury program 51584
with regard to unmet needs of survivors of brain injury, 51585
development of programs for survivors and their families, 51586
establishment of training programs for health care 51587
professionals, and any other matter within the province of the 51588
brain injury program. The committee shall consist of not fewer 51589
than nineteen and not more than twenty-one members as follows: 51590

(A) Not fewer than ten and not more than twelve members 51591
appointed by the dean of the college of medicine of the Ohio 51592
state university, including all of the following: a survivor of 51593
brain injury, a relative of a survivor of brain injury, a 51594
licensed physician recommended by the Ohio chapter of the 51595
American college of emergency physicians, a licensed physician 51596
recommended by the Ohio state medical association, one other 51597
health care professional, a rehabilitation professional, an 51598
individual who represents the brain injury association of Ohio, 51599
and not fewer than three nor more than five individuals who 51600
shall represent the public; 51601

(B) The directors of the departments of health, mental 51602
health and drug addiction services, developmental disabilities, 51603
aging, and public safety; the medicaid director; the 51604
administrator of workers' compensation; the ~~superintendent of~~ 51605

~~public instruction~~director of education and workforce; and the 51606
executive director of the opportunities for Ohioans with 51607
disabilities agency. Any of the officials specified in this 51608
division may designate an individual to serve in the official's 51609
place as a member of the committee. 51610

Terms of office of the appointed members shall be two 51611
years. Members may be reappointed. Vacancies shall be filled in 51612
the manner provided for original appointments. Any member 51613
appointed to fill a vacancy occurring prior to the expiration 51614
date of the term for which the member's predecessor was 51615
appointed shall hold office as a member for the remainder of 51616
that term. 51617

Members of the committee shall serve without compensation, 51618
but shall be reimbursed for actual and necessary expenses 51619
incurred in the performance of their duties. 51620

Sec. 3343.05. The board of trustees of Central state 51621
university shall take, keep, and maintain exclusive authority, 51622
direction, supervision, and control over the operations and 51623
conduct of such university, so as to assure for said university 51624
the best attainable results with the aid secured to it from the 51625
state. 51626

The board shall provide courses of study in accordance 51627
with the standards of the department of education and workforce, 51628
and create, establish, provide for, and maintain such 51629
industrial, vocational, agricultural, home economics, 51630
commercial, business administration, technical, and collegiate 51631
subjects leading to the bachelors degree in arts and sciences. 51632
The board may provide for other courses and degrees. 51633

Sec. 3345.061. (A) Ohio's two-year institutions of higher 51634

education are respected points of entry for students embarking 51635
on post-secondary careers and courses completed at those 51636
institutions are transferable to state universities in 51637
accordance with articulation and transfer agreements developed 51638
under sections 3333.16, 3333.161, and 3333.162 of the Revised 51639
Code. 51640

(B) Beginning with undergraduate students who commence 51641
undergraduate studies in the 2014-2015 academic year, no state 51642
university listed in section 3345.011 of the Revised Code, 51643
except Central state university, Shawnee state university, and 51644
Youngstown state university, shall receive any state operating 51645
subsidies for any academic remedial or developmental courses for 51646
undergraduate students, including courses prescribed in division 51647
(C) of section 3313.603 of the Revised Code, offered at its main 51648
campus, except as provided in divisions (B) (1) to (4) of this 51649
section. 51650

(1) In the 2014-2015 and 2015-2016 academic years, a state 51651
university may receive state operating subsidies for academic 51652
remedial or developmental courses completed at the main campus 51653
for not more than three per cent of the total undergraduate 51654
credit hours provided by the university at its main campus. 51655

(2) In the 2016-2017 academic year, a state university may 51656
receive state operating subsidies for academic remedial or 51657
developmental courses completed at the main campus for not more 51658
than fifteen per cent of the first-year students who have 51659
graduated from high school within the previous twelve months and 51660
who are enrolled in the university at its main campus, as 51661
calculated on a full-time-equivalent basis. 51662

(3) In the 2017-2018 academic year, a state university may 51663
receive state operating subsidies for academic remedial or 51664

developmental courses completed at the main campus for not more than ten per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

(4) In the 2018-2019 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than five per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

Each state university may continue to offer academic remedial and developmental courses at its main campus beyond the extent for which state operating subsidies may be paid under this division and may continue to offer such courses beyond the 2018-2019 academic year. However, the main campus of a state university shall not receive any state operating subsidies for such courses above the maximum amounts permitted in this division.

(C) Except as otherwise provided in division (B) of this section, beginning with students who commence undergraduate studies in the 2014-2015 academic year, state operating subsidies for academic remedial or developmental courses offered by state institutions of higher education may be paid only to Central state university, Shawnee state university, Youngstown state university, any university branch, any community college, any state community college, or any technical college.

(D) Each state university shall grant credit for academic remedial or developmental courses successfully completed at an

institution described in division (C) of this section pursuant 51695
to any applicable articulation and transfer agreements the 51696
university has entered into in accordance with policies and 51697
procedures adopted under section 3333.16, 3333.161, or 3333.162 51698
of the Revised Code. 51699

(E) The chancellor of higher education shall do all of the 51700
following: 51701

(1) Withhold state operating subsidies for academic 51702
remedial or developmental courses provided by a main campus of a 51703
state university as required in order to conform to divisions 51704
(B) and (C) of this section; 51705

(2) Adopt uniform statewide standards for academic 51706
remedial and developmental courses offered by all state 51707
institutions of higher education; 51708

(3) Encourage and assist in the design and establishment 51709
of academic remedial and developmental courses by institutions 51710
of higher education; 51711

(4) Define "academic year" for purposes of this section 51712
and section 3345.06 of the Revised Code; 51713

(5) Encourage and assist in the development of 51714
articulation and transfer agreements between state universities 51715
and other institutions of higher education in accordance with 51716
policies and procedures adopted under sections 3333.16, 51717
3333.161, and 3333.162 of the Revised Code. 51718

(F) Not later than December 31, 2012, the presidents, or 51719
equivalent position, of all state institutions of higher 51720
education, or their designees, jointly shall establish uniform 51721
statewide standards in mathematics, science, reading, and 51722
writing each student enrolled in a state institution of higher 51723

education must meet to be considered in remediation-free status. 51724
The presidents also shall establish assessments, if they deem 51725
necessary, to determine if a student meets the standards adopted 51726
under this division. Each institution is responsible for 51727
assessing the needs of its enrolled students in the manner 51728
adopted by the presidents. The board of trustees or managing 51729
authority of each state institution of higher education shall 51730
adopt the remediation-free status standard, and any related 51731
assessments, into the institution's policies. 51732

The chancellor shall assist in coordinating the work of 51733
the presidents under this division. The chancellor shall monitor 51734
the standards in mathematics, science, reading, and writing 51735
established under division (F) of this section to ensure that 51736
the standards adequately demonstrate a student's remediation- 51737
free status. 51738

(G) Each year, not later than a date established by the 51739
chancellor, each state institution of higher education shall 51740
report to the governor, the general assembly, the chancellor, 51741
and the ~~superintendent of public instruction~~ department of 51742
education and workforce all of the following for the prior 51743
academic year: 51744

(1) The institution's aggregate costs for providing 51745
academic remedial or developmental courses; 51746

(2) The amount of those costs disaggregated according to 51747
the city, local, or exempted village school districts from which 51748
the students taking those courses received their high school 51749
diplomas; 51750

(3) Any other information with respect to academic 51751
remedial and developmental courses that the chancellor considers 51752

appropriate. 51753

(H) ~~Not Annually, not later than December 31, 2011, and~~ 51754
the thirty-first day of each December ~~thereafter~~, the chancellor 51755
and the ~~superintendent of public instruction department of~~ 51756
education and workforce shall issue a report recommending 51757
policies and strategies for reducing the need for academic 51758
remediation and developmental courses at state institutions of 51759
higher education. 51760

(I) As used in this section, "state institution of higher 51761
education" has the same meaning as in section 3345.011 of the 51762
Revised Code. 51763

Sec. 3345.062. (A) ~~Not Annually, not later than December~~ 51764
~~31, 2017, and each the~~ thirty-first day of December ~~thereafter~~, 51765
the president, or equivalent position, of each state university 51766
shall issue a report regarding the remediation of students that 51767
includes all of the following: 51768

(1) The number of enrolled students that require remedial 51769
education; 51770

(2) The cost of remedial coursework the state university 51771
provides; 51772

(3) The specific areas of remediation provided by the 51773
state university; 51774

(4) Causes for remediation. 51775

(B) Each president, or equivalent, shall present the 51776
findings of the report to the state university's board of 51777
trustees and shall submit a copy of the report to the chancellor 51778
of higher education and the ~~superintendent of public~~ 51779
instruction department of education and workforce. 51780

(C) As used in this section, "state university" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3345.86. (A) As used in this section, an "eligible institution" means a community college established under Chapter 3354. of the Revised Code, a university branch established under Chapter 3355. of the Revised Code, a technical college established under Chapter 3357. of the Revised Code, or a state community college established under Chapter 3358. of the Revised Code.

(B) An individual who is at least twenty-two years of age and who is an eligible individual as defined in section 3317.23 of the Revised Code may enroll in an eligible institution for up to two consecutive school years for the purpose of completing the requirements to earn a high school diploma. An individual enrolled under this division may elect to satisfy these requirements by successfully completing a competency-based educational program, as defined in section 3317.02 of the Revised Code, that complies with the standards adopted by the department of education and workforce under section 3317.231 of the Revised Code.

The eligible institution in which the individual enrolls shall report that individual's enrollment on a full-time equivalency basis to the department.

(C) (1) For each eligible institution that enrolls individuals under division (B) of this section, the department annually shall certify the enrollment and attendance, on a full-time equivalency basis, of each individual reported by the institution under that division.

(2) For each individual enrolled in an eligible

institution under division (B) of this section, the department 51810
annually shall pay the institution up to \$5,000, as determined 51811
by the department based on the extent of the individual's 51812
successful completion of the graduation requirements prescribed 51813
under sections 3313.603, 3313.61, 3313.611, and 3313.614 of the 51814
Revised Code. 51815

(D) If an individual enrolled in an eligible institution 51816
under division (B) of this section completes the requirements to 51817
earn a high school diploma, the institution shall certify the 51818
completion of those requirements to the city, local, or exempted 51819
village school district in which the individual resides. Upon 51820
receiving certification under this division, the city, local, or 51821
exempted village school district in which the individual resides 51822
shall issue a high school diploma to the individual within sixty 51823
days of receipt of the certification. 51824

(E) An eligible institution that enrolls individuals under 51825
division (B) of this section shall be subject to the program 51826
administration standards adopted by the department under section 51827
3317.231 of the Revised Code, as applicable. 51828

Sec. 3353.02. (A) There is hereby created the broadcast 51829
educational media commission as an independent agency to advance 51830
education and accelerate the learning of the citizens of this 51831
state through public educational broadcasting services. The 51832
commission shall provide leadership and support in extending the 51833
knowledge of the citizens of this state by promoting access to 51834
and use of educational broadcasting services, including 51835
educational television and radio and radio reading services. The 51836
commission also shall administer programs to provide financial 51837
and other assistance to educational television and radio and 51838
radio reading services. 51839

The commission is a body corporate and politic, an agency 51840
of the state performing essential governmental functions of the 51841
state. 51842

(B) The commission shall consist of fifteen members, 51843
eleven of whom shall be voting members. Nine of the voting 51844
members shall be representatives of the public selected from 51845
among leading citizens in the state who have demonstrated 51846
interest in educational broadcast media through service on 51847
boards or advisory councils of educational television stations, 51848
educational radio stations, educational technology agencies, or 51849
radio reading services. Of the representatives of the public, 51850
three shall be appointed by the governor with the advice and 51851
consent of the senate, three shall be appointed by the speaker 51852
of the house of representatives, and three shall be appointed by 51853
the president of the senate. Not more than two members appointed 51854
by the speaker of the house of representatives and not more than 51855
two members appointed by the president of the senate shall be of 51856
the same political party. The ~~superintendent-director of public-~~ 51857
~~instruction-education and workforce~~ or a designee of the 51858
~~superintendent-director~~ and the chancellor of the ~~Ohio board of-~~ 51859
~~regents-higher education~~ or a designee of the chancellor shall 51860
be ex officio voting members. Of the nonvoting members, two 51861
shall be members of the house of representatives appointed by 51862
the speaker of the house of representatives and two shall be 51863
members of the senate appointed by the president of the senate. 51864
The members appointed from each chamber shall not be members of 51865
the same political party. 51866

(C) Initial terms of office for appointed voting members 51867
shall be as follows: 51868

(1) For one member appointed by each of the governor, 51869

speaker of the house of representatives, and president of the senate, one year;

(2) For one member appointed by each of the governor, speaker of the house of representatives, and president of the senate, two years;

(3) For one member appointed by each of the governor, speaker of the house of representatives, and president of the senate, three years. At the first meeting of the commission, such members shall draw lots to determine the length of the term each member will serve. Thereafter, terms of office for such members shall be for four years. Any member who is a representative of the public may be reappointed by the member's respective appointing authority, but no such member may serve more than two consecutive four-year terms. Such a member may be removed by the member's respective appointing authority for cause.

Any legislative member appointed by the speaker of the house of representatives or the president of the senate who ceases to be a member of the legislative chamber from which the member was appointed shall cease to be a member of the commission. The speaker of the house of representatives and the president of the senate may remove their respective appointments to the commission at any time.

(D) Vacancies among appointed members shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Any appointed member shall continue in office subsequent to the expiration of that member's term until the member's successor takes office or until

a period of sixty days has elapsed, whichever occurs first. 51900

(E) Members of the commission shall serve without 51901
compensation. The members who are representatives of the public 51902
shall be reimbursed, pursuant to office of budget and management 51903
guidelines, for actual and necessary expenses incurred in the 51904
performance of official duties. 51905

(F) The governor shall appoint the chairperson of the 51906
commission from among the commission's public voting members. 51907
The chairperson shall serve a term of two years and may be 51908
reappointed. The commission shall elect other officers as 51909
necessary from among its voting members and shall prescribe its 51910
rules of procedure. 51911

Sec. 3365.01. As used in this chapter: 51912

(A) "Articulated credit" means post-secondary credit that 51913
is reflected on the official record of a student at an 51914
institution of higher education only upon enrollment at that 51915
institution after graduation from a secondary school. 51916

(B) "Default ceiling amount" means one of the following 51917
amounts, whichever is applicable: 51918

(1) For a participant enrolled in a college operating on a 51919
semester schedule, the amount calculated according to the 51920
following formula: 51921

$((0.83 \times \text{formula amount}) / 30)$ 51922

X number of enrolled credit hours 51923

(2) For a participant enrolled in a college operating on a 51924
quarter schedule, the amount calculated according to the 51925
following formula: 51926

((0.83 X formula amount) / 45)	51927
X number of enrolled credit hours	51928
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	51929 51930
(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of higher education to participate in the college credit plus program.	51931 51932 51933 51934
(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	51935 51936 51937
(F) "Formula amount" means \$6,020.	51938
(G) "Governing entity" means any of the following:	51939
(1) A board of education of a school district;	51940
(2) A governing authority of a community school established under Chapter 3314. of the Revised Code;	51941 51942
(3) A governing body of a STEM school established under Chapter 3326. of the Revised Code;	51943 51944
(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	51945 51946
(5) When referring to the state school for the deaf or the state school for the blind, the state board of <u>education department of education and workforce</u> ;	51947 51948 51949
(6) When referring to an institution operated by the department of youth services, the superintendent of that institution.	51950 51951 51952

(H) "Home-instructed participant" means a student who has
been excused from the compulsory attendance law for the purpose
of home instruction under section 3321.04 of the Revised Code,
and is participating in the program established by this chapter.

(I) "Maximum per participant charge amount" means one of
the following amounts, whichever is applicable:

(1) For a participant enrolled in a college operating on a
semester schedule, the amount calculated according to the
following formula:

((formula amount / 30)

X number of enrolled credit hours)

(2) For a participant enrolled in a college operating on a
quarter schedule, the amount calculated according to the
following formula:

((formula amount / 45)

X number of enrolled credit hours)

(J) "Nonpublic secondary school" means a chartered school
for which minimum standards are prescribed by the ~~state board~~
director of education and workforce pursuant to division (D) of
section 3301.07 of the Revised Code.

(K) "Number of enrolled credit hours" means the number of
credit hours for a course in which a participant is enrolled
during the previous term after the date on which a withdrawal
from a course would have negatively affected the participant's
transcripted grade, as prescribed by the college's established
withdrawal policy.

(L) "Parent" has the same meaning as in section 3313.64 of

the Revised Code.	51980
(M) "Participant" means any student enrolled in a college under the program established by this chapter.	51981 51982
(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.	51983 51984 51985 51986
(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.	51987 51988 51989 51990
(P) "Private college" means any of the following:	51991
(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	51992 51993
(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code;	51994 51995 51996 51997
(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.	51998 51999 52000
(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university.	52001 52002 52003
(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314. of the Revised Code, a	52004 52005 52006 52007

STEM school established under Chapter 3326. of the Revised Code, 52008
a college-preparatory boarding school established under Chapter 52009
3328. of the Revised Code, the state school for the deaf, the 52010
state school for the blind, or an institution operated by the 52011
department of youth services. 52012

(S) "School year" has the same meaning as in section 52013
3313.62 of the Revised Code. 52014

(T) "Secondary grade" means any of grades nine through 52015
twelve. 52016

(U) "Standard rate" means the amount per credit hour 52017
assessed by the college for an in-state student who is enrolled 52018
in an undergraduate course at that college, but who is not 52019
participating in the college credit plus program, as prescribed 52020
by the college's established tuition policy. 52021

(V) "Transcripted credit" means post-secondary credit that 52022
is conferred by an institution of higher education and is 52023
reflected on a student's official record at that institution 52024
upon completion of a course. 52025

Sec. 3365.02. (A) There is hereby established the college 52026
credit plus program under which, beginning with the 2015-2016 52027
school year, a secondary grade student who is a resident of this 52028
state may enroll at a college, on a full- or part-time basis, 52029
and complete nonsectarian, nonremedial courses for high school 52030
and college credit. The program shall govern arrangements in 52031
which a secondary grade student enrolls in a college and, upon 52032
successful completion of coursework taken under the program, 52033
receives transcripted credit from the college. The following are 52034
not governed by the college credit plus program: 52035

(1) An agreement governing an early college high school 52036

program, provided the program meets the definition set forth in 52037
division (F) (2) of section 3313.6013 of the Revised Code and is 52038
approved by the ~~superintendent of public instruction~~ department 52039
of education and workforce and the chancellor of higher 52040
education; 52041

(2) An advanced placement course or international 52042
baccalaureate diploma course, as described in divisions (A) (2) 52043
and (3) of section 3313.6013 of the Revised Code; 52044

(3) A career-technical education program that is approved 52045
by the ~~department of education~~ under section 3317.161 of the 52046
Revised Code and grants articulated credit to students 52047
participating in that program. However, any portion of an 52048
approved program that results in the conferral of transcribed 52049
credit upon the completion of the course shall be governed by 52050
the college credit plus program. 52051

(B) Any student enrolled in a public or nonpublic 52052
secondary school in the student's ninth, tenth, eleventh, or 52053
twelfth grade; any student enrolled in a nonchartered nonpublic 52054
secondary school in the student's ninth, tenth, eleventh, or 52055
twelfth grade; and any student who has been excused from the 52056
compulsory attendance law for the purpose of home instruction 52057
under section 3321.04 of the Revised Code and is the equivalent 52058
of a ninth, tenth, eleventh, or twelfth grade student, may 52059
participate in the program, if the student meets the applicable 52060
eligibility criteria in section 3365.03 of the Revised Code. If 52061
a nonchartered nonpublic secondary school student chooses to 52062
participate in the program, that student shall be subject to the 52063
same requirements as a home-instructed student who chooses to 52064
participate in the program under this chapter. 52065

(C) All public secondary schools and all public colleges 52066

shall participate in the program and are subject to the 52067
requirements of this chapter. Any nonpublic secondary school or 52068
private college that chooses to participate in the program shall 52069
also be subject to the requirements of this chapter. 52070

(D) The chancellor, in accordance with Chapter 119. of the 52071
Revised Code and in consultation with the ~~state superintendent-~~ 52072
department, shall adopt rules governing the program. 52073

Sec. 3365.03. (A) A student enrolled in a public or 52074
nonpublic secondary school during the student's ninth, tenth, 52075
eleventh, or twelfth grade school year; a student enrolled in a 52076
nonchartered nonpublic secondary school in the student's ninth, 52077
tenth, eleventh, or twelfth grade school year; or a student who 52078
has been excused from the compulsory attendance law for the 52079
purpose of home instruction under section 3321.04 of the Revised 52080
Code and is the equivalent of a ninth, tenth, eleventh, or 52081
twelfth grade student, may apply to and enroll in a college 52082
under the college credit plus program. 52083

(1) In order for a public secondary school student to 52084
participate in the program, all of the following criteria shall 52085
be met: 52086

(a) The student or the student's parent shall inform the 52087
principal, or equivalent, of the student's school by the first 52088
day of April of the student's intent to participate in the 52089
program during the following school year. Any student who fails 52090
to provide the notification by the required date may not 52091
participate in the program during the following school year 52092
without the written consent of the principal, or equivalent. If 52093
a student seeks consent from the principal after failing to 52094
provide notification by the required date, the principal shall 52095
notify the department of education and workforce of the 52096

student's intent to participate within ten days of the date on 52097
which the student seeks consent. If the principal does not 52098
provide written consent, the student may appeal the principal's 52099
decision to the governing entity of the school, except for a 52100
student who is enrolled in a school district, who may appeal the 52101
decision to the district superintendent. Not later than thirty 52102
days after the notification of the appeal, the district 52103
superintendent or governing entity shall hear the appeal and 52104
shall make a decision to either grant or deny that student's 52105
participation in the program. The decision of the district 52106
superintendent or governing entity shall be final. 52107

(b) The student shall: 52108

(i) Apply to a public or a participating private college, 52109
or an eligible out-of-state college participating in the 52110
program, in accordance with the college's established procedures 52111
for admission, pursuant to section 3365.05 of the Revised Code; 52112

(ii) As a condition of eligibility, satisfy one of the 52113
following criteria: 52114

(I) Be remediation-free, in accordance with one of the 52115
assessments established under division (F) of section 3345.061 52116
of the Revised Code; 52117

(II) Meet an alternative remediation-free eligibility 52118
option, as defined by the chancellor of higher education, in 52119
consultation with the ~~superintendent of public instruction~~ 52120
department, in rules adopted under this section; 52121

(III) Have participated in the program prior to ~~the~~ 52122
~~effective date of this amendment~~ September 30, 2021, and 52123
qualified to participate in the program by scoring within one 52124
standard error of measurement below the remediation-free 52125

threshold for one of the assessments established under division 52126
(F) of section 3345.061 of the Revised Code and satisfying one 52127
of the conditions specified under division (A) (1) (b) (ii) (I) or 52128
(II) of this section as those divisions existed prior to ~~the~~ 52129
~~effective date of this amendment~~ September 30, 2021. 52130

(iii) Meet the college's and relevant academic program's 52131
established standards for admission, enrollment, and course 52132
placement, including course-specific capacity limitations, 52133
pursuant to section 3365.05 of the Revised Code. 52134

(c) The student shall elect at the time of enrollment to 52135
participate under either division (A) or (B) of section 3365.06 52136
of the Revised Code for each course under the program. 52137

(d) The student and the student's parent shall sign a 52138
form, provided by the school, stating that they have received 52139
the counseling required under division (B) of section 3365.04 of 52140
the Revised Code and that they understand the responsibilities 52141
they must assume in the program. 52142

(2) In order for a nonpublic secondary school student, a 52143
nonchartered nonpublic secondary school student, or a home- 52144
instructed student to participate in the program, both of the 52145
following criteria shall be met: 52146

(a) The student shall meet the criteria in divisions (A) 52147
(1) (b) and (c) of this section. 52148

(b) (i) If the student is enrolled in a nonpublic secondary 52149
school, that student shall send to the ~~department of education~~ a 52150
copy of the student's acceptance from a college and an 52151
application. The application shall be made on forms provided by 52152
the ~~state board of education~~ department and shall include 52153
information about the student's proposed participation, 52154

including the school year in which the student wishes to 52155
participate; and the semesters or terms the student wishes to 52156
enroll during such year. The department shall mark each 52157
application with the date and time of receipt. 52158

(ii) If the student is enrolled in a nonchartered 52159
nonpublic secondary school or is home-instructed, the parent or 52160
guardian of that student shall notify the department by the 52161
first day of April prior to the school year in which the student 52162
wishes to participate. 52163

(B) Except as provided for in division (C) of this section 52164
and in sections 3365.031 and 3365.032 of the Revised Code: 52165

(1) No public secondary school shall prohibit a student 52166
enrolled in that school from participating in the program if 52167
that student meets all of the criteria in division (A)(1) of 52168
this section. 52169

(2) No participating nonpublic secondary school shall 52170
prohibit a student enrolled in that school from participating in 52171
the program if the student meets all of the criteria in division 52172
(A)(2) of this section and, if the student is enrolled under 52173
division (B) of section 3365.06 of the Revised Code, the student 52174
is awarded funding from the department in accordance with rules 52175
adopted by the chancellor, in consultation with the 52176
~~superintendent of public instruction department~~, pursuant to 52177
section 3365.071 of the Revised Code. 52178

(C) For purposes of this section, during the period of an 52179
expulsion imposed by a public secondary school, a student is 52180
ineligible to apply to enroll in a college under this section, 52181
unless the student is admitted to another public secondary or 52182
participating nonpublic secondary school. If a student is 52183

enrolled in a college under this section at the time the student 52184
is expelled, the student's status for the remainder of the 52185
college term in which the expulsion is imposed shall be 52186
determined under section 3365.032 of the Revised Code. 52187

(D) Upon a student's graduation from high school, 52188
participation in the college credit plus program shall not 52189
affect the student's eligibility at any public college for 52190
scholarships or for other benefits or opportunities that are 52191
available to first-time college students and are awarded by that 52192
college, regardless of the number of credit hours that the 52193
student completed under the program. 52194

(E) The college to which a student applies to participate 52195
under this section shall pay for one assessment used to 52196
determine that student's eligibility under this section. 52197
However, notwithstanding anything to the contrary in Chapter 52198
3365. of the Revised Code, any additional assessments used to 52199
determine the student's eligibility shall be the financial 52200
responsibility of the student. 52201

Sec. 3365.032. (A) For purposes of this section: 52202

(1) The "expulsion of a student" or "expelling a student" 52203
means the following: 52204

(a) For a public secondary school that is a school 52205
operated by a city, local, exempted village, or joint vocational 52206
school district, community school established under Chapter 52207
3314. of the Revised Code, or STEM school established under 52208
Chapter 3326. of the Revised Code, the expulsion of a student or 52209
the act of expelling a student under division (B) of section 52210
3313.66 of the Revised Code; 52211

(b) For a public secondary school that is a college- 52212

preparatory boarding school, the expulsion of a student or the 52213
act of expelling a student in accordance with the school's 52214
bylaws adopted pursuant to section 3328.13 of the Revised Code; 52215

(c) For a public secondary school that is the state school 52216
for the deaf or the state school for the blind, the expulsion of 52217
a student or the act of expelling a student in accordance with 52218
rules adopted by the ~~state board~~ department of education and 52219
workforce. 52220

(2) A "policy to deny high school credit for courses taken 52221
under the college credit plus program during an expulsion" means 52222
the following: 52223

(a) For a public secondary school that is a school 52224
operated by a city, local, exempted village, or joint vocational 52225
school district, community school established under Chapter 52226
3314. of the Revised Code, or STEM school established under 52227
Chapter 3326. of the Revised Code, a policy adopted under 52228
section 3313.613 of the Revised Code; 52229

(b) For a college-preparatory boarding school established 52230
under Chapter 3328. of the Revised Code, a policy adopted in 52231
accordance with the school's bylaws adopted pursuant to section 52232
3328.13 of the Revised Code; 52233

(c) For the state school for the deaf or the state school 52234
for the blind, a policy adopted in accordance with any rules 52235
adopted by the ~~state board~~ department requiring such a policy. 52236

(B) When a public secondary school expels a student, the 52237
superintendent, or equivalent, shall send a written notice of 52238
the expulsion to any college in which the expelled student is 52239
enrolled under section 3365.03 of the Revised Code at the time 52240
the expulsion is imposed. The notice shall indicate the date the 52241

expulsion is scheduled to expire. The notice also shall indicate 52242
whether the school has adopted a policy to deny high school 52243
credit for courses taken under the college credit plus program 52244
during an expulsion. If the expulsion is extended, the 52245
superintendent, or equivalent, shall notify the college of the 52246
extension. 52247

(C) A college may withdraw its acceptance under section 52248
3365.03 of the Revised Code of a student who is expelled from 52249
school. As provided in section 3365.03 of the Revised Code, 52250
regardless of whether the college withdraws its acceptance of 52251
the student for the college term in which the student is 52252
expelled, the student is ineligible to enroll in a college under 52253
that section for subsequent college terms during the period of 52254
the expulsion, unless the student enrolls in another public 52255
school or a participating nonpublic school during that period. 52256

If a college withdraws its acceptance of an expelled 52257
student who elected either option of division (A) (1) or (2) of 52258
section 3365.06 of the Revised Code, the college shall refund 52259
tuition and fees paid by the student in the same proportion that 52260
it refunds tuition and fees to students who voluntarily withdraw 52261
from the college at the same time in the term. 52262

If a college withdraws its acceptance of an expelled 52263
student who elected the option of division (B) of section 52264
3365.06 of the Revised Code, the public school shall not award 52265
high school credit for the college courses in which the student 52266
was enrolled at the time the college withdrew its acceptance, 52267
and any reimbursement under section 3365.07 of the Revised Code 52268
for the student's attendance prior to the withdrawal shall be 52269
the same as would be paid for a student who voluntarily withdrew 52270
from the college at the same time in the term. If the withdrawal 52271

results in the college's receiving no reimbursement, the college 52272
or secondary school may require the student to return or pay for 52273
any textbooks and materials it provided the student free of 52274
charge. 52275

(D) When a student who elected the option of division (B) 52276
of section 3365.06 of the Revised Code is expelled from a public 52277
school that has adopted a policy to deny high school credit for 52278
courses taken under the college credit plus program during an 52279
expulsion, that election is automatically revoked for all 52280
college courses in which the student is enrolled during the 52281
college term in which the expulsion is imposed. Any 52282
reimbursement under section 3365.07 of the Revised Code for the 52283
student's attendance prior to the expulsion shall be the same as 52284
would be paid for a student who voluntarily withdrew from the 52285
college at the same time in the term. If the revocation results 52286
in the college's receiving no reimbursement, the college or 52287
secondary school may require the student to return or pay for 52288
any textbooks and materials it provided the student free of 52289
charge. 52290

Not later than five days after receiving an expulsion 52291
notice from the superintendent, or equivalent, of a public 52292
school that has adopted a policy to deny high school credit for 52293
courses taken under the college credit plus program during an 52294
expulsion, the college shall send a written notice to the 52295
expelled student that the student's election of division (B) of 52296
section 3365.06 of the Revised Code is revoked. If the college 52297
elects not to withdraw its acceptance of the student, the 52298
student shall pay all applicable tuition and fees for the 52299
college courses and shall pay for any textbooks and materials 52300
that the college or secondary school provided to the student. 52301

Sec. 3365.034. (A) Notwithstanding anything to the 52302
contrary in the Revised Code, a student who is eligible to 52303
participate in the college credit plus program under section 52304
3365.03 or 3365.033 of the Revised Code may participate in the 52305
program during the summer term of a public or participating 52306
private college or an eligible out-of-state college 52307
participating in the program. 52308

Unless otherwise specified, if a student participates in 52309
the college credit plus program under this section, all 52310
requirements of the program shall apply. 52311

(B) (1) In order for a public secondary school student to 52312
participate under this section, the student shall meet the 52313
criteria in division (A) (1) of section 3365.03 of the Revised 52314
Code, except that the student or the student's parent shall 52315
inform the principal, or equivalent, of the student's school by 52316
the date designated by rule of the chancellor of higher 52317
education, pursuant to division (E) of this section, of the 52318
student's intent to participate in the program during the summer 52319
term. 52320

(2) In order for a nonpublic secondary school student, a 52321
nonchartered nonpublic secondary school student, or a home- 52322
instructed student to participate under this section, the 52323
student shall meet the applicable criteria in division (A) (2) of 52324
section 3365.03 of the Revised Code, except that the parent or 52325
guardian of a nonchartered nonpublic secondary school student or 52326
a home-instructed student shall notify the department of 52327
education and workforce by the date designated by rule of the 52328
chancellor of higher education, pursuant to division (E) of this 52329
section, of the student's intent to participate in the program 52330
during the summer term. 52331

(C) If a participant under this section elects to have the college reimbursed under section 3365.07 of the Revised Code for courses taken under the program, the department shall reimburse the college in the same manner as for students who participate during the school year in accordance with that section, except that the department shall make the applicable payments each September, or as soon as possible thereafter.

(D) Notwithstanding section 3327.01 of the Revised Code, the participant or the participant's parent or guardian shall be responsible for any transportation related to participation in the program during the summer term.

(E) The chancellor of higher education, in accordance with Chapter 119. of the Revised Code and in consultation with the ~~superintendent of public instruction~~ department of education and workforce, shall adopt rules for the administration of this section. The rules shall include the dates by which the student or student's parent must provide notification of the student's intent to participate in the program during the summer term.

Sec. 3365.035. (A) As used in this section, "mature subject matter" means any course subject matter or material of a graphic, explicit, violent, or sexual nature.

(B) The department of education and workforce and the department of higher education shall jointly develop a permission slip regarding the potential for mature subject matter in a course taken through the college credit plus program. The departments shall post the permission slip in a prominent place on their college credit plus program web sites.

(C) For a student enrolled in a public, chartered nonpublic, or nonchartered nonpublic school or a home-instructed

student to enroll in any college course under the college credit plus program, the parent of the student and the student shall sign and include the permission slip described in division (B) of this section within the student's application to the public college, participating private college, or eligible out-of-state college in which the student wishes to enroll.

(D) Each public and participating private college and eligible out-of-state college participating in the program, upon admitting a student under the program, shall include in the college's enrollment materials the following:

(1) A questionnaire for students, developed by the college, to answer in the affirmative acknowledging that the student possesses the necessary social and emotional maturity and is ready to accept the responsibility and independence that a college classroom demands and to resubmit to the college;

(2) Guidance on reviewing any course materials available prior to enrolling in a course;

(3) Information about the college's and the program's policies on withdrawing from or dropping a course;

(4) Information about the student's right to speak with the student's high school counselor or with the academic advisor assigned to the student as prescribed in division (F) of section 3365.05 of the Revised Code.

(E) Each public and participating private college and eligible out-of-state college participating in the program shall include a discussion at student orientation about the potential for mature subject matter in courses taken through the program.

(F) The department of education and workforce, the department of higher education, and each public and

participating private college and eligible out-of-state college 52390
participating in the program shall post in a prominent place on 52391
their college credit plus program web sites the following 52392
disclaimer: 52393

"The subject matter of a course enrolled in under the 52394
college credit plus program may include mature subject matter or 52395
materials, including those of a graphic, explicit, violent, or 52396
sexual nature, that will not be modified based upon college 52397
credit plus enrollee participation regardless of where course 52398
instruction occurs." 52399

Sec. 3365.04. Each public and participating nonpublic 52400
secondary school shall do all of the following with respect to 52401
the college credit plus program: 52402

(A) Provide information about the program prior to the 52403
first day of February of each year to all students enrolled in 52404
grades six through eleven; 52405

(B) Provide counseling services to students in grades six 52406
through eleven and to their parents before the students 52407
participate in the program under this chapter to ensure that 52408
students and parents are fully aware of the possible 52409
consequences and benefits of participation. Counseling 52410
information shall include: 52411

(1) Program eligibility; 52412

(2) The process for granting academic credits; 52413

(3) Any necessary financial arrangements for tuition, 52414
textbooks, and fees; 52415

(4) Criteria for any transportation aid; 52416

(5) Available support services; 52417

(6) Scheduling;	52418
(7) Communicating the possible consequences and benefits of participation, including all of the following:	52419 52420
(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;	52421 52422 52423
(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;	52424 52425 52426
(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and the amount of time required for, a college education.	52427 52428 52429 52430
(8) The academic and social responsibilities of students and parents under the program;	52431 52432
(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;	52433 52434 52435
(10) The standard packet of information for the program developed by the chancellor of higher education pursuant to section 3365.15 of the Revised Code;	52436 52437 52438
For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so.	52439 52440 52441 52442
(11) Information about the potential for mature subject matter, as defined in section 3365.035 of the Revised Code, in courses in which the student intends to enroll through the	52443 52444 52445

program and notification that courses will not be modified based 52446
upon program enrollee participation regardless of where course 52447
instruction occurs. The information shall include the permission 52448
slip described in division (B) of section 3365.035 of the 52449
Revised Code. 52450

(C) Promote the program on the school's web site, 52451
including the details of the school's current agreements with 52452
partnering colleges; 52453

(D) Schedule at least one informational session per school 52454
year to allow each participating college that is located within 52455
thirty miles of the school to meet with interested students and 52456
parents. The session shall include the benefits and consequences 52457
of participation and shall outline any changes or additions to 52458
the requirements of the program. If there are no participating 52459
colleges located within thirty miles of the school, the school 52460
shall coordinate with the closest participating college to offer 52461
an informational session. 52462

For the purposes of division (D) of this section, 52463
"participating college" shall include both of the following: 52464

(1) A partnering college; 52465

(2) Any public college, private college, or eligible out- 52466
of-state college to which both of the following apply: 52467

(a) The college participates in the college credit plus 52468
program. 52469

(b) The college submits to the public or participating 52470
nonpublic secondary school a request to attend an informational 52471
session. 52472

(E) Implement a policy for the awarding of grades and the 52473

calculation of class standing for courses taken under division 52474
(A) (2) or (B) of section 3365.06 of the Revised Code. The policy 52475
adopted under this division shall be equivalent to the school's 52476
policy for courses taken under the advanced standing programs 52477
described in divisions (A) (2) and (3) of section 3313.6013 of 52478
the Revised Code or for other courses designated as honors 52479
courses by the school. If the policy includes awarding a 52480
weighted grade or enhancing a student's class standing for these 52481
courses, the policy adopted under this section shall also 52482
provide for these procedures to be applied to courses taken 52483
under the college credit plus program. 52484

(F) Develop model course pathways, pursuant to section 52485
3365.13 of the Revised Code, and publish the course pathways 52486
among the school's official list of course offerings for the 52487
program. 52488

(G) Annually collect, report, and track specified data 52489
related to the program according to data reporting guidelines 52490
adopted by the chancellor and the ~~superintendent of public~~ 52491
~~instruction department of education and workforce~~ pursuant to 52492
section 3365.15 of the Revised Code. 52493

Sec. 3365.05. Each public and participating private 52494
college shall do all of the following with respect to the 52495
college credit plus program: 52496

(A) Apply established standards and procedures for 52497
admission to the college and for course placement for 52498
participants. When determining admission and course placement, 52499
the college shall do all of the following: 52500

(1) Consider all available student data that may be an 52501
indicator of college readiness, including grade point average 52502

and end-of-course examination scores, if applicable; 52503

(2) Give priority to its current students regarding 52504
enrollment in courses. However, once a participant has been 52505
accepted into a course, the college shall not displace the 52506
participant for another student. 52507

(3) Adhere to any capacity limitations that the college 52508
has established for specified courses. 52509

(B) Send written notice to the participant, the 52510
participant's parent, and the participant's secondary school, 52511
not later than fourteen calendar days prior to the first day of 52512
classes for that term, of the participant's admission to the 52513
college and to specified courses under the program. 52514

(C) Provide both of the following, not later than twenty- 52515
one calendar days after the first day of classes for that term, 52516
to each participant and the participant's secondary school: 52517

(1) The courses and hours of enrollment of the 52518
participant; 52519

(2) The option elected by the participant under division 52520
(A) or (B) of section 3365.06 of the Revised Code for each 52521
course. 52522

The college shall also provide to each partnering school a 52523
roster of participants from that school that are enrolled in the 52524
college and a list of course assignments for each participant. 52525

(D) Promote the program on the college's web site, 52526
including the details of the college's current agreements with 52527
partnering secondary schools. 52528

(E) Coordinate with each partnering secondary school that 52529
is located within thirty miles of the college to present at 52530

least one informational session per school year for interested students and parents. The session shall include the benefits and consequences of participation and shall outline any changes or additions to the requirements of the program. If there are no partnering schools located within thirty miles of the college, the college shall coordinate with the closest partnering school to offer an informational session.

(F) Assign an academic advisor that is employed by the college to each participant enrolled in that college. Prior to the date on which a withdrawal from a course would negatively affect a participant's transcribed grade, as prescribed by the college's established withdrawal policy, the college shall ensure that the academic advisor and the participant meet at least once to discuss the program and the courses in which the participant is enrolled.

(G) Do both of the following with regard to high school teachers that are teaching courses for the college at a secondary school under the program:

(1) Provide at least one professional development session per school year;

(2) Conduct at least one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to ensure that the course meets the quality of a college-level course.

(H) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the ~~superintendent of public instruction~~ department of education and workforce pursuant to section 3365.15 of the Revised Code.

(I) With the exception of divisions (D) and (E) of this section, any eligible out-of-state college participating in the college credit plus program shall be subject to the same requirements as a participating private college under this section.

Sec. 3365.06. The rules adopted under section 3365.02 of the Revised Code shall provide for participants to enroll in courses under either of the options prescribed by division (A) or (B) of this section.

(A) The participant may elect at the time of enrollment to be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the participant about payment of tuition and fees in the customary manner followed by the college. A participant electing this option also shall elect, at the time of enrollment, whether to receive only college credit or high school credit and college credit for the course.

(1) The participant may elect to receive only college credit for the course. Except as provided in section 3365.032 of the Revised Code, if the participant successfully completes the course, the college shall award the participant full credit for the course, but the governing entity of a public secondary school or the governing body of a participating nonpublic secondary school shall not award the high school credit.

(2) The participant may elect to receive both high school credit and college credit for the course. Except as provided in section 3365.032 of the Revised Code, if the participant successfully completes the course, the college shall award the participant full credit for the course and the governing entity of a public school or the governing body of a participating

nonpublic school shall award the participant high school credit. 52590

(B) If a course is eligible for funding under rules 52591
adopted pursuant to division (C) (1) of this section, the 52592
participant may elect at the time of enrollment for the course 52593
to have the college reimbursed under section 3365.07 of the 52594
Revised Code. Except as provided in section 3365.032 of the 52595
Revised Code, if the participant successfully completes the 52596
course, the college shall award the participant full credit for 52597
the course and the governing entity of a public school or the 52598
governing body of a participating nonpublic school shall award 52599
the participant high school credit. If the participant elects to 52600
have the college reimbursed under this division, the department 52601
shall reimburse the college for the number of enrolled credit 52602
hours in accordance with section 3365.07 of the Revised Code. 52603

(C) (1) The chancellor of higher education, in consultation 52604
with the ~~superintendent of public instruction~~ department of 52605
education and workforce, shall adopt rules specifying which 52606
courses are eligible for funding under section 3365.07 of the 52607
Revised Code. 52608

The rules shall address at least the following: 52609

(a) Whether courses must be taken in a specified sequence; 52610

(b) Whether to restrict funding and limit eligibility to 52611
certain types of courses, including (i) courses that are 52612
included in the statewide articulation and transfer system, 52613
established by the chancellor pursuant to section 3333.161 of 52614
the Revised Code; (ii) courses that may be applied to multiple 52615
degree pathways or are applicable to in-demand jobs; or (iii) 52616
other types of courses; 52617

(c) Whether courses with private instruction, as defined 52618

by the chancellor, are eligible for funding. 52619

The rules also shall specify the school year for which 52620
implementation of the rules adopted pursuant to this division 52621
shall first apply. 52622

(2) In developing the rules, the chancellor, in 52623
consultation with the ~~state superintendent~~ department of 52624
education and workforce, shall establish a process to receive 52625
input from public and nonpublic secondary schools, public and 52626
private colleges, and other interested parties. 52627

(D) When determining a school district's enrollment under 52628
section 3317.03 of the Revised Code, the time a participant is 52629
attending courses under division (A) of this section shall be 52630
considered as time the participant is not attending or enrolled 52631
in school anywhere, and the time a participant is attending 52632
courses under division (B) of this section shall be considered 52633
as time the participant is attending or enrolled in the 52634
district's schools. 52635

Sec. 3365.07. The department of education and workforce 52636
shall calculate and pay state funds to colleges for participants 52637
in the college credit plus program under division (B) of section 52638
3365.06 of the Revised Code pursuant to this section. For a 52639
nonpublic secondary school participant, a nonchartered nonpublic 52640
secondary school participant, or a home-instructed participant, 52641
the department shall pay state funds pursuant to this section 52642
only if that participant is awarded funding according to rules 52643
adopted by the chancellor of higher education, in consultation 52644
with the ~~superintendent of public instruction~~ department of 52645
education and workforce, pursuant to section 3365.071 of the 52646
Revised Code. The program shall be the sole mechanism by which 52647
state funds are paid to colleges for students to earn 52648

transcribed credit for college courses while enrolled in both a secondary school and a college, with the exception of state funds paid to colleges according to an agreement described in division (A) (1) of section 3365.02 of the Revised Code.

(A) For each public or nonpublic secondary school participant enrolled in a public college:

(1) If no agreement has been entered into under division (A) (2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable amount as follows:

(i) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the lesser of the default ceiling amount or the college's standard rate;

(ii) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, the lesser of fifty per cent of the default ceiling amount or the college's standard rate;

(iii) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, the default floor amount.

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish

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an alternative payment structure for tuition, textbooks, and 52677
fees. Under such an agreement, payments for each participant 52678
made by the department shall be not less than the default floor 52679
amount, unless approved by the chancellor, and not more than 52680
either the default ceiling amount or the college's standard 52681
rate, whichever is less. The chancellor may approve an agreement 52682
that includes a payment below the default floor amount, as long 52683
as the provisions of the agreement comply with all other 52684
requirements of this chapter to ensure program quality. If no 52685
agreement is entered into under division (A) (2) of this section, 52686
both of the following shall apply: 52687

(a) The department shall pay to the college the applicable 52688
default amounts prescribed by division (A) (1) (a) of this 52689
section, depending upon the method of delivery and instruction. 52690

(b) In accordance with division (A) (1) (b) of this section, 52691
the participant's secondary school shall pay for textbooks, and 52692
the college shall waive payment of all other fees related to 52693
participation in the program. 52694

(3) No participant that is enrolled in a public college 52695
shall be charged for any tuition, textbooks, or other fees 52696
related to participation in the program. 52697

(B) For each public secondary school participant enrolled 52698
in a private college: 52699

(1) If no agreement has been entered into under division 52700
(B) (2) of this section, the department shall pay to the college 52701
the applicable amount calculated in the same manner as in 52702
division (A) (1) (a) of this section. 52703

(2) The governing entity of a participant's secondary 52704
school and the college may enter into an agreement to establish 52705

an alternative payment structure for tuition, textbooks, and 52706
fees. Under such an agreement, payments shall be not less than 52707
the default floor amount, unless approved by the chancellor, and 52708
not more than either the default ceiling amount or the college's 52709
standard rate, whichever is less. 52710

If an agreement is entered into under division (B) (2) of 52711
this section, both of the following shall apply: 52712

(a) The department shall make a payment to the college for 52713
each participant that is equal to the default floor amount, 52714
unless approved by the chancellor to pay an amount below the 52715
default floor amount. The chancellor may approve an agreement 52716
that includes a payment below the default floor amount, as long 52717
as the provisions of the agreement comply with all other 52718
requirements of this chapter to ensure program quality. 52719

(b) Payment for costs for the participant that exceed the 52720
amount paid by the department pursuant to division (B) (2) (a) of 52721
this section shall be negotiated by the school and the college. 52722
The agreement may include a stipulation permitting the charging 52723
of a participant. 52724

However, under no circumstances shall: 52725

(i) Payments for a participant made by the department 52726
under division (B) (2) of this section exceed the lesser of the 52727
default ceiling amount or the college's standard rate; 52728

(ii) The amount charged to a participant under division 52729
(B) (2) of this section exceed the difference between the maximum 52730
per participant charge amount and the default floor amount; 52731

(iii) The sum of the payments made by the department for a 52732
participant and the amount charged to that participant under 52733
division (B) (2) of this section exceed the following amounts, as 52734

applicable:	52735
(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;	52736 52737 52738 52739
(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;	52740 52741 52742
(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.	52743 52744 52745 52746 52747
(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B) (2) of this section for any tuition, textbooks, or other fees related to participation in the program.	52748 52749 52750 52751 52752
(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A) (1) (a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.	52753 52754 52755 52756 52757 52758 52759 52760
However, under no circumstances shall:	52761
(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling	52762 52763

amount or the college's standard rate. 52764

(2) Any nonpublic secondary school participant, who is 52765
enrolled in that secondary school with a scholarship awarded 52766
under either the educational choice scholarship pilot program, 52767
as prescribed by sections 3310.01 to 3310.17, or the pilot 52768
project scholarship program, as prescribed by sections 3313.974 52769
to 3313.979 of the Revised Code, and who qualifies as a low- 52770
income student under either of those programs, be charged for 52771
any tuition, textbooks, or other fees related to participation 52772
in the college credit plus program. 52773

(D) For each nonchartered nonpublic secondary school 52774
participant and each home-instructed participant enrolled in a 52775
public, private, or eligible out-of-state college, the 52776
department shall pay to the college the lesser of the default 52777
ceiling amount or the college's standard rate, if that 52778
participant is enrolled in a college course delivered on the 52779
college campus, at another location operated by the college, or 52780
online. 52781

(E) Not later than thirty days after the end of each term, 52782
each college expecting to receive payment for the costs of a 52783
participant under this section shall notify the department of 52784
the number of enrolled credit hours for each participant. 52785

(F) The department shall make the applicable payments 52786
under this section to each college, which provided proper 52787
notification to the department under division (E) of this 52788
section, for the number of enrolled credit hours for 52789
participants enrolled in the college under division (B) of 52790
section 3365.06 of the Revised Code. Except in cases involving 52791
incomplete participant information or a dispute of participant 52792
information, payments shall be made by the last day of January 52793

for participants who were enrolled during the fall term and by 52794
the last day of July for participants who were enrolled during 52795
the spring term. The department shall not make any payments to a 52796
college under this section if a participant withdrew from a 52797
course prior to the date on which a withdrawal from the course 52798
would have negatively affected the participant's transcribed 52799
grade, as prescribed by the college's established withdrawal 52800
policy. 52801

(1) Payments made for public secondary school participants 52802
under this section shall be deducted as follows: 52803

(a) For a participant enrolled in a school district, from 52804
the school foundation payments made to the participant's school 52805
district. If the participant is enrolled in a joint vocational 52806
school district, a portion of the amount shall be deducted from 52807
the payments to the joint vocational school district and a 52808
portion shall be deducted from the payments to the participant's 52809
city, local, or exempted village school district in accordance 52810
with the full-time equivalency of the student's enrollment in 52811
each district. 52812

(b) For a participant enrolled in a community school 52813
established under Chapter 3314. of the Revised Code, from the 52814
payments made to that school under section 3317.022 of the 52815
Revised Code; 52816

(c) For a participant enrolled in a STEM school, from the 52817
payments made to that school under section 3317.022 of the 52818
Revised Code; 52819

(d) For a participant enrolled in a college-preparatory 52820
boarding school, from the payments made to that school under 52821
section 3328.34 of the Revised Code; 52822

(e) For a participant enrolled in the state school for the deaf or the state school for the blind, from the amount paid to that school with funds appropriated by the general assembly for support of that school;

(f) For a participant enrolled in an institution operated by the department of youth services, from the amount paid to that institution with funds appropriated by the general assembly for support of that institution.

Amounts deducted under divisions (F) (1) (a) to (f) of this section shall be calculated in accordance with rules adopted by the chancellor, in consultation with the ~~state superintendent~~ department of education and workforce, pursuant to division (B) of section 3365.071 of the Revised Code

(2) Payments made for nonpublic secondary school participants, nonchartered nonpublic secondary school participants, and home-instructed participants under this section shall be deducted from moneys appropriated by the general assembly for such purpose. Payments shall be allocated and distributed in accordance with rules adopted by the chancellor, in consultation with the ~~state superintendent~~ department of education and workforce, pursuant to division (A) of section 3365.071 of the Revised Code.

(G) Any public college that enrolls a student under division (B) of section 3365.06 of the Revised Code may include that student in the calculation used to determine its state share of instruction funds appropriated to the department of higher education by the general assembly.

Sec. 3365.071. (A) The chancellor of ~~the Ohio board of regents~~ higher education, in accordance with Chapter 119. of the

Revised Code and in consultation with the ~~superintendent of~~ 52852
~~public instruction~~ department of education and workforce, shall 52853
adopt rules prescribing a method to allocate and distribute 52854
payments under section 3365.07 of the Revised Code for nonpublic 52855
secondary school participants, nonchartered nonpublic secondary 52856
school participants, and home-instructed participants. The rules 52857
shall include that payments made for nonchartered nonpublic 52858
secondary school participants be made in the same manner as 52859
payments for home-instructed participants under that section. 52860

(B) The chancellor, in consultation with the ~~state~~ 52861
~~superintendent~~ department, shall also adopt rules establishing a 52862
method to calculate the amounts deducted from a joint vocational 52863
school district and from a participant's city, local, or 52864
exempted village school district for payments under section 52865
3365.07 of the Revised Code. 52866

Sec. 3365.08. (A) No participant enrolled under this 52867
chapter in a course for which credit toward high school 52868
graduation is awarded shall receive direct financial aid through 52869
any state or federal program. 52870

(B) If a school district provides transportation for 52871
resident school students in grades eleven and twelve under 52872
section 3327.01 of the Revised Code, a parent of a participant 52873
enrolled in a course under division (A) (2) or (B) of section 52874
3365.06 of the Revised Code may apply to the board of education 52875
for full or partial reimbursement for the necessary costs of 52876
transporting the participant between the secondary school the 52877
participant attends and the college in which the participant is 52878
enrolled. Reimbursement may be paid solely from funds received 52879
by the district for student transportation under section 52880
3317.0212 of the Revised Code or other provisions of law. The 52881

~~state board department~~ of education and workforce shall 52882
establish guidelines, based on financial need, under which a 52883
district may provide such reimbursement. 52884

(C) If a community school provides or arranges 52885
transportation for its students in grades nine through twelve 52886
under section 3314.091 of the Revised Code, a parent of a 52887
participant of the community school who is enrolled in a course 52888
under division (A) (2) or (B) of section 3365.06 of the Revised 52889
Code may apply to the governing authority of the community 52890
school for full or partial reimbursement of the necessary costs 52891
of transporting the participant between the community school and 52892
the college. The governing authority may pay the reimbursement 52893
in accordance with the ~~state board's department's~~ rules adopted 52894
under division (B) of this section solely from funds paid to it 52895
under division (H) of section 3317.0212 of the Revised Code. 52896

Sec. 3365.09. (A) Except as provided for in division (C) 52897
of this section, if the superintendent, or equivalent, of a 52898
public secondary school in which a participant is enrolled 52899
determines that the participant has not attained a passing final 52900
grade in a college course in which the participant enrolled 52901
under this chapter, the superintendent, or equivalent, may seek 52902
reimbursement from the participant or the participant's parent 52903
for the amount of state funds paid to the college on behalf of 52904
the participant for that college course. The governing entity of 52905
a public school, in accordance with division (C) of section 52906
3313.642 of the Revised Code, may withhold grades and credits 52907
received by the participant for high school courses taken by the 52908
participant until the participant or the participant's parent 52909
provides reimbursement. 52910

(B) Except as provided for in division (C) of this 52911

section, if the chief administrator of a participating nonpublic 52912
school in which a participant is enrolled determines that the 52913
participant has not attained a passing final grade in a college 52914
course in which the participant enrolled under this chapter, the 52915
chief administrator may seek reimbursement from the participant 52916
or the participant's parent for the amount of state funds paid 52917
to the college on behalf of the participant for enrollment in 52918
that college course. Upon the collection of any funds from a 52919
participant or participant's parent under this division, the 52920
chief administrator of a nonpublic school shall send an amount 52921
equal to the funds collected to the ~~superintendent of public~~ 52922
~~instruction~~department of education and workforce. The 52923
~~superintendent of public instruction~~ department shall credit 52924
that amount to the general revenue fund. 52925

(C) Unless the participant was expelled by the school, the 52926
superintendent, or equivalent, or chief administrator shall not 52927
seek reimbursement from a participant or a participant's parent 52928
under division (A) or (B) of this section, if the participant is 52929
identified as economically disadvantaged according to rules 52930
adopted by the ~~department of education~~. 52931

Sec. 3365.091. (A) The chancellor of higher education, in 52932
consultation with the ~~superintendent of public instruction~~ 52933
department of education and workforce, shall adopt rules 52934
specifying the conditions under which an underperforming 52935
participant may continue to participate in the college credit 52936
plus program. 52937

The rules shall address at least the following: 52938

(1) The definition of an "underperforming participant"; 52939

(2) Any additional conditions that participants with 52940

repeated underperformance must satisfy; 52941

(3) The timeframe for notifying an underperforming 52942
participant who is determined to be ineligible for participation 52943
of such ineligibility; 52944

(4) Mechanisms available to assist underperforming 52945
participants; 52946

(5) The role of school guidance counselors and college 52947
academic advisers in assisting underperforming participants; 52948

(6) If an underperforming participant is determined to be 52949
ineligible for participation, any consequences that such 52950
ineligibility may have on the student's ability to complete the 52951
secondary school's graduation requirements. 52952

The rules also shall specify the school year for which 52953
implementation of the rules adopted pursuant to division (A) of 52954
this section shall first apply. 52955

(B) In developing the rules pursuant to division (A) of 52956
this section, the chancellor, in consultation with the ~~state-~~ 52957
~~superintendent~~ department, shall establish a process to receive 52958
input from public and nonpublic secondary schools, public and 52959
private colleges, and other interested parties. 52960

Sec. 3365.10. (A) Any public or participating nonpublic 52961
secondary school or any public or participating private college 52962
may apply to the chancellor of higher education and the 52963
~~superintendent of public instruction~~ department of education 52964
and workforce for a waiver from the requirements of the college 52965
credit plus program. The chancellor and the ~~superintendent-~~ 52966
department may grant a waiver under this section for an 52967
agreement or for a proposed agreement between a public or 52968
participating nonpublic secondary school and a public or 52969

participating private or out-of-state college, only if the 52970
agreement does both of the following: 52971

(1) Includes innovative programming proposed to 52972
exclusively address the needs of underrepresented student 52973
subgroups; 52974

(2) Meets all criteria set forth in rules adopted by the 52975
chancellor and the ~~superintendent~~ department pursuant to 52976
division (C) of this section. 52977

(B) Any waiver granted under this section shall apply only 52978
to the agreement for which the waiver is granted and shall not 52979
apply to any other agreement that the school or college enters 52980
into under this chapter. 52981

(C) The chancellor and the ~~superintendent of public~~ 52982
~~instruction~~ department shall jointly adopt rules, in accordance 52983
with Chapter 119. of the Revised Code, regarding the granting of 52984
waivers under this section. 52985

Sec. 3365.12. (A) All courses offered under the college 52986
credit plus program shall be the same courses that are included 52987
in the partnering college's course catalogue for college-level, 52988
nonremedial courses and shall apply to at least one degree or 52989
professional certification at the partnering college. 52990

(B) (1) High school credit awarded for courses successfully 52991
completed under this chapter shall count toward the graduation 52992
requirements and subject area requirements of the public 52993
secondary school or participating nonpublic secondary school. If 52994
a course comparable to one a participant completed at a college 52995
is offered by the school, the governing entity or governing body 52996
shall award comparable credit for the course completed at the 52997
college. If no comparable course is offered by the school, the 52998

governing entity or governing body shall grant an appropriate 52999
number of elective credits to the participant. 53000

(2) If there is a dispute between a participant's school 53001
and a participant regarding high school credits granted for a 53002
course, the participant may appeal the decision to the 53003
department of education and workforce. The department's decision 53004
regarding any high school credits granted under this section is 53005
final. 53006

(C) Evidence of successful completion of each course and 53007
the high school credits awarded by the school shall be included 53008
in the student's record. The record shall indicate that the 53009
credits were earned as a participant under this chapter and 53010
shall include the name of the college at which the credits were 53011
earned. 53012

Sec. 3365.15. The chancellor of higher education and the 53013
~~superintendent of public instruction~~ department of education and 53014
workforce jointly shall do all of the following: 53015

(A) Adopt data reporting guidelines specifying the types 53016
of data that public and participating nonpublic secondary 53017
schools and public and participating private colleges, including 53018
eligible out-of-state colleges participating in the program, 53019
must annually collect, report, and track under division (G) of 53020
section 3365.04 and division (H) of section 3365.05 of the 53021
Revised Code. The types of data shall include all of the 53022
following: 53023

(1) For each secondary school and college: 53024

(a) The number of participants disaggregated by grade 53025
level, socioeconomic status, race, gender, and disability; 53026

(b) The number of completed courses and credit hours, 53027

disaggregated by the college in which participants were enrolled; 53028
53029

(c) The number of courses in which participants enrolled, 53030
disaggregated by subject area and level of difficulty. 53031

(2) For each secondary school, the number of students who 53032
were denied participation in the program under division (A) (1) 53033
(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of 53034
the Revised Code. Each participating nonpublic secondary school 53035
shall also include the number of students who were denied 53036
participation due to the student not being awarded funding by 53037
the department ~~of education~~ pursuant to section 3365.071 of the 53038
Revised Code. 53039

(3) For each college: 53040

(a) The number of students who applied to enroll in the 53041
college under the program but were not granted admission; 53042

(b) The average number of completed courses per 53043
participant; 53044

(c) The average grade point average for participants in 53045
college courses under the program. 53046

The guidelines adopted under this division shall also 53047
include policies and procedures for the collection, reporting, 53048
and tracking of such data. 53049

(B) Annually compile the data required under division (A) 53050
of this section. Not later than the thirty-first day of December 53051
of each year, the data from the previous school year shall be 53052
posted in a prominent location on both the chancellor of higher 53053
education's and the ~~department of education's~~ department's web 53054
sites. 53055

(C) Until December 2023, submit an annual report on 53056
outcomes of the college credit plus program that are supported 53057
by empirical evidence to the governor, the president of the 53058
senate, the speaker of the house of representatives, and the 53059
chairpersons of the education committees of the senate and house 53060
of representatives. The report shall include all of the 53061
following, disaggregated by cohort: 53062

(1) Number of degrees attained; 53063

(2) Level and type of degrees attained; 53064

(3) Number of students who receive a degree in two 53065
different subject areas; 53066

(4) Time to completion of a degree, disaggregated by level 53067
and type of degree attained; 53068

(5) Time to enrollment in a graduate or doctoral degree 53069
program; 53070

(6) The number of students who participate in a study 53071
abroad course; 53072

(7) How all of the measures described in division (C) of 53073
this section compare to both: 53074

(a) The overall student population who did not participate 53075
in the college credit plus program; 53076

(b) Any similar measures compiled under the former 53077
postsecondary enrollment options program, to the extent that 53078
such data is available. 53079

The first report shall be submitted not later than 53080
December 31, 2018, and each subsequent report shall be submitted 53081
not later than the thirty-first day of December each year 53082

thereafter until December 2023. 53083

(D) Establish a college credit plus advisory committee to 53084
assist in the development of performance metrics and the 53085
monitoring of the program's progress. At least one member of the 53086
advisory committee shall be a school guidance counselor. 53087

The chancellor shall also, in consultation with the 53088
~~superintendent department~~, create a standard packet of 53089
information for the college credit plus program directed toward 53090
students and parents that are interested in the program. 53091

(E) The chancellor and the ~~state superintendent department~~ 53092
also may submit a biennial report detailing the status of the 53093
college credit plus program, including an analysis of quality 53094
assurance measures related to the program, to the governor, the 53095
president of the senate, the speaker of the house of 53096
representatives, and the chairpersons of the education 53097
committees of the senate and house of representatives. If the 53098
chancellor and ~~state superintendent the department~~ choose to 53099
jointly submit the biennial report, both of the following shall 53100
apply: 53101

(1) The report shall include only data available through 53102
the higher education information system administered by the 53103
chancellor. 53104

(2) The first report shall be submitted not later than 53105
December 31, 2017, and each subsequent report shall be submitted 53106
not later than the thirty-first day of December every two years 53107
thereafter. 53108

(F) For purposes of this section, "cohort" means a group 53109
of students who participated in the college credit plus program 53110
and who, upon graduation from high school, enroll in an Ohio 53111

institution of higher education during the same academic year. 53112

Sec. 3375.01. A state library board is hereby created to 53113
be composed of five members to be appointed by the ~~state board~~ 53114
director of education and workforce. One member shall be 53115
appointed each year for a term of five years. No one is eligible 53116
to membership on the state library board who is or has been for 53117
a year previous to appointment a member of the state board of 53118
education. A member of the state library board shall not during 53119
the member's term of office be a member of the board of library 53120
trustees for any library in any subdivision in the state. Before 53121
entering on official duties, each member shall subscribe to the 53122
official oath of office. All vacancies on the state library 53123
board shall be filled by the ~~state board of education director~~ 53124
by appointment for the unexpired term. The members shall receive 53125
no compensation, but shall be paid their actual and necessary 53126
expenses incurred in the performance of their duties or in the 53127
conduct of authorized board business, within or without the 53128
state. 53129

At its regular meeting next prior to the beginning of each 53130
fiscal biennium, the state library board shall elect a president 53131
and vice-president each of whom shall serve for two years or 53132
until a successor is elected and qualified. 53133

The state library board is responsible for the state 53134
library of Ohio and a statewide program of development and 53135
coordination of library services, and its powers include the 53136
following: 53137

(A) Maintain the state library, holding custody of books, 53138
periodicals, pamphlets, films, recordings, papers, and other 53139
materials and equipment. The board may purchase or procure from 53140
an insurance company licensed to do business in this state 53141

policies of insurance insuring the members of the board and the 53142
officers, employees, and agents of the state library against 53143
liability on account of damage or injury to persons or property 53144
resulting from any act or omission of the board members, 53145
officers, employees, and agents of the state library in their 53146
official capacity. 53147

(B) Accept, receive, administer, and expend, in accordance 53148
with the terms thereof, any moneys, materials, or other aid 53149
granted, appropriated, or made available to it for library 53150
purposes, by the United States, or any of its agencies, or by 53151
any other source, public or private; 53152

(C) Administer such funds as the general assembly may make 53153
available to it for the improvement of public library services, 53154
interlibrary cooperation, or for other library purposes; 53155

(D) Contract with other agencies, organizations, 53156
libraries, library schools, boards of education, universities, 53157
public and private, within or without the state, for library 53158
services, facilities, research, or any allied or related 53159
purpose; 53160

(E) In accordance with Chapter 119. of the Revised Code, 53161
approve, disapprove, or modify resolutions for establishment of 53162
county district libraries, and approve, disapprove, or modify 53163
resolutions to determine the boundaries of such districts, along 53164
county lines or otherwise, and approve, disapprove, or modify 53165
resolutions to redefine boundaries, along county lines or 53166
otherwise, where questions subsequently arise as a result of 53167
school district consolidations; 53168

(F) Upon consolidation of two or more school districts and 53169
in accordance with Chapter 119. of the Revised Code, define and 53170

adjust the boundaries of the new public library district 53171
resulting from such consolidation and resolve any disputes or 53172
questions pertaining to the boundaries, organization, and 53173
operation of the new library district; 53174

(G) Upon application of one or more boards of library 53175
trustees and in accordance with Chapter 119. of the Revised 53176
Code, define, amend, and adjust the boundaries of the library 53177
districts making such application and the boundaries of adjacent 53178
library districts; 53179

(H) Upon application of one or more boards of library 53180
trustees, or upon the state library board's own initiative, and 53181
in accordance with Chapter 119. of the Revised Code, define, 53182
amend, and adjust the boundaries of overlapping library 53183
districts to eliminate areas of overlap; 53184

(I) Upon application of any private corporation or library 53185
association maintaining a free public library prior to September 53186
4, 1947, and in accordance with Chapter 119. of the Revised 53187
Code, define, amend, and adjust the boundaries of a library 53188
district for the private corporation or library association for 53189
the sole purpose of preventing or eliminating areas of overlap 53190
with other library districts in relation to tax levies described 53191
in sections 5705.19, 5705.191, and 5705.21 of the Revised Code 53192
that are or may be levied in support of the private corporation 53193
or library association; 53194

(J) Certify its actions relating to boundaries authorized 53195
in this section, to boards of election, taxing authorities, the 53196
boards of trustees of libraries affected, and other appropriate 53197
bodies; 53198

(K) Encourage and assist the efforts of libraries and 53199

local governments to develop mutual and cooperative solutions to	53200
library service problems;	53201
(L) Recommend to the governor and to the general assembly	53202
such changes in the law as will strengthen and improve library	53203
services and operations;	53204
(M) In accordance with Chapter 119. of the Revised Code,	53205
adopt such rules as are necessary for the carrying out of any	53206
function imposed on it by law, and provide such rules as are	53207
necessary for its government and the government of its	53208
employees. The board may delegate to the state librarian the	53209
management and administration of any function imposed on it by	53210
law.	53211
Sec. 3701.507. (A) To assist in implementing sections	53212
3701.503 to 3701.509 of the Revised Code, the medically	53213
handicapped children's medical advisory council created in	53214
section 3701.025 of the Revised Code shall appoint a permanent	53215
infant hearing screening subcommittee. The subcommittee shall	53216
consist of the following members:	53217
(1) One otolaryngologist;	53218
(2) One neonatologist;	53219
(3) One pediatrician;	53220
(4) One neurologist;	53221
(5) One hospital administrator;	53222
(6) Two or more audiologists who are experienced in infant	53223
hearing screening and evaluation;	53224
(7) One speech-language pathologist licensed under section	53225
4753.07 of the Revised Code;	53226

(8) Two persons who are each a parent of a hearing-impaired child;	53227 53228
(9) One geneticist;	53229
(10) One epidemiologist;	53230
(11) One adult who is deaf or hearing impaired;	53231
(12) One representative from an organization for the deaf or hearing impaired;	53232 53233
(13) One family advocate;	53234
(14) One nurse from a well-baby neonatal nursery;	53235
(15) One nurse from a special care neonatal nursery;	53236
(16) One teacher of the deaf who works with infants and toddlers;	53237 53238
(17) One representative of the health insurance industry;	53239
(18) One representative of the bureau for children with medical handicaps;	53240 53241
(19) One representative of the department of education <u>and workforce</u> ;	53242 53243
(20) One representative of the department of medicaid;	53244
(21) Any other person the advisory council appoints.	53245
(B) The infant hearing subcommittee shall:	53246
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	53247 53248 53249
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section	53250 53251

3701.508 of the Revised Code;	53252
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	53253 53254 53255 53256
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	53257 53258 53259 53260
(b) Identification of locations where hearing evaluations may be conducted;	53261 53262
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	53263 53264
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	53265 53266
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	53267 53268
(f) Preparation of the information required by section 3701.506 of the Revised Code.	53269 53270
Sec. 3701.78. (A) There is hereby created the commission on minority health, consisting of twenty-one members. The governor shall appoint to the commission nine members from among health researchers, health planners, and health professionals. The governor also shall appoint two members who are representatives of the lupus awareness and education program. The speaker of the house of representatives shall appoint to the commission two members of the house of representatives, not more than one of whom is a member of the same political party, and	53271 53272 53273 53274 53275 53276 53277 53278 53279

the president of the senate shall appoint to the commission two 53280
members of the senate, not more than one of whom is a member of 53281
the same political party. The following shall be members of the 53282
commission: the directors of health, mental health and addiction 53283
services, developmental disabilities, and job and family 53284
services, or their designees; the medicaid director, or the 53285
director's designee; and the ~~superintendent of public~~ 53286
~~instruction~~ director of education and workforce, or the 53287
~~superintendent's~~ director's designee. 53288

The commission shall elect a chairperson from among its 53289
members. 53290

Of the members appointed by the governor, five shall be 53291
appointed to initial terms of one year, and four shall be 53292
appointed to initial terms of two years. Thereafter, all members 53293
appointed by the governor shall be appointed to terms of two 53294
years. All members of the commission appointed by the speaker of 53295
the house of representatives or the president of the senate 53296
shall be nonvoting members of the commission and be appointed 53297
within thirty days after the commencement of the first regular 53298
session of each general assembly, and shall serve until the 53299
expiration of the session of the general assembly during which 53300
they were appointed. 53301

Members of the commission shall serve without 53302
compensation, but shall be reimbursed for the actual and 53303
necessary expenses they incur in the performance of their 53304
official duties. 53305

(B) The commission shall promote health and the prevention 53306
of disease among members of minority groups. Each year the 53307
commission shall distribute grants from available funds to 53308
community-based health groups to be used to promote health and 53309

the prevention of disease among members of minority groups. As 53310
used in this division, "minority group" means any of the 53311
following economically disadvantaged groups: Blacks, American 53312
Indians, Hispanics, and Orientals. The commission shall adopt 53313
and maintain rules pursuant to Chapter 119. of the Revised Code 53314
to provide for the distribution of these grants. No group shall 53315
qualify to receive a grant from the commission unless it 53316
receives at least twenty per cent of its funds from sources 53317
other than grants distributed under this section. 53318

(C) The commission may appoint such employees as it 53319
considers necessary to carry out its duties under this section. 53320
The department of health shall provide office space for the 53321
commission. 53322

(D) The commission shall meet at the call of its 53323
chairperson to conduct its official business. A majority of the 53324
voting members of the commission constitute a quorum. The votes 53325
of at least eight voting members of the commission are necessary 53326
for the commission to take any official action or to approve the 53327
distribution of grants under this section. 53328

Sec. 3705.36. Three years after the date a birth defects 53329
information system is implemented pursuant to section 3705.30 of 53330
the Revised Code, and annually thereafter, the department of 53331
health shall prepare a report regarding the birth defects 53332
information system. The department shall file the report with 53333
the governor, the president and minority leader of the senate, 53334
the speaker and minority leader of the house of representatives, 53335
the departments of developmental disabilities, education and 53336
workforce, and job and family services, the commission on 53337
minority health, and the news media. 53338

Sec. 3707.58. (A) As used in this section: 53339

(1) "Youth athlete" means an individual who wishes to practice for or compete in athletic activities organized by a youth sports organization;

(2) "Youth sports organization" has the same meaning as in section 3707.51 of the Revised Code.

(B) Prior to the start of each athletic season, a youth sports organization that is subject to this section may hold an informational meeting for youth athletes, parents, guardians, other persons having care or charge of a youth athlete, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of youth athletes.

(C) No youth athlete shall participate in an athletic activity organized by a youth sports organization until the youth athlete has submitted to a designated official of the youth sports organization a form signed by the youth athlete and the parent, guardian, or other person having care or charge of the youth athlete stating that the youth athlete and the parent, guardian, or other person having care or charge of the youth athlete have received and reviewed a copy of the information developed by the ~~departments~~ department of health and the department of education and workforce and posted on their respective internet web sites as required by section 3707.59 of the Revised Code. A completed form shall be submitted each calendar year to each youth sports organization that organizes an athletic activity in which the youth athlete participates.

(D) No individual shall coach an athletic activity organized by a youth sports organization unless the individual has completed, on an annual basis, the sudden cardiac arrest training course approved by the department of health under

division (C) of section 3707.59 of the Revised Code. 53370

(E) (1) A youth athlete shall not be allowed to participate 53371
in an athletic activity organized by a youth sports organization 53372
if either of the following is the case: 53373

(a) The youth athlete's biological parent, biological 53374
sibling, or biological child has previously experienced sudden 53375
cardiac arrest, and the youth athlete has not been evaluated and 53376
cleared for participation in an athletic activity organized by a 53377
youth sports organization by a physician authorized under 53378
Chapter 4731. of the Revised Code to practice medicine and 53379
surgery or osteopathic medicine and surgery. 53380

(b) The youth athlete is known to have exhibited syncope 53381
or fainting at any time prior to or following an athletic 53382
activity and has not been evaluated and cleared for return under 53383
division (E) (3) of this section after exhibiting syncope or 53384
fainting. 53385

(2) A youth athlete shall be removed by the youth 53386
athlete's coach from participation in an athletic activity 53387
organized by a youth sports organization if the youth athlete 53388
exhibits syncope or fainting. 53389

(3) If a youth athlete is not allowed to participate in or 53390
is removed from participation in an athletic activity organized 53391
by a youth sports organization under division (E) (1) or (2) of 53392
this section, the youth athlete shall not be allowed to return 53393
to participation until the youth athlete is evaluated and 53394
cleared for return in writing by any of the following: 53395

(a) A physician authorized under Chapter 4731. of the 53396
Revised Code to practice medicine and surgery or osteopathic 53397
medicine and surgery, including a physician who specializes in 53398

cardiology;	53399
(b) A certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code.	53400 53401 53402
The licensed health care providers specified in divisions (E) (3) (a) and (b) of this section may consult with any other licensed or certified health care providers in order to determine whether a youth athlete is ready to return to participation.	53403 53404 53405 53406 53407
(F) A youth sports organization that is subject to this section shall establish penalties for a coach who violates the provisions of division (E) of this section.	53408 53409 53410
(G) (1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.	53411 53412 53413 53414 53415 53416
(2) This section does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.	53417 53418 53419 53420 53421
Sec. 3707.59. (A) As used in this section:	53422
(1) "Athletic activity" means both of the following:	53423
(a) An athletic activity, as defined in section 3313.5310 of the Revised Code;	53424 53425
(b) An athletic activity organized by a youth sports	53426

organization. 53427

(2) "Youth athlete" and "youth sports organization" have 53428
the same meanings as in section 3707.58 of the Revised Code. 53429

(B) The department of health and the department of 53430
education and workforce jointly shall develop and shall post on 53431
their respective internet web sites guidelines and other 53432
relevant materials to inform and educate students and youth 53433
athletes participating in or desiring to participate in an 53434
athletic activity, their parents, and their coaches about the 53435
nature and warning signs of sudden cardiac arrest. These 53436
guidelines and materials shall address the risks associated with 53437
continuing to participate in an athletic activity after 53438
experiencing one or more symptoms of sudden cardiac arrest, such 53439
as fainting, difficulty breathing, chest pains, dizziness, and 53440
an abnormal racing heart rate. In developing guidelines and 53441
other relevant materials under this division, the department of 53442
health and the department of education and workforce shall 53443
consult with the Ohio chapter of the American college of 53444
cardiology and with an interscholastic conference or an 53445
organization that regulates interscholastic athletic competition 53446
and conducts interscholastic athletic events. 53447

In developing guidelines and materials under this 53448
division, the departments may utilize existing materials 53449
developed by the parent heart watch organization, the sudden 53450
arrhythmia death syndromes foundation, and any other 53451
organizations deemed appropriate by the departments. 53452

(C) For purposes of the training required for a coach of 53453
an athletic activity under division (D) of section 3313.5310 or 53454
division (D) of section 3707.58 of the Revised Code, the 53455
department of health shall approve a sudden cardiac arrest 53456

training course offered by an outside entity. 53457

Sec. 3734.62. On and after ~~the effective date of this~~ 53458
~~section April 6, 2007,~~ no school district or educational service 53459
center established under Chapter 3311. of the Revised Code, 53460
community school established under Chapter 3314. of the Revised 53461
Code, or nonpublic school for which the ~~state board~~ director of 53462
education and workforce prescribes standards under section 53463
3301.07 of the Revised Code and no employee of such a school 53464
district, educational service center, community school, or 53465
nonpublic school shall purchase mercury or a mercury-added 53466
measuring device for classroom use. 53467

If a school district, educational service center, 53468
community school, or nonpublic school or an employee of a school 53469
district, educational service center, community school, or 53470
nonpublic school purchases mercury or a mercury-added measuring 53471
device for classroom use on or after ~~the effective date of this~~ 53472
~~section April 6, 2007,~~ in violation of this section, but 53473
properly recycles or disposes of the mercury or mercury-added 53474
measuring device upon learning of or being informed of the 53475
violation and creates and implements a mercury reduction plan, 53476
the director of environmental protection shall consider the 53477
recycling or disposal of the mercury or mercury-added measuring 53478
device and the implementation of and compliance with the mercury 53479
reduction plan as mitigating circumstances for purposes of 53480
enforcement of a violation of this section. 53481

Sec. 3737.22. (A) The fire marshal shall do all of the 53482
following: 53483

(1) Adopt the state fire code under sections 3737.82 to 53484
3737.86 of the Revised Code; 53485

(2) Enforce the state fire code;	53486
(3) Appoint assistant fire marshals who are authorized to enforce the state fire code;	53487 53488
(4) Conduct investigations into the cause, origin, and circumstances of fires and explosions, and assist in the prosecution of persons believed to be guilty of arson or a similar crime;	53489 53490 53491 53492
(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;	53493 53494 53495 53496 53497
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	53498 53499
(7) Engage in public education and informational activities which will inform the public of fire safety information;	53500 53501 53502
(8) Operate a fire training academy and forensic laboratory;	53503 53504
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	53505 53506 53507
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	53508 53509
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the	53510 53511 53512 53513

company insuring the building; 53514

(12) Establish and collect fees for conducting licensing 53515
examinations and for issuing permits, licenses, and 53516
certificates; 53517

(13) Make available for the prosecuting attorney and an 53518
assistant prosecuting attorney from each county of this state, 53519
in accordance with section 3737.331 of the Revised Code, a 53520
seminar program, attendance at which is optional, that is 53521
designed to provide current information, data, training, and 53522
techniques relative to the prosecution of arson cases; 53523

(14) Administer and enforce Chapter 3743. of the Revised 53524
Code; 53525

(15) Develop a uniform standard for the reporting of 53526
information required to be filed under division (E) (4) of 53527
section 2921.22 of the Revised Code, and accept the reports of 53528
the information when they are filed. 53529

(B) The fire marshal shall appoint a chief deputy fire 53530
marshal, and shall employ professional and clerical assistants 53531
as the fire marshal considers necessary. The chief deputy shall 53532
be a competent former or current member of a fire agency and 53533
possess five years of recent, progressively more responsible 53534
experience in fire inspection, fire code enforcement, and fire 53535
code management. The chief deputy, with the approval of the 53536
director of commerce, shall temporarily assume the duties of the 53537
fire marshal when the fire marshal is absent or temporarily 53538
unable to carry out the duties of the office. When there is a 53539
vacancy in the office of fire marshal, the chief deputy, with 53540
the approval of the director of commerce, shall temporarily 53541
assume the duties of the fire marshal until a new fire marshal 53542

is appointed under section 3737.21 of the Revised Code. 53543

All employees, other than the fire marshal; the chief 53544
deputy fire marshal; the superintendent of the Ohio fire 53545
academy; the grants administrator; the fiscal officer; the 53546
executive secretary to the fire marshal; legal counsel; the 53547
pyrotechnics administrator, the chief of the forensic 53548
laboratory; the person appointed by the fire marshal to serve as 53549
administrator over functions concerning testing, license 53550
examinations, and the issuance of permits and certificates; and 53551
the chiefs of the bureaus of fire prevention, of fire and 53552
explosion investigation, of code enforcement, and of underground 53553
storage tanks shall be in the classified civil service. The fire 53554
marshal shall authorize the chief deputy and other employees 53555
under the fire marshal's supervision to exercise powers granted 53556
to the fire marshal by law as may be necessary to carry out the 53557
duties of the fire marshal's office. 53558

(C) The fire marshal shall create, in and as a part of the 53559
office of fire marshal, a fire and explosion investigation 53560
bureau consisting of a chief of the bureau and additional 53561
assistant fire marshals as the fire marshal determines necessary 53562
for the efficient administration of the bureau. The chief shall 53563
be experienced in the investigation of the cause, origin, and 53564
circumstances of fires, and in administration, including the 53565
supervision of subordinates. The chief, among other duties 53566
delegated to the chief by the fire marshal, shall be 53567
responsible, under the direction of the fire marshal, for the 53568
investigation of the cause, origin, and circumstances of fires 53569
and explosions in the state, and for assistance in the 53570
prosecution of persons believed to be guilty of arson or a 53571
similar crime. 53572

(D) (1) The fire marshal shall create, as part of the 53573
office of fire marshal, a bureau of code enforcement consisting 53574
of a chief of the bureau and additional assistant fire marshals 53575
as the fire marshal determines necessary for the efficient 53576
administration of the bureau. The chief shall be qualified, by 53577
education or experience, in fire inspection, fire code 53578
development, fire code enforcement, or any other similar field 53579
determined by the fire marshal, and in administration, including 53580
the supervision of subordinates. The chief is responsible, under 53581
the direction of the fire marshal, for fire inspection, fire 53582
code development, fire code enforcement, and any other duties 53583
delegated to the chief by the fire marshal. 53584

(2) The fire marshal, the chief deputy fire marshal, the 53585
chief of the bureau of code enforcement, or any assistant fire 53586
marshal under the direction of the fire marshal, the chief 53587
deputy fire marshal, or the chief of the bureau of code 53588
enforcement may cause to be conducted the inspection of all 53589
buildings, structures, and other places, the condition of which 53590
may be dangerous from a fire safety standpoint to life or 53591
property, or to property adjacent to the buildings, structures, 53592
or other places. 53593

(E) The fire marshal shall create, as a part of the office 53594
of fire marshal, a bureau of fire prevention consisting of a 53595
chief of the bureau and additional assistant fire marshals as 53596
the fire marshal determines necessary for the efficient 53597
administration of the bureau. The chief shall be qualified, by 53598
education or experience, to promote programs for rural and urban 53599
fire prevention and protection. The chief, among other duties 53600
delegated to the chief by the fire marshal, is responsible, 53601
under the direction of the fire marshal, for the promotion of 53602
rural and urban fire prevention and protection through public 53603

information and education programs. 53604

(F) The fire marshal shall cooperate with the director of 53605
job and family services when the director adopts rules under 53606
section 5104.052 of the Revised Code regarding fire prevention 53607
and fire safety in licensed type B family day-care homes, as 53608
defined in section 5104.01 of the Revised Code, recommend 53609
procedures for inspecting type B homes to determine whether they 53610
are in compliance with those rules, and provide training and 53611
technical assistance to the director and county directors of job 53612
and family services on the procedures for determining compliance 53613
with those rules. 53614

(G) The fire marshal, upon request of a provider of child 53615
care in a type B home that is not licensed by the director of 53616
job and family services, as a precondition of approval by the 53617
~~state board~~ department of education and workforce under section 53618
3313.813 of the Revised Code for receipt of United States 53619
department of agriculture child and adult care food program 53620
funds established under the "National School Lunch Act," 60 53621
Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the 53622
type B home to determine compliance with rules adopted under 53623
section 5104.052 of the Revised Code regarding fire prevention 53624
and fire safety in licensed type B homes. In municipal 53625
corporations and in townships where there is a certified fire 53626
safety inspector, the inspections shall be made by that 53627
inspector under the supervision of the fire marshal, according 53628
to rules adopted under section 5104.052 of the Revised Code. In 53629
townships outside municipal corporations where there is no 53630
certified fire safety inspector, inspections shall be made by 53631
the fire marshal. 53632

Sec. 3742.32. (A) The director of health shall appoint an 53633

advisory council to assist in the ongoing development and	53634
implementation of the child lead poisoning prevention program	53635
created under section 3742.31 of the Revised Code. The advisory	53636
council shall consist of the following members:	53637
(1) A representative of the department of medicaid;	53638
(2) A representative of the bureau of child care in the	53639
department of job and family services;	53640
(3) A representative of the department of environmental	53641
protection;	53642
(4) A representative of the department of education <u>and</u>	53643
<u>workforce</u> ;	53644
(5) A representative of the development services agency;	53645
(6) A representative of the Ohio apartment owner's	53646
association;	53647
(7) A representative of the Ohio healthy homes network;	53648
(8) A representative of the Ohio environmental health	53649
association;	53650
(9) An Ohio representative of the American coatings	53651
association;	53652
(10) A representative from Ohio realtors;	53653
(11) A representative of the Ohio housing finance agency;	53654
(12) A physician knowledgeable in the field of lead	53655
poisoning prevention;	53656
(13) A representative of the public.	53657
(B) The advisory council shall do both of the following:	53658

(1) Provide the director with advice regarding the 53659
policies the child lead poisoning prevention program should 53660
emphasize, preferred methods of financing the program, and any 53661
other matter relevant to the program's operation; 53662

(2) Submit a report of the state's activities to the 53663
governor, president of the senate, and speaker of the house of 53664
representatives on or before the first day of March each year. 53665

(C) The advisory council is not subject to sections 101.82 53666
to 101.87 of the Revised Code. 53667

Sec. 3745.21. (A) There is hereby created within the 53668
environmental protection agency the environmental education 53669
council consisting of the directors of environmental protection 53670
~~and, natural resources, and the superintendent of public-~~ 53671
~~instruction education and workforce,~~ or their designees, as 53672
members ex officio, one member of the house of representatives 53673
to be appointed by the speaker of the house of representatives 53674
or the member's designee, one member of the senate to be 53675
appointed by the president of the senate or the member's 53676
designee, one member to be appointed by the ~~Ohio board of-~~ 53677
~~regents chancellor of higher education~~ who shall have experience 53678
in providing environmental education at the university or 53679
college level, and six members to be appointed by the governor 53680
with the advice and consent of the senate. Of the members 53681
appointed by the governor, two shall be from statewide 53682
environmental advocacy organizations, one shall represent the 53683
interests of the industrial community in this state, one shall 53684
represent the interests of employers in this state with one 53685
hundred fifty or fewer employees, one shall represent municipal 53686
corporations, and one shall represent the interests of 53687
elementary and secondary school teachers in this state. Within 53688

thirty days after October 1, 1990, the appointing authorities 53689
shall make their initial appointments to the council. The 53690
initial appointment to the council by the ~~Ohio board of regents-~~ 53691
chancellor shall be for a term ending two years after October 1, 53692
1990. Of the initial appointments made to the council by the 53693
governor, three shall be for a term ending one year after 53694
October 1, 1990, and three shall be for a term ending two years 53695
after October 1, 1990. Thereafter, the terms of office of the 53696
members appointed by the ~~Ohio board of regents-~~chancellor and 53697
the governor shall be for two years, with each term ending on 53698
the same day of the same month as the term that it succeeds. 53699
Each member shall hold office from the date of appointment until 53700
the end of the term for which the member was appointed. Members 53701
may be reappointed. Vacancies shall be filled in the manner 53702
provided for original appointments. Any member appointed to fill 53703
a vacancy occurring prior to the expiration date of the term for 53704
which the member's predecessor was appointed shall hold office 53705
as a member of the board of trustees for the remainder of that 53706
term. A member of the council appointed by the ~~Ohio board of~~ 53707
~~regents-~~chancellor or the governor shall continue in office 53708
subsequent to the expiration date of the member's term until the 53709
member's successor takes office or until a period of sixty days 53710
has elapsed, whichever occurs first. 53711

The council shall hold at least two regular, semiannual 53712
meetings each year. Special meetings may be held at the behest 53713
of the chairperson or a majority of the members. The director of 53714
environmental protection shall serve as the chairperson of the 53715
council. The council annually shall select from among its 53716
members a vice-chairperson and a secretary to keep a record of 53717
its proceedings. A majority vote of the members of the council 53718
is necessary to take action on any matter. 53719

Serving as a member of the council does not constitute 53720
holding a public office or a position of employment under the 53721
laws of this state and does not constitute grounds for the 53722
removal of public officers or employees from their offices or 53723
positions of employment. The ~~Ohio board of regents~~ chancellor 53724
may at any time remove a member of the council appointed by ~~it~~ 53725
the chancellor for misfeasance, malfeasance, or nonfeasance in 53726
office. The governor may at any time remove a member of the 53727
council appointed by the governor for misfeasance, malfeasance, 53728
or nonfeasance in office. 53729

Members of the council appointed by the ~~Ohio board of~~ 53730
~~regents~~ chancellor and the governor shall serve without 53731
compensation. Members of the council shall be reimbursed for 53732
their actual and necessary expenses incurred in the performance 53733
of their duties as members of the council from moneys credited 53734
to the environmental education fund created in section 3745.22 53735
of the Revised Code. 53736

(B) The council shall advise and assist the director of 53737
environmental protection in the implementation and 53738
administration of section 3745.22 of the Revised Code and shall 53739
review and comment on all expenditures from the fund proposed by 53740
the director. 53741

(C) The council may adopt bylaws for the regulation and 53742
conduct of the council's affairs and may propose to the director 53743
of environmental protection expenditures from the fund. 53744

Sec. 3781.106. (A) As used in this section: 53745

(1) "Institution of higher education" means a state 53746
institution of higher education as defined in section 3345.011 53747
of the Revised Code, a private nonprofit college or university 53748

located in this state that possesses a certificate of 53749
authorization issued pursuant to Chapter 1713. of the Revised 53750
Code, or a school located in this state that possesses a 53751
certificate of registration and one or more program 53752
authorizations issued by the state board of career colleges and 53753
schools under Chapter 3332. of the Revised Code. 53754

(2) "Nonresidential building" means a building or 53755
structure, or part of a building or structure, not occupied in 53756
whole or in part for the purpose of human habitation, and 53757
includes the lands and premises appurtenant and all of the 53758
outbuildings, fences, or erections thereon or therein. 53759
"Nonresidential building" does not include an institution of 53760
higher education, private school, or public school, as defined 53761
in this section. 53762

(3) "Owner" means an individual or entity possessing title 53763
to a nonresidential building or an authorized agent of the 53764
owner. 53765

(4) "Private school" means a chartered nonpublic school or 53766
a nonchartered nonpublic school. 53767

(5) "Public school" means any school operated by a school 53768
district board of education, any community school established 53769
under Chapter 3314. of the Revised Code, any STEM school 53770
established under Chapter 3326. of the Revised Code, and any 53771
college-preparatory boarding school established under Chapter 53772
3328. of the Revised Code. 53773

(6) "School building" means a structure used for the 53774
instruction of students by a public or private school or 53775
institution of higher education. 53776

(B) (1) The board of building standards shall adopt rules, 53777

in accordance with Chapter 119. of the Revised Code, for the use 53778
of a device by a staff member of a public or private school or 53779
institution of higher education that prevents both ingress and 53780
egress through a door in a school building, for a finite period 53781
of time, in an emergency situation, and during active shooter 53782
drills. The rules shall provide that the use of a device is 53783
permissible only if the device requires minimal steps to remove 53784
it after it is engaged. 53785

The rules shall provide that the administrative authority 53786
of a building notify the police chief, or equivalent, of the law 53787
enforcement agency that has jurisdiction over the building, and 53788
the fire chief, or equivalent, of the fire department that 53789
serves the political subdivision in which the building is 53790
located, prior to the use of such devices in a building. 53791

The rules may require that the device be visible from the 53792
exterior of the door. 53793

(2) The device described in division (B) (1) of this 53794
section shall not be permanently mounted to the door. 53795

(3) Each public and private school and institution of 53796
higher education shall provide its staff members in-service 53797
training on the use of the device described in division (B) (1) 53798
of this section. The school shall maintain a record verifying 53799
this training on file. 53800

(4) In consultation with the ~~state board~~ department of 53801
education and workforce and the chancellor of higher education, 53802
the board shall determine and include in the rules a definition 53803
of "emergency situation." These rules shall apply to both 53804
existing and new school buildings. 53805

(C) (1) The board of building standards shall adopt rules, 53806

in accordance with Chapter 119. of the Revised Code, for the use 53807
of a device by the owner, or a person authorized by the owner, 53808
of a nonresidential building that prevents both ingress and 53809
egress through a door in the building, for a finite period of 53810
time, in an emergency situation, and during active shooter 53811
drills. The rules shall provide that the use of a device is 53812
permissible only if the device requires minimal steps to remove 53813
it after it is engaged. 53814

The rules shall require the owner of a building notify the 53815
police chief, or equivalent, of the law enforcement agency that 53816
has jurisdiction over the building, and the fire chief, or 53817
equivalent, of the fire department that serves the political 53818
subdivision in which the building is located, prior to the use 53819
of such devices in a building. 53820

The rules may require that the device be visible from the 53821
exterior of the door. 53822

(2) The device described in division (C) (1) of this 53823
section shall not be permanently mounted to the door. 53824

(3) Each owner of a nonresidential building shall provide 53825
any person that may use the device described in division (C) (1) 53826
of this section training on the use of the device. The owner of 53827
the building shall maintain a record verifying this training on 53828
file. 53829

(4) The board shall determine and include in the rules a 53830
definition of "emergency situation" for purposes of division (C) 53831
(1) of this section. These rules shall apply to both existing 53832
and new nonresidential buildings. 53833

(D) Any provision of the state fire code that is in 53834
conflict with this section or section 3737.84 of the Revised 53835

Code is unenforceable. 53836

Sec. 3781.11. (A) The rules of the board of building standards shall: 53837
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(1) For nonresidential buildings, provide uniform minimum standards and requirements, and for residential buildings, provide standards and requirements that are uniform throughout the state, for construction and construction materials, including construction of industrialized units, to make residential and nonresidential buildings safe and sanitary as defined in section 3781.06 of the Revised Code; 53839
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(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability; 53846
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(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction; 53850
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(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units; 53858
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(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and 53862
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operated in conjunction with any primary or secondary school 53865
program that is not being altered or repaired if all of the 53866
following apply: 53867

(a) The school building meets all of the applicable 53868
building code requirements in existence at the time of the 53869
construction of the building. 53870

(b) The school building otherwise satisfies the 53871
requirements of section 3781.06 of the Revised Code. 53872

(c) The part of the school building altered or repaired 53873
conforms to all rules of the board existing on the date of the 53874
repair or alteration. 53875

(6) Not require any alteration or repair to any part of a 53876
workshop or factory that is not otherwise being altered, 53877
repaired, or added to if all of the following apply: 53878

(a) The workshop or factory otherwise satisfies the 53879
requirements of section 3781.06 of the Revised Code. 53880

(b) The part of the workshop or factory altered, repaired, 53881
or added conforms to all rules of the board existing on the date 53882
of plan approval of the repair, alteration, or addition. 53883

(B) The rules of the board shall supersede and govern any 53884
order, standard, or rule of the division of industrial 53885
compliance in the department of commerce, division of the state 53886
fire marshal, the department of health, and of counties and 53887
townships, in all cases where such orders, standards, or rules 53888
are in conflict with the rules of the board, except that rules 53889
adopted and orders issued by the state fire marshal pursuant to 53890
Chapter 3743. of the Revised Code prevail in the event of a 53891
conflict. 53892

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which minimum standards are prescribed by the ~~state board~~ director of education and workforce pursuant to division (D) of section 3301.07 of the Revised Code.

(2) "Workshop or factory" includes manufacturing, mechanical, electrical, mercantile, art, and laundering establishments, printing, telegraph, and telephone offices, railroad depots, and memorial buildings, but does not include hotels and tenement and apartment houses.

Sec. 3798.01. As used in this chapter:

(A) "Administrative safeguards," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304.

(B) "Covered entity," "disclosure," "health care

provider," "health information," "individually identifiable health information," "protected health information," and "use" have the same meanings as in 45 C.F.R. 160.103.

(C) "Designated record set" has the same meaning as in 45 C.F.R. 164.501.

(D) "Direct exchange" means the activity of electronic transmission of health information through a direct connection between the electronic record systems of health care providers without the use of a health information exchange.

(E) "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103.

(F) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information. "Health information exchange" excludes health care providers engaged in direct exchange, including direct exchange through the use of a health information service provider.

(G) "HIPAA privacy rule" means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E.

(H) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner.

(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the

Revised Code.	53951
(J) "More stringent" has the same meaning as in 45 C.F.R. 160.202.	53952 53953
(K) "Personal representative" means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor. "Personal representative" does not include the parent or legal guardian of, or another person acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's parent, legal guardian, or other person acting in loco parentis has assented to an agreement of confidentiality between the provider and the minor.	53954 53955 53956 53957 53958 53959 53960 53961 53962 53963 53964 53965 53966
(L) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.	53967 53968 53969 53970
(M) "State agency" means any one or more of the following:	53971
(1) The department of administrative services;	53972
(2) The department of aging;	53973
(3) The department of mental health and addiction services;	53974 53975
(4) The department of developmental disabilities;	53976
(5) The department of education <u>and workforce</u> ;	53977

(6) The department of health;	53978
(7) The department of insurance;	53979
(8) The department of job and family services;	53980
(9) The department of medicaid;	53981
(10) The department of rehabilitation and correction;	53982
(11) The department of youth services;	53983
(12) The bureau of workers' compensation;	53984
(13) The opportunities for Ohioans with disabilities agency;	53985 53986
(14) The office of the attorney general;	53987
(15) A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information.	53988 53989 53990
Sec. 4109.01. As used in this chapter:	53991
(A) "Employ" means to permit or suffer to work.	53992
(B) "Employer" means the state, its political subdivisions, and every person who employs any individual.	53993 53994
(C) "Enforcement official" means the director of commerce or the director's authorized representative, the superintendent of public instruction <u>director of education and workforce</u> or the superintendent's <u>director's</u> authorized representative, any school attendance officer, any probation officer, the director of health or the director of health's authorized representative, and any representative of a local department of health.	53995 53996 53997 53998 53999 54000 54001
(D) "Minor" means any person less than eighteen years of age.	54002 54003

(E) "Seasonal amusement or recreational establishment"	54004
means both of the following:	54005
(1) An amusement or recreational establishment that does not operate for more than seven months in any calendar year;	54006 54007
(2) An amusement or recreational establishment whose average receipts for any six months during the preceding calendar year were not more than thirty-three and one-third per cent of its average receipts for the other six months of that calendar year.	54008 54009 54010 54011 54012
Sec. 4109.06. (A) This chapter does not apply to the following:	54013 54014
(1) Minors who are students working on any properly guarded machines in the manual training department of any school when the work is performed under the personal supervision of an instructor;	54015 54016 54017 54018
(2) Students participating in a career-technical or STEM program approved by the Ohio department of education <u>and</u> <u>workforce</u> or students participating in any eligible classes through the college credit plus program established under Chapter 3365. of the Revised Code that include a state-recognized pre-apprenticeship program that imparts the skills and knowledge needed for successful participation in a registered apprenticeship occupation course;	54019 54020 54021 54022 54023 54024 54025 54026
(3) A minor participating in a play, pageant, or concert produced by an outdoor historical drama corporation, a professional traveling theatrical production, a professional concert tour, or a personal appearance tour as a professional motion picture star, or as an actor or performer in motion pictures or in radio or television productions in accordance	54027 54028 54029 54030 54031 54032

with the rules adopted pursuant to division (A) of section	54033
4109.05 of the Revised Code;	54034
(4) The participation, without remuneration of a minor and	54035
with the consent of a parent or guardian, in a performance given	54036
by a church, school, or academy, or at a concert or	54037
entertainment given solely for charitable purposes, or by a	54038
charitable or religious institution;	54039
(5) Minors who are employed by their parents in	54040
occupations other than occupations prohibited by rule adopted	54041
under this chapter;	54042
(6) Minors engaged in the delivery of newspapers to the	54043
consumer;	54044
(7) Minors who have received a high school diploma or a	54045
certificate of attendance from an accredited secondary school or	54046
a certificate of high school equivalence;	54047
(8) Minors who are currently heads of households or are	54048
parents contributing to the support of their children;	54049
(9) Minors engaged in lawn mowing, snow shoveling, and	54050
other related employment;	54051
(10) Minors employed in agricultural employment in	54052
connection with farms operated by their parents, grandparents,	54053
or guardians where they are members of the guardians' household.	54054
Minors are not exempt from this chapter if they reside in	54055
agricultural labor camps as defined in section 3733.41 of the	54056
Revised Code;	54057
(11) Students participating in a program to serve as	54058
precinct officers as authorized by section 3501.22 of the	54059
Revised Code.	54060

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

(1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities;

(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;

(3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps.

(C) Division (D) of section 4109.07 of the Revised Code does not apply to minors who have their employment hours established as follows:

(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, 54090
the superintendent, or the chief administrative officer shall 54091
uphold the restrictions. If after that consultation, the court, 54092
the superintendent, or the chief administrative officer finds 54093
the minor has shown the restricted hours will cause a 54094
substantial hardship or are not in the minor's best interests, 54095
the court, the superintendent, or the chief administrative 54096
officer shall establish differing hours of employment for the 54097
minor and notify the minor and the minor's employer of those 54098
hours, which shall be binding in lieu of the restrictions on the 54099
hours of employment described in division (D) of section 4109.07 54100
of the Revised Code. 54101

(2) Any minor to whom division (C) (1) of this section does 54102
not apply may either file a petition in the juvenile court in 54103
whose jurisdiction the person resides, or apply to the 54104
superintendent or to the chief administrative officer who issued 54105
the minor's age and schooling certificate pursuant to section 54106
3331.01 of the Revised Code, alleging the restrictions on the 54107
hours of employment described in division (D) of section 4109.07 54108
of the Revised Code will cause a substantial hardship or are not 54109
in the minor's best interests. 54110

If, as a result of a petition or application, the court, 54111
the superintendent, or the chief administrative officer, as 54112
appropriate, finds the minor has failed to show such 54113
restrictions will result in a substantial hardship or that the 54114
restrictions are not in the minor's best interests, the court, 54115
the superintendent, or the chief administrative officer shall 54116
uphold the restrictions. If the court, the superintendent, or 54117
the chief administrative officer finds the minor has shown the 54118
restricted hours will cause a substantial hardship or are not in 54119
the minor's best interests, the court, the superintendent, or 54120

the chief administrative officer shall establish the hours of 54121
employment for the minor and shall notify the minor and the 54122
minor's employer of those hours. 54123

(D) Section 4109.03, divisions (A) and (C) of section 54124
4109.02, and division (B) of section 4109.08 of the Revised Code 54125
do not apply to minors who are sixteen or seventeen years of age 54126
and who are employed at a seasonal amusement or recreational 54127
establishment. 54128

(E) As used in this section, "certificate of high school 54129
equivalence" means either: 54130

(1) A statement issued by the department of education and 54131
workforce that the holder of the statement has achieved the 54132
equivalent of a high school education as measured by scores 54133
obtained on a high school equivalency test approved by the 54134
department pursuant to division (B) of section 3301.80 of the 54135
Revised Code; 54136

(2) A statement issued by a primary-secondary education or 54137
higher education agency of another state that the holder of the 54138
statement has achieved the equivalent of a high school education 54139
as measured by scores obtained on a similar nationally 54140
recognized high school equivalency test. 54141

Sec. 4109.07. (A) No person under sixteen years of age 54142
shall be employed: 54143

(1) During school hours except where specifically 54144
permitted by this chapter; 54145

(2) Before seven a.m.; 54146

(3) After nine p.m. from the first day of June to the 54147
first day of September or during any school holiday of five 54148

school days or more duration, or after seven p.m. at any other	54149
time;	54150
(4) For more than three hours a day in any school day;	54151
(5) For more than eighteen hours in any week while school	54152
is in session;	54153
(6) For more than eight hours in any day which is not a	54154
school day;	54155
(7) For more than forty hours in any week that school is	54156
not in session.	54157
(B) No person under sixteen years of age may be employed	54158
more than forty hours in any one week nor during school hours	54159
unless employment is incidental to bona fide programs of	54160
vocational cooperative training, work-study, or other work-	54161
oriented programs with the purpose of educating students, and	54162
the program meets standards established by the state board	54163
<u>department of education and workforce.</u>	54164
(C) No employer shall employ a minor more than five	54165
consecutive hours without allowing the minor a rest period of at	54166
least thirty minutes. The rest period need not be included in	54167
the computation of the number of hours worked by the minor.	54168
(D) No person sixteen or seventeen years of age who is	54169
required to attend school under Chapter 3321. of the Revised	54170
Code shall be employed:	54171
(1) Before seven a.m. on any day that school is in	54172
session, except such person may be employed after six a.m. if	54173
the person was not employed after eight p.m. the previous night;	54174
(2) After eleven p.m. on any night preceding a day that	54175
school is in session.	54176

(E) As used in this section, "school" refers to either a school the child actually attends or a school he is required to attend pursuant to Chapter 3321. of the Revised Code.

Sec. 4109.22. (A) As used in this section:

(1) "Manufacturing occupation" means employment that consists of the mechanical, physical, or chemical transformation of materials, substances, or components into new products for sale, including the assembling of component parts into a finished product.

(2) Notwithstanding the definition of "employer" in section 4109.01 of the Revised Code, "employer" means every person who employs any individual in a manufacturing occupation.

(B) There is hereby created the manufacturing mentorship program to expose minors who are sixteen or seventeen years of age to manufacturing occupations in this state through temporary employment with an employer. An employer employing a minor under the mentorship program shall do all of the following:

(1) Determine the duration of the minor's employment;

(2) Assign the minor a mentor to provide direct and close supervision while the minor is engaged in any workplace activity;

(3) Provide the minor with the training described in division (C) of this section;

(4) Encourage the minor to participate in a career-technical education program approved by the department of education and workforce if the minor is not participating in a career-technical education program when the minor begins employment;

(5) Comply with all applicable state and federal laws and regulations relating to the employment of minors.	54205 54206
(C) (1) An employer employing a minor who is sixteen or seventeen years of age in a manufacturing occupation under the mentorship program shall provide the minor with training that includes all of the following:	54207 54208 54209 54210
(a) A ten-hour course in general industry safety and health hazard recognition and prevention approved by the occupational safety and health administration of the United States department of labor;	54211 54212 54213 54214
(b) Instructions on how to operate the specific tools the minor will use during the minor's employment;	54215 54216
(c) The general safety and health hazards to which the minor may be exposed at the minor's workplace;	54217 54218
(d) The value of safety and management commitment;	54219
(e) Information on the employer's drug testing policy.	54220
(2) For purposes of division (C) (1) (a) of this section, a minor may participate in a thirty-hour course in general industry safety and health hazard recognition and prevention approved by the occupational safety and health administration if the minor has already successfully completed a ten-hour course.	54221 54222 54223 54224 54225
(3) The employer shall pay any costs associated with providing the training required by division (C) (1) or permitted under division (C) (2) of this section.	54226 54227 54228
(4) An employer is not required to provide the training described in division (C) (1) or (2) of this section if the minor presents proof of completing the training during the six-month period immediately before beginning employment with the	54229 54230 54231 54232

employer. 54233

(D) The director of commerce, in consultation with 54234
employers, shall adopt rules in accordance with Chapter 119. of 54235
the Revised Code specifying a list of the tools that a minor who 54236
is sixteen or seventeen years of age who is employed under the 54237
mentorship program may operate during the minor's employment in 54238
a manufacturing occupation. The director shall use the manual 54239
issued by the wage and hour division of the United States 54240
department of labor titled "field operations handbook" or its 54241
successor for guidance in developing the list. Nothing in this 54242
division requires the director to include a tool on the list if 54243
the orders issued pursuant to the "Fair Labor Standards Act of 54244
1938," 29 U.S.C. 201, et seq., and section 4109.05 of the 54245
Revised Code or rules adopted under that section specifically 54246
permit minors of that age to operate the tool. 54247

(E) A minor who is sixteen or seventeen years of age who 54248
is employed by an employer under the mentorship program may work 54249
in any manufacturing occupation not denied by law to minors of 54250
that age under section 4109.05 of the Revised Code or rules 54251
adopted under that section. 54252

(F) No employer shall do either of the following: 54253

(1) Permit a minor who is sixteen or seventeen years of 54254
age to operate a tool minors of that age are permitted to 54255
operate pursuant to the rules adopted under division (D) of this 54256
section unless the minor is employed by the employer under the 54257
mentorship program; 54258

(2) Permit a minor who is sixteen or seventeen years of 54259
age who is employed by the employer under the mentorship program 54260
to operate a tool prohibited for use by minors of that age 54261

pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 54262
201, et seq., and section 4109.05 of the Revised Code or rules 54263
adopted under that section. 54264

Sec. 4112.04. (A) The commission shall do all of the 54265
following: 54266

(1) Establish and maintain a principal office in the city 54267
of Columbus and any other offices within the state that it 54268
considers necessary; 54269

(2) Appoint an executive director who shall serve at the 54270
pleasure of the commission and be its principal administrative 54271
officer. The executive director shall be paid a salary fixed 54272
pursuant to Chapter 124. of the Revised Code. 54273

(3) Appoint hearing examiners and other employees and 54274
agents who it considers necessary and prescribe their duties 54275
subject to Chapter 124. of the Revised Code; 54276

(4) Adopt, promulgate, amend, and rescind rules to 54277
effectuate the provisions of this chapter and the policies and 54278
practice of the commission in connection with this chapter; 54279

(5) Formulate policies to effectuate the purposes of this 54280
chapter and make recommendations to agencies and officers of the 54281
state or political subdivisions to effectuate the policies; 54282

(6) Receive, investigate, and pass upon written charges 54283
made under oath of unlawful discriminatory practices; 54284

(7) Make periodic surveys of the existence and effect of 54285
discrimination because of race, color, religion, sex, military 54286
status, familial status, national origin, disability, age, or 54287
ancestry on the enjoyment of civil rights by persons within the 54288
state; 54289

(8) Report, from time to time, but not less than once a year, to the general assembly and the governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, which report shall include a copy of any surveys prepared pursuant to division (A) (7) of this section and shall include the recommendations of the commission as to legislative or other remedial action;

(9) Prepare a comprehensive educational program, in cooperation with the department of education and workforce, for the students of the public schools of this state and for all other residents of this state that is designed to eliminate prejudice on the basis of race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry in this state, to further good will among those groups, and to emphasize the origin of prejudice against those groups, its harmful effects, and its incompatibility with American principles of equality and fair play;

(10) Receive progress reports from agencies, instrumentalities, institutions, boards, commissions, and other entities of this state or any of its political subdivisions and their agencies, instrumentalities, institutions, boards, commissions, and other entities regarding affirmative action programs for the employment of persons against whom discrimination is prohibited by this chapter, or regarding any affirmative housing accommodations programs developed to eliminate or reduce an imbalance of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry. All agencies, instrumentalities, institutions, boards, commissions, and other entities of this state or its political subdivisions, and all political subdivisions, that

have undertaken affirmative action programs pursuant to a 54321
conciliation agreement with the commission, an executive order 54322
of the governor, any federal statute or rule, or an executive 54323
order of the president of the United States shall file progress 54324
reports with the commission annually on or before the first day 54325
of November. The commission shall analyze and evaluate the 54326
progress reports and report its findings annually to the general 54327
assembly on or before the thirtieth day of January of the year 54328
immediately following the receipt of the reports. 54329

(11) Notify a person who files a charge pursuant to 54330
section 4112.051 of the Revised Code that under division (A) of 54331
section 4112.052 of the Revised Code, the person is prohibited 54332
from bringing a civil action under this chapter unless one of 54333
the following applies: 54334

(a) The conditions stated in division (B)(1) of section 54335
4112.052 of the Revised Code are satisfied; 54336

(b) An exception specified in division (B)(2) of section 54337
4112.052 of the Revised Code applies. 54338

(B) The commission may do any of the following: 54339

(1) Meet and function at any place within the state; 54340

(2) Initiate and undertake on its own motion 54341
investigations of problems of employment or housing 54342
accommodations discrimination; 54343

(3) Hold hearings, subpoena witnesses, compel their 54344
attendance, administer oaths, take the testimony of any person 54345
under oath, require the production for examination of any books 54346
and papers relating to any matter under investigation or in 54347
question before the commission, and make rules as to the 54348
issuance of subpoenas by individual commissioners. 54349

(a) In conducting a hearing or investigation, the commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the premises, records, documents, and other evidence or possible sources of evidence and take and record the testimony or statements of the individuals as reasonably necessary for the furtherance of the hearing or investigation. In investigations, the commission shall comply with the fourth amendment to the United States Constitution relating to unreasonable searches and seizures. The commission or a member of the commission may issue subpoenas to compel access to or the production of premises, records, documents, and other evidence or possible sources of evidence or the appearance of individuals, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in a court of common pleas.

(b) Upon written application by a party to a hearing under division (B) of section 4112.05 or division (G) of section 4112.051 of the Revised Code, the commission shall issue subpoenas in its name to the same extent and subject to the same limitations as subpoenas issued by the commission. Subpoenas issued at the request of a party shall show on their face the name and address of the party and shall state that they were issued at the party's request.

(c) Witnesses summoned by subpoena of the commission are entitled to the witness and mileage fees provided for under section 119.094 of the Revised Code.

(d) Within five days after service of a subpoena upon any

person, the person may petition the commission to revoke or 54380
modify the subpoena. The commission shall grant the petition if 54381
it finds that the subpoena requires an appearance or attendance 54382
at an unreasonable time or place, that it requires production of 54383
evidence that does not relate to any matter before the 54384
commission, that it does not describe with sufficient 54385
particularity the evidence to be produced, that compliance would 54386
be unduly onerous, or for other good reason. 54387

(e) In case of contumacy or refusal to obey a subpoena, 54388
the commission or person at whose request it was issued may 54389
petition for its enforcement in the court of common pleas in the 54390
county in which the person to whom the subpoena was addressed 54391
resides, was served, or transacts business. 54392

(4) Create local or statewide advisory agencies and 54393
conciliation councils to aid in effectuating the purposes of 54394
this chapter. The commission may itself, or it may empower these 54395
agencies and councils to, do either or both of the following: 54396

(a) Study the problems of discrimination in all or 54397
specific fields of human relationships when based on race, 54398
color, religion, sex, military status, familial status, national 54399
origin, disability, age, or ancestry; 54400

(b) Foster through community effort, or otherwise, good 54401
will among the groups and elements of the population of the 54402
state. 54403

The agencies and councils may make recommendations to the 54404
commission for the development of policies and procedures in 54405
general. They shall be composed of representative citizens who 54406
shall serve without pay, except that reimbursement for actual 54407
and necessary traveling expenses shall be made to citizens who 54408

serve on a statewide agency or council. 54409

(5) Issue any publications and the results of 54410
investigations and research that in its judgment will tend to 54411
promote good will and minimize or eliminate discrimination 54412
because of race, color, religion, sex, military status, familial 54413
status, national origin, disability, age, or ancestry. 54414

Sec. 4112.12. (A) There is hereby created the commission 54415
on African-American males, which shall consist of not more than 54416
twenty-five members as follows: the directors or their designees 54417
of the departments of health, development, mental health and 54418
addiction services, and job and family services; the equal 54419
employment opportunity officer of the department of 54420
administrative services or the equal employment opportunity 54421
officer's designee; the executive director or the executive 54422
director's designee of the Ohio civil rights commission; the 54423
executive director or the executive director's designee of the 54424
division of criminal justice services in the department of 54425
public safety; ~~the superintendent of public instruction; the~~ 54426
~~chancellor of higher education or the chancellor's designee of~~ 54427
~~the Ohio board of regents; the director of education and~~ 54428
workforce; two members of the house of representatives appointed 54429
by the speaker of the house of representatives each of whom 54430
shall be members of different political parties; and two members 54431
of the senate appointed by the president of the senate each of 54432
whom shall be members of different political parties. The 54433
members who are members of the general assembly shall be 54434
nonvoting members. The Ohio state university African American 54435
and African studies community extension center, in consultation 54436
with the governor, shall appoint four members from the private 54437
corporate sector, at least four members from the public sector, 54438
and two members from the nonprofit sector. 54439

(B) Terms of office shall be for three years, except that 54440
members of the general assembly appointed to the commission 54441
shall be members only so long as they are members of the general 54442
assembly. Each term ends on the same day of the same month as 54443
did the term that it succeeds. Each member shall hold office 54444
from the date of appointment until the end of the term for which 54445
the member was appointed. Members may be reappointed. Vacancies 54446
shall be filled in the manner provided for original 54447
appointments. Any member appointed to fill a vacancy occurring 54448
prior to the expiration date of the term for which the member's 54449
predecessor was appointed shall hold office as a member for the 54450
remainder of that term. A member shall continue in office 54451
subsequent to the expiration date of the member's term until the 54452
member's successor takes office or until a period of sixty days 54453
has elapsed, whichever occurs first. 54454

The commission annually shall elect a chairperson from 54455
among its members. 54456

(C) Members of the commission and members of subcommittees 54457
appointed under division (B) of section 4112.13 of the Revised 54458
Code shall not be compensated, but shall be reimbursed for their 54459
necessary and actual expenses incurred in the performance of 54460
their official duties. 54461

(D) The Ohio state university African American and African 54462
studies community extension center, in consultation with the 54463
governor, shall appoint an executive director of the commission 54464
on African-American males, who shall be in the unclassified 54465
civil service. The executive director shall supervise the 54466
commission's activities and report to the commission and to the 54467
Ohio state university African American and African studies 54468
community extension center on the progress of those activities. 54469

The executive director shall do all things necessary for the efficient and effective implementation of the duties of the commission.

The responsibilities assigned to the executive director do not relieve the members of the commission from final responsibility for the proper performance of the requirements of this division.

(E) The commission on African-American males shall do all of the following:

(1) Employ, promote, supervise, and remove all employees, as needed, in connection with the performance of its duties under this section;

(2) Maintain its office in Columbus;

(3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses.

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

(5) Follow all state procurement requirements;

(6) Implement the policies and plans of the Ohio state university African American and African studies community extension center as those policies and plans are formulated and adopted by the Ohio state university African American and African studies community extension center;

(7) Report to the Ohio state university African American and African studies community extension center on the progress

of the commission on African-American males in implementing the 54498
policies and plans of the Ohio state university African American 54499
and African studies community extension center. 54500

(F) The commission on African-American males may: 54501

(1) Hold sessions at any place within the state, except 54502
that the commission on African-American males shall meet at 54503
least quarterly; 54504

(2) Establish, change, or abolish positions, and assign 54505
and reassign duties and responsibilities of any employee of the 54506
commission on African-American males as necessary to achieve the 54507
most efficient performance of its functions. 54508

(G) The Ohio state university African American and African 54509
studies community extension center shall establish the overall 54510
policy and management of the commission on African-American 54511
males and shall direct, manage, and oversee the commission. The 54512
Ohio state university African American and African studies 54513
community extension center shall develop overall policies and 54514
plans, and the commission on African-American males shall 54515
implement those policies and plans. The commission on African- 54516
American males, through its executive director, shall keep the 54517
Ohio state university African American and African studies 54518
community extension center informed as to the activities of the 54519
commission on African-American males in such manner and at such 54520
times as the Ohio state university African American and African 54521
studies community extension center shall determine. 54522

The Ohio state university African American and African 54523
studies community extension center may prescribe duties and 54524
responsibilities of the commission on African-American males in 54525
addition to those prescribed in section 4112.13 of the Revised 54526

Code. 54527

(H) The Ohio state university African American and African studies community extension center annually shall contract for a report on the status of African Americans in this state. Issues to be evaluated in the report shall include the criminal justice system, education, employment, health care, and housing, and such other issues as the Ohio state university African American and African studies community extension center may specify. The report shall include policy recommendations relating to the issues covered in the report. 54528
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Sec. 4117.10. (A) An agreement between a public employer and an exclusive representative entered into pursuant to this chapter governs the wages, hours, and terms and conditions of public employment covered by the agreement. If the agreement provides for a final and binding arbitration of grievances, public employers, employees, and employee organizations are subject solely to that grievance procedure and the state personnel board of review or civil service commissions have no jurisdiction to receive and determine any appeals relating to matters that were the subject of a final and binding grievance procedure. Where no agreement exists or where an agreement makes no specification about a matter, the public employer and public employees are subject to all applicable state or local laws or ordinances pertaining to the wages, hours, and terms and conditions of employment for public employees. All of the following prevail over conflicting provisions of agreements between employee organizations and public employers: 54537
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(1) Laws pertaining to any of the following subjects: 54554

(a) Civil rights; 54555

(b) Affirmative action;	54556
(c) Unemployment compensation;	54557
(d) Workers' compensation;	54558
(e) The retirement of public employees;	54559
(f) Residency requirements;	54560
(g) The minimum educational requirements contained in the Revised Code pertaining to public education including the requirement of a certificate by the fiscal officer of a school district pursuant to section 5705.41 of the Revised Code;	54561 54562 54563 54564
(h) The provisions of division (A) of section 124.34 of the Revised Code governing the disciplining of officers and employees who have been convicted of a felony;	54565 54566 54567
(i) The minimum standards promulgated by the state board <u>director of education and workforce</u> pursuant to division (D) of section 3301.07 of the Revised Code.	54568 54569 54570
(2) The law pertaining to the leave of absence and compensation provided under section 5923.05 of the Revised Code, if the terms of the agreement contain benefits which are less than those contained in that section or the agreement contains no such terms and the public authority is the state or any agency, authority, commission, or board of the state or if the public authority is another entity listed in division (B) of section 4117.01 of the Revised Code that elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code;	54571 54572 54573 54574 54575 54576 54577 54578 54579 54580
(3) The law pertaining to the leave established under section 5906.02 of the Revised Code, if the terms of the agreement contain benefits that are less than those contained in	54581 54582 54583

section 5906.02 of the Revised Code; 54584

(4) The law pertaining to excess benefits prohibited under 54585
section 3345.311 of the Revised Code with respect to an 54586
agreement between an employee organization and a public employer 54587
entered into on or after ~~the effective date of this amendment~~ 54588
September 29, 2015. 54589

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 54590
the Revised Code and arrangements entered into thereunder, and 54591
section 4981.21 of the Revised Code as necessary to comply with 54592
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 54593
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 54594
entered into thereunder, this chapter prevails over any and all 54595
other conflicting laws, resolutions, provisions, present or 54596
future, except as otherwise specified in this chapter or as 54597
otherwise specified by the general assembly. Nothing in this 54598
section prohibits or shall be construed to invalidate the 54599
provisions of an agreement establishing supplemental workers' 54600
compensation or unemployment compensation benefits or exceeding 54601
minimum requirements contained in the Revised Code pertaining to 54602
public education or the minimum standards promulgated by the 54603
~~state board director of education and workforce~~ pursuant to 54604
division (D) of section 3301.07 of the Revised Code. 54605

(B) The public employer shall submit a request for funds 54606
necessary to implement an agreement and for approval of any 54607
other matter requiring the approval of the appropriate 54608
legislative body to the legislative body within fourteen days of 54609
the date on which the parties finalize the agreement, unless 54610
otherwise specified, but if the appropriate legislative body is 54611
not in session at the time, then within fourteen days after it 54612
convenes. The legislative body must approve or reject the 54613

submission as a whole, and the submission is deemed approved if 54614
the legislative body fails to act within thirty days after the 54615
public employer submits the agreement. The parties may specify 54616
that those provisions of the agreement not requiring action by a 54617
legislative body are effective and operative in accordance with 54618
the terms of the agreement, provided there has been compliance 54619
with division (C) of this section. If the legislative body 54620
rejects the submission of the public employer, either party may 54621
reopen all or part of the entire agreement. 54622

As used in this section, "legislative body" includes the 54623
governing board of a municipal corporation, school district, 54624
college or university, village, township, or board of county 54625
commissioners or any other body that has authority to approve 54626
the budget of their public jurisdiction and, with regard to the 54627
state, "legislative body" means the controlling board. 54628

(C) The chief executive officer, or the chief executive 54629
officer's representative, of each municipal corporation, the 54630
designated representative of the board of education of each 54631
school district, college or university, or any other body that 54632
has authority to approve the budget of their public 54633
jurisdiction, the designated representative of the board of 54634
county commissioners and of each elected officeholder of the 54635
county whose employees are covered by the collective 54636
negotiations, and the designated representative of the village 54637
or the board of township trustees of each township is 54638
responsible for negotiations in the collective bargaining 54639
process; except that the legislative body may accept or reject a 54640
proposed collective bargaining agreement. When the matters about 54641
which there is agreement are reduced to writing and approved by 54642
the employee organization and the legislative body, the 54643
agreement is binding upon the legislative body, the employer, 54644

and the employee organization and employees covered by the 54645
agreement. 54646

(D) There is hereby established an office of collective 54647
bargaining in the department of administrative services for the 54648
purpose of negotiating with and entering into written agreements 54649
between state agencies, departments, boards, and commissions and 54650
the exclusive representative on matters of wages, hours, terms 54651
and other conditions of employment and the continuation, 54652
modification, or deletion of an existing provision of a 54653
collective bargaining agreement. Nothing in any provision of law 54654
to the contrary shall be interpreted as excluding the bureau of 54655
workers' compensation and the industrial commission from the 54656
preceding sentence. This office shall not negotiate on behalf of 54657
other statewide elected officials or boards of trustees of state 54658
institutions of higher education who shall be considered as 54659
separate public employers for the purposes of this chapter; 54660
however, the office may negotiate on behalf of these officials 54661
or trustees where authorized by the officials or trustees. The 54662
staff of the office of collective bargaining are in the 54663
unclassified service. The director of administrative services 54664
shall fix the compensation of the staff. 54665

The office of collective bargaining shall: 54666

(1) Assist the director in formulating management's 54667
philosophy for public collective bargaining as well as planning 54668
bargaining strategies; 54669

(2) Conduct negotiations with the exclusive 54670
representatives of each employee organization; 54671

(3) Coordinate the state's resources in all mediation, 54672
fact-finding, and arbitration cases as well as in all labor 54673

disputes; 54674

(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations; 54675
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(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes; 54677
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(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government. 54679
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Sec. 4117.102. The state employment relations board shall compile a list of the school districts in the state that have filed with the board agreements entered into with teacher employee organizations under this chapter. The board shall annually update the list to reflect, for each district, for the current fiscal year, the starting salary in the district for teachers with no prior teaching experience who hold bachelors degrees. The board shall send a copy of each annually updated list to the ~~state board~~ department of education and workforce. 54683
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Sec. 4141.01. As used in this chapter, unless the context otherwise requires: 54692
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(A) (1) "Employer" means the state, its instrumentalities, its political subdivisions and their instrumentalities, Indian tribes, and any individual or type of organization including any partnership, limited liability company, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the successor thereof, or the legal representative of a deceased person who subsequent to December 31, 1971, or in the case of political subdivisions or their 54694
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instrumentalities, subsequent to December 31, 1973: 54703

(a) Had in employment at least one individual, or in the 54704
case of a nonprofit organization, subsequent to December 31, 54705
1973, had not less than four individuals in employment for some 54706
portion of a day in each of twenty different calendar weeks, in 54707
either the current or the preceding calendar year whether or not 54708
the same individual was in employment in each such day; or 54709

(b) Except for a nonprofit organization, had paid for 54710
service in employment wages of fifteen hundred dollars or more 54711
in any calendar quarter in either the current or preceding 54712
calendar year; or 54713

(c) Had paid, subsequent to December 31, 1977, for 54714
employment in domestic service in a local college club, or local 54715
chapter of a college fraternity or sorority, cash remuneration 54716
of one thousand dollars or more in any calendar quarter in the 54717
current calendar year or the preceding calendar year, or had 54718
paid subsequent to December 31, 1977, for employment in domestic 54719
service in a private home cash remuneration of one thousand 54720
dollars in any calendar quarter in the current calendar year or 54721
the preceding calendar year: 54722

(i) For the purposes of divisions (A)(1)(a) and (b) of 54723
this section, there shall not be taken into account any wages 54724
paid to, or employment of, an individual performing domestic 54725
service as described in this division. 54726

(ii) An employer under this division shall not be an 54727
employer with respect to wages paid for any services other than 54728
domestic service unless the employer is also found to be an 54729
employer under division (A)(1)(a), (b), or (d) of this section. 54730

(d) As a farm operator or a crew leader subsequent to 54731

December 31, 1977, had in employment individuals in agricultural labor; and 54732
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(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or 54734
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(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or 54737
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(e) Is not otherwise an employer as defined under division (A)(1)(a) or (b) of this section; and 54746
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(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund; 54748
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(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this chapter; or 54755
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(iii) Who became an employer by election under division 54760

(A) (4) or (5) of this section and for the duration of such 54761
election; or 54762

(f) In the case of the state, its instrumentalities, its 54763
political subdivisions, and their instrumentalities, and Indian 54764
tribes, had in employment, as defined in divisions (B) (2) (a) and 54765
(B) (2) (1) of this section, at least one individual; 54766

(g) For the purposes of division (A) (1) (a) of this 54767
section, if any week includes both the thirty-first day of 54768
December and the first day of January, the days of that week 54769
before the first day of January shall be considered one calendar 54770
week and the days beginning the first day of January another 54771
week. 54772

(2) Each individual employed to perform or to assist in 54773
performing the work of any agent or employee of an employer is 54774
employed by such employer for all the purposes of this chapter, 54775
whether such individual was hired or paid directly by such 54776
employer or by such agent or employee, provided the employer had 54777
actual or constructive knowledge of the work. All individuals 54778
performing services for an employer of any person in this state 54779
who maintains two or more establishments within this state are 54780
employed by a single employer for the purposes of this chapter. 54781

(3) An employer subject to this chapter within any 54782
calendar year is subject to this chapter during the whole of 54783
such year and during the next succeeding calendar year. 54784

(4) An employer not otherwise subject to this chapter who 54785
files with the director of job and family services a written 54786
election to become an employer subject to this chapter for not 54787
less than two calendar years shall, with the written approval of 54788
such election by the director, become an employer subject to 54789

this chapter to the same extent as all other employers as of the 54790
date stated in such approval, and shall cease to be subject to 54791
this chapter as of the first day of January of any calendar year 54792
subsequent to such two calendar years only if at least thirty 54793
days prior to such first day of January the employer has filed 54794
with the director a written notice to that effect. 54795

(5) Any employer for whom services that do not constitute 54796
employment are performed may file with the director a written 54797
election that all such services performed by individuals in the 54798
employer's employ in one or more distinct establishments or 54799
places of business shall be deemed to constitute employment for 54800
all the purposes of this chapter, for not less than two calendar 54801
years. Upon written approval of the election by the director, 54802
such services shall be deemed to constitute employment subject 54803
to this chapter from and after the date stated in such approval. 54804
Such services shall cease to be employment subject to this 54805
chapter as of the first day of January of any calendar year 54806
subsequent to such two calendar years only if at least thirty 54807
days prior to such first day of January such employer has filed 54808
with the director a written notice to that effect. 54809

(6) "Employer" does not include a franchisor with respect 54810
to the franchisor's relationship with a franchisee or an 54811
employee of a franchisee, unless the franchisor agrees to assume 54812
that role in writing or a court of competent jurisdiction 54813
determines that the franchisor exercises a type or degree of 54814
control over the franchisee or the franchisee's employees that 54815
is not customarily exercised by a franchisor for the purpose of 54816
protecting the franchisor's trademark, brand, or both. For 54817
purposes of this division, "franchisor" and "franchisee" have 54818
the same meanings as in 16 C.F.R. 436.1. 54819

(B) (1) "Employment" means service performed by an individual for remuneration under any contract of hire, written or oral, express or implied, including service performed in interstate commerce and service performed by an officer of a corporation, without regard to whether such service is executive, managerial, or manual in nature, and without regard to whether such officer is a stockholder or a member of the board of directors of the corporation, unless it is shown to the satisfaction of the director that such individual has been and will continue to be free from direction or control over the performance of such service, both under a contract of service and in fact. The director shall adopt rules to define "direction or control."

(2) "Employment" includes:

(a) Service performed after December 31, 1977, by an individual in the employ of the state or any of its instrumentalities, or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions and without regard to divisions (A) (1) (a) and (b) of this section, provided that such service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) (3) of this section; or the services of employees covered by voluntary election, as provided under divisions (A) (4) and (5) of this section;

(b) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational, or other organization which is excluded from the

term "employment" as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 3306(c) (8) of that act and is not excluded under division (B) (3) of this section; 54850
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(c) Domestic service performed after December 31, 1977, for an employer, as provided in division (A) (1) (c) of this section; 54854
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(d) Agricultural labor performed after December 31, 1977, for a farm operator or a crew leader, as provided in division (A) (1) (d) of this section; 54857
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(e) Subject to division (B) (2) (m) of this section, service not covered under division (B) (1) of this section which is performed after December 31, 1971: 54860
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(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, laundry, or dry-cleaning services, for the individual's employer or principal; 54863
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(ii) As a traveling or city salesperson, other than as an agent-driver or commission-driver, engaged on a full-time basis in the solicitation on behalf of and in the transmission to the salesperson's employer or principal except for sideline sales activities on behalf of some other person of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale, or supplies for use in their business operations, provided that for the purposes of division (B) (2) (e) (ii) of this section, the services shall be deemed employment if the contract of service contemplates that substantially all of the services are to be performed personally by the individual and that the 54867
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individual does not have a substantial investment in facilities 54879
used in connection with the performance of the services other 54880
than in facilities for transportation, and the services are not 54881
in the nature of a single transaction that is not a part of a 54882
continuing relationship with the person for whom the services 54883
are performed. 54884

(f) An individual's entire service performed within or 54885
both within and without the state if: 54886

(i) The service is localized in this state. 54887

(ii) The service is not localized in any state, but some 54888
of the service is performed in this state and either the base of 54889
operations, or if there is no base of operations then the place 54890
from which such service is directed or controlled, is in this 54891
state or the base of operations or place from which such service 54892
is directed or controlled is not in any state in which some part 54893
of the service is performed but the individual's residence is in 54894
this state. 54895

(g) Service not covered under division (B) (2) (f) (ii) of 54896
this section and performed entirely without this state, with 54897
respect to no part of which contributions are required and paid 54898
under an unemployment compensation law of any other state, the 54899
Virgin Islands, Canada, or of the United States, if the 54900
individual performing such service is a resident of this state 54901
and the director approves the election of the employer for whom 54902
such services are performed; or, if the individual is not a 54903
resident of this state but the place from which the service is 54904
directed or controlled is in this state, the entire services of 54905
such individual shall be deemed to be employment subject to this 54906
chapter, provided service is deemed to be localized within this 54907
state if the service is performed entirely within this state or 54908

if the service is performed both within and without this state 54909
but the service performed without this state is incidental to 54910
the individual's service within the state, for example, is 54911
temporary or transitory in nature or consists of isolated 54912
transactions; 54913

(h) Service of an individual who is a citizen of the 54914
United States, performed outside the United States except in 54915
Canada after December 31, 1971, or the Virgin Islands, after 54916
December 31, 1971, and before the first day of January of the 54917
year following that in which the United States secretary of 54918
labor approves the Virgin Islands law for the first time, in the 54919
employ of an American employer, other than service which is 54920
"employment" under divisions (B) (2) (f) and (g) of this section 54921
or similar provisions of another state's law, if: 54922

(i) The employer's principal place of business in the 54923
United States is located in this state; 54924

(ii) The employer has no place of business in the United 54925
States, but the employer is an individual who is a resident of 54926
this state; or the employer is a corporation which is organized 54927
under the laws of this state, or the employer is a partnership 54928
or a trust and the number of partners or trustees who are 54929
residents of this state is greater than the number who are 54930
residents of any other state; or 54931

(iii) None of the criteria of divisions (B) (2) (f) (i) and 54932
(ii) of this section is met but the employer has elected 54933
coverage in this state or the employer having failed to elect 54934
coverage in any state, the individual has filed a claim for 54935
benefits, based on such service, under this chapter. 54936

(i) For the purposes of division (B) (2) (h) of this 54937

section, the term "American employer" means an employer who is 54938
an individual who is a resident of the United States; or a 54939
partnership, if two-thirds or more of the partners are residents 54940
of the United States; or a trust, if all of the trustees are 54941
residents of the United States; or a corporation organized under 54942
the laws of the United States or of any state, provided the term 54943
"United States" includes the states, the District of Columbia, 54944
the Commonwealth of Puerto Rico, and the Virgin Islands. 54945

(j) Notwithstanding any other provisions of divisions (B) 54946
(1) and (2) of this section, service, except for domestic 54947
service in a private home not covered under division (A) (1) (c) 54948
of this section, with respect to which a tax is required to be 54949
paid under any federal law imposing a tax against which credit 54950
may be taken for contributions required to be paid into a state 54951
unemployment fund, or service, except for domestic service in a 54952
private home not covered under division (A) (1) (c) of this 54953
section, which, as a condition for full tax credit against the 54954
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 54955
26 U.S.C.A. 3301 to 3311, is required to be covered under this 54956
chapter. 54957

(k) Construction services performed by any individual 54958
under a construction contract, as defined in section 4141.39 of 54959
the Revised Code, if the director determines that the employer 54960
for whom services are performed has the right to direct or 54961
control the performance of the services and that the individuals 54962
who perform the services receive remuneration for the services 54963
performed. The director shall presume that the employer for whom 54964
services are performed has the right to direct or control the 54965
performance of the services if ten or more of the following 54966
criteria apply: 54967

- (i) The employer directs or controls the manner or method by which instructions are given to the individual performing services; 54968
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- (ii) The employer requires particular training for the individual performing services; 54971
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- (iii) Services performed by the individual are integrated into the regular functioning of the employer; 54973
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- (iv) The employer requires that services be provided by a particular individual; 54975
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- (v) The employer hires, supervises, or pays the wages of the individual performing services; 54977
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- (vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work; 54979
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- (vii) The employer requires the individual to perform services during established hours; 54982
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- (viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer; 54984
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- (ix) The employer requires the individual to perform services on the employer's premises; 54987
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- (x) The employer requires the individual performing services to follow the order of work established by the employer; 54989
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- (xi) The employer requires the individual performing services to make oral or written reports of progress; 54992
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- (xii) The employer makes payment to the individual for 54994

services on a regular basis, such as hourly, weekly, or monthly;	54995
(xiii) The employer pays expenses for the individual performing services;	54996 54997
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	54998 54999
(xv) The individual performing services has not invested in the facilities used to perform services;	55000 55001
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	55002 55003 55004
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	55005 55006
(xviii) The individual performing services does not make the services available to the general public;	55007 55008
(xix) The employer has a right to discharge the individual performing services;	55009 55010
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	55011 55012 55013 55014
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded	55015 55016 55017 55018 55019 55020 55021 55022

under division (B) (3) of this section. 55023

(m) Service performed by an individual for or on behalf of 55024
a motor carrier transporting property as an operator of a 55025
vehicle or vessel, unless all of the following factors apply to 55026
the individual and the motor carrier has not elected to consider 55027
the individual's service as employment: 55028

(i) The individual owns the vehicle or vessel that is used 55029
in performing the services for or on behalf of the carrier, or 55030
the individual leases the vehicle or vessel under a bona fide 55031
lease agreement that is not a temporary replacement lease 55032
agreement. For purposes of this division, a bona fide lease 55033
agreement does not include an agreement between the individual 55034
and the motor carrier transporting property for which, or on 55035
whose behalf, the individual provides services. 55036

(ii) The individual is responsible for supplying the 55037
necessary personal services to operate the vehicle or vessel 55038
used to provide the service. 55039

(iii) The compensation paid to the individual is based on 55040
factors related to work performed, including on a mileage-based 55041
rate or a percentage of any schedule of rates, and not solely on 55042
the basis of the hours or time expended. 55043

(iv) The individual substantially controls the means and 55044
manner of performing the services, in conformance with 55045
regulatory requirements and specifications of the shipper. 55046

(v) The individual enters into a written contract with the 55047
carrier for whom the individual is performing the services that 55048
describes the relationship between the individual and the 55049
carrier to be that of an independent contractor and not that of 55050
an employee. 55051

(vi) The individual is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the individual may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees.

(vii) The individual is responsible for any economic loss or economic gain from the arrangement with the carrier.

(viii) The individual is not performing services described in 26 U.S.C. 3306(c) (7) or (8).

(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B) (2) (j) of this section:

(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A) (1) (d) of this section;

(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A) (1) (c) of this section;

(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B) (2) (a) of this section when performed:

(i) As a publicly elected official;

(ii) As a member of a legislative body, or a member of the

judiciary;	55080
(iii) As a military member of the Ohio national guard;	55081
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	55082 55083 55084 55085
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	55086 55087 55088 55089 55090 55091
(d) In the employ of any governmental unit or instrumentality of the United States;	55092 55093
(e) Service performed after December 31, 1971:	55094
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	55095 55096 55097 55098 55099 55100
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution	55101 55102 55103 55104 55105 55106 55107 55108

has so certified to the employer, provided that this subdivision 55109
shall not apply to service performed in a program established 55110
for or on behalf of an employer or group of employers. 55111

(f) Service performed by an individual in the employ of 55112
the individual's son, daughter, or spouse and service performed 55113
by a child under the age of eighteen in the employ of the 55114
child's father or mother; 55115

(g) Service performed for one or more principals by an 55116
individual who is compensated on a commission basis, who in the 55117
performance of the work is master of the individual's own time 55118
and efforts, and whose remuneration is wholly dependent on the 55119
amount of effort the individual chooses to expend, and which 55120
service is not subject to the "Federal Unemployment Tax Act," 53 55121
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 55122
after December 31, 1971: 55123

(i) By an individual for an employer as an insurance agent 55124
or as an insurance solicitor, if all this service is performed 55125
for remuneration solely by way of commission; 55126

(ii) As a home worker performing work, according to 55127
specifications furnished by the employer for whom the services 55128
are performed, on materials or goods furnished by such employer 55129
which are required to be returned to the employer or to a person 55130
designated for that purpose. 55131

(h) Service performed after December 31, 1971: 55132

(i) In the employ of a church or convention or association 55133
of churches, or in an organization which is operated primarily 55134
for religious purposes and which is operated, supervised, 55135
controlled, or principally supported by a church or convention 55136
or association of churches; 55137

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or

(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work.

(i) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the "Railroad Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;

(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such service does not exceed fifty dollars in any calendar quarter, or if such service is in connection with the collection of dues or premiums for a fraternal beneficial society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order, or association;

(k) Casual labor not in the course of an employer's trade or business; incidental service performed by an officer, appraiser, or member of a finance committee of a bank, building and loan association, savings and loan association, or savings association when the remuneration for such incidental service exclusive of the amount paid or allotted for directors' fees

does not exceed sixty dollars per calendar quarter is casual 55168
labor; 55169

(l) Service performed in the employ of a voluntary 55170
employees' beneficial association providing for the payment of 55171
life, sickness, accident, or other benefits to the members of 55172
such association or their dependents or their designated 55173
beneficiaries, if admission to a membership in such association 55174
is limited to individuals who are officers or employees of a 55175
municipal or public corporation, of a political subdivision of 55176
the state, or of the United States and no part of the net 55177
earnings of such association inures, other than through such 55178
payments, to the benefit of any private shareholder or 55179
individual; 55180

(m) Service performed by an individual in the employ of a 55181
foreign government, including service as a consular or other 55182
officer or employee or of a nondiplomatic representative; 55183

(n) Service performed in the employ of an instrumentality 55184
wholly owned by a foreign government if the service is of a 55185
character similar to that performed in foreign countries by 55186
employees of the United States or of an instrumentality thereof 55187
and if the director finds that the secretary of state of the 55188
United States has certified to the secretary of the treasury of 55189
the United States that the foreign government, with respect to 55190
whose instrumentality exemption is claimed, grants an equivalent 55191
exemption with respect to similar service performed in the 55192
foreign country by employees of the United States and of 55193
instrumentalities thereof; 55194

(o) Service with respect to which unemployment 55195
compensation is payable under an unemployment compensation 55196
system established by an act of congress; 55197

(p) Service performed as a student nurse in the employ of 55198
a hospital or a nurses' training school by an individual who is 55199
enrolled and is regularly attending classes in a nurses' 55200
training school chartered or approved pursuant to state law, and 55201
service performed as an intern in the employ of a hospital by an 55202
individual who has completed a four years' course in a medical 55203
school chartered or approved pursuant to state law; 55204

(q) Service performed by an individual under the age of 55205
eighteen in the delivery or distribution of newspapers or 55206
shopping news, not including delivery or distribution to any 55207
point for subsequent delivery or distribution; 55208

(r) Service performed in the employ of the United States 55209
or an instrumentality of the United States immune under the 55210
Constitution of the United States from the contributions imposed 55211
by this chapter, except that to the extent that congress permits 55212
states to require any instrumentalities of the United States to 55213
make payments into an unemployment fund under a state 55214
unemployment compensation act, this chapter shall be applicable 55215
to such instrumentalities and to services performed for such 55216
instrumentalities in the same manner, to the same extent, and on 55217
the same terms as to all other employers, individuals, and 55218
services, provided that if this state is not certified for any 55219
year by the proper agency of the United States under section 55220
3304 of the "Internal Revenue Code of 1954," the payments 55221
required of such instrumentalities with respect to such year 55222
shall be refunded by the director from the fund in the same 55223
manner and within the same period as is provided in division (E) 55224
of section 4141.09 of the Revised Code with respect to 55225
contributions erroneously collected; 55226

(s) Service performed by an individual as a member of a 55227

band or orchestra, provided such service does not represent the 55228
principal occupation of such individual, and which service is 55229
not subject to or required to be covered for full tax credit 55230
against the tax imposed by the "Federal Unemployment Tax Act," 55231
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 55232

(t) Service performed in the employ of a day camp whose 55233
camping season does not exceed twelve weeks in any calendar 55234
year, and which service is not subject to the "Federal 55235
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 55236
3311. Service performed after December 31, 1971: 55237

(i) In the employ of a hospital, if the service is 55238
performed by a patient of the hospital, as defined in division 55239
(W) of this section; 55240

(ii) For a prison or other correctional institution by an 55241
inmate of the prison or correctional institution; 55242

(iii) Service performed after December 31, 1977, by an 55243
inmate of a custodial institution operated by the state, a 55244
political subdivision, or a nonprofit organization. 55245

(u) Service that is performed by a nonresident alien 55246
individual for the period the individual temporarily is present 55247
in the United States as a nonimmigrant under division (F), (J), 55248
(M), or (Q) of section 101(a)(15) of the "Immigration and 55249
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 55250
that is excluded under section 3306(c)(19) of the "Federal 55251
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 55252
3311. 55253

(v) Notwithstanding any other provisions of division (B) 55254
(3) of this section, services that are excluded under divisions 55255
(B)(3)(g), (j), (k), and (l) of this section shall not be 55256

excluded from employment when performed for a nonprofit 55257
organization, as defined in division (X) of this section, or for 55258
this state or its instrumentalities, or for a political 55259
subdivision or its instrumentalities or for Indian tribes; 55260

(w) Service that is performed by an individual working as 55261
an election official or election worker if the amount of 55262
remuneration received by the individual during the calendar year 55263
for services as an election official or election worker is less 55264
than one thousand dollars; 55265

(x) Service performed for an elementary or secondary 55266
school that is operated primarily for religious purposes, that 55267
is described in subsection 501(c)(3) and exempt from federal 55268
income taxation under subsection 501(a) of the Internal Revenue 55269
Code, 26 U.S.C.A. 501; 55270

(y) Service performed by a person committed to a penal 55271
institution. 55272

(z) Service performed for an Indian tribe as described in 55273
division (B)(2)(1) of this section when performed in any of the 55274
following manners: 55275

(i) As a publicly elected official; 55276

(ii) As a member of an Indian tribal council; 55277

(iii) As a member of a legislative or judiciary body; 55278

(iv) In a position which, pursuant to Indian tribal law, 55279
is designated as a major nontenured policymaking or advisory 55280
position, or a policymaking or advisory position where the 55281
performance of the duties ordinarily does not require more than 55282
eight hours of time per week; 55283

(v) As an employee serving on a temporary basis in the 55284

case of a fire, storm, snow, earthquake, flood, or similar emergency. 55285
55286

(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training. 55287
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(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code. 55295
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(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an employee for the person employing that employee do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in division (B) (4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of remuneration is ordinarily made to the employee by the person employing that employee. Division (B) (4) of this section does not apply to services performed in a pay period by an employee for the person employing that employee, if any of such service is excepted by division (B) (3) (o) of this section. 55297
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(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's 55312
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unemployment. 55315

(D) "Benefit rights" means the weekly benefit amount and 55316
the maximum benefit amount that may become payable to an 55317
individual within the individual's benefit year as determined by 55318
the director. 55319

(E) "Claim for benefits" means a claim for waiting period 55320
or benefits for a designated week. 55321

(F) "Additional claim" means the first claim for benefits 55322
filed following any separation from employment during a benefit 55323
year; "continued claim" means any claim other than the first 55324
claim for benefits and other than an additional claim. 55325

(G) "Wages" means remuneration paid to an employee by each 55326
of the employee's employers with respect to employment; except 55327
that wages shall not include that part of remuneration paid 55328
during any calendar year to an individual by an employer or such 55329
employer's predecessor in interest in the same business or 55330
enterprise, which in any calendar year is in excess of nine 55331
thousand dollars on and after January 1, 1995; nine thousand 55332
five hundred dollars on and after January 1, 2018; and nine 55333
thousand dollars on and after January 1, 2020. Remuneration in 55334
excess of such amounts shall be deemed wages subject to 55335
contribution to the same extent that such remuneration is 55336
defined as wages under the "Federal Unemployment Tax Act," 84 55337
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 55338
remuneration paid an employee by an employer with respect to 55339
employment in another state, upon which contributions were 55340
required and paid by such employer under the unemployment 55341
compensation act of such other state, shall be included as a 55342
part of remuneration in computing the amount specified in this 55343
division. 55344

(H) (1) "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash, except that in the case of agricultural or domestic service, "remuneration" includes only cash remuneration. Gratuities customarily received by an individual in the course of the individual's employment from persons other than the individual's employer and which are accounted for by such individual to the individual's employer are taxable wages.

The reasonable cash value of compensation paid in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the director, provided that "remuneration" does not include:

(a) Payments as provided in divisions (b) (2) to (b) (20) of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, as amended;

(b) The payment by an employer, without deduction from the remuneration of the individual in the employer's employ, of the tax imposed upon an individual in the employer's employ under section 3101 of the "Internal Revenue Code of 1954," with respect to services performed after October 1, 1941.

(2) "Cash remuneration" means all remuneration paid in cash, including commissions and bonuses, but not including the cash value of all compensation in any medium other than cash.

(I) "Interested party" means the director and any party to whom notice of a determination of an application for benefit rights or a claim for benefits is required to be given under section 4141.28 of the Revised Code.

(J) "Annual payroll" means the total amount of wages

subject to contributions during a twelve-month period ending 55374
with the last day of the second calendar quarter of any calendar 55375
year. 55376

(K) "Average annual payroll" means the average of the last 55377
three annual payrolls of an employer, provided that if, as of 55378
any computation date, the employer has had less than three 55379
annual payrolls in such three-year period, such average shall be 55380
based on the annual payrolls which the employer has had as of 55381
such date. 55382

(L) (1) "Contributions" means the money payments to the 55383
state unemployment compensation fund required of employers by 55384
section 4141.25 of the Revised Code and of the state and any of 55385
its political subdivisions electing to pay contributions under 55386
section 4141.242 of the Revised Code. Employers paying 55387
contributions shall be described as "contributory employers." 55388

(2) "Payments in lieu of contributions" means the money 55389
payments to the state unemployment compensation fund required of 55390
reimbursing employers under sections 4141.241 and 4141.242 of 55391
the Revised Code. 55392

(M) An individual is "totally unemployed" in any week 55393
during which the individual performs no services and with 55394
respect to such week no remuneration is payable to the 55395
individual. 55396

(N) An individual is "partially unemployed" in any week 55397
if, due to involuntary loss of work, the total remuneration 55398
payable to the individual for such week is less than the 55399
individual's weekly benefit amount. 55400

(O) "Week" means the calendar week ending at midnight 55401
Saturday unless an equivalent week of seven consecutive calendar 55402

days is prescribed by the director. 55403

(1) "Qualifying week" means any calendar week in an 55404
individual's base period with respect to which the individual 55405
earns or is paid remuneration in employment subject to this 55406
chapter. A calendar week with respect to which an individual 55407
earns remuneration but for which payment was not made within the 55408
base period, when necessary to qualify for benefit rights, may 55409
be considered to be a qualifying week. The number of qualifying 55410
weeks which may be established in a calendar quarter shall not 55411
exceed the number of calendar weeks in the quarter. 55412

(2) "Average weekly wage" means the amount obtained by 55413
dividing an individual's total remuneration for all qualifying 55414
weeks during the base period by the number of such qualifying 55415
weeks, provided that if the computation results in an amount 55416
that is not a multiple of one dollar, such amount shall be 55417
rounded to the next lower multiple of one dollar. 55418

(P) "Weekly benefit amount" means the amount of benefits 55419
an individual would be entitled to receive for one week of total 55420
unemployment. 55421

(Q) (1) "Base period" means the first four of the last five 55422
completed calendar quarters immediately preceding the first day 55423
of an individual's benefit year, except as provided in division 55424
(Q) (2) of this section. 55425

(2) If an individual does not have sufficient qualifying 55426
weeks and wages in the base period to qualify for benefit 55427
rights, the individual's base period shall be the four most 55428
recently completed calendar quarters preceding the first day of 55429
the individual's benefit year. Such base period shall be known 55430
as the "alternate base period." If information as to weeks and 55431

wages for the most recent quarter of the alternate base period 55432
is not available to the director from the regular quarterly 55433
reports of wage information, which are systematically 55434
accessible, the director may, consistent with the provisions of 55435
section 4141.28 of the Revised Code, base the determination of 55436
eligibility for benefits on the affidavit of the claimant with 55437
respect to weeks and wages for that calendar quarter. The 55438
claimant shall furnish payroll documentation, where available, 55439
in support of the affidavit. The determination based upon the 55440
alternate base period as it relates to the claimant's benefit 55441
rights, shall be amended when the quarterly report of wage 55442
information from the employer is timely received and that 55443
information causes a change in the determination. As provided in 55444
division (B) of section 4141.28 of the Revised Code, any 55445
benefits paid and charged to an employer's account, based upon a 55446
claimant's affidavit, shall be adjusted effective as of the 55447
beginning of the claimant's benefit year. No calendar quarter in 55448
a base period or alternate base period shall be used to 55449
establish a subsequent benefit year. 55450

(3) The "base period" of a combined wage claim, as 55451
described in division (H) of section 4141.43 of the Revised 55452
Code, shall be the base period prescribed by the law of the 55453
state in which the claim is allowed. 55454

(4) For purposes of determining the weeks that comprise a 55455
completed calendar quarter under this division, only those weeks 55456
ending at midnight Saturday within the calendar quarter shall be 55457
utilized. 55458

(R) (1) "Benefit year" with respect to an individual means 55459
the fifty-two week period beginning with the first day of that 55460
week with respect to which the individual first files a valid 55461

application for determination of benefit rights, and thereafter 55462
the fifty-two week period beginning with the first day of that 55463
week with respect to which the individual next files a valid 55464
application for determination of benefit rights after the 55465
termination of the individual's last preceding benefit year, 55466
except that the application shall not be considered valid unless 55467
the individual has had employment in six weeks that is subject 55468
to this chapter or the unemployment compensation act of another 55469
state, or the United States, and has, since the beginning of the 55470
individual's previous benefit year, in the employment earned 55471
three times the average weekly wage determined for the previous 55472
benefit year. The "benefit year" of a combined wage claim, as 55473
described in division (H) of section 4141.43 of the Revised 55474
Code, shall be the benefit year prescribed by the law of the 55475
state in which the claim is allowed. Any application for 55476
determination of benefit rights made in accordance with section 55477
4141.28 of the Revised Code is valid if the individual filing 55478
such application is unemployed, has been employed by an employer 55479
or employers subject to this chapter in at least twenty 55480
qualifying weeks within the individual's base period, and has 55481
earned or been paid remuneration at an average weekly wage of 55482
not less than twenty-seven and one-half per cent of the 55483
statewide average weekly wage for such weeks. For purposes of 55484
determining whether an individual has had sufficient employment 55485
since the beginning of the individual's previous benefit year to 55486
file a valid application, "employment" means the performance of 55487
services for which remuneration is payable. 55488

(2) Effective for benefit years beginning on and after 55489
December 26, 2004, but before July 1, 2022, any application for 55490
determination of benefit rights made in accordance with section 55491
4141.28 of the Revised Code is valid if the individual satisfies 55492

the criteria described in division (R) (1) of this section, and 55493
if the reason for the individual's separation from employment is 55494
not disqualifying pursuant to division (D) (2) of section 4141.29 55495
or section 4141.291 of the Revised Code. A disqualification 55496
imposed pursuant to division (D) (2) of section 4141.29 or 55497
section 4141.291 of the Revised Code must be removed as provided 55498
in those sections as a requirement of establishing a valid 55499
application for benefit years beginning on and after December 55500
26, 2004, but before July 1, 2022. Effective for benefit years 55501
beginning on and after July 1, 2022, any application for 55502
determination of benefit rights made in accordance with section 55503
4141.28 of the Revised Code is valid if the individual satisfies 55504
the criteria described in division (R) (1) of this section. A 55505
disqualification imposed pursuant to division (D) (2) of section 55506
4141.29 or section 4141.291 of the Revised Code does not affect 55507
the validity of an application. 55508

(3) The statewide average weekly wage shall be calculated 55509
by the director once a year based on the twelve-month period 55510
ending the thirtieth day of June, as set forth in division (B) 55511
(3) of section 4141.30 of the Revised Code, rounded down to the 55512
nearest dollar. Increases or decreases in the amount of 55513
remuneration required to have been earned or paid in order for 55514
individuals to have filed valid applications shall become 55515
effective on Sunday of the calendar week in which the first day 55516
of January occurs that follows the twelve-month period ending 55517
the thirtieth day of June upon which the calculation of the 55518
statewide average weekly wage was based. 55519

(4) As used in this division, an individual is 55520
"unemployed" if, with respect to the calendar week in which such 55521
application is filed, the individual is "partially unemployed" 55522
or "totally unemployed" as defined in this section or if, prior 55523

to filing the application, the individual was separated from the 55524
individual's most recent work for any reason which terminated 55525
the individual's employee-employer relationship, or was laid off 55526
indefinitely or for a definite period of seven or more days. 55527

(S) "Calendar quarter" means the period of three 55528
consecutive calendar months ending on the thirty-first day of 55529
March, the thirtieth day of June, the thirtieth day of 55530
September, and the thirty-first day of December, or the 55531
equivalent thereof as the director prescribes by rule. 55532

(T) "Computation date" means the first day of the third 55533
calendar quarter of any calendar year. 55534

(U) "Contribution period" means the calendar year 55535
beginning on the first day of January of any year. 55536

(V) "Agricultural labor," for the purpose of this 55537
division, means any service performed prior to January 1, 1972, 55538
which was agricultural labor as defined in this division prior 55539
to that date, and service performed after December 31, 1971: 55540

(1) On a farm, in the employ of any person, in connection 55541
with cultivating the soil, or in connection with raising or 55542
harvesting any agricultural or horticultural commodity, 55543
including the raising, shearing, feeding, caring for, training, 55544
and management of livestock, bees, poultry, and fur-bearing 55545
animals and wildlife; 55546

(2) In the employ of the owner or tenant or other operator 55547
of a farm in connection with the operation, management, 55548
conservation, improvement, or maintenance of such farm and its 55549
tools and equipment, or in salvaging timber or clearing land of 55550
brush and other debris left by hurricane, if the major part of 55551
such service is performed on a farm; 55552

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 U.S.C. 1141j, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity, but only if the operator produced more than one half of the commodity with respect to which such service is performed;

(5) In the employ of a group of operators of farms, or a cooperative organization of which the operators are members, in the performance of service described in division (V) (4) of this section, but only if the operators produced more than one-half of the commodity with respect to which the service is performed;

(6) Divisions (V) (4) and (5) of this section shall not be deemed to be applicable with respect to service performed:

(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(b) On a farm operated for profit if the service is not in the course of the employer's trade or business.

As used in division (V) of this section, "farm" includes

stock, dairy, poultry, fruit, fur-bearing animal, and truck 55582
farms, plantations, ranches, nurseries, ranges, greenhouses, or 55583
other similar structures used primarily for the raising of 55584
agricultural or horticultural commodities and orchards. 55585

(W) "Hospital" means an institution which has been 55586
registered or licensed by the Ohio department of health as a 55587
hospital. 55588

(X) "Nonprofit organization" means an organization, or 55589
group of organizations, described in section 501(c)(3) of the 55590
"Internal Revenue Code of 1954," and exempt from income tax 55591
under section 501(a) of that code. 55592

(Y) "Institution of higher education" means a public or 55593
nonprofit educational institution, including an educational 55594
institution operated by an Indian tribe, which: 55595

(1) Admits as regular students only individuals having a 55596
certificate of graduation from a high school, or the recognized 55597
equivalent; 55598

(2) Is legally authorized in this state or by the Indian 55599
tribe to provide a program of education beyond high school; and 55600

(3) Provides an educational program for which it awards a 55601
bachelor's or higher degree, or provides a program which is 55602
acceptable for full credit toward such a degree, a program of 55603
post-graduate or post-doctoral studies, or a program of training 55604
to prepare students for gainful employment in a recognized 55605
occupation. 55606

For the purposes of this division, all colleges and 55607
universities in this state are institutions of higher education. 55608

(Z) For the purposes of this chapter, "states" includes 55609

the District of Columbia, the Commonwealth of Puerto Rico, and 55610
the Virgin Islands. 55611

(AA) "Alien" means, for the purposes of division (A) (1) (d) 55612
of this section, an individual who is an alien admitted to the 55613
United States to perform service in agricultural labor pursuant 55614
to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 55615
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 55616

(BB) (1) "Crew leader" means an individual who furnishes 55617
individuals to perform agricultural labor for any other employer 55618
or farm operator, and: 55619

(a) Pays, either on the individual's own behalf or on 55620
behalf of the other employer or farm operator, the individuals 55621
so furnished by the individual for the service in agricultural 55622
labor performed by them; 55623

(b) Has not entered into a written agreement with the 55624
other employer or farm operator under which the agricultural 55625
worker is designated as in the employ of the other employer or 55626
farm operator. 55627

(2) For the purposes of this chapter, any individual who 55628
is a member of a crew furnished by a crew leader to perform 55629
service in agricultural labor for any other employer or farm 55630
operator shall be treated as an employee of the crew leader if: 55631

(a) The crew leader holds a valid certificate of 55632
registration under the "Farm Labor Contractor Registration Act 55633
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 55634

(b) Substantially all the members of the crew operate or 55635
maintain tractors, mechanized harvesting or crop-dusting 55636
equipment, or any other mechanized equipment, which is provided 55637
by the crew leader; and 55638

(c) If the individual is not in the employment of the 55639
other employer or farm operator within the meaning of division 55640
(B) (1) of this section. 55641

(3) For the purposes of this division, any individual who 55642
is furnished by a crew leader to perform service in agricultural 55643
labor for any other employer or farm operator and who is not 55644
treated as in the employment of the crew leader under division 55645
(BB) (2) of this section shall be treated as the employee of the 55646
other employer or farm operator and not of the crew leader. The 55647
other employer or farm operator shall be treated as having paid 55648
cash remuneration to the individual in an amount equal to the 55649
amount of cash remuneration paid to the individual by the crew 55650
leader, either on the crew leader's own behalf or on behalf of 55651
the other employer or farm operator, for the service in 55652
agricultural labor performed for the other employer or farm 55653
operator. 55654

(CC) "Educational institution" means an institution other 55655
than an institution of higher education as defined in division 55656
(Y) of this section, including an educational institution 55657
operated by an Indian tribe, which: 55658

(1) Offers participants, trainees, or students an 55659
organized course of study or training designed to transfer to 55660
them knowledge, skills, information, doctrines, attitudes, or 55661
abilities from, by, or under the guidance of an instructor or 55662
teacher; and 55663

(2) Is approved, chartered, or issued a permit to operate 55664
as a school by the ~~state board~~ director of education and 55665
workforce, other government agency, or Indian tribe that is 55666
authorized within the state to approve, charter, or issue a 55667
permit for the operation of a school. 55668

For the purposes of this division, the courses of study or 55669
training which the institution offers may be academic, 55670
technical, trade, or preparation for gainful employment in a 55671
recognized occupation. 55672

(DD) "Cost savings day" means any unpaid day off from work 55673
in which employees continue to accrue employee benefits which 55674
have a determinable value including, but not limited to, 55675
vacation, pension contribution, sick time, and life and health 55676
insurance. 55677

(EE) "Motor carrier" has the same meaning as in section 55678
4923.01 of the Revised Code. 55679

Sec. 4141.47. (A) There is hereby created the auxiliary 55680
services personnel unemployment compensation fund, which shall 55681
not be a part of the state treasury. The fund shall consist of 55682
moneys paid into the fund pursuant to section 3317.06 of the 55683
Revised Code. The treasurer of state shall administer it in 55684
accordance with the directions of the director of job and family 55685
services. The director shall establish procedures under which 55686
school districts that are charged and have paid for unemployment 55687
benefits as reimbursing employers pursuant to this chapter for 55688
personnel employed pursuant to section 3317.06 of the Revised 55689
Code may apply for and receive reimbursement for those payments 55690
under this section. School districts are not entitled to 55691
reimbursement for any delinquency charges, except as otherwise 55692
provided by law. In the case of school districts electing to pay 55693
contributions under section 4141.242 of the Revised Code, the 55694
director shall establish procedures for reimbursement of the 55695
district from the fund of contributions made on wages earned by 55696
any auxiliary service personnel. 55697

(B) In the event of the termination of the auxiliary 55698

services program established pursuant to section 3317.06 of the Revised Code, and after the director has made reimbursement to school districts for all possible unemployment compensation claims of persons who were employed pursuant to section 3317.06 of the Revised Code, the director shall certify that fact to the treasurer of state, who shall then transfer all unexpended moneys in the auxiliary services personnel unemployment compensation fund to the general revenue fund. In the event the auxiliary services personnel unemployment compensation fund contains insufficient moneys to pay all valid claims by school districts for reimbursement pursuant to this section, the director shall estimate the total additional amount necessary to meet the liabilities of the fund and submit a request to the general assembly for an appropriation of that amount of money from the general revenue fund to the auxiliary services personnel unemployment compensation fund.

(C) All disbursements from the auxiliary services personnel unemployment compensation fund shall be paid by the treasurer of state on warrants drawn by the director. The warrants may bear the facsimile signature of the director printed thereon or that of a deputy or other employee of the director charged with the duty of keeping the account of the fund. Moneys in the fund shall be maintained in a separate account on the books of the depository bank. The money shall be secured by the depository bank to the same extent and in the same manner as required by Chapter 135. of the Revised Code. All sums recovered for losses sustained by the fund shall be deposited therein. The treasurer of state is liable on the treasurer of state's official bond for the faithful performance of the treasurer of state's duties in connection with the fund.

(D) All necessary and proper expenses incurred in

administering this section shall be paid to the director from 55730
the auxiliary services personnel unemployment compensation fund. 55731
For this purpose, there is hereby created in the state treasury 55732
the auxiliary services program administrative fund. The 55733
treasurer of state, pursuant to the warrant procedures specified 55734
in division (C) of this section, shall advance moneys as 55735
requested by the director from the auxiliary services personnel 55736
unemployment compensation fund to the auxiliary services program 55737
administrative fund. The director periodically may request the 55738
advance of such moneys as in the treasurer of state's opinion 55739
are needed to meet anticipated administrative expenses and may 55740
make disbursements from the auxiliary services program 55741
administrative fund to pay those expenses. 55742

(E) Upon receipt of a certification from the department of 55743
education and workforce regarding a refund to a board of 55744
education pursuant to section 3317.06 of the Revised Code, the 55745
director shall issue a refund in the amount certified to the 55746
board from the auxiliary services personnel unemployment 55747
compensation fund. 55748

Sec. 4506.09. (A) The registrar of motor vehicles, subject 55749
to approval by the director of public safety, shall adopt rules 55750
conforming with applicable standards adopted by the federal 55751
motor carrier safety administration as regulations under Pub. L. 55752
No. 103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 55753
31317. The rules shall establish requirements for the 55754
qualification and testing of persons applying for a commercial 55755
driver's license, which are in addition to other requirements 55756
established by this chapter. Except as provided in division (B) 55757
of this section, the highway patrol or any other employee of the 55758
department of public safety the registrar authorizes shall 55759
supervise and conduct the testing of persons applying for a 55760

commercial driver's license. 55761

(B) The director may adopt rules, in accordance with 55762
Chapter 119. of the Revised Code and applicable requirements of 55763
the federal motor carrier safety administration, authorizing the 55764
skills test specified in this section to be administered by any 55765
person, by an agency of this or another state, or by an agency, 55766
department, or instrumentality of local government. Each party 55767
authorized under this division to administer the skills test may 55768
charge a maximum divisible fee of one hundred fifteen dollars 55769
for each skills test given as part of a commercial driver's 55770
license examination. The fee shall consist of not more than 55771
twenty-seven dollars for the pre-trip inspection portion of the 55772
test, not more than twenty-seven dollars for the off-road 55773
maneuvering portion of the test, and not more than sixty-one 55774
dollars for the on-road portion of the test. Each such party may 55775
require an appointment fee in the same manner provided in 55776
division (E) (2) of this section, except that the maximum amount 55777
such a party may require as an appointment fee is one hundred 55778
fifteen dollars. The skills test administered by another party 55779
under this division shall be the same as otherwise would be 55780
administered by this state. The other party shall enter into an 55781
agreement with the director that, without limitation, does all 55782
of the following: 55783

(1) Allows the director or the director's representative 55784
and the federal motor carrier safety administration or its 55785
representative to conduct random examinations, inspections, and 55786
audits of the other party, whether covert or overt, without 55787
prior notice; 55788

(2) Requires the director or the director's representative 55789
to conduct on-site inspections of the other party at least 55790

annually; 55791

(3) Requires that all examiners of the other party meet 55792
the same qualification and training standards as examiners of 55793
the department of public safety, including criminal background 55794
checks, to the extent necessary to conduct skills tests in the 55795
manner required by 49 C.F.R. 383.110 through 383.135. In 55796
accordance with federal guidelines, any examiner employed on 55797
July 1, 2017, shall have a criminal background check conducted 55798
at least once, and any examiner hired after July 1, 2015, shall 55799
have a criminal background check conducted after the examiner is 55800
initially hired. 55801

(4) Requires either that state employees take, at least 55802
annually and as though the employees were test applicants, the 55803
tests actually administered by the other party, that the 55804
director test a sample of drivers who were examined by the other 55805
party to compare the test results, or that state employees 55806
accompany a test applicant during an actual test; 55807

(5) Unless the other party is a governmental entity, 55808
requires the other party to initiate and maintain a bond in an 55809
amount determined by the director to sufficiently pay for the 55810
retesting of drivers in the event that the other party or its 55811
skills test examiners are involved in fraudulent activities 55812
related to skills testing; 55813

(6) Requires the other party to use only skills test 55814
examiners who have successfully completed a commercial driver's 55815
license examiner training course as prescribed by the director, 55816
and have been certified by the state as a commercial driver's 55817
license skills test examiner qualified to administer skills 55818
tests; 55819

- (7) Requires the other party to use designated road test routes that have been approved by the director; 55820
55821
- (8) Requires the other party to submit a schedule of skills test appointments to the director not later than two business days prior to each skills test; 55822
55823
55824
- (9) Requires the other party to maintain copies of the following records at its principal place of business: 55825
55826
- (a) The other party's commercial driver's license skills testing program certificate; 55827
55828
- (b) Each skills test examiner's certificate of authorization to administer skills tests for the classes and types of commercial motor vehicles listed in the certificate; 55829
55830
55831
- (c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years; 55832
55833
- (d) A complete list of the test routes that have been approved by the director; 55834
55835
- (e) A complete and accurate copy of each examiner's training record. 55836
55837
- (10) If the other party also is a driver training school, prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained; 55838
55839
55840
- (11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two different individuals per calendar year; 55841
55842
55843
- (12) Reserves to this state the right to take prompt and appropriate remedial action against the other party and its skills test examiners if the other party or its skills test 55844
55845
55846

examiners fail to comply with standards of this state or federal 55847
standards for the testing program or with any other terms of the 55848
contract. 55849

(C) The director shall enter into an agreement with the 55850
department of education and workforce authorizing the skills 55851
test specified in this section to be administered by the 55852
department at any location operated by the department for 55853
purposes of training and testing school bus drivers, provided 55854
that the agreement between the director and the department 55855
complies with the requirements of division (B) of this section. 55856
Skills tests administered by the department shall be limited to 55857
persons applying for a commercial driver's license with a school 55858
bus endorsement. 55859

(D) (1) The director shall adopt rules, in accordance with 55860
Chapter 119. of the Revised Code, authorizing waiver of the 55861
skills test specified in this section for any applicant for a 55862
commercial driver's license who meets all of the following 55863
requirements: 55864

(a) As authorized under 49 C.F.R. 383.77, the applicant 55865
operates a commercial motor vehicle for military purposes and is 55866
one of the following: 55867

(i) Active duty military personnel; 55868

(ii) A member of the military reserves; 55869

(iii) A member of the national guard on active duty, 55870
including full-time national guard duty, part-time national 55871
guard training, and national guard military technicians; 55872

(iv) Active duty U.S. coast guard personnel. 55873

(b) The applicant certifies that, during the two-year 55874

period immediately preceding application for a commercial driver's license, all of the following apply: 55875
55876

(i) The applicant has not had more than one license, excluding any military license. 55877
55878

(ii) The applicant has not had any license suspended, revoked, or canceled. 55879
55880

(iii) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code. 55881
55882
55883
55884

(iv) The applicant has not had more than one conviction for any type of motor vehicle for a serious traffic violation. 55885
55886

(v) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault. 55887
55888
55889
55890
55891

(c) In accordance with rules adopted by the director, the applicant certifies and also provides evidence of all of the following: 55892
55893
55894

(i) That the applicant is or was regularly employed in a military position requiring operation of a commercial motor vehicle; 55895
55896
55897

(ii) That the applicant was exempt from the requirements of this chapter under division (B) (6) of section 4506.03 of the Revised Code; 55898
55899
55900

(iii) That, for at least two years immediately preceding the date of application or at least two years immediately 55901
55902

preceding the date the applicant separated from military service 55903
or employment, the applicant regularly operated a vehicle 55904
representative of the commercial motor vehicle type that the 55905
applicant operates or expects to operate. 55906

(2) The waiver established under division (D)(1) of this 55907
section does not apply to United States reserve technicians. 55908

(E)(1) The department of public safety may charge and 55909
collect a divisible fee of fifty dollars for each skills test 55910
given as part of a commercial driver's license examination. The 55911
fee shall consist of ten dollars for the pre-trip inspection 55912
portion of the test, ten dollars for the off-road maneuvering 55913
portion of the test, and thirty dollars for the on-road portion 55914
of the test. 55915

(2) No applicant is eligible to take the skills test until 55916
a minimum of fourteen days have elapsed since the initial 55917
issuance of a commercial driver's license temporary instruction 55918
permit to the applicant. The director may require an applicant 55919
for a commercial driver's license who schedules an appointment 55920
with the highway patrol or other authorized employee of the 55921
department of public safety to take all portions of the skills 55922
test and to pay an appointment fee of fifty dollars at the time 55923
of scheduling the appointment. If the applicant appears at the 55924
time and location specified for the appointment and takes all 55925
portions of the skills test during that appointment, the 55926
appointment fee serves as the skills test fee. If the applicant 55927
schedules an appointment to take all portions of the skills test 55928
and fails to appear at the time and location specified for the 55929
appointment, the director shall not refund any portion of the 55930
appointment fee. If the applicant schedules an appointment to 55931
take all portions of the skills test and appears at the time and 55932

location specified for the appointment, but declines or is 55933
unable to take all portions of the skills test, the director 55934
shall not refund any portion of the appointment fee. If the 55935
applicant cancels a scheduled appointment forty-eight hours or 55936
more prior to the time of the appointment time, the applicant 55937
shall not forfeit the appointment fee. 55938

An applicant for a commercial driver's license who 55939
schedules an appointment to take one or more, but not all, 55940
portions of the skills test is required to pay an appointment 55941
fee equal to the costs of each test scheduled, as prescribed in 55942
division (E)(1) of this section, when scheduling such an 55943
appointment. If the applicant appears at the time and location 55944
specified for the appointment and takes all the portions of the 55945
skills test during that appointment that the applicant was 55946
scheduled to take, the appointment fee serves as the skills test 55947
fee. If the applicant schedules an appointment to take one or 55948
more, but not all, portions of the skills test and fails to 55949
appear at the time and location specified for the appointment, 55950
the director shall not refund any portion of the appointment 55951
fee. If the applicant schedules an appointment to take one or 55952
more, but not all, portions of the skills test and appears at 55953
the time and location specified for the appointment, but 55954
declines or is unable to take all portions of the skills test 55955
that the applicant was scheduled to take, the director shall not 55956
refund any portion of the appointment fee. If the applicant 55957
cancels a scheduled appointment forty-eight hours or more prior 55958
to the time of the appointment time, the applicant shall not 55959
forfeit the appointment fee. 55960

(3) The department of public safety shall deposit all fees 55961
it collects under division (E) of this section in the public 55962
safety - highway purposes fund established in section 4501.06 of 55963

the Revised Code. 55964

(F) (1) Unless an applicant for a commercial driver's 55965
license has successfully completed the training required under 55966
49 C.F.R. 380, subpart F, the applicant is not eligible to do 55967
any of the following: 55968

(a) Take the skills test required for initial issuance of 55969
a class A or a class B commercial driver's license; 55970

(b) Take the skills test required for initial issuance of 55971
a passenger (P) or school bus (S) endorsement on the applicant's 55972
commercial driver's license; 55973

(c) Take the knowledge test required for initial issuance 55974
of a hazardous materials (H) endorsement on the applicant's 55975
commercial driver's license. 55976

Before an applicant takes the applicable skills or 55977
knowledge test, the registrar shall electronically verify, 55978
through the federal motor carrier safety administration's 55979
training provider registry, that an applicant has completed the 55980
required training under 49 C.F.R. 380, subpart F. 55981

(2) The training required under 49 C.F.R. 380, subpart F, 55982
and under division (F) (1) of this section may be provided by 55983
either of the following: 55984

(a) A driver training school pursuant to section 4508.031 55985
of the Revised Code; 55986

(b) An authorized driver training provider listed on the 55987
federal motor carrier safety administration's training provider 55988
registry. 55989

(G) A person who has successfully completed commercial 55990
driver's license training in this state but seeks a commercial 55991

driver's license in another state where the person is domiciled 55992
may schedule an appointment to take the skills test in this 55993
state and shall pay the appropriate appointment fee. Upon the 55994
person's completion of the skills test, this state shall 55995
electronically transmit the applicant's results to the state 55996
where the person is domiciled. If a person who is domiciled in 55997
this state takes a skills test in another state, this state 55998
shall accept the results of the skills test from the other 55999
state. If the person passed the other state's skills test and 56000
meets all of the other licensing requirements set forth in this 56001
chapter and rules adopted under this chapter, the registrar of 56002
motor vehicles or a deputy registrar shall issue a commercial 56003
driver's license to that person. 56004

(H) Unless otherwise specified, the director or the 56005
director's representative shall conduct the examinations, 56006
inspections, audits, and test monitoring set forth in divisions 56007
(B) (2), (3), and (4) of this section at least annually. If the 56008
other party or any of its skills test examiners fail to comply 56009
with state or federal standards for the skills testing program, 56010
the director or the director's representative shall take prompt 56011
and appropriate remedial action against the party and its skills 56012
test examiners. Remedial action may include termination of the 56013
agreement or revocation of a skills test examiner's 56014
certification. 56015

(I) As used in this section, "skills test" means a test of 56016
an applicant's ability to drive the type of commercial motor 56017
vehicle for which the applicant seeks a commercial driver's 56018
license by having the applicant drive such a motor vehicle while 56019
under the supervision of an authorized state driver's license 56020
examiner or tester. 56021

Sec. 4506.10. (A) No person who holds a valid commercial driver's license shall drive a commercial motor vehicle unless the person is physically qualified to do so.

(1) Any person applying for a commercial driver's license or commercial driver's license temporary instruction permit, the renewal or upgrade of a commercial driver's license or commercial driver's license temporary instruction permit, or the transfer of a commercial driver's license from out of state shall self-certify to the registrar for purposes of 49 C.F.R. 383.71, one of the following in regard to the applicant's operation of a commercial motor vehicle, as applicable:

(a) (i) If the applicant operates or expects to operate a commercial motor vehicle in interstate or foreign commerce and is subject to and meets the requirements under 49 C.F.R. part 391, the applicant shall self-certify that the applicant is non-excepted interstate and shall provide the registrar with the original or a copy of a medical examiner's certificate and each subsequently issued medical examiner's certificate prepared by a qualified medical examiner to maintain a medically certified status on the applicant's commercial driver licensing system driver record;

(ii) If the applicant operates or expects to operate a commercial motor vehicle in interstate commerce, but engages in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. part 391, the applicant shall self-certify that the applicant is excepted interstate and is not required to obtain a medical examiner's certificate.

(b) (i) If the applicant operates only in intrastate commerce and is subject to state driver qualification

requirements, the applicant shall self-certify that the 56052
applicant is non-excepted intrastate; 56053

(ii) If the applicant operates only in intrastate commerce 56054
and is excepted from all or parts of the state driver 56055
qualification requirements, the applicant shall self-certify 56056
that the applicant is excepted intrastate. 56057

(2) Notwithstanding the expiration date on a person's 56058
commercial driver's license or commercial driver's license 56059
temporary instruction permit, every commercial driver's license 56060
or commercial driver's license temporary instruction permit 56061
holder shall provide the registrar with the certification 56062
required by this section, on or after January 30, 2012, but 56063
prior to January 30, 2014. 56064

(B) A person is qualified to drive a school bus if the 56065
person holds a valid commercial driver's license along with the 56066
proper endorsements, and if the person has been certified as 56067
medically qualified in accordance with rules adopted by the 56068
department of education and workforce. 56069

(C) (1) Except as provided in division (C) (2) of this 56070
section, only a medical examiner who is listed on the national 56071
registry of certified medical examiners established by the 56072
federal motor carrier safety administration shall perform a 56073
medical examination required by this section. 56074

(2) A person licensed under Chapter 4725. of the Revised 56075
Code to practice optometry in this state, or licensed under any 56076
similar law of another state, may perform any part of an 56077
examination required by this section that pertains to visual 56078
acuity, field of vision, and the ability to recognize colors. 56079

(3) The individual who performed an examination conducted 56080

pursuant to this section shall complete any written 56081
documentation of a physical examination on a form that 56082
substantially complies with the requirements of 49 C.F.R. 56083
391.43(h) . 56084

(D) Whenever good cause appears, the registrar, upon 56085
issuing a commercial driver's license or commercial driver's 56086
license temporary instruction permit under this chapter, may 56087
impose restrictions suitable to the licensee's driving ability 56088
with respect to the type of motor vehicle or special mechanical 56089
control devices required on a motor vehicle that the licensee 56090
may operate, or such other restrictions applicable to the 56091
licensee as the registrar determines to be necessary. 56092

The registrar may either issue a special restricted 56093
license or may set forth upon the usual license form the 56094
restrictions imposed. 56095

The registrar, upon receiving satisfactory evidence of any 56096
violation of the restrictions of the license, may impose a class 56097
D license suspension of the license for the period of time 56098
specified in division (B) (4) of section 4510.02 of the Revised 56099
Code. 56100

The registrar, upon receiving satisfactory evidence that 56101
an applicant or holder of a commercial driver's license or 56102
commercial driver's license temporary instruction permit has 56103
violated division (A) (4) of section 4506.04 of the Revised Code 56104
and knowingly given false information in any application or 56105
certification required by section 4506.07 of the Revised Code, 56106
shall cancel the person's commercial driver's license or 56107
commercial driver's license temporary instruction permit or any 56108
pending application from the person for a commercial driver's 56109
license, commercial driver's license temporary instruction 56110

permit, or class D driver's license for a period of at least 56111
sixty days, during which time no application for a commercial 56112
driver's license, commercial driver's license temporary 56113
instruction permit, or class D driver's license shall be 56114
received from the person. 56115

(E) Whoever violates this section is guilty of a 56116
misdemeanor of the first degree. 56117

Sec. 4507.21. (A) Except as provided in section 4507.061 56118
of the Revised Code, each applicant for a driver's license shall 56119
file an application in the office of the registrar of motor 56120
vehicles or of a deputy registrar. 56121

(B) (1) Each person under eighteen years of age applying 56122
for a driver's license issued in this state shall present 56123
satisfactory evidence of having successfully completed any one 56124
of the following: 56125

(a) A driver education course approved by the state 56126
department of education and workforce prior to December 31, 56127
2003. 56128

(b) A driver training course approved by the director of 56129
public safety. 56130

(c) A driver training course comparable to a driver 56131
education or driver training course described in division (B) (1) 56132
(a) or (b) of this section and administered by a branch of the 56133
armed forces of the United States and completed by the applicant 56134
while residing outside this state for the purpose of being with 56135
or near any person serving in the armed forces of the United 56136
States. 56137

(2) Each person under eighteen years of age applying for a 56138
driver's license also shall present, on a form prescribed by the 56139

registrar, an affidavit signed by an eligible adult attesting 56140
that the person has acquired at least fifty hours of actual 56141
driving experience, with at least ten of those hours being at 56142
night. 56143

(C) (1) An applicant for an initial driver's license shall 56144
present satisfactory evidence of successful completion of the 56145
abbreviated driver training course for adults, approved by the 56146
director of public safety under section 4508.02 of the Revised 56147
Code, if all of the following apply: 56148

(a) The applicant is eighteen years of age or older. 56149

(b) The applicant failed the road or maneuverability test 56150
required under division (A) (2) of section 4507.11 of the Revised 56151
Code. 56152

(c) In the twelve months immediately preceding the date of 56153
application, the applicant has not successfully completed a 56154
driver training course. 56155

(2) An applicant shall present satisfactory evidence as 56156
required under division (C) (1) of this section prior to 56157
attempting the test a second or subsequent time. 56158

(D) If the registrar or deputy registrar determines that 56159
the applicant is entitled to the driver's license, it shall be 56160
issued. If the application shows that the applicant's license 56161
has been previously canceled or suspended, the deputy registrar 56162
shall forward the application to the registrar, who shall 56163
determine whether the license shall be granted. 56164

(E) An applicant shall file an application under this 56165
section in duplicate, and the deputy registrar issuing the 56166
license shall immediately forward to the office of the registrar 56167
the original copy of the application, together with the 56168

duplicate copy of any certificate of completion if issued for 56169
purposes of division (B) of this section. The registrar shall 56170
prescribe rules as to the manner in which the deputy registrar 56171
files and maintains the applications and other records. The 56172
registrar shall file every application for a driver's or 56173
commercial driver's license and index them by name and number, 56174
and shall maintain a suitable record of all licenses issued, all 56175
convictions and bond forfeitures, all applications for licenses 56176
denied, and all licenses that have been suspended or canceled. 56177

(F) For purposes of section 2313.06 of the Revised Code, 56178
the registrar shall maintain accurate and current lists of the 56179
residents of each county who are eighteen years of age or older, 56180
have been issued, on and after January 1, 1984, driver's or 56181
commercial driver's licenses that are valid and current, and 56182
would be electors if they were registered to vote, regardless of 56183
whether they actually are registered to vote. The lists shall 56184
contain the names, addresses, dates of birth, duration of 56185
residence in this state, citizenship status, and social security 56186
numbers, if the numbers are available, of the licensees, and may 56187
contain any other information that the registrar considers 56188
suitable. 56189

(G) Each person under eighteen years of age applying for a 56190
motorcycle operator's endorsement or a restricted license 56191
enabling the applicant to operate a motorcycle shall present 56192
satisfactory evidence of having completed the courses of 56193
instruction in the motorcycle safety and education program 56194
described in section 4508.08 of the Revised Code or a comparable 56195
course of instruction administered by a branch of the armed 56196
forces of the United States and completed by the applicant while 56197
residing outside this state for the purpose of being with or 56198
near any person serving in the armed forces of the United 56199

States. If the registrar or deputy registrar then determines 56200
that the applicant is entitled to the endorsement or restricted 56201
license, it shall be issued. 56202

(H) No person shall knowingly make a false statement in an 56203
affidavit presented in accordance with division (B) (2) of this 56204
section. 56205

(I) As used in this section, "eligible adult" means any of 56206
the following persons: 56207

(1) A parent, guardian, or custodian of the applicant; 56208

(2) A person over the age of twenty-one who acts in loco 56209
parentis of the applicant and who maintains proof of financial 56210
responsibility with respect to the operation of a motor vehicle 56211
owned by the applicant or with respect to the applicant's 56212
operation of any motor vehicle. 56213

(J) Whoever violates division (H) of this section is 56214
guilty of a minor misdemeanor and shall be fined one hundred 56215
dollars. 56216

Sec. 4508.01. As used in this chapter: 56217

(A) "Beginning driver" means any person being trained to 56218
drive a particular motor vehicle who has not been previously 56219
licensed to drive that motor vehicle by any state or country. 56220

(B) "Disabled person" means a person who, in the opinion 56221
of the registrar of motor vehicles, is afflicted with or 56222
suffering from a physical or mental disability or disease that 56223
prevents the person, in the absence of special training or 56224
equipment, from exercising reasonable and ordinary control over 56225
a motor vehicle while operating the vehicle upon the highways. 56226
"Disabled person" does not mean any person who is or has been 56227

subject to any condition resulting in episodic impairment of 56228
consciousness or loss of muscular control and whose condition, 56229
in the opinion of the registrar, is dormant or is sufficiently 56230
under medical control that the person is capable of exercising 56231
reasonable and ordinary control over a motor vehicle. 56232

(C) "Driver training school" or "school" means any of the 56233
following: 56234

(1) A private business enterprise conducted by an 56235
individual, association, partnership, or corporation for the 56236
education and training of persons to operate or drive motor 56237
vehicles, that does any of the following: 56238

(a) Uses public streets or highways to provide training 56239
and charges a consideration or tuition for such services; 56240

(b) Provides an online driver education course approved by 56241
the director of public safety pursuant to division (A)(2) of 56242
section 4508.02 of the Revised Code and charges a consideration 56243
or tuition for the course; 56244

(c) Provides an abbreviated driver training course for 56245
adults that is approved by the director pursuant to division (F) 56246
of section 4508.02 of the Revised Code and charges a 56247
consideration or tuition for the course. 56248

(2) A lead school district as provided in section 4508.09 56249
of the Revised Code; 56250

(3) A board of education of a city, exempted village, 56251
local, or joint vocational school district or the governing 56252
board of an educational service center that offers a driver 56253
education course for high school students enrolled in the 56254
district or in a district served by the educational service 56255
center. 56256

(D) "Instructor" means any person, whether acting for self 56257
as operator of a driver training school or for such a school for 56258
compensation, who teaches, conducts classes of, gives 56259
demonstrations to, or supervises practice of, persons learning 56260
to operate or drive motor vehicles. 56261

(E) "Lead school district" means a school district, 56262
including a joint vocational school district, designated by the 56263
department of education and workforce as either a vocational 56264
education planning district itself or as responsible for 56265
providing primary vocational education leadership within a 56266
vocational education planning district that is composed of a 56267
group of districts. A "vocational education planning district" 56268
is a school district or group of school districts designated by 56269
the department as responsible for planning and providing 56270
vocational education services to students within the district or 56271
group of districts. 56272

Sec. 4511.21. (A) No person shall operate a motor vehicle, 56273
trackless trolley, or streetcar at a speed greater or less than 56274
is reasonable or proper, having due regard to the traffic, 56275
surface, and width of the street or highway and any other 56276
conditions, and no person shall drive any motor vehicle, 56277
trackless trolley, or streetcar in and upon any street or 56278
highway at a greater speed than will permit the person to bring 56279
it to a stop within the assured clear distance ahead. 56280

(B) It is prima-facie lawful, in the absence of a lower 56281
limit declared or established pursuant to this section by the 56282
director of transportation or local authorities, for the 56283
operator of a motor vehicle, trackless trolley, or streetcar to 56284
operate the same at a speed not exceeding the following: 56285

(1) (a) Twenty miles per hour in school zones during school 56286

recess and while children are going to or leaving school during 56287
the opening or closing hours, and when twenty miles per hour 56288
school speed limit signs are erected; except that, on 56289
controlled-access highways and expressways, if the right-of-way 56290
line fence has been erected without pedestrian opening, the 56291
speed shall be governed by division (B)(4) of this section and 56292
on freeways, if the right-of-way line fence has been erected 56293
without pedestrian opening, the speed shall be governed by 56294
divisions (B)(10) and (11) of this section. The end of every 56295
school zone may be marked by a sign indicating the end of the 56296
zone. Nothing in this section or in the manual and 56297
specifications for a uniform system of traffic control devices 56298
shall be construed to require school zones to be indicated by 56299
signs equipped with flashing or other lights, or giving other 56300
special notice of the hours in which the school zone speed limit 56301
is in effect. 56302

(b) As used in this section and in section 4511.212 of the 56303
Revised Code, "school" means all of the following: 56304

(i) Any school chartered under section 3301.16 of the 56305
Revised Code; 56306

(ii) Any nonchartered school that during the preceding 56307
year filed with the department of education and workforce in 56308
compliance with rule 3301-35-08 of the Ohio Administrative Code, 56309
a copy of the school's report for the parents of the school's 56310
pupils certifying that the school meets Ohio minimum standards 56311
for nonchartered, nontax-supported schools and presents evidence 56312
of this filing to the jurisdiction from which it is requesting 56313
the establishment of a school zone; 56314

(iii) Any special elementary school that in writing 56315
requests the county engineer of the county in which the special 56316

elementary school is located to create a school zone at the 56317
location of that school. Upon receipt of such a written request, 56318
the county engineer shall create a school zone at that location 56319
by erecting the appropriate signs. 56320

(iv) Any preschool education program operated by an 56321
educational service center that is located on a street or 56322
highway with a speed limit of forty-five miles per hour or more, 56323
when the educational service center in writing requests that the 56324
county engineer of the county in which the program is located 56325
create a school zone at the location of that program. Upon 56326
receipt of such a written request, the county engineer shall 56327
create a school zone at that location by erecting the 56328
appropriate signs. 56329

(c) As used in this section, "school zone" means that 56330
portion of a street or highway passing a school fronting upon 56331
the street or highway that is encompassed by projecting the 56332
school property lines to the fronting street or highway, and 56333
also includes that portion of a state highway. Upon request from 56334
local authorities for streets and highways under their 56335
jurisdiction and that portion of a state highway under the 56336
jurisdiction of the director of transportation or a request from 56337
a county engineer in the case of a school zone for a special 56338
elementary school, the director may extend the traditional 56339
school zone boundaries. The distances in divisions (B) (1) (c) (i), 56340
(ii), and (iii) of this section shall not exceed three hundred 56341
feet per approach per direction and are bounded by whichever of 56342
the following distances or combinations thereof the director 56343
approves as most appropriate: 56344

(i) The distance encompassed by projecting the school 56345
building lines normal to the fronting highway and extending a 56346

distance of three hundred feet on each approach direction; 56347

(ii) The distance encompassed by projecting the school 56348
property lines intersecting the fronting highway and extending a 56349
distance of three hundred feet on each approach direction; 56350

(iii) The distance encompassed by the special marking of 56351
the pavement for a principal school pupil crosswalk plus a 56352
distance of three hundred feet on each approach direction of the 56353
highway. 56354

Nothing in this section shall be construed to invalidate 56355
the director's initial action on August 9, 1976, establishing 56356
all school zones at the traditional school zone boundaries 56357
defined by projecting school property lines, except when those 56358
boundaries are extended as provided in divisions (B) (1) (a) and 56359
(c) of this section. 56360

(d) As used in this division, "crosswalk" has the meaning 56361
given that term in division (LL) (2) of section 4511.01 of the 56362
Revised Code. 56363

The director may, upon request by resolution of the 56364
legislative authority of a municipal corporation, the board of 56365
trustees of a township, or a county board of developmental 56366
disabilities created pursuant to Chapter 5126. of the Revised 56367
Code, and upon submission by the municipal corporation, 56368
township, or county board of such engineering, traffic, and 56369
other information as the director considers necessary, designate 56370
a school zone on any portion of a state route lying within the 56371
municipal corporation, lying within the unincorporated territory 56372
of the township, or lying adjacent to the property of a school 56373
that is operated by such county board, that includes a crosswalk 56374
customarily used by children going to or leaving a school during 56375

recess and opening and closing hours, whenever the distance, as 56376
measured in a straight line, from the school property line 56377
nearest the crosswalk to the nearest point of the crosswalk is 56378
no more than one thousand three hundred twenty feet. Such a 56379
school zone shall include the distance encompassed by the 56380
crosswalk and extending three hundred feet on each approach 56381
direction of the state route. 56382

(e) As used in this section, "special elementary school" 56383
means a school that meets all of the following criteria: 56384

(i) It is not chartered and does not receive tax revenue 56385
from any source. 56386

(ii) It does not educate children beyond the eighth grade. 56387

(iii) It is located outside the limits of a municipal 56388
corporation. 56389

(iv) A majority of the total number of students enrolled 56390
at the school are not related by blood. 56391

(v) The principal or other person in charge of the special 56392
elementary school annually sends a report to the superintendent 56393
of the school district in which the special elementary school is 56394
located indicating the total number of students enrolled at the 56395
school, but otherwise the principal or other person in charge 56396
does not report any other information or data to the 56397
superintendent. 56398

(2) Twenty-five miles per hour in all other portions of a 56399
municipal corporation, except on state routes outside business 56400
districts, through highways outside business districts, and 56401
alleys; 56402

(3) Thirty-five miles per hour on all state routes or 56403

through highways within municipal corporations outside business districts, except as provided in divisions (B) (4) and (6) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations, except as provided in divisions (B) (12), (13), (14), (15), and (16) of this section;

(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B) (8) of this section, highways as provided in divisions (B) (9) and (10) of this section, and highways, expressways, and freeways as provided in divisions (B) (12), (13), (14), and (16) of this section;

(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;

(7) Fifteen miles per hour on all alleys within the municipal corporation;

(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;

(9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties;

(10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H) (2) of this section;

(11) Fifty-five miles per hour on freeways with paved shoulders inside municipal corporations, other than freeways as

provided in divisions (B) (14) and (16) of this section; 56432

(12) Sixty miles per hour on rural expressways with 56433
traffic control signals and on all portions of rural divided 56434
highways, except as provided in divisions (B) (13) and (14) of 56435
this section; 56436

(13) Sixty-five miles per hour on all rural expressways 56437
without traffic control signals; 56438

(14) Seventy miles per hour on all rural freeways; 56439

(15) Fifty-five miles per hour on all portions of freeways 56440
or expressways in congested areas as determined by the director 56441
and that are located within a municipal corporation or within an 56442
interstate freeway outerbelt, except as provided in division (B) 56443
(16) of this section; 56444

(16) Sixty-five miles per hour on all portions of freeways 56445
or expressways without traffic control signals in urbanized 56446
areas. 56447

(C) It is prima-facie unlawful for any person to exceed 56448
any of the speed limitations in divisions (B) (1) (a), (2), (3), 56449
(4), (6), (7), (8), and (9) of this section, or any declared or 56450
established pursuant to this section by the director or local 56451
authorities and it is unlawful for any person to exceed any of 56452
the speed limitations in division (D) of this section. No person 56453
shall be convicted of more than one violation of this section 56454
for the same conduct, although violations of more than one 56455
provision of this section may be charged in the alternative in a 56456
single affidavit. 56457

(D) No person shall operate a motor vehicle, trackless 56458
trolley, or streetcar upon a street or highway as follows: 56459

(1) At a speed exceeding fifty-five miles per hour, except 56460
upon a two-lane state route as provided in division (B) (10) of 56461
this section and upon a highway, expressway, or freeway as 56462
provided in divisions (B) (12), (13), (14), and (16) of this 56463
section; 56464

(2) At a speed exceeding sixty miles per hour upon a two- 56465
lane state route as provided in division (B) (10) of this section 56466
and upon a highway as provided in division (B) (12) of this 56467
section; 56468

(3) At a speed exceeding sixty-five miles per hour upon an 56469
expressway as provided in division (B) (13) or upon a freeway as 56470
provided in division (B) (16) of this section, except upon a 56471
freeway as provided in division (B) (14) of this section; 56472

(4) At a speed exceeding seventy miles per hour upon a 56473
freeway as provided in division (B) (14) of this section; 56474

(5) At a speed exceeding the posted speed limit upon a 56475
highway, expressway, or freeway for which the director has 56476
determined and declared a speed limit pursuant to division (I) 56477
(2) or (L) (2) of this section. 56478

(E) In every charge of violation of this section the 56479
affidavit and warrant shall specify the time, place, and speed 56480
at which the defendant is alleged to have driven, and in charges 56481
made in reliance upon division (C) of this section also the 56482
speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or 56483
(9) of, or a limit declared or established pursuant to, this 56484
section declares is prima-facie lawful at the time and place of 56485
such alleged violation, except that in affidavits where a person 56486
is alleged to have driven at a greater speed than will permit 56487
the person to bring the vehicle to a stop within the assured 56488

clear distance ahead the affidavit and warrant need not specify 56489
the speed at which the defendant is alleged to have driven. 56490

(F) When a speed in excess of both a prima-facie 56491
limitation and a limitation in division (D) of this section is 56492
alleged, the defendant shall be charged in a single affidavit, 56493
alleging a single act, with a violation indicated of both 56494
division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this 56495
section, or of a limit declared or established pursuant to this 56496
section by the director or local authorities, and of the 56497
limitation in division (D) of this section. If the court finds a 56498
violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 56499
or (9) of, or a limit declared or established pursuant to, this 56500
section has occurred, it shall enter a judgment of conviction 56501
under such division and dismiss the charge under division (D) of 56502
this section. If it finds no violation of division (B) (1) (a), 56503
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 56504
established pursuant to, this section, it shall then consider 56505
whether the evidence supports a conviction under division (D) of 56506
this section. 56507

(G) Points shall be assessed for violation of a limitation 56508
under division (D) of this section in accordance with section 56509
4510.036 of the Revised Code. 56510

(H) (1) Whenever the director determines upon the basis of 56511
criteria established by an engineering study, as defined by the 56512
director, that any speed limit set forth in divisions (B) (1) (a) 56513
to (D) of this section is greater or less than is reasonable or 56514
safe under the conditions found to exist at any portion of a 56515
street or highway under the jurisdiction of the director, the 56516
director shall determine and declare a reasonable and safe 56517
prima-facie speed limit, which shall be effective when 56518

appropriate signs giving notice of it are erected at the 56519
location. 56520

(2) Whenever the director determines upon the basis of 56521
criteria established by an engineering study, as defined by the 56522
director, that the speed limit of fifty-five miles per hour on a 56523
two-lane state route outside a municipal corporation is less 56524
than is reasonable or safe under the conditions found to exist 56525
at that portion of the state route, the director may determine 56526
and declare a speed limit of sixty miles per hour for that 56527
portion of the state route, which shall be effective when 56528
appropriate signs giving notice of it are erected at the 56529
location. 56530

(3) (a) For purposes of the safe and orderly movement of 56531
traffic upon any portion of a street or highway under the 56532
jurisdiction of the director, the director may establish a 56533
variable speed limit that is different than the speed limit 56534
established by or under this section on all or portions of 56535
interstate six hundred seventy, interstate two hundred seventy- 56536
five, and interstate ninety commencing at the intersection of 56537
that interstate with interstate seventy-one and continuing to 56538
the border of the state of Ohio with the state of Pennsylvania. 56539
The director shall establish criteria for determining the 56540
appropriate use of variable speed limits and shall establish 56541
variable speed limits in accordance with the criteria. The 56542
director may establish variable speed limits based upon the time 56543
of day, weather conditions, traffic incidents, or other factors 56544
that affect the safe speed on a street or highway. The director 56545
shall not establish a variable speed limit that is based on a 56546
particular type or class of vehicle. A variable speed limit 56547
established by the director under this section is effective when 56548
appropriate signs giving notice of the speed limit are displayed 56549

at the location. 56550

(b) Except for variable speed limits established under 56551
division (H) (3) (a) of this section, the director shall establish 56552
a variable speed limit under the authority granted to the 56553
director by this section on not more than two additional 56554
highways and only pursuant to criteria established in rules 56555
adopted in accordance with Chapter 119. of the Revised Code. The 56556
rules shall be based on the criteria described in division (H) 56557
(3) (a) of this section. The rules also shall establish the 56558
parameters of any engineering study necessary for determining 56559
when variable speed limits are appropriate. 56560

(4) Nothing in this section shall be construed to limit 56561
the authority of the director to establish speed limits within a 56562
construction zone as authorized under section 4511.98 of the 56563
Revised Code. 56564

(I) (1) Except as provided in divisions (I) (2), (J), (K), 56565
and (N) of this section, whenever local authorities determine 56566
upon the basis of criteria established by an engineering study, 56567
as defined by the director, that the speed permitted by 56568
divisions (B) (1) (a) to (D) of this section, on any part of a 56569
highway under their jurisdiction, is greater than is reasonable 56570
and safe under the conditions found to exist at such location, 56571
the local authorities may by resolution request the director to 56572
determine and declare a reasonable and safe prima-facie speed 56573
limit. Upon receipt of such request the director may determine 56574
and declare a reasonable and safe prima-facie speed limit at 56575
such location, and if the director does so, then such declared 56576
speed limit shall become effective only when appropriate signs 56577
giving notice thereof are erected at such location by the local 56578
authorities. The director may withdraw the declaration of a 56579

prima-facie speed limit whenever in the director's opinion the 56580
altered prima-facie speed limit becomes unreasonable. Upon such 56581
withdrawal, the declared prima-facie speed limit shall become 56582
ineffective and the signs relating thereto shall be immediately 56583
removed by the local authorities. 56584

(2) A local authority may determine on the basis of 56585
criteria established by an engineering study, as defined by the 56586
director, that the speed limit of sixty-five or seventy miles 56587
per hour on a portion of a freeway under its jurisdiction is 56588
greater than is reasonable or safe under the conditions found to 56589
exist at that portion of the freeway. If the local authority 56590
makes such a determination, the local authority by resolution 56591
may request the director to determine and declare a reasonable 56592
and safe speed limit of not less than fifty-five miles per hour 56593
for that portion of the freeway. If the director takes such 56594
action, the declared speed limit becomes effective only when 56595
appropriate signs giving notice of it are erected at such 56596
location by the local authority. 56597

(J) Local authorities in their respective jurisdictions 56598
may authorize by ordinance higher prima-facie speeds than those 56599
stated in this section upon through highways, or upon highways 56600
or portions thereof where there are no intersections, or between 56601
widely spaced intersections, provided signs are erected giving 56602
notice of the authorized speed, but local authorities shall not 56603
modify or alter the basic rule set forth in division (A) of this 56604
section or in any event authorize by ordinance a speed in excess 56605
of the maximum speed permitted by division (D) of this section 56606
for the specified type of highway. 56607

Alteration of prima-facie limits on state routes by local 56608
authorities shall not be effective until the alteration has been 56609

approved by the director. The director may withdraw approval of 56610
any altered prima-facie speed limits whenever in the director's 56611
opinion any altered prima-facie speed becomes unreasonable, and 56612
upon such withdrawal, the altered prima-facie speed shall become 56613
ineffective and the signs relating thereto shall be immediately 56614
removed by the local authorities. 56615

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 56616
this section, "unimproved highway" means a highway consisting of 56617
any of the following: 56618

(a) Unimproved earth; 56619

(b) Unimproved graded and drained earth; 56620

(c) Gravel. 56621

(2) Except as otherwise provided in divisions (K) (4) and 56622
(5) of this section, whenever a board of township trustees 56623
determines upon the basis of criteria established by an 56624
engineering study, as defined by the director, that the speed 56625
permitted by division (B) (5) of this section on any part of an 56626
unimproved highway under its jurisdiction and in the 56627
unincorporated territory of the township is greater than is 56628
reasonable or safe under the conditions found to exist at the 56629
location, the board may by resolution declare a reasonable and 56630
safe prima-facie speed limit of fifty-five but not less than 56631
twenty-five miles per hour. An altered speed limit adopted by a 56632
board of township trustees under this division becomes effective 56633
when appropriate traffic control devices, as prescribed in 56634
section 4511.11 of the Revised Code, giving notice thereof are 56635
erected at the location, which shall be no sooner than sixty 56636
days after adoption of the resolution. 56637

(3) (a) Whenever, in the opinion of a board of township 56638

trustees, any altered prima-facie speed limit established by the 56639
board under this division becomes unreasonable, the board may 56640
adopt a resolution withdrawing the altered prima-facie speed 56641
limit. Upon the adoption of such a resolution, the altered 56642
prima-facie speed limit becomes ineffective and the traffic 56643
control devices relating thereto shall be immediately removed. 56644

(b) Whenever a highway ceases to be an unimproved highway 56645
and the board has adopted an altered prima-facie speed limit 56646
pursuant to division (K) (2) of this section, the board shall, by 56647
resolution, withdraw the altered prima-facie speed limit as soon 56648
as the highway ceases to be unimproved. Upon the adoption of 56649
such a resolution, the altered prima-facie speed limit becomes 56650
ineffective and the traffic control devices relating thereto 56651
shall be immediately removed. 56652

(4) (a) If the boundary of two townships rests on the 56653
centerline of an unimproved highway in unincorporated territory 56654
and both townships have jurisdiction over the highway, neither 56655
of the boards of township trustees of such townships may declare 56656
an altered prima-facie speed limit pursuant to division (K) (2) 56657
of this section on the part of the highway under their joint 56658
jurisdiction unless the boards of township trustees of both of 56659
the townships determine, upon the basis of criteria established 56660
by an engineering study, as defined by the director, that the 56661
speed permitted by division (B) (5) of this section is greater 56662
than is reasonable or safe under the conditions found to exist 56663
at the location and both boards agree upon a reasonable and safe 56664
prima-facie speed limit of less than fifty-five but not less 56665
than twenty-five miles per hour for that location. If both 56666
boards so agree, each shall follow the procedure specified in 56667
division (K) (2) of this section for altering the prima-facie 56668
speed limit on the highway. Except as otherwise provided in 56669

division (K) (4) (b) of this section, no speed limit altered 56670
pursuant to division (K) (4) (a) of this section may be withdrawn 56671
unless the boards of township trustees of both townships 56672
determine that the altered prima-facie speed limit previously 56673
adopted becomes unreasonable and each board adopts a resolution 56674
withdrawing the altered prima-facie speed limit pursuant to the 56675
procedure specified in division (K) (3) (a) of this section. 56676

(b) Whenever a highway described in division (K) (4) (a) of 56677
this section ceases to be an unimproved highway and two boards 56678
of township trustees have adopted an altered prima-facie speed 56679
limit pursuant to division (K) (4) (a) of this section, both 56680
boards shall, by resolution, withdraw the altered prima-facie 56681
speed limit as soon as the highway ceases to be unimproved. Upon 56682
the adoption of the resolution, the altered prima-facie speed 56683
limit becomes ineffective and the traffic control devices 56684
relating thereto shall be immediately removed. 56685

(5) As used in division (K) (5) of this section: 56686

(a) "Commercial subdivision" means any platted territory 56687
outside the limits of a municipal corporation and fronting a 56688
highway where, for a distance of three hundred feet or more, the 56689
frontage is improved with buildings in use for commercial 56690
purposes, or where the entire length of the highway is less than 56691
three hundred feet long and the frontage is improved with 56692
buildings in use for commercial purposes. 56693

(b) "Residential subdivision" means any platted territory 56694
outside the limits of a municipal corporation and fronting a 56695
highway, where, for a distance of three hundred feet or more, 56696
the frontage is improved with residences or residences and 56697
buildings in use for business, or where the entire length of the 56698
highway is less than three hundred feet long and the frontage is 56699

improved with residences or residences and buildings in use for 56700
business. 56701

Whenever a board of township trustees finds upon the basis 56702
of criteria established by an engineering study, as defined by 56703
the director, that the prima-facie speed permitted by division 56704
(B) (5) of this section on any part of a highway under its 56705
jurisdiction that is located in a commercial or residential 56706
subdivision, except on highways or portions thereof at the 56707
entrances to which vehicular traffic from the majority of 56708
intersecting highways is required to yield the right-of-way to 56709
vehicles on such highways in obedience to stop or yield signs or 56710
traffic control signals, is greater than is reasonable and safe 56711
under the conditions found to exist at the location, the board 56712
may by resolution declare a reasonable and safe prima-facie 56713
speed limit of less than fifty-five but not less than twenty- 56714
five miles per hour at the location. An altered speed limit 56715
adopted by a board of township trustees under this division 56716
shall become effective when appropriate signs giving notice 56717
thereof are erected at the location by the township. Whenever, 56718
in the opinion of a board of township trustees, any altered 56719
prima-facie speed limit established by it under this division 56720
becomes unreasonable, it may adopt a resolution withdrawing the 56721
altered prima-facie speed, and upon such withdrawal, the altered 56722
prima-facie speed shall become ineffective, and the signs 56723
relating thereto shall be immediately removed by the township. 56724

(L) (1) The director of transportation, based upon an 56725
engineering study, as defined by the director, of a highway, 56726
expressway, or freeway described in division (B) (12), (13), 56727
(14), (15), or (16) of this section, in consultation with the 56728
director of public safety and, if applicable, the local 56729
authority having jurisdiction over the studied highway, 56730

expressway, or freeway, may determine and declare that the speed limit established on such highway, expressway, or freeway under division (B) (12), (13), (14), (15), or (16) of this section either is reasonable and safe or is more or less than that which is reasonable and safe.

(2) If the established speed limit for a highway, expressway, or freeway studied pursuant to division (L) (1) of this section is determined to be more or less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the studied highway, expressway, or freeway, shall determine and declare a reasonable and safe speed limit for that highway, expressway, or freeway.

(M) (1) (a) If the boundary of two local authorities rests on the centerline of a highway and both authorities have jurisdiction over the highway, the speed limit for the part of the highway within their joint jurisdiction shall be either one of the following as agreed to by both authorities:

(i) Either prima-facie speed limit permitted by division (B) of this section;

(ii) An altered speed limit determined and posted in accordance with this section.

(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section.

(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local

authorities determine, upon the basis of criteria established by 56760
an engineering study, as defined by the director, that the speed 56761
permitted by this section is greater than is reasonable or safe 56762
under the conditions found to exist at the location and both 56763
authorities agree upon a uniform reasonable and safe prima-facie 56764
speed limit of less than fifty-five but not less than twenty- 56765
five miles per hour for that location. If both authorities so 56766
agree, each shall follow the procedure specified in this section 56767
for altering the prima-facie speed limit on the highway, and the 56768
speed limit for the part of the highway within their joint 56769
jurisdiction shall be uniformly altered. No altered speed limit 56770
may be withdrawn unless both local authorities determine that 56771
the altered prima-facie speed limit previously adopted becomes 56772
unreasonable and each adopts a resolution withdrawing the 56773
altered prima-facie speed limit pursuant to the procedure 56774
specified in this section. 56775

(N) The legislative authority of a municipal corporation 56776
or township in which a boarding school is located, by resolution 56777
or ordinance, may establish a boarding school zone. The 56778
legislative authority may alter the speed limit on any street or 56779
highway within the boarding school zone and shall specify the 56780
hours during which the altered speed limit is in effect. For 56781
purposes of determining the boundaries of the boarding school 56782
zone, the altered speed limit within the boarding school zone, 56783
and the hours the altered speed limit is in effect, the 56784
legislative authority shall consult with the administration of 56785
the boarding school and with the county engineer or other 56786
appropriate engineer, as applicable. A boarding school zone 56787
speed limit becomes effective only when appropriate signs giving 56788
notice thereof are erected at the appropriate locations. 56789

(O) As used in this section: 56790

- (1) "Interstate system" has the same meaning as in 23 U.S.C. 101. 56791
56792
- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation. 56793
56794
56795
- (3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization. 56796
56797
56798
56799
- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director. 56800
56801
56802
56803
- (5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas. 56804
56805
56806
56807
- (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101. 56808
56809
- (7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes. 56810
56811
56812
56813
- (P) (1) A violation of any provision of this section is one of the following: 56814
56815
- (a) Except as otherwise provided in divisions (P) (1) (b), (1) (c), (2), and (3) of this section, a minor misdemeanor; 56816
56817
- (b) If, within one year of the offense, the offender 56818

previously has been convicted of or pleaded guilty to two 56819
violations of any provision of this section or of any provision 56820
of a municipal ordinance that is substantially similar to any 56821
provision of this section, a misdemeanor of the fourth degree; 56822

(c) If, within one year of the offense, the offender 56823
previously has been convicted of or pleaded guilty to three or 56824
more violations of any provision of this section or of any 56825
provision of a municipal ordinance that is substantially similar 56826
to any provision of this section, a misdemeanor of the third 56827
degree. 56828

(2) If the offender has not previously been convicted of 56829
or pleaded guilty to a violation of any provision of this 56830
section or of any provision of a municipal ordinance that is 56831
substantially similar to this section and operated a motor 56832
vehicle faster than thirty-five miles an hour in a business 56833
district of a municipal corporation, faster than fifty miles an 56834
hour in other portions of a municipal corporation, or faster 56835
than thirty-five miles an hour in a school zone during recess or 56836
while children are going to or leaving school during the 56837
school's opening or closing hours, a misdemeanor of the fourth 56838
degree. 56839

(3) Notwithstanding division (P)(1) of this section, if 56840
the offender operated a motor vehicle in a construction zone 56841
where a sign was then posted in accordance with section 4511.98 56842
of the Revised Code, the court, in addition to all other 56843
penalties provided by law, shall impose upon the offender a fine 56844
of two times the usual amount imposed for the violation. No 56845
court shall impose a fine of two times the usual amount imposed 56846
for the violation upon an offender if the offender alleges, in 56847
an affidavit filed with the court prior to the offender's 56848

sentencing, that the offender is indigent and is unable to pay 56849
the fine imposed pursuant to this division and if the court 56850
determines that the offender is an indigent person and unable to 56851
pay the fine. 56852

(4) If the offender commits the offense while distracted 56853
and the distracting activity is a contributing factor to the 56854
commission of the offense, the offender is subject to the 56855
additional fine established under section 4511.991 of the 56856
Revised Code. 56857

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 56858
trackless trolley upon meeting or overtaking from either 56859
direction any school bus stopped for the purpose of receiving or 56860
discharging any school child, person attending programs offered 56861
by community boards of mental health and county boards of 56862
developmental disabilities, or child attending a program offered 56863
by a head start agency, shall stop at least ten feet from the 56864
front or rear of the school bus and shall not proceed until such 56865
school bus resumes motion, or until signaled by the school bus 56866
driver to proceed. 56867

It is no defense to a charge under this division that the 56868
school bus involved failed to display or be equipped with an 56869
automatically extended stop warning sign as required by division 56870
(B) of this section. 56871

(B) Every school bus shall be equipped with amber and red 56872
visual signals meeting the requirements of section 4511.771 of 56873
the Revised Code, and an automatically extended stop warning 56874
sign of a type approved by the ~~state board~~ department of 56875
education and workforce, which shall be actuated by the driver 56876
of the bus whenever but only whenever the bus is stopped or 56877
stopping on the roadway for the purpose of receiving or 56878

discharging school children, persons attending programs offered 56879
by community boards of mental health and county boards of 56880
developmental disabilities, or children attending programs 56881
offered by head start agencies. A school bus driver shall not 56882
actuate the visual signals or the stop warning sign in 56883
designated school bus loading areas where the bus is entirely 56884
off the roadway or at school buildings when children or persons 56885
attending programs offered by community boards of mental health 56886
and county boards of developmental disabilities are loading or 56887
unloading at curbside or at buildings when children attending 56888
programs offered by head start agencies are loading or unloading 56889
at curbside. The visual signals and stop warning sign shall be 56890
synchronized or otherwise operated as required by rule of the 56891
board. 56892

(C) Where a highway has been divided into four or more 56893
traffic lanes, a driver of a vehicle, streetcar, or trackless 56894
trolley need not stop for a school bus approaching from the 56895
opposite direction which has stopped for the purpose of 56896
receiving or discharging any school child, persons attending 56897
programs offered by community boards of mental health and county 56898
boards of developmental disabilities, or children attending 56899
programs offered by head start agencies. The driver of any 56900
vehicle, streetcar, or trackless trolley overtaking the school 56901
bus shall comply with division (A) of this section. 56902

(D) School buses operating on divided highways or on 56903
highways with four or more traffic lanes shall receive and 56904
discharge all school children, persons attending programs 56905
offered by community boards of mental health and county boards 56906
of developmental disabilities, and children attending programs 56907
offered by head start agencies on their residence side of the 56908
highway. 56909

(E) No school bus driver shall start the driver's bus 56910
until after any child, person attending programs offered by 56911
community boards of mental health and county boards of 56912
developmental disabilities, or child attending a program offered 56913
by a head start agency who may have alighted therefrom has 56914
reached a place of safety on the child's or person's residence 56915
side of the road. 56916

(F) (1) Whoever violates division (A) of this section may 56917
be fined an amount not to exceed five hundred dollars. A person 56918
who is issued a citation for a violation of division (A) of this 56919
section is not permitted to enter a written plea of guilty and 56920
waive the person's right to contest the citation in a trial but 56921
instead must appear in person in the proper court to answer the 56922
charge. 56923

(2) In addition to and independent of any other penalty 56924
provided by law, the court or mayor may impose upon an offender 56925
who violates this section a class seven suspension of the 56926
offender's driver's license, commercial driver's license, 56927
temporary instruction permit, probationary license, or 56928
nonresident operating privilege from the range specified in 56929
division (A) (7) of section 4510.02 of the Revised Code. When a 56930
license is suspended under this section, the court or mayor 56931
shall cause the offender to deliver the license to the court, 56932
and the court or clerk of the court immediately shall forward 56933
the license to the registrar of motor vehicles, together with 56934
notice of the court's action. 56935

(G) As used in this section: 56936

(1) "Head start agency" has the same meaning as in section 56937
3301.32 of the Revised Code. 56938

(2) "School bus," as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the ~~state board of education~~ department, is painted the color and displays the markings described in section 4511.77 of the Revised Code, and is equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

Sec. 4511.76. (A) The department of public safety, by and with the advice of the ~~superintendent of public instruction~~ department of education and workforce, shall adopt and enforce rules relating to the construction, design, and equipment, including lighting equipment required by section 4511.771 of the Revised Code, of all school buses both publicly and privately owned and operated in this state.

(B) The department of education and workforce, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all vehicles used for pupil transportation.

(C) No person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education and workforce or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education and

workforce or the department of public safety. 56969

(D) The department of public safety shall adopt and 56970
enforce rules relating to the issuance of a license under 56971
section 4511.763 of the Revised Code. The rules may relate to 56972
the condition of the equipment to be operated; the liability and 56973
property damage insurance carried by the applicant; the posting 56974
of satisfactory and sufficient bond; and such other rules as the 56975
director of public safety determines reasonably necessary for 56976
the safety of the pupils to be transported. 56977

(E) A chartered nonpublic school may own and operate, or 56978
contract with a vendor that supplies, a vehicle originally 56979
designed for not more than nine passengers, not including the 56980
driver, to transport students to and from regularly scheduled 56981
school sessions when one of the following applies: 56982

(1) A student's school district of residence has declared 56983
the transportation of the student impractical pursuant to 56984
section 3327.02 of the Revised Code; or 56985

(2) A student does not live within thirty minutes of the 56986
chartered nonpublic school and the student's school district is 56987
not required to transport the student under section 3327.01 of 56988
the Revised Code. 56989

(F) As used in this section, "vehicle used for pupil 56990
transportation" means any vehicle that is identified as such by 56991
the department of education and workforce by rule and that is 56992
subject to Chapter 3301-83 of the Administrative Code. 56993

(G) Except as otherwise provided in this division, whoever 56994
violates this section is guilty of a minor misdemeanor. If the 56995
offender previously has been convicted of or pleaded guilty to 56996
one or more violations of this section or section 4511.63, 56997

4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4709.07. (A) Each person who desires to obtain an initial license to practice barbering shall apply to the state cosmetology and barber board, on forms provided by the board. The application form shall include the name of the person applying for the license and evidence that the applicant meets all of the requirements of division (B) of this section. The application shall be accompanied by two signed current photographs of the applicant, in the size determined by the board, that show only the head and shoulders of the applicant, and the examination application fee.

(B) In order to take the required barber examination and to qualify for licensure as a barber, an applicant must demonstrate that the applicant meets all of the following:

(1) Is at least eighteen years of age;

(2) Has an eighth grade education or an equivalent education as determined by the ~~state board~~ department of education and workforce, or equivalent organization in the state where the applicant resides;

(3) Has graduated with at least one thousand eight hundred hours of training from a board-approved barber school or has graduated with at least one thousand hours of training from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or more years prior to the examination apply to

the hours of study required by this division. 57027

(C) Any applicant who meets all of the requirements of 57028
divisions (A) and (B) of this section may take the barber 57029
examination at the time and place specified by the board. If the 57030
applicant fails to attain at least a seventy-five per cent pass 57031
rate on each part of the examination, the applicant is 57032
ineligible for licensure; however, the applicant may reapply for 57033
examination within ninety days after the date of the release of 57034
the examination scores by paying the required reexamination fee. 57035
An applicant is only required to take that part or parts of the 57036
examination on which the applicant did not receive a score of 57037
seventy-five per cent or higher. If the applicant fails to 57038
reapply for examination within ninety days or fails the second 57039
examination, in order to reapply for examination for licensure 57040
the applicant shall complete an additional course of study of 57041
not less than two hundred hours, in a board-approved barber 57042
school. The board shall provide to an applicant, upon request, a 57043
report which explains the reasons for the applicant's failure to 57044
pass the examination. 57045

(D) The board shall issue a license to practice barbering 57046
to any applicant who, to the satisfaction of the board, meets 57047
the requirements of divisions (A) and (B) of this section, who 57048
passes the required examination, and pays the initial licensure 57049
fee. Every licensed barber shall display the certificate of 57050
licensure in a conspicuous place adjacent to or near the 57051
licensed barber's work chair, along with a signed current 57052
photograph, in the size determined by the board, showing head 57053
and shoulders only. 57054

Sec. 4709.10. (A) Each person who desires to obtain a 57055
license to operate a barber school shall apply to the state 57056

cosmetology and barber board, on forms provided by the board. 57057
The board shall issue a barber school license to a person if the 57058
board determines that the person meets and will comply with all 57059
of the requirements of division (B) of this section and pays the 57060
required licensure and inspection fees. 57061

(B) In order for a person to qualify for a license to 57062
operate a barber school, the barber school to be operated by the 57063
person must meet all of the following requirements: 57064

(1) Have a training facility sufficient to meet the 57065
required educational curriculum established by the board, 57066
including enough space to accommodate all the facilities and 57067
equipment required by rule by the board; 57068

(2) Provide sufficient licensed teaching personnel to meet 57069
the minimum pupil-teacher ratio established by rule of the 57070
board; 57071

(3) Have established and provide to the board proof that 57072
it has met all of the board requirements to operate a barber 57073
school, as adopted by rule of the board; 57074

(4) File with the board a program of its curriculum, 57075
accounting for not less than one thousand eight hundred hours of 57076
instruction in the courses of theory and practical demonstration 57077
required by rule of the board; 57078

(5) File with the board a surety bond in the amount of ten 57079
thousand dollars issued by a bonding company licensed to do 57080
business in this state. The bond shall be in the form prescribed 57081
by the board and conditioned upon the barber school's continued 57082
instruction in the theory and practice of barbering. The bond 57083
shall continue in effect until notice of its termination is 57084
provided to the board. In no event, however, shall the bond be 57085

terminated while the barber school is in operation. Any student 57086
who is injured or damaged by reason of a barber school's failure 57087
to continue instruction in the theory and practice of barbering 57088
may maintain an action on the bond against the barber school or 57089
the surety, or both, for the recovery of any money or tuition 57090
paid in advance for instruction in the theory and practice of 57091
barbering which was not received. The aggregate liability of the 57092
surety to all students shall not exceed the sum of the bond. 57093

(6) Maintain adequate record keeping to ensure that it has 57094
met the requirements for records of student progress as required 57095
by board rule; 57096

(7) Establish minimum standards for acceptance of student 57097
applicants for admission to the barber school. The barber school 57098
may establish entrance requirements which are more stringent 57099
than those prescribed by the board, but the requirements must at 57100
a minimum require the applicant to meet all of the following: 57101

(a) Be at least seventeen years of age; 57102

(b) Have an eighth grade education, or an equivalent 57103
education as determined by the ~~state board~~ department of 57104
education and workforce; 57105

(c) Submit two signed current photographs of the 57106
applicant, in the size determined by the board. 57107

(8) Have a procedure to submit every student applicant's 57108
admission application to the board for the board's review and 57109
approval prior to the applicant's admission to the barber 57110
school; 57111

(9) Operate in a manner which reflects credit upon the 57112
barbering profession; 57113

(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;

(11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.

(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements:

(1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;

(2) Meets such other requirements as adopted by rule by the board;

(3) Passes the required examination; and

(4) Pays the required fees.

The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees.

(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five

days after the commencement of the employment the barber school 57142
submits to the board, on forms provided by the board, the 57143
applicant's qualifications. 57144

Sec. 4713.02. (A) There is hereby created the state 57145
cosmetology and barber board, consisting of all of the following 57146
members appointed by the governor, with the advice and consent 57147
of the senate: 57148

(1) One individual holding a current, valid cosmetologist 57149
or cosmetology instructor license at the time of appointment; 57150

(2) Two individuals holding current, valid cosmetologist 57151
licenses and actively engaged in managing beauty salons for a 57152
period of not less than five years at the time of appointment; 57153

(3) One individual who holds a current, valid independent 57154
contractor license at the time of appointment and practices a 57155
branch of cosmetology; 57156

(4) One individual who represents individuals who teach 57157
the theory and practice of a branch of cosmetology at a 57158
vocational or career-technical school; 57159

(5) One owner or executive actively engaged in the daily 57160
operations of a licensed school of cosmetology; 57161

(6) One owner of at least five licensed salons; 57162

(7) One individual who is either a certified nurse 57163
practitioner or clinical nurse specialist holding a current, 57164
valid license to practice nursing as an advanced practice 57165
registered nurse issued under Chapter 4723. of the Revised Code 57166
or a physician authorized under Chapter 4731. of the Revised 57167
Code to practice medicine and surgery or osteopathic medicine 57168
and surgery; 57169

(8) One individual representing the general public;	57170
(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment;	57171 57172 57173 57174
(10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment;	57175 57176 57177 57178
(11) One individual who is an employer barber and who has been licensed as a barber in this state for at least five years immediately preceding the individual's appointment;	57179 57180 57181
(12) One individual who holds a current, valid barber or barber teacher license at the time of appointment and who has been licensed as a barber or barber teacher in this state for at least five years immediately preceding the individual's appointment.	57182 57183 57184 57185 57186
(B) The superintendent of public instruction <u>director of education and workforce</u> shall nominate three individuals for the governor to choose from when making an appointment under division (A) (4) of this section.	57187 57188 57189 57190
(C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology. Not more than one member shall have a common financial connection with any school of cosmetology, salon, barber school, or barber shop.	57191 57192 57193 57194 57195 57196
Terms of office are for five years. Terms shall commence on the first day of November and end on the thirty-first day of	57197 57198

October. Each member shall hold office from the date of 57199
appointment until the end of the term for which appointed. In 57200
case of a vacancy occurring on the board, the governor shall, in 57201
the same manner prescribed for the regular appointment to the 57202
board, fill the vacancy by appointing a member. Any member 57203
appointed to fill a vacancy occurring prior to the expiration of 57204
the term for which the member's predecessor was appointed shall 57205
hold office for the remainder of such term. Any member shall 57206
continue in office subsequent to the expiration date of the 57207
member's term until the member's successor takes office, or 57208
until a period of sixty days has elapsed, whichever occurs 57209
first. Before entering upon the discharge of the duties of the 57210
office of member, each member shall take, and file with the 57211
secretary of state, the oath of office required by Section 7 of 57212
Article XV, Ohio Constitution. 57213

The members of the board shall receive an amount fixed 57214
pursuant to Chapter 124. of the Revised Code per diem for every 57215
meeting of the board which they attend, together with their 57216
necessary expenses, and mileage for each mile necessarily 57217
traveled. 57218

The members of the board shall annually elect, from among 57219
their number, a chairperson and a vice-chairperson. The 57220
executive director appointed pursuant to section 4713.06 of the 57221
Revised Code shall serve as the board's secretary. 57222

(D) The board shall prescribe the duties of its officers 57223
and establish an office within Franklin county. The board shall 57224
keep all records and files at the office and have the records 57225
and files at all reasonable hours open to public inspection in 57226
accordance with section 149.43 of the Revised Code and any rules 57227
adopted by the board in compliance with this state's record 57228

retention policy. The board also shall adopt a seal for the authentication of its orders, communications, and records.

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

(F) Whenever the term "state board of cosmetology" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context. Whenever the term "barber board" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context.

Sec. 4732.10. (A) The state board of psychology shall appoint an entrance examiner who shall determine the sufficiency of an applicant's qualifications for admission to the appropriate examination. A member of the board or the executive director may be appointed as the entrance examiner.

(B) Requirements for admission to examination for a psychologist license shall be that the applicant:

(1) Is at least twenty-one years of age;

(2) Meets one of the following requirements:

(a) Received an earned doctoral degree from an institution accredited or recognized by a national or regional accrediting agency and a program accredited by any of the following:

(i) The American psychological association, office of

program consultation and accreditation;	57257
(ii) The accreditation office of the Canadian psychological association;	57258 57259
(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	57260 57261 57262
(iv) The national association of school psychologists.	57263
(b) Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B) (2) (a) of this section;	57264 57265 57266 57267 57268
(c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B) (2) (a) of this section;	57269 57270 57271 57272 57273
(d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.	57274 57275 57276 57277 57278
(3) Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral internship. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.	57279 57280 57281 57282 57283 57284

(4) If applying under division (B) (2) (b) or (c) of this section, has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be postdoctoral. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.

(C) Requirements for admission to examination for a school psychologist license shall be that the applicant:

(1) Has received from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards, including those approved by the state board of education for the training of school psychologists, at least a master's degree in school psychology, or a degree considered equivalent by the board;

(2) Is at least twenty-one years of age;

(3) Has completed at least sixty quarter hours, or the semester hours equivalent, at the graduate level, of accredited study in course work relevant to the study of school psychology;

(4) Has completed an internship in an educational institution approved by the ~~Ohio~~ department of education and workforce for school psychology supervised experience or one year of other training experience acceptable to the board, such as supervised professional experience under the direction of a licensed psychologist or licensed school psychologist;

(5) Furnishes proof of at least twenty-seven months, exclusive of internship, of full-time experience as a certificated school psychologist employed by a board of education or a private school meeting the standards prescribed by the ~~state board~~ director of education and workforce, or of

experience that the board deems equivalent. 57314

(D) If the entrance examiner finds that the applicant 57315
meets the requirements set forth in this section, the applicant 57316
shall be admitted to the appropriate examination. 57317

(E) The board shall adopt under Chapter 119. of the 57318
Revised Code rules for determining for the purposes of division 57319
(B) (2) (b) of this section whether a degree is equivalent to a 57320
degree in psychology from an institution in the United States. 57321

Sec. 4732.22. (A) The following persons are exempted from 57322
the licensing requirements of this chapter: 57323

(1) A person who holds a license or certificate issued by 57324
the state board of education authorizing the practice of school 57325
psychology, while practicing school psychology within the scope 57326
of employment by a board of education or by a private school 57327
meeting the standards prescribed by the ~~state board~~ director of 57328
education and workforce under division (D) of section 3301.07 of 57329
the Revised Code, or while acting as a school psychologist 57330
within the scope of employment in a program for children with 57331
disabilities established under Chapter 3323. or 5126. of the 57332
Revised Code. A person exempted under this division shall not 57333
offer psychological services to any other individual, 57334
organization, or group for remuneration, monetary or otherwise, 57335
unless the person is licensed by the state board of psychology. 57336

(2) Any nonresident temporarily employed in this state to 57337
render psychological services for not more than thirty days a 57338
year, who, in the opinion of the board, meets the standards for 57339
entrance in division (B) of section 4732.10 of the Revised Code, 57340
who has paid the required fee and submitted an application 57341
prescribed by the board, and who holds whatever license or 57342

certificate, if any, is required for such practice in the 57343
person's home state or home country. 57344

(3) Any person working under the supervision of a 57345
psychologist or school psychologist licensed under this chapter, 57346
while carrying out specific tasks, under the license holder's 57347
supervision, as an extension of the license holder's legal and 57348
ethical authority as specified under this chapter if the person 57349
is registered under division (B) of this section. All fees shall 57350
be billed under the name of the license holder. The person 57351
working under the license holder's supervision shall not 57352
represent self to the public as a psychologist or school 57353
psychologist, although supervised persons and persons in 57354
training may be ascribed such titles as "psychology trainee," 57355
"psychology assistant," "psychology intern," or other 57356
appropriate term that clearly implies their supervised or 57357
training status. 57358

(4) Any student in an accredited educational institution, 57359
while carrying out activities that are part of the student's 57360
prescribed course of study, provided such activities are 57361
supervised by a professional person who is qualified to perform 57362
such activities and is licensed under this chapter or is a 57363
qualified supervisor pursuant to rules of the board; 57364

(5) Recognized religious officials, including ministers, 57365
priests, rabbis, imams, Christian science practitioners, and 57366
other persons recognized by the board, conducting counseling 57367
when the counseling activities are within the scope of the 57368
performance of their regular duties and are performed under the 57369
auspices or sponsorship of an established and legally cognizable 57370
religious denomination or sect, as defined in current federal 57371
tax regulations, and when the religious official does not refer 57372

to the official's self as a psychologist and remains accountable 57373
to the established authority of the religious denomination or 57374
sect; 57375

(6) Persons in the employ of the federal government 57376
insofar as their activities are a part of the duties of their 57377
positions; 57378

(7) Persons licensed, certified, or registered under any 57379
other provision of the Revised Code who are practicing those 57380
arts and utilizing psychological procedures that are allowed and 57381
within the standards and ethics of their profession or within 57382
new areas of practice that represent appropriate extensions of 57383
their profession, provided that they do not hold themselves out 57384
to the public by the title of psychologist; 57385

(8) Persons using the term "social psychologist," 57386
"experimental psychologist," "developmental psychologist," 57387
"research psychologist," "cognitive psychologist," and other 57388
terms used by those in academic and research settings who 57389
possess a doctoral degree in psychology from an educational 57390
institution accredited or recognized by national or regional 57391
accrediting agencies as maintaining satisfactory standards and 57392
who do not use such a term in the solicitation or rendering of 57393
professional psychological services. 57394

(B) The license holder who is supervising a person 57395
described in division (A) (3) of this section shall register the 57396
person with the board. The board shall adopt rules regarding the 57397
registration process and the supervisory relationship. 57398

Sec. 4735.09. (A) Application for a license as a real 57399
estate salesperson shall be made to the superintendent of real 57400
estate on forms furnished by the superintendent and signed by 57401

the applicant. The application shall be in the form prescribed 57402
by the superintendent and shall contain such information as is 57403
required by this chapter and the rules of the Ohio real estate 57404
commission. The application shall be accompanied by the 57405
recommendation of the real estate broker with whom the applicant 57406
is associated or with whom the applicant intends to be 57407
associated, certifying that the applicant is honest and 57408
truthful, and has not been finally adjudged by a court to have 57409
violated any municipal, state, or federal civil rights laws 57410
relevant to the protection of purchasers or sellers of real 57411
estate, which conviction or adjudication the applicant has not 57412
disclosed to the superintendent, and recommending that the 57413
applicant be admitted to the real estate salesperson 57414
examination. 57415

(B) A fee of eighty-one dollars shall accompany the 57416
application, which fee includes the fee for the initial year of 57417
the licensing period, if a license is issued. The initial year 57418
of the licensing period commences at the time the license is 57419
issued and ends on the applicant's first birthday thereafter. 57420
The application fee shall be nonrefundable. A fee of eighty-one 57421
dollars shall be charged by the superintendent for each 57422
successive application made by the applicant. One dollar of each 57423
application fee shall be credited to the real estate education 57424
and research fund. 57425

(C) There shall be no limit placed on the number of times 57426
an applicant may retake the examination. 57427

(D) The superintendent, with the consent of the 57428
commission, may enter into an agreement with a recognized 57429
national testing service to administer the real estate 57430
salesperson's examination under the superintendent's supervision 57431

and control, consistent with the requirements of this chapter as 57432
to the contents of the examination. 57433

If the superintendent, with the consent of the commission, 57434
enters into an agreement with a national testing service to 57435
administer the real estate salesperson's examination, the 57436
superintendent may require an applicant to pay the testing 57437
service's examination fee directly to the testing service. If 57438
the superintendent requires the payment of the examination fee 57439
directly to the testing service, each applicant shall submit to 57440
the superintendent a processing fee in an amount determined by 57441
the Ohio real estate commission pursuant to division (A) (1) of 57442
section 4735.10 of the Revised Code. 57443

(E) The superintendent shall issue a real estate 57444
salesperson's license when satisfied that the applicant has 57445
received a passing score on each portion of the salesperson's 57446
examination as determined by rule by the real estate commission, 57447
except that the superintendent may waive one or more of the 57448
requirements of this section in the case of an applicant who is 57449
a licensed real estate salesperson in another state pursuant to 57450
a reciprocity agreement with the licensing authority of the 57451
state from which the applicant holds a valid real estate 57452
salesperson's license. 57453

(F) No applicant for a salesperson's license shall take 57454
the salesperson's examination who has not established to the 57455
satisfaction of the superintendent that the applicant: 57456

(1) Is honest and truthful; 57457

(2) (a) Has not been convicted of a disqualifying offense 57458
as determined in accordance with section 9.79 of the Revised 57459
Code; 57460

(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant is honest and truthful, and there is no basis in fact for believing that the applicant again will violate the laws involved.

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

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued ~~by the department of education~~ under section 3301.80 of the Revised Code;

(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

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

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of

prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(c) Twenty hours of instruction in real estate appraisal; 57500

(d) Twenty hours of instruction in real estate finance. 57501

(G) (1) Successful completion of the instruction required by division (F) (6) of this section shall be determined by the law in effect on the date the instruction was completed.

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

(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F) (6) of this section. The state authorizing entity may consult with the superintendent in reviewing the course for compliance with this section.

(I) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately

preceding the person's current application for the salesperson's 57519
examination shall have successfully completed the prelicensure 57520
instruction required by division (F) (6) of this section within a 57521
ten-year period immediately preceding the person's current 57522
application for the salesperson's examination. 57523

(J) Not earlier than the date of issue of a real estate 57524
salesperson's license to a licensee, but not later than twelve 57525
months after the date of issue of a real estate salesperson 57526
license to a licensee, the licensee shall submit proof 57527
satisfactory to the superintendent, on forms made available by 57528
the superintendent, of the completion of twenty hours of 57529
instruction that shall be completed in schools, seminars, and 57530
educational institutions approved by the commission. The 57531
instruction shall include, but is not limited to, current 57532
practices relating to commercial real estate, property 57533
management, short sales, and land contracts; contract law; 57534
federal and state programs; economic conditions; and fiduciary 57535
responsibility. Approval of the curriculum and providers shall 57536
be granted according to rules adopted pursuant to section 57537
4735.10 of the Revised Code and may be taken through classroom 57538
instruction or distance education. 57539

If proof of completion of the required instruction is not 57540
submitted within twelve months of the date a license is issued 57541
under this section, the licensee's license is suspended 57542
automatically without the taking of any action by the 57543
superintendent. The superintendent immediately shall notify the 57544
broker with whom such salesperson is associated of the 57545
suspension of the salesperson's license. A salesperson whose 57546
license has been suspended under this division shall have twelve 57547
months after the date of the suspension of the salesperson's 57548
license to submit proof of successful completion of the 57549

instruction required under this division. No such license shall 57550
be reactivated by the superintendent until it is established, to 57551
the satisfaction of the superintendent, that the requirements of 57552
this division have been met and that the licensee is in 57553
compliance with this chapter. A licensee's license is revoked 57554
automatically without the taking of any action by the 57555
superintendent when the licensee fails to submit the required 57556
proof of completion of the education requirements under division 57557
(I) of this section within twelve months of the date the license 57558
is suspended. 57559

(K) Examinations shall be administered with reasonable 57560
accommodations in accordance with the requirements of the 57561
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 57562
U.S.C. 12189. The contents of an examination shall be consistent 57563
with the classroom instructional requirements of division (F) (6) 57564
of this section. An applicant who has completed the classroom 57565
instructional requirements of division (F) (6) of this section at 57566
the time of application shall be examined no later than twelve 57567
months after the applicant is notified of the applicant's 57568
admission to the examination. 57569

Sec. 4742.02. (A) The ~~state board~~ department of education 57570
and workforce, in conjunction with emergency service providers, 57571
shall develop and implement a program to provide emergency 57572
service telecommunicator training, ~~and shall implement the~~ 57573
~~program not more than one year after the effective date of this~~ 57574
~~section.~~ In developing the program, the ~~state board~~ department 57575
and the emergency service providers shall accept and consider 57576
suggestions from any political subdivision or other entity, 57577
whether located within or outside of this state, that offers 57578
suggestions. The program shall include all of the following: 57579

- (1) A curriculum for a basic course of emergency service telecommunicator training that conforms to the requirements of division (A) of section 4742.03 of the Revised Code; 57580
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- (2) A curriculum for continuing education coursework in emergency service telecommunicator training that conforms to the requirements of division (B) of section 4742.03 of the Revised Code; 57583
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- (3) Standards and examinations to be used in the program to certify that a person has successfully completed a basic course of, or continuing education coursework in, emergency service telecommunicator training; 57587
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- (4) Implementation of the training program at vocational education centers that are approved by the board to offer vocational education; 57591
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- (5) The provision at least eight times per year of a basic course of emergency service telecommunicator training at different vocational education centers around this state selected to reasonably accommodate persons requesting the training; 57594
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- (6) A requirement that any employee of an emergency service provider may enroll in and complete any course offered under the program at no charge by the ~~state board~~ department to the employee or provider. The tuition and materials costs for training such employees under the program shall be paid from the emergency service telecommunicator training fund created under division (B) of this section. 57599
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- (7) A requirement that space available in each basic course offered by the ~~state board~~ department shall be allocated on a priority basis, first to unpaid volunteers of emergency 57606
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service providers, second to paid volunteers of such providers, 57609
and third to other persons; 57610

(8) A provision allowing persons who are not employees of 57611
emergency service providers to enroll in any course offered 57612
under the program, on a space-available basis. The ~~state board-~~ 57613
~~department~~ may charge reasonable tuition to such persons to 57614
attend the course. 57615

(B) The emergency service telecommunicator training fund 57616
is hereby established in the state treasury. The ~~state board of-~~ 57617
~~education department~~ shall use money in the fund only for the 57618
following purposes: 57619

(1) To develop the emergency service telecommunicator 57620
training program required under division (A) of this section; 57621

(2) To pay the compensation of ~~state board of education-~~ 57622
~~department~~ employees who administer the program and the ~~state-~~ 57623
~~board's department's~~ costs of training employees of emergency 57624
service providers at courses offered under the program. 57625

(C) The ~~state board of education department~~, in accordance 57626
with Chapter 119. of the Revised Code, shall adopt rules 57627
necessary to develop and administer the training program under 57628
this section. 57629

Sec. 4742.03. (A) A person may obtain certification as an 57630
emergency service telecommunicator by successfully completing a 57631
basic course of emergency service telecommunicator training that 57632
is conducted by the ~~state board department~~ of education and 57633
workforce under section 4742.02 of the Revised Code. The basic 57634
course of emergency service telecommunicator training shall 57635
include, but not be limited to, both of the following: 57636

(1) At least forty hours of instruction or training; 57637

(2) Instructional or training units in all of the following subjects:	57638 57639
(a) The role of the emergency service telecommunicator;	57640
(b) Effective communication skills;	57641
(c) Emergency service telecommunicator liability;	57642
(d) Telephone techniques;	57643
(e) Requirements of the "Americans With Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that pertain to emergency service telecommunicators;	57644 57645 57646
(f) Handling hysterical and suicidal callers;	57647
(g) Informing individuals who call about an apparent drug overdose about the immunity from prosecution for a minor drug possession offense created by section 2925.11 of the Revised Code;	57648 57649 57650 57651
(h) Law enforcement terminology;	57652
(i) Fire service terminology;	57653
(j) Emergency medical service terminology;	57654
(k) Emergency call processing guides for law enforcement;	57655
(l) Emergency call processing guides for fire service;	57656
(m) Emergency call processing guides for emergency medical service;	57657 57658
(n) Radio broadcast techniques;	57659
(o) Disaster planning;	57660
(p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire	57661 57662

or emergency medical service scene safety. 57663

(B) A person may maintain certification as an emergency 57664
service telecommunicator by successfully completing at least 57665
eight hours of continuing education coursework in emergency 57666
service telecommunicator training during each two-year period 57667
after a person first obtains the certification referred to in 57668
division (A) of this section. The continuing education 57669
coursework shall consist of review and advanced training and 57670
instruction in the subjects listed in division (A) (2) of this 57671
section. 57672

(C) If a person successfully completes the basic course of 57673
emergency service telecommunicator training described in 57674
division (A) of this section, the ~~state board of education~~ 57675
department or ~~a the department's designee of the board~~ shall 57676
certify the person's successful completion. The ~~board~~ department 57677
shall send a copy of the certification to the person and to the 57678
emergency service provider by whom the person is employed. 57679

If a person successfully completes the continuing 57680
education coursework described in division (B) of this section, 57681
the ~~state board of education or a designee of the board~~ 57682
department shall certify the person's successful completion. The 57683
~~board~~ department shall send a copy of the certification to the 57684
person and to the emergency service provider by whom the person 57685
is employed. 57686

Sec. 4742.05. (A) A career school that holds a valid 57687
certificate of registration from the state board of career 57688
colleges and schools may apply to the ~~state board~~ department of 57689
education and workforce for certification of a basic course of 57690
emergency service telecommunicator training or of continuing 57691
education coursework in emergency service telecommunicator 57692

training. The ~~state board of education~~ department shall 57693
prescribe the form of the application. 57694

(B) Upon receipt of an application, the ~~state board of~~ 57695
~~education~~ department shall review it and consider whether the 57696
proposed course or coursework meets the requirements of division 57697
(A) or (B) of section 4742.03 of the Revised Code concerning 57698
course length and content. If the proposed course or coursework 57699
meets those requirements, the ~~state board of education~~ 57700
department shall issue a certification of that fact to the 57701
career school. Inclusion of on-site verifiable electronic 57702
training as part of a proposed basic or continuing education 57703
course shall not be a reason for the ~~state board~~ department to 57704
deny certification. 57705

(C) If, after receiving a certification from the ~~state~~ 57706
~~board of education~~ department under this section, the career 57707
school changes the approved course or coursework, the prior 57708
certification is canceled and the career school shall apply to 57709
the ~~state board of education~~ department for certification of the 57710
changed course or coursework. 57711

Sec. 4742.06. (A) A person may obtain certification as an 57712
emergency service telecommunicator by successfully completing a 57713
basic course of emergency service telecommunicator training that 57714
is conducted by a career school that has obtained certification 57715
of that course from the ~~state board~~ department of education and 57716
workforce under section 4742.05 of the Revised Code. If a person 57717
successfully completes the course, the career school shall 57718
certify the person's successful completion. 57719

(B) A person may maintain certification as an emergency 57720
service telecommunicator by successfully completing continuing 57721
education coursework in emergency service telecommunicator 57722

training that is conducted by a career school that has obtained 57723
certification of that coursework from the ~~state board of~~ 57724
~~education department~~ under section 4742.05 of the Revised Code. 57725
If a person successfully completes the coursework, the career 57726
school shall certify the person's successful completion. 57727

(C) Upon certification of a person's successful completion 57728
under division (A) or (B) of this section, the career school 57729
shall send a copy of the certification to the person and to the 57730
emergency service provider that employs the person. 57731

(D) Tuition and materials costs for a person enrolled in a 57732
certified basic or continuing education course conducted by a 57733
career school shall be paid by the person, an emergency service 57734
provider, or any other entity on behalf of the person or an 57735
emergency service provider. 57736

Sec. 4742.07. The ~~state board department~~ of education and 57737
workforce and any emergency service provider or career school 57738
that certifies emergency service telecommunicators shall comply 57739
with section 4776.20 of the Revised Code. 57740

Sec. 4743.03. No board, commission, or agency created 57741
under or by virtue of Title 47 of the Revised Code shall 57742
restrict entry into any occupation, profession, or trade under 57743
its supervision or regulation by: 57744

(A) Unreasonably restricting the number of schools or 57745
other institutions it certifies or accredits for the purpose of 57746
fulfilling educational or training requirements for such 57747
occupation, profession, or trade; 57748

(B) Denying certification or accreditation for the purpose 57749
of fulfilling such educational or training requirements to any 57750
school, college, or other educational institution that has been 57751

certified by the ~~Ohio board~~ chancellor of regents higher 57752
education or the state board of career colleges and schools or 57753
to a high school for which the ~~state board~~ director of education 57754
and workforce prescribes minimum standards under division (D) of 57755
section 3301.07 of the Revised Code, unless the educational or 57756
training program offered by such school, college, or institution 57757
is not in substantial compliance with applicable standards of 57758
the occupation, profession, or trade. 57759

(C) Rules of state regulatory boards relevant to age and 57760
level of education required for admission to courses of study 57761
leading to examination and licensing in professions or 57762
occupations controlled by regulatory boards not requiring a 57763
technical, associate, or baccalaureate degree shall not apply to 57764
vocational education programs conducted in the public schools 57765
where such vocational education programs in all other respects 57766
meet the minimum standards and requirements of any regulatory 57767
board and students completing such programs are of the minimum 57768
age required for examination and licensing for the purpose of 57769
practicing professions or occupations controlled by regulatory 57770
boards. 57771

Nothing in this section shall prohibit a board, 57772
commission, or agency from prescribing and enforcing educational 57773
and training requirements and standards for certification and 57774
accreditation of schools and other institutions that constitute 57775
reasonable bases for maintaining necessary standards of 57776
performance in any occupation, profession, or trade. 57777

Sec. 4747.10. Each person currently engaged in training to 57778
become a licensed hearing aid dealer or fitter shall apply to 57779
the state speech and hearing professionals board for a hearing 57780
aid dealer's and fitter's trainee permit. The board shall issue 57781

to each applicant within thirty days of receipt of a properly
completed application and payment of an application fee set by
the board in rules adopted under section 4747.04 of the Revised
Code, a trainee permit if such applicant meets all of the
following criteria:

(A) Is at least eighteen years of age;

(B) Is the holder of a diploma from an accredited high
school or a certificate of high school equivalence issued ~~by the~~
~~department of education~~ under section 3301.80 of the Revised
Code;

(C) Is free of contagious or infectious disease.

The board shall not deny a trainee permit issued under
this section to any individual based on the individual's past
criminal history unless the denial is in accordance with section
9.79 of the Revised Code.

In considering a renewal of an individual's trainee
permit, the board shall not consider any conviction or plea of
guilty prior to the issuance of the initial trainee permit.
However, the board may consider a conviction or plea of guilty
if it occurred after the individual was initially granted the
trainee permit, or after the most recent trainee permit renewal.
The board shall comply with Chapter 119. of the Revised Code
when denying an individual for a trainee permit or renewal.
Additionally, the board may grant an individual a conditional
trainee permit that lasts for one year. After the one-year
period has expired, the permit is no longer considered
conditional, and the individual shall be considered to be
granted a full trainee permit.

Each trainee permit issued by the board expires one year

from the date it was first issued, and may be renewed once if 57811
the trainee has not successfully completed the qualifying 57812
requirements for licensing as a hearing aid dealer or fitter 57813
before the expiration date of such permit. The board shall issue 57814
a renewed permit to each applicant upon receipt of a properly 57815
completed application and payment of a renewal fee set by the 57816
board in rules adopted under section 4747.04 of the Revised 57817
Code. No person holding a trainee permit shall engage in the 57818
practice of dealing in or fitting of hearing aids except while 57819
under supervision by a licensed hearing aid dealer or fitter. 57820

Sec. 4757.41. (A) This chapter shall not apply to the 57821
following: 57822

(1) A person certified by the state board of education 57823
under Chapter 3319. of the Revised Code while performing any 57824
services within the person's scope of employment by a board of 57825
education or by a private school meeting the standards 57826
prescribed by the ~~state board~~ director of education and 57827
workforce under division (D) of section 3301.07 of the Revised 57828
Code or in a program operated under Chapter 5126. of the Revised 57829
Code for training individuals with developmental disabilities; 57830

(2) Psychologists or school psychologists licensed under 57831
Chapter 4732. of the Revised Code; 57832

(3) Members of other professions licensed, certified, or 57833
registered by this state while performing services within the 57834
recognized scope, standards, and ethics of their respective 57835
professions; 57836

(4) Rabbis, priests, Christian science practitioners, 57837
clergy, or members of religious orders and other individuals 57838
participating with them in pastoral counseling when the 57839

counseling activities are within the scope of the performance of 57840
their regular or specialized ministerial duties and are 57841
performed under the auspices or sponsorship of an established 57842
and legally cognizable church, denomination, or sect or an 57843
integrated auxiliary of a church as defined in federal tax 57844
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 57845
when the individual rendering the service remains accountable to 57846
the established authority of that church, denomination, sect, or 57847
integrated auxiliary; 57848

(5) Any person who is not licensed under this chapter as a 57849
licensed professional clinical counselor, licensed professional 57850
counselor, independent social worker, or social worker and is 57851
employed in the civil service as defined in section 124.01 of 57852
the Revised Code while engaging in professional counseling or 57853
social work as a civil service employee, if on July 10, 2014, 57854
the person has at least two years of service in that capacity; 57855

(6) A student in an accredited educational institution 57856
while carrying out activities that are part of the student's 57857
prescribed course of study if the activities are supervised as 57858
required by the educational institution and if the student does 57859
not hold herself or himself out as a person licensed or 57860
registered under this chapter; 57861

(7) An individual who holds a license or certificate under 57862
Chapter 4758. of the Revised Code who is acting within the scope 57863
of the individual's license or certificate as a member of the 57864
profession of chemical dependency counseling or prevention 57865
services; 57866

(8) Any person employed by the American red cross while 57867
engaging in activities relating to services for military 57868
families and veterans and disaster relief, as described in the 57869

"American National Red Cross Act," 33 Stat. 599 (1905), 36 57870
U.S.C.A. 1, as amended; 57871

(9) Members of labor organizations who hold union 57872
counselor certificates while performing services in their 57873
official capacity as union counselors; 57874

(10) Any person employed in a hospital as defined in 57875
section 3727.01 of the Revised Code or in a nursing home as 57876
defined in section 3721.01 of the Revised Code while providing 57877
as a hospital employee or nursing home employee, respectively, 57878
social services other than counseling and the use of 57879
psychosocial interventions and social psychotherapy; 57880

(11) A vocational rehabilitation professional who is 57881
providing rehabilitation services to individuals under section 57882
3304.17 of the Revised Code, or holds certification by the 57883
commission on rehabilitation counselor certification and is 57884
providing rehabilitation counseling services consistent with the 57885
commission's standards; 57886

(12) A caseworker not licensed under this chapter as an 57887
independent social worker or social worker who is employed by a 57888
public children services agency under section 5153.112 of the 57889
Revised Code. 57890

(B) Divisions (A) (5) and (10) of this section do not 57891
prevent a person described in those divisions from obtaining a 57892
license or certificate of registration under this chapter. 57893

(C) Except as provided in divisions (A) and (D) of this 57894
section, no employee in the service of the state, including 57895
public employees as defined by Chapter 4117. of the Revised 57896
Code, shall engage in the practice of professional counseling, 57897
social work, or marriage and family therapy without the 57898

appropriate license issued by the board. Failure to comply with 57899
this division constitutes nonfeasance under section 124.34 of 57900
the Revised Code or just cause under a collective bargaining 57901
agreement. Nothing in this division restricts the director of 57902
administrative services from developing new classifications 57903
related to this division or from reassigning affected employees 57904
to appropriate classifications based on the employee's duties 57905
and qualifications. 57906

(D) Except as provided in division (A) of this section, an 57907
employee who was engaged in the practice of professional 57908
counseling, social work, or marriage and family therapy in the 57909
service of the state prior to July 10, 2014, including public 57910
employees as defined by Chapter 4117. of the Revised Code, shall 57911
comply with division (C) of this section within two years after 57912
July 10, 2014. Any such employee who fails to comply shall be 57913
removed from employment. 57914

(E) Nothing in this chapter prevents a public children 57915
services agency from employing as a caseworker a person not 57916
licensed under this chapter as an independent social worker or 57917
social worker who has the qualifications specified in section 57918
5153.112 of the Revised Code. 57919

Sec. 4758.61. An individual who holds a valid prevention 57920
specialist assistant certificate or registered applicant 57921
certificate issued under this chapter may engage in the practice 57922
of prevention services under the supervision of any of the 57923
following: 57924

(A) A prevention consultant or prevention specialist 57925
certified under this chapter; 57926

(B) An individual authorized under Chapter 4731. of the 57927

Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	57928 57929
(C) A psychologist licensed under Chapter 4732. of the Revised Code;	57930 57931
(D) A registered nurse licensed under Chapter 4723. of the Revised Code;	57932 57933
(E) A licensed professional clinical counselor, a licensed professional counselor, an independent social worker, a social worker, an independent marriage and family therapist, or a marriage and family therapist licensed under Chapter 4757. of the Revised Code;	57934 57935 57936 57937 57938
(F) A school counselor licensed by the department <u>state board</u> of education pursuant to section 3319.22 of the Revised Code;	57939 57940 57941
(G) A health education specialist certified by the national commission for health education credentialing;	57942 57943
(H) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.	57944 57945 57946
Sec. 4779.13. To be eligible for a license to practice pedorthics, an applicant must meet all of the following requirements:	57947 57948 57949
(A) On the date of application, has practiced pedorthics for not less than eight months under the supervision of an individual licensed under this chapter to practice pedorthics;	57950 57951 57952
(B) Holds a high school diploma or certificate of high school equivalence issued by the department of education <u>and workforce</u> , or a primary-secondary education or higher education	57953 57954 57955

agency of another state; 57956

(C) Has completed the education, training, and experience 57957
required to take the certification examination developed by the 57958
Ohio occupational therapy, physical therapy, and athletic 57959
trainers board for certification in pedorthics or an equivalent 57960
successor organization recognized by the board. 57961

Sec. 5101.061. (A) There is hereby established in the 57962
department of job and family services the office of human 57963
services innovation. The office shall develop recommendations, 57964
as described in division (B) of this section, regarding the 57965
coordination and reform of state programs to assist the 57966
residents of this state in preparing for life and the dignity of 57967
work and to promote individual responsibility and work 57968
opportunity. 57969

The director of job and family services shall establish 57970
the office's organizational structure, may reassign the 57971
department's staff and resources as necessary to support the 57972
office's activities, and is responsible for the office's 57973
operations. The department of education and 57974
workforce~~superintendent of public instruction~~, chancellor of 57975
higher education, and director of the governor's office of 57976
workforce transformation shall assist the director of job and 57977
family services with leadership and organizational support for 57978
the office. 57979

(B) Not later than January 1, 2015, the office shall 57980
submit to the governor recommendations for all of the following: 57981

(1) Coordinating services across all public assistance 57982
programs to help individuals find employment, succeed at work, 57983
and stay out of poverty; 57984

(2) Revising incentives for public assistance programs to foster person-centered case management;	57985 57986
(3) Standardizing and automating eligibility determination policies and processes for public assistance programs;	57987 57988
(4) Other matters the office considers appropriate.	57989
(C) Not later than three months after September 15, 2014, the office shall establish clear principles to guide the development of its recommendations, shall identify in detail the problems to be addressed in the recommendations, and shall make an inventory of all state and other resources that the office considers relevant to the recommendations.	57990 57991 57992 57993 57994 57995
(D) The office shall convene the directors and staff of the departments, agencies, offices, boards, commissions, and institutions of the executive branch of the state as necessary to develop the office's recommendations. The departments, agencies, offices, boards, commissions, and institutions shall comply with all requests and directives that the office makes, subject to the supervision of the directors of the departments, agencies, offices, boards, commissions, and institutions. The office also shall convene other individuals interested in the issues that the office addresses in the development of the recommendations to obtain their input on, and support for, the recommendations.	57996 57997 57998 57999 58000 58001 58002 58003 58004 58005 58006 58007
Sec. 5101.34. (A) There is hereby created in the department of job and family services the Ohio commission on fatherhood. The commission shall consist of the following members:	58008 58009 58010 58011
(1) (a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom	58012 58013

are members of the same political party. Two of the members must
be from legislative districts that include a county or part of a
county that is among the one-third of counties in this state
with the highest number per capita of households headed by
females.

(b) Two members of the senate appointed by the president
of the senate, each from a different political party. One of the
members must be from a legislative district that includes a
county or part of a county that is among the one-third of
counties in this state with the highest number per capita of
households headed by females.

(2) The governor, or the governor's designee;

(3) One representative of the judicial branch of
government appointed by the chief justice of the supreme court;

(4) The directors of health, job and family services,
rehabilitation and correction, mental health and addiction
services, ~~and youth services and the superintendent of public~~
~~instruction, and education and workforce~~, or their designees;

(5) One representative of the Ohio family and children
first cabinet council created under section 121.37 of the
Revised Code appointed by the chairperson of the council;

(6) Five representatives of the general public appointed
by the governor. These members shall have extensive experience
in issues related to fatherhood.

(B) The appointing authorities of the Ohio commission on
fatherhood shall make initial appointments to the commission
within thirty days after September 29, 1999. Of the initial
appointments to the commission made pursuant to divisions (A)
(3), (5), and (6) of this section, three of the members shall

serve a term of one year and four shall serve a term of two 58043
years. Members so appointed subsequently shall serve two-year 58044
terms. A member appointed pursuant to division (A) (1) of this 58045
section shall serve on the commission until the end of the 58046
general assembly from which the member was appointed or until 58047
the member ceases to serve in the chamber of the general 58048
assembly in which the member serves at the time of appointment, 58049
whichever occurs first. The governor or the governor's designee 58050
shall serve on the commission until the governor ceases to be 58051
governor. The directors ~~and superintendent~~ or their designees 58052
shall serve on the commission until they cease, or the director 58053
~~or superintendent~~ a designee represents ceases, to be director 58054
~~or superintendent~~. Each member shall serve on the commission 58055
from the date of appointment until the end of the term for which 58056
the member was appointed. Members may be reappointed. 58057

Vacancies shall be filled in the manner provided for 58058
original appointments. Any member appointed to fill a vacancy 58059
occurring prior to the expiration date of the term for which the 58060
member's predecessor was appointed shall serve on the commission 58061
for the remainder of that term. A member shall continue to serve 58062
on the commission subsequent to the expiration date of the 58063
member's term until the member's successor is appointed or until 58064
a period of sixty days has elapsed, whichever occurs first. 58065
Members shall serve without compensation but shall be reimbursed 58066
for necessary expenses. 58067

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of 58068
the Revised Code: 58069

(A) (1) "Association" or "institution" includes all of the 58070
following: 58071

(a) Any incorporated or unincorporated organization, 58072

society, association, or agency, public or private, that 58073
receives or cares for children for two or more consecutive 58074
weeks; 58075

(b) Any individual, including the operator of a foster 58076
home, who, for hire, gain, or reward, receives or cares for 58077
children for two or more consecutive weeks, unless the 58078
individual is related to them by blood or marriage; 58079

(c) Any individual not in the regular employ of a court, 58080
or of an institution or association certified in accordance with 58081
section 5103.03 of the Revised Code, who in any manner becomes a 58082
party to the placing of children in foster homes, unless the 58083
individual is related to such children by blood or marriage or 58084
is the appointed guardian of such children. 58085

(2) "Association" or "institution" does not include any of 58086
the following: 58087

(a) Any organization, society, association, school, 58088
agency, child guidance center, detention or rehabilitation 58089
facility, or children's clinic licensed, regulated, approved, 58090
operated under the direction of, or otherwise certified by the 58091
department of education and workforce, a local board of 58092
education, the department of youth services, the department of 58093
mental health and addiction services, or the department of 58094
developmental disabilities; 58095

(b) Any individual who provides care for only a single- 58096
family group, placed there by their parents or other relative 58097
having custody; 58098

(c) A private, nonprofit therapeutic wilderness camp; 58099

(d) A qualified organization as defined in section 2151.90 58100
of the Revised Code. 58101

- (B) "Family foster home" means a foster home that is not a specialized foster home. 58102
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- (C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code. 58104
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- (D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes. 58107
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- (E) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code. 58116
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- (F) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria: 58118
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- (1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care. 58122
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- (2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions. 58125
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- (3) The children require the services of a registered nurse on a daily basis. 58128
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(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(G) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:

(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.

(2) The children have been placed there by their parents or another relative having custody.

(3) The camp accepts no public funds for use in its operations.

(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

(1) Issue a certificate;

(2) Deny a certificate;

(3) Renew a certificate;

(4) Deny renewal of a certificate;

(5) Revoke a certificate.

(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.

(J) "Resource family" means a foster home or the kinship caregiver family. 58157
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(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 58159
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(L) "Treatment foster home" means a foster home that 58161
incorporates special rehabilitative services designed to treat 58162
the specific needs of the children received in the foster home 58163
and that receives and cares for children who are emotionally or 58164
behaviorally disturbed, who are chemically dependent, who have 58165
developmental disabilities, or who otherwise have exceptional 58166
needs. 58167

Sec. 5103.08. The department of job and family services 58168
may enter into contracts with the department of education and 58169
workforce authorizing the department of job and family services 58170
to administer funds received by the department of education and 58171
workforce under the "State Dependent Care Development Grants 58172
Act," 100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In 58173
fulfilling its duties under such a contract, the department of 58174
job and family services may make grants to or enter into 58175
contracts with other public or private entities. 58176

Sec. 5103.13. (A) As used in this section and section 58177
5103.131 of the Revised Code: 58178

(1) (a) "Children's crisis care facility" means a facility 58179
that has as its primary purpose the provision of residential and 58180
other care to either or both of the following: 58181

(i) One or more preteens voluntarily placed in the 58182
facility by the preteen's parent or other caretaker who is 58183
facing a crisis that causes the parent or other caretaker to 58184
seek temporary care for the preteen and referral for support 58185

services; 58186

(ii) One or more preteens placed in the facility by a 58187
public children services agency or private child placing agency 58188
that has legal custody or permanent custody of the preteen and 58189
determines that an emergency situation exists necessitating the 58190
preteen's placement in the facility rather than an institution 58191
certified under section 5103.03 of the Revised Code or 58192
elsewhere. 58193

(b) "Children's crisis care facility" does not include any 58194
of the following: 58195

(i) Any organization, society, association, school, 58196
agency, child guidance center, detention or rehabilitation 58197
facility, or children's clinic licensed, regulated, approved, 58198
operated under the direction of, or otherwise certified by the 58199
department of education and workforce, a local board of 58200
education, the department of youth services, the department of 58201
mental health and addiction services, or the department of 58202
developmental disabilities; 58203

(ii) Any individual who provides care for only a single- 58204
family group, placed there by their parents or other relative 58205
having custody; 58206

(iii) Any residential infant care center, as an entity 58207
deemed a residential infant care center under section 5103.602 58208
of the Revised Code shall no longer be licensed as a children's 58209
crisis care center. 58210

(2) "Legal custody" and "permanent custody" have the same 58211
meanings as in section 2151.011 of the Revised Code. 58212

(3) "Pediatric medical service" means medical service 58213
required to be provided by, or with oversight from, a licensed 58214

medical professional, including prescribing medication, 58215
administering rectal or intravenous medication, and outpatient 58216
laboratory service, and providing for sick visits, on-site well 58217
child exams, and children assisted by medical technology. 58218

(4) "Preteen" means an individual under thirteen years of 58219
age. 58220

(B) No person shall operate a children's crisis care 58221
facility or hold a children's crisis care facility out as a 58222
certified children's crisis care facility unless there is a 58223
valid children's crisis care facility certificate issued under 58224
this section for the facility. 58225

(C) (1) A person seeking to operate a children's crisis 58226
care facility shall apply to the director of job and family 58227
services to obtain a certificate for the facility. 58228

(2) (a) The director shall certify the person's children's 58229
crisis care facility if the facility meets all of the 58230
certification standards established in rules adopted under 58231
division (H) of this section and the person complies with all of 58232
the rules governing the certification of children's crisis care 58233
facilities adopted under that division. The issuance of a 58234
children's crisis care facility certificate does not exempt the 58235
facility from a requirement to obtain another certificate or 58236
license mandated by law. 58237

(b) The director shall not issue a waiver to a person for 58238
compliance with any of the requirements imposed under this 58239
section or any of the rules adopted under division (H) of this 58240
section. 58241

(D) No certified children's crisis care facility shall do 58242
any of the following: 58243

(1) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;	58244 58245
(2) Provide residential care to a preteen for more than ninety consecutive days, which shall include the aggregate of days spent at different facility locations if a preteen is transferred in accordance with division (E) (4) of this section;	58246 58247 58248 58249
(3) Provide residential care to a preteen for more than fourteen consecutive days if a public children services agency or private child placing agency placed the preteen in the facility;	58250 58251 58252 58253
(4) Fail to comply with section 2151.86 of the Revised Code.	58254 58255
(E) A certified children's crisis care facility shall do the following:	58256 58257
(1) Employ a licensed social worker, a licensed independent social worker, a licensed professional counselor, or a licensed professional clinical counselor;	58258 58259 58260
(2) Require, if pediatric medical service is provided at the facility, the following for the provision of pediatric medical service:	58261 58262 58263
(a) Medical service to be provided by a qualified, licensed, and insured medical professional;	58264 58265
(b) All staff, volunteers, and interns to comply with the privacy requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended;	58266 58267 58268 58269
(c) If a preteen is admitted by the preteen's parent or caretaker and if the preteen requires ongoing medical care	58270 58271

following discharge from the facility, a medical professional or 58272
licensed social worker to make the medical professional's or 58273
social worker's best effort to ensure the parent or caretaker is 58274
competent to provide the ongoing care; 58275

(d) The facility to have a dedicated and private enclosed 58276
space for the purpose of a medical professional to receive and 58277
treat patients and that contains a sink or tub, medical exam 58278
table, medical record system, and pediatric medical equipment. 58279

(3) Require, if a preteen is admitted by the preteen's 58280
parent or caretaker, the facility's licensed social worker, 58281
licensed independent social worker, licensed professional 58282
counselor, or licensed professional clinical counselor to make 58283
their best efforts to ensure the parent or caretaker is 58284
competent in the basic parenting skills needed to care for the 58285
preteen; 58286

(4) Require only a transfer summary for the transfer of a 58287
preteen from one certified children's crisis care facility 58288
location to another, if the facility has more than one location; 58289

(5) Require the facility to have a dedicated and private 58290
enclosed space for the purpose of completing required admission 58291
paperwork and medical forms; 58292

(6) Require the facility to develop a visitation plan for 58293
the preteen's parent or caretaker with the preteen while 58294
residential care is being provided, which shall occur during 58295
awake hours and not include overnight visits, for the parent or 58296
caretaker with the preteen. 58297

(F) A certified children's crisis care facility may do the 58298
following: 58299

(1) Count administrative staff, interns, and volunteers 58300

toward child staff ratios required under paragraph (G) of rule 58301
5101:2-9-36 of the Administrative Code for up to three hours if 58302
the administrative staff, interns, or volunteers meet the 58303
following requirements: 58304

(a) Completed training in the mission of the children's 58305
crisis care facility; 58306

(b) Completed training pursuant to rule 5101:2-9-03 of the 58307
Administrative Code; 58308

(c) Are supervised by facility staff. 58309

(2) Use contracted transportation providers, on whom 58310
criminal records checks have been conducted in accordance with 58311
section 2151.86 of the Revised Code, to transport preteens, if 58312
such use is necessary for the facility to maintain required 58313
child staff ratios. 58314

(G) The director of job and family services may suspend or 58315
revoke a children's crisis care facility's certificate pursuant 58316
to Chapter 119. of the Revised Code if the facility violates or 58317
fails to comply with any of the requirements under this section 58318
or ceases to meet any of the certification standards established 58319
in rules adopted under division (H) of this section or the 58320
facility's operator ceases to comply with any of the rules 58321
governing the certification of children's crisis care facilities 58322
adopted under that division. 58323

(H) Not later than ninety days after September 21, 2006, 58324
the director of job and family services shall adopt rules 58325
pursuant to Chapter 119. of the Revised Code for the 58326
certification of children's crisis care facilities. The rules 58327
shall specify that a certificate shall not be issued to an 58328
applicant if the conditions at the children's crisis care 58329

facility would jeopardize the health or safety of the preteens 58330
placed in the facility. 58331

Sec. 5104.01. As used in this chapter: 58332

(A) "Administrator" means the person responsible for the 58333
daily operation of a center, type A home, or approved child day 58334
camp. The administrator and the owner may be the same person. 58335

(B) "Approved child day camp" means a child day camp 58336
approved pursuant to section 5104.22 of the Revised Code. 58337

(C) "Authorized representative" means an individual 58338
employed by a center, type A home, or approved child day camp 58339
that is owned by a person other than an individual and who is 58340
authorized by the owner to do all of the following: 58341

(1) Communicate on the owner's behalf; 58342

(2) Submit on the owner's behalf applications for 58343
licensure or approval; 58344

(3) Enter into on the owner's behalf provider agreements 58345
for publicly funded child care. 58346

(D) "Border state child care provider" means a child care 58347
provider that is located in a state bordering Ohio and that is 58348
licensed, certified, or otherwise approved by that state to 58349
provide child care funded by the child care block grant act. 58350

(E) "Career pathways model" means an alternative pathway 58351
to meeting the requirements to be a child-care staff member or 58352
administrator that does both of the following: 58353

(1) Uses a framework approved by the director of job and 58354
family services to document formal education, training, 58355
experience, and specialized credentials and certifications; 58356

(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the ~~state board~~ director of education and workforce for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool-age child, or school-age child.

(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as amended.

(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than twelve hours per day and no more than fifteen weeks during the summer. For purposes of this division, the maximum twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(K) "Child care" means all of the following:

(1) Administering to the needs of infants, toddlers,

preschool-age children, and school-age children outside of	58386
school hours;	58387
(2) By persons other than their parents, guardians, or	58388
custodians;	58389
(3) For part of the twenty-four-hour day;	58390
(4) In a place other than a child's own home, except that	58391
an in-home aide provides child care in the child's own home;	58392
(5) By a provider required by this chapter to be licensed	58393
or approved by the department of job and family services,	58394
certified by a county department of job and family services, or	58395
under contract with the department to provide publicly funded	58396
child care as described in section 5104.32 of the Revised Code.	58397
(L) "Child day-care center" and "center" mean any place	58398
that is not the permanent residence of the licensee or	58399
administrator in which child care or publicly funded child care	58400
is provided for seven or more children at one time. "Child day-	58401
care center" and "center" do not include any of the following:	58402
(1) A place located in and operated by a hospital, as	58403
defined in section 3727.01 of the Revised Code, in which the	58404
needs of children are administered to, if all the children whose	58405
needs are being administered to are monitored under the on-site	58406
supervision of a physician licensed under Chapter 4731. of the	58407
Revised Code or a registered nurse licensed under Chapter 4723.	58408
of the Revised Code, and the services are provided only for	58409
children who, in the opinion of the child's parent, guardian, or	58410
custodian, are exhibiting symptoms of a communicable disease or	58411
other illness or are injured;	58412
(2) A child day camp;	58413

(3) A place that provides care, if all of the following apply:	58414 58415
(a) An organized religious body provides the care;	58416
(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;	58417 58418 58419
(c) The care is not provided for more than thirty days a year;	58420 58421
(d) The care is provided only for preschool-age and school-age children.	58422 58423
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	58424 58425 58426 58427
(N) "Child care resource and referral services" means all of the following services:	58428 58429
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	58430 58431 58432
(2) Provision of individualized consumer education to families seeking child care;	58433 58434
(3) Provision of timely referrals of available child care providers to families seeking child care;	58435 58436
(4) Recruitment of child care providers;	58437
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child	58438 58439 58440

care providers, employers, and the community;	58441
(6) Collection and analysis of data on the supply of and demand for child care in the community;	58442 58443
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	58444 58445 58446
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	58447 58448 58449
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	58450 58451 58452
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	58453 58454 58455 58456 58457
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	58458 58459 58460 58461
(O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties.	58462 58463 58464 58465 58466 58467
(P) "Drop-in child day-care center," "drop-in center,"	58468

"drop-in type A family day-care home," and "drop-in type A home" 58469
mean a center or type A home that provides child care or 58470
publicly funded child care for children on a temporary, 58471
irregular basis. 58472

(Q) "Employee" means a person who either: 58473

(1) Receives compensation for duties performed in a child 58474
day-care center, type A family day-care home, licensed type B 58475
family day-care home, or approved child day camp; 58476

(2) Is assigned specific working hours or duties in a 58477
child day-care center, type A family day-care home, licensed 58478
type B family day-care home, or approved child day camp. 58479

(R) "Employer" means a person, firm, institution, 58480
organization, or agency that operates a child day-care center, 58481
type A family day-care home, licensed type B family day-care 58482
home, or approved child day camp subject to licensure or 58483
approval under this chapter. 58484

(S) "Federal poverty line" means the official poverty 58485
guideline as revised annually in accordance with section 673(2) 58486
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 58487
511, 42 U.S.C. 9902, as amended, for a family size equal to the 58488
size of the family of the person whose income is being 58489
determined. 58490

(T) "Head start program" means a school-readiness program 58491
that satisfies all of the following: 58492

(1) Is for children from birth to age five who are from 58493
low-income families; 58494

(2) Receives funds distributed under the "Improving Head 58495
Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as 58496

amended;	58497
(3) Is licensed as a child care program.	58498
(U) "Homeless child care" means child care provided to a child who satisfies any of the following:	58499 58500
(1) Is homeless as defined in 42 U.S.C. 11302;	58501
(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;	58502 58503
(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.	58504 58505 58506 58507
(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.	58508 58509 58510
(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.	58511 58512 58513 58514 58515 58516 58517
(X) "Infant" means a child who is less than eighteen months of age.	58518 58519
(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this	58520 58521 58522 58523 58524

chapter and any rules adopted under it. 58525

(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist. 58526
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(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center, type A family day-care home, or licensed type B family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies. 58534
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(BB) "Licensed child care program" means any of the following: 58542
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(1) A child day-care center licensed by the department of job and family services pursuant to this chapter; 58544
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(2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter; 58546
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(3) A licensed preschool program or licensed school child program. 58549
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(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that 58551
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is licensed by the department of education and workforce 58554
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 58555

(DD) "Licensed type B family day-care home" and "licensed 58556
type B home" mean a type B family day-care home for which there 58557
is a valid license issued by the director of job and family 58558
services pursuant to section 5104.03 of the Revised Code. 58559

(EE) "Licensee" means the owner of a child day-care 58560
center, type A family day-care home, or type B family day-care 58561
home that is licensed pursuant to this chapter and who is 58562
responsible for ensuring compliance with this chapter and rules 58563
adopted pursuant to this chapter. 58564

(FF) "Operate a child day camp" means to operate, 58565
establish, manage, conduct, or maintain a child day camp. 58566

(GG) "Owner" includes a person, as defined in section 1.59 58567
of the Revised Code, or government entity. 58568

(HH) "Parent cooperative child day-care center," "parent 58569
cooperative center," "parent cooperative type A family day-care 58570
home," and "parent cooperative type A home" mean a corporation 58571
or association organized for providing educational services to 58572
the children of members of the corporation or association, 58573
without gain to the corporation or association as an entity, in 58574
which the services of the corporation or association are 58575
provided only to children of the members of the corporation or 58576
association, ownership and control of the corporation or 58577
association rests solely with the members of the corporation or 58578
association, and at least one parent-member of the corporation 58579
or association is on the premises of the center or type A home 58580
during its hours of operation. 58581

(II) "Part-time child day-care center," "part-time 58582

center," "part-time type A family day-care home," and "part-time
type A home" mean a center or type A home that provides child
care or publicly funded child care for not more than four hours
a day for any child or not more than fifteen consecutive weeks
per year, regardless of the number of hours per day.

(JJ) "Place of worship" means a building where activities
of an organized religious group are conducted and includes the
grounds and any other buildings on the grounds used for such
activities.

(KK) "Preschool-age child" means a child who is three
years old or older but is not a school-age child.

(LL) "Protective child care" means publicly funded child
care for the direct care and protection of a child to whom all
of the following apply:

(1) A case plan has been prepared and maintained for the
child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian,
or another person who stands in loco parentis as defined in
rules adopted under section 5104.38 of the Revised Code.

(MM) "Publicly funded child care" means administering to
the needs of infants, toddlers, preschool-age children, and
school-age children under age thirteen during any part of the
twenty-four-hour day by persons other than their caretaker
parents for remuneration wholly or in part with federal or state
funds, including funds available under the child care block
grant act, Title IV-A, and Title XX, distributed by the
department of job and family services.

(NN) "Religious activities" means any of the following: 58611
worship or other religious services; religious instruction; 58612
Sunday school classes or other religious classes conducted 58613
during or prior to worship or other religious services; youth or 58614
adult fellowship activities; choir or other musical group 58615
practices or programs; meals; festivals; or meetings conducted 58616
by an organized religious group. 58617

(OO) "School-age child" means a child who is enrolled in 58618
or is eligible to be enrolled in a grade of kindergarten or 58619
above but is less than fifteen years old or, in the case of a 58620
child who is receiving special needs child care, is less than 58621
eighteen years old. 58622

(PP) "Serious risk noncompliance" means a licensure or 58623
certification rule violation that leads to a great risk of harm 58624
to, or death of, a child, and is observable, not inferable. 58625

(QQ) "Special needs child care" means child care provided 58626
to a child who is less than eighteen years of age and either has 58627
one or more chronic health conditions or does not meet age 58628
appropriate expectations in one or more areas of development, 58629
including social, emotional, cognitive, communicative, 58630
perceptual, motor, physical, and behavioral development and that 58631
may include on a regular basis such services, adaptations, 58632
modifications, or adjustments needed to assist in the child's 58633
function or development. 58634

(RR) "Title IV-A" means Title IV-A of the "Social Security 58635
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 58636

(SS) "Title XX" means Title XX of the "Social Security 58637
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 58638

(TT) "Toddler" means a child who is at least eighteen 58639

months of age but less than three years of age. 58640

(UU) "Type A family day-care home" and "type A home" mean 58641
the permanent residence of the administrator in which child care 58642
or publicly funded child care is provided for seven to twelve 58643
children at one time or a permanent residence of the 58644
administrator in which child care is provided for four to twelve 58645
children at one time if four or more children at one time are 58646
under two years of age. In counting children for the purposes of 58647
this division, any children under six years of age who are 58648
related to a licensee, administrator, or employee and who are on 58649
the premises of the type A home shall be counted. "Type A family 58650
day-care home" and "type A home" do not include any child day 58651
camp. 58652

(VV) "Type B family day-care home" and "type B home" mean 58653
a permanent residence of the provider in which care is provided 58654
for one to six children at one time and in which no more than 58655
three children are under two years of age at one time. In 58656
counting children for the purposes of this division, any 58657
children under six years of age who are related to the provider 58658
and who are on the premises of the type B home shall be counted. 58659
"Type B family day-care home" and "type B home" do not include 58660
any child day camp. 58661

Sec. 5104.015. The director of job and family services 58662
shall adopt rules in accordance with Chapter 119. of the Revised 58663
Code governing the operation of child day-care centers, 58664
including parent cooperative centers, part-time centers, and 58665
drop-in centers. The rules shall reflect the various forms of 58666
child care and the needs of children receiving child care or 58667
publicly funded child care and shall include specific rules for 58668
school-age child care centers that are developed in consultation 58669

with the department of education and workforce. The rules shall 58670
include the following: 58671

(A) Submission of a site plan and descriptive plan of 58672
operation to demonstrate how the center proposes to meet the 58673
requirements of this chapter and rules adopted pursuant to this 58674
chapter for the initial license application; 58675

(B) Standards for ensuring that the physical surroundings 58676
of the center are safe and sanitary including the physical 58677
environment, the physical plant, and the equipment of the 58678
center; 58679

(C) Standards for the supervision, care, and discipline of 58680
children receiving child care or publicly funded child care in 58681
the center; 58682

(D) Standards for a program of activities, and for play 58683
equipment, materials, and supplies, to enhance the development 58684
of each child; however, any educational curricula, philosophies, 58685
and methodologies that are developmentally appropriate and that 58686
enhance the social, emotional, intellectual, and physical 58687
development of each child shall be permissible. As used in this 58688
division, "program" does not include instruction in religious or 58689
moral doctrines, beliefs, or values that is conducted at child 58690
day-care centers owned and operated by churches and does include 58691
methods of disciplining children at child day-care centers. 58692

(E) Admissions policies and procedures; 58693

(F) Health care policies and procedures, including 58694
procedures for the isolation of children with communicable 58695
diseases; 58696

(G) First aid and emergency procedures; 58697

(H) Procedures for discipline and supervision of children;	58698
(I) Standards for the provision of nutritious meals and snacks;	58699 58700
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	58701 58702 58703
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	58704 58705
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	58706 58707 58708 58709
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	58710 58711 58712
(N) Procedures for record keeping, organization, and administration;	58713 58714
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	58715 58716 58717
(P) Inspection procedures;	58718
(Q) Procedures and standards for setting initial license application fees;	58719 58720
(R) Procedures for receiving, recording, and responding to complaints about centers;	58721 58722
(S) Procedures for enforcing section 5104.04 of the Revised Code;	58723 58724

(T) Minimum qualifications for employment as an administrator or child-care staff member;	58725 58726
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	58727 58728 58729 58730
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	58731 58732 58733 58734
(W) A procedure for reporting of injuries of children that occur at the center;	58735 58736
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	58737 58738 58739
(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	58740 58741 58742
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	58743 58744 58745
Sec. 5104.02. (A) The director of job and family services is responsible for licensing child day-care centers, type A family day-care homes, and type B family day-care homes. Each entity operating a head start program shall meet the criteria for, and be licensed as, a child day-care center. The director is responsible for the enforcement of this chapter and of rules promulgated pursuant to this chapter.	58746 58747 58748 58749 58750 58751 58752

No person, firm, organization, institution, or agency 58753
shall operate, establish, manage, conduct, or maintain a child 58754
day-care center or type A family day-care home without a license 58755
issued under section 5104.03 of the Revised Code. The current 58756
license shall be posted in the center or home in a conspicuous 58757
place that is accessible to parents, custodians, or guardians 58758
and employees of the center or home at all times when the center 58759
or home is in operation. 58760

(B) A person, firm, institution, organization, or agency 58761
operating any of the following programs is exempt from the 58762
requirements of this chapter: 58763

(1) A program caring for children that operates for two 58764
consecutive weeks or less and not more than six weeks total in 58765
each calendar year; 58766

(2) Caring for children in places of worship during 58767
religious activities while at least one parent, guardian, or 58768
custodian of each child is participating in such activities and 58769
is readily available; 58770

(3) Supervised training, instruction, or activities of 58771
children in specific areas, including, but not limited to: art; 58772
drama; dance; music; athletic skills or sports; computers; or an 58773
educational subject conducted on an organized or periodic basis 58774
that a child does not attend for more than eight total hours per 58775
week; 58776

(4) Programs in which the director determines that at 58777
least one parent, custodian, or guardian of each child who is 58778
not an employee of the facility engaged in employment duties is 58779
on the premises of the facility that offers care and is readily 58780
accessible at all times; 58781

(5) Programs that provide care and are regulated by state departments other than the department of job and family services or the ~~state board~~ department of education and workforce. 58782
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(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education and workforce under sections 3301.52 to 3301.59 of the Revised Code. 58785
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(7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued ~~by the state board of education~~ under section 3301.16 of the Revised Code for kindergarten only: 58789
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(a) The nonpublic school has given the notice to the state board of education and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 58794
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(b) The nonpublic school continues to be chartered by the ~~state board~~ department of education and workforce for kindergarten, or receives and continues to hold a charter from the ~~state board~~ department for kindergarten through grade five; 58798
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(c) The program is conducted in a school building; 58802

(d) The program is operated in accordance with rules promulgated by the ~~state board~~ department of education and workforce under section 3301.53 of the Revised Code. 58803
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(8) A youth development program operated outside of school hours to which all of the following apply: 58806
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(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled 58808
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in a grade of kindergarten or above. 58810

(b) The program provides informal care, which is care that 58811
does not require parental signature, permission, or notice for 58812
the child receiving the care to enter or leave the program. 58813

(c) The program provides any of the following supervised 58814
activities: educational, recreational, culturally enriching, 58815
social, and personal development activities. 58816

(d) The entity operating the program is exempt from 58817
federal income taxation pursuant to 26 U.S.C. 501(a) and (c) (3). 58818

(9) A preschool program operated by a nonchartered, 58819
nontax-supported school if the preschool program meets all of 58820
the following conditions: 58821

(a) The program complies with state and local health, 58822
fire, and safety laws. 58823

(b) The program annually certifies in a report to the 58824
parents of its pupils that the school is in compliance with 58825
division (B) (9) (a) of this section and files a copy of the 58826
report with the department of job and family services on or 58827
before the thirtieth day of September of each year. 58828

(c) The program complies with all applicable reporting 58829
requirements in the same manner as required by the ~~state board~~ 58830
department of education and workforce for nonchartered, 58831
nonpublic primary and secondary schools. 58832

(d) The program is associated with a nonchartered, nontax- 58833
supported primary or secondary school. 58834

(10) A program that provides activities for children who 58835
are five years of age or older and is operated by a county, 58836
township, municipal corporation, township park district created 58837

under section 511.18 of the Revised Code, park district created 58838
under section 1545.04 of the Revised Code, or joint recreation 58839
district established under section 755.14 of the Revised Code. 58840

Sec. 5104.053. As a precondition of approval by the ~~state~~ 58841
~~board~~ department of education and workforce pursuant to section 58842
3313.813 of the Revised Code for receipt of United States 58843
department of agriculture child and adult care food program 58844
funds established under the "National School Lunch Act," 60 58845
Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of 58846
child care in a type B family day-care home that is not licensed 58847
by the director of job and family services shall request an 58848
inspection of the type B home by the fire marshal, who shall 58849
inspect the type B home pursuant to section 3737.22 of the 58850
Revised Code to determine that it is in compliance with rules 58851
established pursuant to section 5104.052 of the Revised Code for 58852
licensed type B homes. 58853

Sec. 5104.08. (A) There is hereby created in the 58854
department of job and family services a child care advisory 58855
council to advise and assist the department in the 58856
administration of this chapter and in the development of child 58857
care. The council shall consist of twenty-two voting members 58858
appointed by the director of job and family services with the 58859
approval of the governor. The director of job and family 58860
services, the director of developmental disabilities, the 58861
director of mental health and addiction services, the 58862
~~superintendent of public instruction~~ director of education and 58863
workforce, the director of health, the director of commerce, and 58864
the state fire marshal shall serve as nonvoting members of the 58865
council. 58866

Six members shall be representatives of child care centers 58867

subject to licensing, the members to represent a variety of 58868
centers, including nonprofit and proprietary, from different 58869
geographical areas of the state. At least three members shall be 58870
parents, guardians, or custodians of children receiving child 58871
care or publicly funded child care in the child's own home, a 58872
center, a type A home, a head start program, a licensed type B 58873
home, or a type B home at the time of appointment. Three members 58874
shall be representatives of in-home aides, type A homes, 58875
licensed type B homes, or type B homes or head start programs. 58876
At least six members shall represent county departments of job 58877
and family services. The remaining members shall be 58878
representatives of the teaching, child development, and health 58879
professions, and other individuals interested in the welfare of 58880
children. At least six members of the council shall not be 58881
employees or licensees of a child day-care center, head start 58882
program, or type A home, or providers operating a licensed type 58883
B home or type B home, or in-home aides. 58884

Appointments shall be for three-year terms. Vacancies 58885
shall be filled for the unexpired terms. A member of the council 58886
is subject to removal by the director of job and family services 58887
for a willful and flagrant exercise of authority or power that 58888
is not authorized by law, for a refusal or willful neglect to 58889
perform any official duty as a member of the council imposed by 58890
law, or for being guilty of misfeasance, malfeasance, 58891
nonfeasance, or gross neglect of duty as a member of the 58892
council. 58893

There shall be two co-chairpersons of the council. One co- 58894
chairperson shall be the director of job and family services or 58895
the director's designee, and one co-chairperson shall be elected 58896
by the members of the council. The council shall meet as often 58897
as is necessary to perform its duties, provided that it shall 58898

meet at least once in each quarter of each calendar year and at 58899
the call of the co-chairpersons. The co-chairpersons or their 58900
designee shall send to each member a written notice of the date, 58901
time, and place of each meeting. 58902

Members of the council shall serve without compensation, 58903
but shall be reimbursed for necessary expenses. 58904

(B) The child care advisory council shall advise the 58905
director on matters affecting the licensing of centers, type A 58906
homes, and type B homes and the certification of in-home aides. 58907
The council shall make an annual report to the director of job 58908
and family services that addresses the availability, 58909
affordability, accessibility, and quality of child care and that 58910
summarizes the recommendations and plans of action that the 58911
council has proposed to the director during the preceding fiscal 58912
year. The director of job and family services shall provide 58913
copies of the report to the governor, speaker and minority 58914
leader of the house of representatives, and the president and 58915
minority leader of the senate and, on request, shall make copies 58916
available to the public. 58917

(C) The director of job and family services shall adopt 58918
rules in accordance with Chapter 119. of the Revised Code to 58919
implement this section. 58920

Sec. 5104.29. (A) As used in this section, "early learning 58921
and development program" has the same meaning as "licensed child 58922
care program" as defined in section 5104.01 of the Revised Code. 58923

(B) There is hereby created in the department of job and 58924
family services the step up to quality program, under which the 58925
department of job and family services, in cooperation with the 58926
department of education and workforce, shall develop a tiered 58927

quality rating and improvement system for all early learning and	58928
development programs in this state. The step up to quality	58929
program shall include all of the following components:	58930
(1) Quality program standards for early learning and	58931
development programs;	58932
(2) Accountability measures that include tiered ratings	58933
representing each program's level of quality;	58934
(3) Program and provider outreach and support to help	58935
programs meet higher standards and promote participation in the	58936
step up to quality program;	58937
(4) Financial incentives for early learning and	58938
development programs that provide publicly funded child care and	58939
are linked to achieving and maintaining quality standards;	58940
(5) Parent and consumer education to help parents learn	58941
about program quality and ratings so they can make informed	58942
choices on behalf of their children.	58943
(C) The step up to quality program shall have the	58944
following goals:	58945
(1) Increasing the number of low-income children, special	58946
needs children, and children with limited English proficiency	58947
participating in quality early learning and development	58948
programs;	58949
(2) Providing families with an easy-to-use tool for	58950
evaluating the quality of early learning and development	58951
programs;	58952
(3) Recognizing and supporting early learning and	58953
development programs that achieve higher levels of quality;	58954

(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems. 58955
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(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards. 58958
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(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains: 58963
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(1) Learning and development; 58967

(2) Administration and leadership practices; 58968

(3) Staff quality and professional development; 58969

(4) Family and community partnerships. 58970

(F) The director of job and family services, in collaboration with the ~~superintendent of public instruction~~ director of education and workforce, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section. 58971
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Sec. 5104.30. (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following: 58977
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(1) Recipients of transitional child care as provided 58982

under section 5104.34 of the Revised Code;	58983
(2) Participants in the Ohio works first program	58984
established under Chapter 5107. of the Revised Code;	58985
(3) Individuals who would be participating in the Ohio	58986
works first program if not for a sanction under section 5107.16	58987
of the Revised Code and who continue to participate in a work	58988
activity, developmental activity, or alternative work activity	58989
pursuant to an assignment under section 5107.42 of the Revised	58990
Code;	58991
(4) A family receiving publicly funded child care on	58992
October 1, 1997, until the family's income reaches one hundred	58993
fifty per cent of the federal poverty line;	58994
(5) Subject to available funds, other individuals	58995
determined eligible in accordance with rules adopted under	58996
section 5104.38 of the Revised Code.	58997
The department shall apply to the United States department	58998
of health and human services for authority to operate a	58999
coordinated program for publicly funded child care, if the	59000
director of job and family services determines that the	59001
application is necessary. For purposes of this section, the	59002
department of job and family services may enter into agreements	59003
with other state agencies that are involved in regulation or	59004
funding of child care. The department shall consider the special	59005
needs of migrant workers when it administers and coordinates	59006
publicly funded child care and shall develop appropriate	59007
procedures for accommodating the needs of migrant workers for	59008
publicly funded child care.	59009
(B) The department of job and family services shall	59010
distribute state and federal funds for publicly funded child	59011

care, including appropriations of state funds for publicly 59012
funded child care and appropriations of federal funds available 59013
under the child care block grant act, Title IV-A, and Title XX. 59014
The department may use any state funds appropriated for publicly 59015
funded child care as the state share required to match any 59016
federal funds appropriated for publicly funded child care. 59017

(C) In the use of federal funds available under the child 59018
care block grant act, all of the following apply: 59019

(1) The department may use the federal funds to hire staff 59020
to prepare any rules required under this chapter and to 59021
administer and coordinate federal and state funding for publicly 59022
funded child care. 59023

(2) Not more than five per cent of the aggregate amount of 59024
the federal funds received for a fiscal year may be expended for 59025
administrative costs. 59026

(3) The department shall allocate and use at least four 59027
per cent of the federal funds for the following: 59028

(a) Activities designed to provide comprehensive consumer 59029
education to parents and the public; 59030

(b) Activities that increase parental choice; 59031

(c) Activities, including child care resource and referral 59032
services, designed to improve the quality, and increase the 59033
supply, of child care; 59034

(d) Establishing the step up to quality program pursuant 59035
to section 5104.29 of the Revised Code. 59036

(4) The department shall ensure that the federal funds 59037
will be used only to supplement, and will not be used to 59038
supplant, federal, state, and local funds available on the 59039

effective date of the child care block grant act for publicly 59040
funded child care and related programs. If authorized by rules 59041
adopted by the department pursuant to section 5104.42 of the 59042
Revised Code, county departments of job and family services may 59043
purchase child care from funds obtained through any other means. 59044

(D) The department shall encourage the development of 59045
suitable child care throughout the state, especially in areas 59046
with high concentrations of recipients of public assistance and 59047
families with low incomes. The department shall encourage the 59048
development of suitable child care designed to accommodate the 59049
special needs of migrant workers. On request, the department, 59050
through its employees or contracts with state or community child 59051
care resource and referral service organizations, shall provide 59052
consultation to groups and individuals interested in developing 59053
child care. The department of job and family services may enter 59054
into interagency agreements with the department of education and 59055
workforce, the chancellor of higher education, the department of 59056
development, and other state agencies and entities whenever the 59057
cooperative efforts of the other state agencies and entities are 59058
necessary for the department of job and family services to 59059
fulfill its duties and responsibilities under this chapter. 59060

The department shall develop and maintain a registry of 59061
persons providing child care. The director shall adopt rules in 59062
accordance with Chapter 119. of the Revised Code establishing 59063
procedures and requirements for the registry's administration. 59064

(E) (1) The director shall adopt rules in accordance with 59065
Chapter 119. of the Revised Code establishing both of the 59066
following: 59067

(a) Reimbursement ceilings for providers of publicly 59068
funded child care not later than the first day of July in each 59069

odd-numbered year; 59070

(b) A procedure for reimbursing and paying providers of publicly funded child care. 59071
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(2) In establishing reimbursement ceilings under division (E) (1) (a) of this section, the director shall do all of the following: 59073
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(a) Use the information obtained in accordance with 45 C.F.R. 98.45; 59076
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(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours; 59078
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(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, do both of the following: 59081
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59083

(i) Establish enhanced reimbursement ceilings for child day-care providers that participate in the program and maintain quality ratings; 59084
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59086

(ii) Weigh any reduction in reimbursement ceilings more heavily against providers that do not participate in the program or do not maintain quality ratings. 59087
59088
59089

(3) In establishing reimbursement ceilings under division (E) (1) (a) of this section, the director may establish different reimbursement ceilings based on any of the following: 59090
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59092

(a) Geographic location of the provider; 59093

(b) Type of care provided; 59094

(c) Age of the child served; 59095

(d) Special needs of the child served; 59096

(e) Whether the expanded hours of service are provided;	59097
(f) Whether weekend service is provided;	59098
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	59099 59100
(h) Any other factors the director considers appropriate.	59101
Sec. 5107.281. A participant of Ohio works first who is enrolled in a school district in a county that is participating in the learnfare program and is not younger than age six but not older than age nineteen shall participate in the learnfare program unless one of the following is the case:	59102 59103 59104 59105 59106
(A) The participant is not yet eligible for enrollment in first grade;	59107 59108
(B) The participant is subject to the LEAP program;	59109
(C) The participant has received one of the following:	59110
(1) A high school diploma;	59111
(2) A certificate stating that the participant has achieved the equivalent of a high school education as measured by scores obtained on a high school equivalency test approved by the department of education <u>and workforce</u> pursuant to division (B) of section 3301.80 of the Revised Code.	59112 59113 59114 59115 59116
(D) The participant has been excused from school attendance pursuant to section 3321.04 of the Revised Code;	59117 59118
(E) If child care services for a member of the participant's household are necessary for the participant to attend school, child care licensed or certified under Chapter 5104. of the Revised Code or under sections 3301.52 to 3301.59 of the Revised Code and transportation to and from the child	59119 59120 59121 59122 59123

care are not available; 59124

(F) The participant has been adjudicated a delinquent or 59125
unruly child pursuant to section 2151.28 of the Revised Code. 59126

Sec. 5107.287. The county department of job and family 59127
services shall establish policies defining "good cause for being 59128
absent from school" and specifying what constitutes a day of 59129
attendance for purposes of the learnfare program's school 59130
attendance requirement. 59131

Not later than the fifteenth day of each month of a school 59132
year or another time agreed to by the county department of job 59133
and family services and ~~state board~~ department of education and 59134
workforce but not later than the thirtieth day of each month, 59135
each attendance officer or assistant appointed under section 59136
3321.14 or 3321.15 of the Revised Code who oversees the 59137
attendance of students enrolled in the school districts of a 59138
county that is participating in the learnfare program shall 59139
report to the county department of job and family services the 59140
previous month's school attendance record of each participating 59141
student. The report shall specify which if any of the 59142
participating student's absences are excused because the absence 59143
meets the definition of "good cause for being absent from 59144
school." No absence for which there is good cause shall be 59145
considered in determining whether a participating student has 59146
complied with the learnfare program's school attendance 59147
requirement. 59148

Sec. 5107.40. As used in sections 5107.40 to 5107.69 of 59149
the Revised Code: 59150

(A) "Alternative work activity" means an activity designed 59151
to promote self sufficiency and personal responsibility 59152

established by a county department of job and family services 59153
under section 5107.64 of the Revised Code. 59154

(B) "Developmental activity" means an activity designed to 59155
promote self sufficiency and personal responsibility established 59156
by a county department of job and family services under section 59157
5107.62 of the Revised Code. 59158

(C) "Certificate of high school equivalence" means a 59159
certificate attesting to achievement of the equivalent of a high 59160
school education as measured by scores obtained on a high school 59161
equivalency test approved by the department of education and 59162
workforce pursuant to division (B) of section 3301.80 of the 59163
Revised Code. "Certificate of high school equivalence" includes 59164
a certificate of high school equivalence issued prior to January 59165
1, 1994, attesting to the achievement of the equivalent of a 59166
high school education as measured by scores obtained on tests of 59167
general educational development. 59168

(D) "Work activity" means the following: 59169

(1) Unsubsidized employment activities established under 59170
section 5107.60 of the Revised Code; 59171

(2) The subsidized employment program established under 59172
section 5107.52 of the Revised Code; 59173

(3) The work experience program established under section 59174
5107.54 of the Revised Code; 59175

(4) On-the-job training activities established under 59176
section 5107.60 of the Revised Code; 59177

(5) The job search and readiness program established under 59178
section 5107.50 of the Revised Code; 59179

(6) Community service activities established under section 59180

5107.60 of the Revised Code;	59181
(7) Vocational educational training activities established	59182
under section 5107.60 of the Revised Code;	59183
(8) Jobs skills training activities established under	59184
section 5107.60 of the Revised Code that are directly related to	59185
employment;	59186
(9) Education activities established under section 5107.60	59187
of the Revised Code that are directly related to employment for	59188
participants of Ohio works first who have not earned a high	59189
school diploma or certificate of high school equivalence;	59190
(10) Education activities established under section	59191
5107.60 of the Revised Code for participants of Ohio works first	59192
who have not completed secondary school or received a	59193
certificate of high school equivalence under which the	59194
participants attend a secondary school or a course of study	59195
leading to a certificate of high school equivalence;	59196
(11) Child-care service activities, including training,	59197
established under section 5107.60 of the Revised Code to aid	59198
another participant of Ohio works first assigned to a community	59199
service activity or other work activity;	59200
(12) The education program established under section	59201
5107.58 of the Revised Code that are operated pursuant to a	59202
federal waiver granted by the United States secretary of health	59203
and human services pursuant to a request made under former	59204
section 5101.09 of the Revised Code;	59205
(13) To the extent provided by division (C) of section	59206
5107.30 of the Revised Code, the LEAP program established under	59207
that section.	59208

Sec. 5107.62. County departments of job and family 59209
services shall establish and administer developmental activities 59210
for minor heads of households and adults participating in Ohio 59211
works first. In establishing developmental activities, county 59212
departments are not limited by the restrictions that Title IV-A 59213
imposes on work activities. Developmental activities may be 59214
identical or similar to, or different from, work activities and 59215
alternative work activities. 59216

In accordance with a federal waiver granted by the United 59217
States secretary of health and human services pursuant to a 59218
request made under former section 5101.09 of the Revised Code, a 59219
county department may establish and administer a developmental 59220
activity under which a minor head of household or adult attends 59221
a school, special education program, or adult high school 59222
continuation program that conforms to the minimum standards 59223
prescribed by the ~~state board~~ director of education and 59224
workforce or instructional courses designed to prepare the minor 59225
head of household or adult to earn a certificate of high school 59226
equivalence. Pursuant to the waiver, a minor head of household 59227
or adult assigned to this developmental activity is required to 59228
earn a high school diploma, adult education diploma, or 59229
certificate of high school equivalence not later than two years 59230
after the date the minor head of household or adult is placed in 59231
the activity. 59232

Sec. 5120.031. (A) As used in this section: 59233

(1) "Certificate of high school equivalence" means either: 59234

(a) A statement that is issued by the department of 59235
education and workforce that indicates that its holder has 59236
achieved the equivalent of a high school education as measured 59237
by scores obtained on a high school equivalency test approved by 59238

the department of education and workforce pursuant to division 59239
(B) of section 3301.80 of the Revised Code; 59240

(b) A statement that is issued by a primary-secondary 59241
education or higher education agency of another state that 59242
indicates that its holder has achieved the equivalent of a high 59243
school education as measured by scores obtained on a similar 59244
nationally recognized high school equivalency test. 59245

(2) "Certificate of adult basic education" means a 59246
statement that is issued by the department of rehabilitation and 59247
correction through the Ohio central school system approved by 59248
the ~~state board~~ department of education and workforce and that 59249
indicates that its holder has achieved a 6.0 grade level, or 59250
higher, as measured by scores of nationally standardized or 59251
recognized tests. 59252

(3) "Deadly weapon" and "firearm" have the same meanings 59253
as in section 2923.11 of the Revised Code. 59254

(4) "Eligible offender" means a person, other than one who 59255
is ineligible to participate in an intensive program prison 59256
under the criteria specified in section 5120.032 of the Revised 59257
Code, who has been convicted of or pleaded guilty to, and has 59258
been sentenced for, a felony. 59259

(5) "Shock incarceration" means the program of 59260
incarceration that is established pursuant to the rules of the 59261
department of rehabilitation and correction adopted under this 59262
section. 59263

(B) (1) The director of rehabilitation and correction, by 59264
rules adopted under Chapter 119. of the Revised Code, shall 59265
establish a pilot program of shock incarceration that may be 59266
used for offenders who are sentenced to serve a term of 59267

imprisonment under the custody of the department of 59268
rehabilitation and correction, whom the department determines to 59269
be eligible offenders, and whom the department, subject to the 59270
approval of the sentencing judge, may permit to serve their 59271
sentence as a sentence of shock incarceration in accordance with 59272
this section. 59273

(2) The rules for the pilot program shall require that the 59274
program be established at an appropriate state correctional 59275
institution designated by the director and that the program 59276
consist of both of the following for each eligible offender whom 59277
the department, with the approval of the sentencing judge, 59278
permits to serve the eligible offender's sentence as a sentence 59279
of shock incarceration: 59280

(a) A period of imprisonment at that institution of ninety 59281
days that shall consist of a military style combination of 59282
discipline, physical training, and hard labor and substance 59283
abuse education, employment skills training, social skills 59284
training, and psychological treatment. During the ninety-day 59285
period, the department may permit an eligible offender to 59286
participate in a self-help program. Additionally, during the 59287
ninety-day period, an eligible offender who holds a high school 59288
diploma or a certificate of high school equivalence may be 59289
permitted to tutor other eligible offenders in the shock 59290
incarceration program. If an eligible offender does not hold a 59291
high school diploma or certificate of high school equivalence, 59292
the eligible offender may elect to participate in an education 59293
program that is designed to award a certificate of adult basic 59294
education or an education program that is designed to award a 59295
certificate of high school equivalence to those eligible 59296
offenders who successfully complete the education program, 59297
whether the completion occurs during or subsequent to the 59298

ninety-day period. To the extent possible, the department shall use as teachers in the education program persons who have been issued a license pursuant to sections 3319.22 to 3319.31 of the Revised Code, who have volunteered their services to the education program, and who satisfy any other criteria specified in the rules for the pilot project.

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

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

(ii) A release under a post-release control sanction imposed in accordance with section 2967.28 of the Revised Code.

(3) The rules for the pilot program also shall include, but are not limited to, all of the following:

(a) Rules identifying the locations within the state

correctional institution designated by the director that will be 59328
used for eligible offenders serving a sentence of shock 59329
incarceration; 59330

(b) Rules establishing specific schedules of discipline, 59331
physical training, and hard labor for eligible offenders serving 59332
a sentence of shock incarceration, based upon the offender's 59333
physical condition and needs; 59334

(c) Rules establishing standards and criteria for the 59335
department to use in determining which eligible offenders the 59336
department will permit to serve their sentence of imprisonment 59337
as a sentence of shock incarceration; 59338

(d) Rules establishing guidelines for the selection of 59339
post-release control sanctions for eligible offenders; 59340

(e) Rules establishing procedures for notifying sentencing 59341
courts of the performance of eligible offenders serving their 59342
sentences of imprisonment as a sentence of shock incarceration; 59343

(f) Any other rules that are necessary for the proper 59344
conduct of the pilot program. 59345

(C) (1) If an offender is sentenced to a term of 59346
imprisonment under the custody of the department, if the 59347
sentencing court either recommends the offender for placement in 59348
a program of shock incarceration under this section or makes no 59349
recommendation on placement of the offender, and if the 59350
department determines that the offender is an eligible offender 59351
for placement in a program of shock incarceration under this 59352
section, the department may permit the eligible offender to 59353
serve the sentence in a program of shock incarceration, in 59354
accordance with division (I) of section 2929.14 of the Revised 59355
Code, with this section, and with the rules adopted under this 59356

section. If the sentencing court disapproves placement of the offender in a program of shock incarceration, the department shall not place the offender in any program of shock incarceration.

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

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

If the sentencing court does not make a recommendation on the placement of an offender in a program of shock incarceration and if the department determines that the offender is an eligible offender for placement in a program of that nature, the department shall screen the offender and determine if the offender is suited for the program of shock incarceration. If the offender is suited for the program of shock incarceration, at least three weeks prior to permitting an eligible offender to serve the sentence in a program of shock incarceration, the department shall notify the sentencing court of the proposed placement of the offender in the program and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement. If the sentencing court disapproves of the placement,

the department shall not permit the eligible offender to serve 59387
the sentence in a program of shock incarceration. If the judge 59388
does not timely disapprove of placement of the offender in the 59389
program of shock incarceration, the department may proceed with 59390
plans for placement of the offender. 59391

If the department determines that the offender is not 59392
eligible for placement in a program of shock incarceration, the 59393
department shall not place the offender in any program of shock 59394
incarceration. 59395

(2) If the department permits an eligible offender to 59396
serve the eligible offender's sentence of imprisonment as a 59397
sentence of shock incarceration and the eligible offender does 59398
not satisfactorily complete the entire period of imprisonment 59399
described in division (B) (2) (a) of this section, the offender 59400
shall be removed from the pilot program for shock incarceration 59401
and shall be required to serve the remainder of the offender's 59402
sentence of imprisonment imposed by the sentencing court as a 59403
regular term of imprisonment. If the eligible offender commences 59404
a period of post-release control described in division (B) (2) (b) 59405
of this section and violates the conditions of that post-release 59406
control, the eligible offender shall be subject to the 59407
provisions of sections 2929.141, 2967.15, and 2967.28 of the 59408
Revised Code regarding violation of post-release control 59409
sanctions. 59410

(3) If an eligible offender's stated prison term expires 59411
at any time during the eligible offender's participation in the 59412
shock incarceration program, the adult parole authority shall 59413
terminate the eligible offender's participation in the program 59414
and shall issue to the eligible offender a certificate of 59415
expiration of the stated prison term. 59416

(D) The director shall keep sentencing courts informed of 59417
the performance of eligible offenders serving their sentences of 59418
imprisonment as a sentence of shock incarceration, including, 59419
but not limited to, notice of eligible offenders who fail to 59420
satisfactorily complete their entire sentence of shock 59421
incarceration or who satisfactorily complete their entire 59422
sentence of shock incarceration. 59423

(E) Within a reasonable period of time after November 20, 59424
1990, the director shall appoint a committee to search for one 59425
or more suitable sites at which one or more programs of shock 59426
incarceration, in addition to the pilot program required by 59427
division (B) (1) of this section, may be established. The search 59428
committee shall consist of the director or the director's 59429
designee, as chairperson; employees of the department of 59430
rehabilitation and correction appointed by the director; and any 59431
other persons that the director, in the director's discretion, 59432
appoints. In searching for such sites, the search committee 59433
shall give preference to any site owned by the state or any 59434
other governmental entity and to any existing structure that 59435
reasonably could be renovated, enlarged, converted, or remodeled 59436
for purposes of establishing such a program. The search 59437
committee shall prepare a report concerning its activities and, 59438
on the earlier of the day that is twelve months after the first 59439
day on which an eligible offender began serving a sentence of 59440
shock incarceration under the pilot program or January 1, 1992, 59441
shall file the report with the president and the minority leader 59442
of the senate, the speaker and the minority leader of the house 59443
of representatives, the members of the senate who were members 59444
of the senate judiciary committee in the 118th general assembly 59445
or their successors, and the members of the house of 59446
representatives who were members of the select committee to hear 59447

drug legislation that was established in the 118th general 59448
assembly or their successors. Upon the filing of the report, the 59449
search committee shall terminate. The report required by this 59450
division shall contain all of the following: 59451

(1) A summary of the process used by the search committee 59452
in performing its duties under this division; 59453

(2) A summary of all of the sites reviewed by the search 59454
committee in performing its duties under this division, and the 59455
benefits and disadvantages it found relative to the 59456
establishment of a program of shock incarceration at each such 59457
site; 59458

(3) The findings and recommendations of the search 59459
committee as to the suitable site or sites, if any, at which a 59460
program of shock incarceration, in addition to the pilot program 59461
required by division (B) (1) of this section, may be established. 59462

(F) The director periodically shall review the pilot 59463
program for shock incarceration required to be established by 59464
division (B) (1) of this section. The director shall prepare a 59465
report relative to the pilot program and, on the earlier of the 59466
day that is twelve months after the first day on which an 59467
eligible offender began serving a sentence of shock 59468
incarceration under the pilot program or January 1, 1992, shall 59469
file the report with the president and the minority leader of 59470
the senate, the speaker and the minority leader of the house of 59471
representatives, the members of the senate who were members of 59472
the senate judiciary committee in the 118th general assembly or 59473
their successors, and the members of the house of 59474
representatives who were members of the select committee to hear 59475
drug legislation that was established in the 118th general 59476
assembly or their successors. The pilot program shall not 59477

terminate at the time of the filing of the report, but shall 59478
continue in operation in accordance with this section. The 59479
report required by this division shall include all of the 59480
following: 59481

(1) A summary of the pilot program as initially 59482
established, a summary of all changes in the pilot program made 59483
during the period covered by the report and the reasons for the 59484
changes, and a summary of the pilot program as it exists on the 59485
date of preparation of the report; 59486

(2) A summary of the effectiveness of the pilot program, 59487
in the opinion of the director and employees of the department 59488
involved in its operation; 59489

(3) An analysis of the total cost of the pilot program, of 59490
its cost per inmate who was permitted to serve a sentence of 59491
shock incarceration and who served the entire sentence of shock 59492
incarceration, and of its cost per inmate who was permitted to 59493
serve a sentence of shock incarceration; 59494

(4) A summary of the standards and criteria used by the 59495
department in determining which eligible offenders were 59496
permitted to serve their sentence of imprisonment as a sentence 59497
of shock incarceration; 59498

(5) A summary of the characteristics of the eligible 59499
offenders who were permitted to serve their sentence of 59500
imprisonment as a sentence of shock incarceration, which summary 59501
shall include, but not be limited to, a listing of every offense 59502
of which any such eligible offender was convicted or to which 59503
any such eligible offender pleaded guilty and in relation to 59504
which the eligible offender served a sentence of shock 59505
incarceration, and the total number of such eligible offenders 59506

who were convicted of or pleaded guilty to each such offense; 59507

(6) A listing of the number of eligible offenders who were 59508
permitted to serve a sentence of shock incarceration and who did 59509
not serve the entire sentence of shock incarceration, and, to 59510
the extent possible, a summary of the length of the terms of 59511
imprisonment served by such eligible offenders after they were 59512
removed from the pilot program; 59513

(7) A summary of the effect of the pilot program on 59514
overcrowding at state correctional institutions; 59515

(8) To the extent possible, an analysis of the rate of 59516
recidivism of eligible offenders who were permitted to serve a 59517
sentence of shock incarceration and who served the entire 59518
sentence of shock incarceration; 59519

(9) Recommendations as to legislative changes to the pilot 59520
program that would assist in its operation or that could further 59521
alleviate overcrowding at state correctional institutions, and 59522
recommendations as to whether the pilot program should be 59523
expanded. 59524

Sec. 5120.07. (A) There is hereby created the ex-offender 59525
reentry coalition consisting of the following twenty-one members 59526
or their designees: 59527

(1) The director of rehabilitation and correction; 59528

(2) The director of aging; 59529

(3) The director of mental health and addiction services; 59530

(4) The director of development services; 59531

(5) The ~~superintendent of public instruction~~director of 59532
education and workforce; 59533

- (6) The director of health; 59534
- (7) The director of job and family services; 59535
- (8) The director of developmental disabilities; 59536
- (9) The director of public safety; 59537
- (10) The director of youth services; 59538
- (11) The chancellor of higher education~~the Ohio board of~~
~~regents;~~ 59539
59540
- (12) A representative or member of the governor's staff; 59541
- (13) The executive director of the opportunities for
Ohioans with disabilities agency; 59542
59543
- (14) The director of the department of commerce; 59544
- (15) The executive director of a health care licensing
board created under Title XLVII of the Revised Code, as 59545
appointed by the chairperson of the coalition; 59546
59547
- (16) The director of veterans services; 59548
- (17) An ex-offender appointed by the director of
rehabilitation and correction; 59549
59550
- (18) Two members of the house of representatives appointed 59551
by the speaker of the house of representatives, one of whom 59552
shall be the chairperson of the standing committee in the house 59553
of representatives that primarily addresses criminal justice 59554
matters and the other of whom shall be a member of the minority 59555
party in the house of representatives; 59556
- (19) Two members of the senate appointed by the president 59557
of the senate, one of whom shall be the chairperson of the 59558
standing committee in the senate that primarily addresses 59559

criminal justice matters and the other of whom shall be a member 59560
of the minority party in the senate. 59561

(B) The members of the coalition shall serve without 59562
compensation. The director of rehabilitation and correction or 59563
the director's designee shall be the chairperson of the 59564
coalition. 59565

(C) In consultation with persons interested and involved 59566
in the reentry of ex-offenders into the community, the members 59567
of the coalition shall meet periodically for the purpose of 59568
formulating, discussing, and developing policies and practices 59569
that facilitate the expansion and improvement of reentry 59570
services provided by state and local agencies in the 59571
collaborative efforts of those agencies to reintegrate offenders 59572
into society while simultaneously maintaining public safety and 59573
reducing recidivism in this state. Not later than one year after 59574
April 7, 2009, and on or before the same date of each year 59575
thereafter, the coalition shall submit to the speaker of the 59576
house of representatives and the president of the senate a 59577
report, including recommendations for legislative action, the 59578
activities of the coalition, and the barriers affecting the 59579
successful reentry of ex-offenders into the community. The 59580
report shall analyze the effects of those barriers on ex- 59581
offenders and on their children and other family members in 59582
various areas, including but not limited to, the following: 59583

(1) Admission to public and other housing; 59584

(2) Child support obligations and procedures; 59585

(3) Parental incarceration and family reunification; 59586

(4) Social security benefits, veterans' benefits, food 59587
stamps, and other forms of public assistance; 59588

(5) Employment;	59589
(6) Education programs and financial assistance;	59590
(7) Substance abuse and sex offender treatment programs and financial assistance and mental health services and financial assistance;	59591 59592 59593
(8) Civic and political participation;	59594
(9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.	59595 59596 59597
(D) (1) The report shall also include the following information:	59598 59599
(a) Identification of state appropriations for reentry programs;	59600 59601
(b) Identification of other funding sources for reentry programs that are not funded by the state.	59602 59603
(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following:	59604 59605 59606 59607
(a) The amount of funding received;	59608
(b) The number of program participants;	59609
(c) The composition of the program, including program goals, methods for measuring success, and program success rate;	59610 59611
(d) The type of post-program tracking that is utilized;	59612
(e) Information about employment rates and recidivism rates of ex-offenders.	59613 59614

Sec. 5120.091. There is hereby created in the state 59615
treasury the education services fund. The department of 59616
rehabilitation and correction shall deposit into the fund all 59617
state revenues it receives from the Ohio department of education 59618
and workforce. Any money in the fund shall solely be used to pay 59619
educational expenses incurred by the department. 59620

Sec. 5123.022. (A) As used in this section: 59621

(1) "Community employment" means competitive employment 59622
that takes place in an integrated setting. 59623

(2) "Competitive employment" means full-time or part-time 59624
work in the competitive labor market in which payment is at or 59625
above the minimum wage but not less than the customary wage and 59626
level of benefits paid by the employer for the same or similar 59627
work performed by persons who are not disabled. 59628

(3) "Integrated setting" means a setting typically found 59629
in the community where individuals with developmental 59630
disabilities interact with individuals who do not have 59631
disabilities to the same extent that individuals in comparable 59632
positions who are not disabled interact with other individuals, 59633
including in employment settings in which employees interact 59634
with the community through technology. 59635

(B) It is hereby declared to be the policy of this state 59636
that employment services for individuals with developmental 59637
disabilities be directed at community employment. Every 59638
individual with a developmental disability is presumed capable 59639
of community employment. 59640

The departments of developmental disabilities, education 59641
and workforce, medicaid, job and family services, and mental 59642
health and addiction services; the opportunities for Ohioans 59643

with disabilities agency; and each other state agency that 59644
provides employment services to individuals with developmental 59645
disabilities shall implement the policy of this state and ensure 59646
that it is followed whenever employment services are provided to 59647
individuals with developmental disabilities. 59648

The department of developmental disabilities shall 59649
coordinate the actions taken by state agencies to comply with 59650
the state's policy. Agencies shall collaborate within their 59651
divisions and with each other to ensure that state programs, 59652
policies, procedures, and funding support competitive and 59653
integrated employment of individuals with developmental 59654
disabilities. State agencies shall share information with the 59655
department, and the department shall track progress toward full 59656
implementation of the policy. The department, in coordination 59657
with any task force established by the governor, shall compile 59658
data and annually submit to the governor a report on 59659
implementation of the policy. 59660

The department and state agencies may adopt rules to 59661
implement the state's policy. 59662

(C) The state's policy articulated in this section is 59663
intended to promote the right of each individual with a 59664
developmental disability to informed choice; however, nothing in 59665
this section requires any employer to give preference in hiring 59666
to an individual because the individual has a disability. 59667

Sec. 5123.023. (A) The director of developmental 59668
disabilities shall establish an employment first task force 59669
consisting of the departments of developmental disabilities, 59670
education and workforce, medicaid, job and family services, and 59671
mental health and addiction services; and the opportunities for 59672
Ohioans with disabilities agency. The purpose of the task force 59673

shall be to improve the coordination of the state's efforts to 59674
address the needs of individuals with developmental disabilities 59675
who seek community employment as defined in section 5123.022 of 59676
the Revised Code. 59677

(B) The department of developmental disabilities may enter 59678
into interagency agreements with any of the government entities 59679
on the task force. The interagency agreements may specify either 59680
or both of the following: 59681

(1) The roles and responsibilities of the government 59682
entities that are members of the task force, including any money 59683
to be contributed by those entities; 59684

(2) The projects and activities of the task force. 59685

(C) There is hereby created in the state treasury the 59686
employment first taskforce fund. Any money received by the task 59687
force from its members shall be credited to the fund. The 59688
department of developmental disabilities shall use the fund to 59689
support the work of the task force. 59690

Sec. 5123.025. It is hereby declared to be the policy of 59691
this state that individuals with developmental disabilities 59692
shall have access to innovative technology solutions. Technology 59693
can ensure that people with developmental disabilities have 59694
increased opportunities to live, work, and thrive in their 59695
homes, communities, and places of employment through state of 59696
the art planning, innovative technology, and supports that focus 59697
on their talents, interests, and skills. 59698

The departments of developmental disabilities, education 59699
and workforce, medicaid, aging, job and family services, mental 59700
health and addiction services, and transportation; the 59701
opportunities for Ohioans with disabilities agency; and each 59702

other state agency that provides technology services to 59703
individuals with developmental disabilities shall implement the 59704
policy of this state and ensure that it is followed whenever 59705
technology services are provided to individuals with 59706
developmental disabilities. 59707

The department of developmental disabilities, in 59708
partnership with the office of innovateohio, shall coordinate 59709
the actions taken by state agencies to comply with the state's 59710
policy. Agencies shall collaborate within their divisions and 59711
with each other to ensure that state programs, policies, 59712
procedures, and funding support the development of access to 59713
technology for individuals with developmental disabilities. 59714
State agencies shall share information with the department, and 59715
the department shall track progress toward full implementation 59716
of the policy. The department, in coordination with the 59717
technology first task force established under section 5123.026 59718
of Revised Code, shall compile data and annually submit to the 59719
governor and lieutenant governor a report on implementation of 59720
the policy. 59721

The department and state agencies may adopt rules to 59722
implement the state's policy. 59723

Sec. 5123.026. (A) The director of developmental 59724
disabilities shall establish a technology first task force 59725
consisting of representatives from the office of innovateohio; 59726
the departments of developmental disabilities, education and 59727
workforce, medicaid, aging, job and family services, mental 59728
health and addiction services, and transportation; and the 59729
opportunities for Ohioans with disabilities agency. 59730

(B) The task force shall do all of the following: 59731

(1) Expand innovative technology solutions within the operation and delivery of services to individuals with developmental disabilities;

(2) Use technology to reduce the barriers individuals with developmental disabilities experience;

(3) Align policies for all state agencies on the task force.

(C) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following:

(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities;

(2) The projects and activities of the task force.

(D) The department and state agencies may adopt rules to implement the task force.

Sec. 5123.0423. As used in this section, "school district of residence" has the same meaning as in section 3323.01 of the Revised Code.

The director of developmental disabilities shall request a student data verification code from the independent contractor engaged by the department of education and workforce to create and maintain such codes for school districts and community schools under division (D) (2) of section 3301.0714 of the Revised Code for each child who is receiving services from the state's part C early intervention services program. The director shall request from the parent, guardian, or custodian of the

child, or from any other person who is authorized by law to make 59760
decisions regarding the child's education, the name and address 59761
of the child's school district of residence. The director shall 59762
submit the data verification code for that child to the child's 59763
school district of residence at the time the child ceases to 59764
receive services from the part C early intervention services 59765
program. 59766

The director and each school district that receives a data 59767
verification code under this section shall not release that code 59768
to any person except as provided by law. Any document that the 59769
director holds in the director's files that contains both a 59770
child's name or other personally identifiable information and 59771
the child's data verification code is not a public record under 59772
section 149.43 of the Revised Code. 59773

Sec. 5126.04. (A) Each county board of developmental 59774
disabilities shall plan and set priorities based on available 59775
resources for the provision of facilities, programs, and other 59776
services to meet the needs of county residents who are 59777
individuals with developmental disabilities, former residents of 59778
the county residing in state institutions or, before September 59779
29, 2011, placed under purchase of service agreements under 59780
section 5123.18 of the Revised Code, and children subject to a 59781
determination made pursuant to section 121.38 of the Revised 59782
Code. 59783

Each county board shall assess the facility and service 59784
needs of the individuals with developmental disabilities who are 59785
residents of the county or former residents of the county 59786
residing in state institutions or, before September 29, 2011, 59787
placed under purchase of service agreements under section 59788
5123.18 of the Revised Code. 59789

Each county board shall require individual habilitation or 59790
service plans for individuals with developmental disabilities 59791
who are being served or who have been determined eligible for 59792
services and are awaiting the provision of services. Each board 59793
shall ensure that methods of having their service needs 59794
evaluated are available. 59795

(B) (1) If a foster child is in need of assessment for 59796
eligible services or is receiving services from a county board 59797
of developmental disabilities and that child is placed in a 59798
different county, the agency that placed the child, immediately 59799
upon placement, shall inform the county board in the new county 59800
all of the following: 59801

(a) That a foster child has been placed in that county; 59802

(b) The name and other identifying information of the 59803
foster child; 59804

(c) The name of the foster child's previous county of 59805
residence; 59806

(d) That the foster child was in need of assessment for 59807
eligible services or was receiving services from the county 59808
board of developmental disabilities in the previous county. 59809

(2) Upon receiving the notice described in division (B) (1) 59810
of this section or otherwise learning that the child was in need 59811
of assessment for eligible services or was receiving services 59812
from a county board of developmental disabilities in the 59813
previous county, the county board in the new county shall 59814
communicate with the county board of the previous county to 59815
determine how services for the foster child shall be provided in 59816
accordance with each board's plan and priorities as described in 59817
division (A) of this section. 59818

If the two county boards are unable to reach an agreement 59819
within ten days of the child's placement, the county board in 59820
the new county shall send notice to the Ohio department of 59821
developmental disabilities of the failure to agree. The 59822
department shall decide how services shall be provided for the 59823
foster child within ten days of receiving notice that the county 59824
boards could not reach an agreement. The department may decide 59825
that one, or both, of the county boards shall provide services. 59826
The services shall be provided in accordance with the board's 59827
plan and priorities as described in division (A) of this 59828
section. 59829

(C) The department of developmental disabilities may adopt 59830
rules in accordance with Chapter 119. of the Revised Code as 59831
necessary to implement this section. To the extent that rules 59832
adopted under this section apply to the identification and 59833
placement of children with disabilities under Chapter 3323. of 59834
the Revised Code, the rules shall be consistent with the 59835
standards and procedures established under sections 3323.03 to 59836
3323.05 of the Revised Code. 59837

(D) The responsibility or authority of a county board to 59838
provide services under this chapter does not affect the 59839
responsibility of any other entity of state or local government 59840
to provide services to individuals with developmental 59841
disabilities. 59842

(E) On or before the first day of February prior to a 59843
school year, a county board of developmental disabilities may 59844
elect not to participate during that school year in the 59845
provision of or contracting for educational services for 59846
children ages six through twenty-one years of age, provided that 59847
on or before that date the board gives notice of this election 59848

to the ~~superintendent of public instruction~~director of education 59849
and workforce, each school district in the county, and the 59850
educational service center serving the county. If a board makes 59851
this election, it shall not have any responsibility for or 59852
authority to provide educational services that school year for 59853
children ages six through twenty-one years of age. If a board 59854
does not make an election for a school year in accordance with 59855
this division, the board shall be deemed to have elected to 59856
participate during that school year in the provision of or 59857
contracting for educational services for children ages six 59858
through twenty-one years of age. 59859

(F) If a county board of developmental disabilities elects 59860
to provide educational services during a school year to 59861
individuals six through twenty-one years of age who have 59862
multiple disabilities, the board may provide these services to 59863
individuals who are appropriately identified and determined 59864
eligible pursuant to Chapter 3323. of the Revised Code, and in 59865
accordance with applicable rules of the ~~state board~~department 59866
of education and workforce. The county board may also provide 59867
related services to individuals six through twenty-one years of 59868
age who have one or more disabling conditions, in accordance 59869
with section 3317.20 and Chapter 3323. of the Revised Code and 59870
applicable rules of the ~~state board~~department of education and 59871
workforce. 59872

Sec. 5126.05. (A) Subject to the rules established by the 59873
director of developmental disabilities pursuant to Chapter 119. 59874
of the Revised Code for programs and services offered pursuant 59875
to this chapter, and subject to the rules established by the 59876
~~state board~~department of education and workforce pursuant to 59877
Chapter 119. of the Revised Code for programs and services 59878
offered pursuant to Chapter 3323. of the Revised Code, the 59879

county board of developmental disabilities shall: 59880

(1) Administer and operate facilities, programs, and 59881
services as provided by this chapter and Chapter 3323. of the 59882
Revised Code and establish policies for their administration and 59883
operation; 59884

(2) Coordinate, monitor, and evaluate existing services 59885
and facilities available to individuals with developmental 59886
disabilities; 59887

(3) Provide early childhood services, supportive home 59888
services, and adult services, according to the plan and 59889
priorities developed under section 5126.04 of the Revised Code; 59890

(4) Provide or contract for special education services 59891
pursuant to Chapters 3317. and 3323. of the Revised Code and 59892
ensure that related services, as defined in section 3323.01 of 59893
the Revised Code, are available according to the plan and 59894
priorities developed under section 5126.04 of the Revised Code; 59895

(5) Adopt a budget, authorize expenditures for the 59896
purposes specified in this chapter and do so in accordance with 59897
section 319.16 of the Revised Code, approve attendance of board 59898
members and employees at professional meetings and approve 59899
expenditures for attendance, and exercise such powers and duties 59900
as are prescribed by the director of developmental disabilities; 59901

(6) Submit annual reports of its work and expenditures, 59902
pursuant to sections 3323.09 and 5126.131 of the Revised Code, 59903
to the director of developmental disabilities, the 59904
~~superintendent of public instruction~~director of education and 59905
workforce, and the board of county commissioners at the close of 59906
the fiscal year and at such other times as may reasonably be 59907
requested; 59908

(7) Authorize all positions of employment, establish 59909
compensation, including but not limited to salary schedules and 59910
fringe benefits for all board employees, approve contracts of 59911
employment for management employees that are for a term of more 59912
than one year, employ legal counsel under section 309.10 of the 59913
Revised Code, and contract for employee benefits. A county board 59914
may provide benefits through an individual or joint self- 59915
insurance program as provided under section 9.833 of the Revised 59916
Code. 59917

(8) Provide service and support administration in 59918
accordance with section 5126.15 of the Revised Code; 59919

(9) Certify respite care homes pursuant to rules adopted 59920
under section 5123.171 of the Revised Code by the director of 59921
developmental disabilities; 59922

(10) Implement an employment first policy that clearly 59923
identifies community employment as the desired outcome for every 59924
individual of working age who receives services from the board; 59925

(11) Set benchmarks for improving community employment 59926
outcomes. 59927

(B) To the extent that rules adopted under this section 59928
apply to the identification and placement of children with 59929
disabilities under Chapter 3323. of the Revised Code, they shall 59930
be consistent with the standards and procedures established 59931
under sections 3323.03 to 3323.05 of the Revised Code. 59932

(C) Any county board may enter into contracts with other 59933
such boards and with public or private, nonprofit, or profit- 59934
making agencies or organizations of the same or another county, 59935
to provide the facilities, programs, and services authorized or 59936
required, upon such terms as may be agreeable, and in accordance 59937

with this chapter and Chapter 3323. of the Revised Code and 59938
rules adopted thereunder and in accordance with sections 307.86 59939
and 5126.071 of the Revised Code. 59940

(D) A county board may combine transportation for children 59941
and adults enrolled in programs and services offered under 59942
Chapter 5126. of the Revised Code with transportation for 59943
children enrolled in classes funded under sections 3317.0213 and 59944
3317.20 of the Revised Code. 59945

(E) A county board may purchase all necessary insurance 59946
policies, may purchase equipment and supplies through the 59947
department of administrative services or from other sources, and 59948
may enter into agreements with public agencies or nonprofit 59949
organizations for cooperative purchasing arrangements. 59950

(F) A county board may receive by gift, grant, devise, or 59951
bequest any moneys, lands, or property for the benefit of the 59952
purposes for which the board is established and hold, apply, and 59953
dispose of the moneys, lands, and property according to the 59954
terms of the gift, grant, devise, or bequest. All money received 59955
by gift, grant, bequest, or disposition of lands or property 59956
received by gift, grant, devise, or bequest shall be deposited 59957
in the county treasury to the credit of such board and shall be 59958
available for use by the board for purposes determined or stated 59959
by the donor or grantor, but may not be used for personal 59960
expenses of the board members. Any interest or earnings accruing 59961
from such gift, grant, devise, or bequest shall be treated in 59962
the same manner and subject to the same provisions as such gift, 59963
grant, devise, or bequest. 59964

(G) The board of county commissioners shall levy taxes and 59965
make appropriations sufficient to enable the county board of 59966
developmental disabilities to perform its functions and duties, 59967

and may utilize any available local, state, and federal funds 59968
for such purpose. 59969

Sec. 5126.23. (A) As used in this section, "employee" 59970
means a management employee or superintendent of a county board 59971
of -developmental disabilities. 59972

(B) An employee may be removed, suspended, or demoted in 59973
accordance with this section for violation of written rules set 59974
forth by the board or for incompetency, inefficiency, 59975
dishonesty, drunkenness, immoral conduct, insubordination, 59976
discourteous treatment of the public, neglect of duty, or other 59977
acts of misfeasance, malfeasance, or nonfeasance. 59978

(C) Prior to the removal, suspension, or demotion of an 59979
employee pursuant to this section, the employee shall be 59980
notified in writing of the charges against the employee. Except 59981
as otherwise provided in division (H) of this section, not later 59982
than thirty days after receiving such notification, a 59983
predisciplinary conference shall be held to provide the employee 59984
an opportunity to refute the charges against the employee. At 59985
least seventy-two hours prior to the conference, the employee 59986
shall be given a copy of the charges against the employee. 59987

If the removal, suspension, or demotion action is directed 59988
against a management employee, the conference shall be held by 59989
the superintendent or a person the superintendent designates, 59990
and the superintendent shall notify the management employee 59991
within fifteen days after the conference of the decision made 59992
with respect to the charges. If the removal, suspension, or 59993
demotion action is directed against a superintendent, the 59994
conference shall be held by the members of the board or their 59995
designees, and the board shall notify the superintendent within 59996
fifteen days after the conference of its decision with respect 59997

to the charges. 59998

(D) Within fifteen days after receiving notification of 59999
the results of the predisciplinary conference, an employee may 60000
file with the board a written demand for a hearing before the 60001
board or before a referee, and the board shall set a time for 60002
the hearing which shall be within thirty days from the date of 60003
receipt of the written demand, and the board shall give the 60004
employee at least twenty days notice in writing of the time and 60005
place of the hearing. 60006

(E) If a referee is demanded by an employee or a county 60007
board, the hearing shall be conducted by a referee selected in 60008
accordance with division (F) of this section; otherwise, it 60009
shall be conducted by a majority of the members of the board and 60010
shall be confined to the charges enumerated at the 60011
predisciplinary conference. 60012

(F) Referees for the hearings required by this section 60013
shall be selected from the list of names compiled by the 60014
~~superintendent of public instruction~~ director of education and 60015
workforce pursuant to section 3319.161 of the Revised Code. Upon 60016
receipt of notice that a referee has been demanded by an 60017
employee or a county board, the ~~superintendent of public~~ 60018
~~instruction~~ director shall immediately designate three persons 60019
from such list, from whom the referee for the hearing shall be 60020
chosen, and the ~~superintendent of public instruction~~ director 60021
shall immediately notify the designees, the county board, and 60022
the employee. If within five days of receipt of the notice, the 60023
county board and employee are unable to agree upon one of the 60024
designees to serve as referee, the ~~superintendent of public~~ 60025
~~instruction~~ director shall appoint one of the designees to serve 60026
as referee. The appointment of the referee shall be entered in 60027

the minutes of the county board. The referee appointed shall be 60028
paid the referee's usual and customary fee for attending the 60029
hearing which shall be paid from the general fund of the county 60030
board of developmental disabilities. 60031

(G) The board shall provide for a complete stenographic 60032
record of the proceedings, and a copy of the record shall be 60033
furnished to the employee. 60034

Both parties may be present at the hearing, be represented 60035
by counsel, require witnesses to be under oath, cross-examine 60036
witnesses, take a record of the proceedings, and require the 60037
presence of witnesses in their behalf upon subpoena to be issued 60038
by the county board. If any person fails to comply with a 60039
subpoena, a judge of the court of common pleas of the county in 60040
which the person resides, upon application of any interested 60041
party, shall compel attendance of the person by attachment 60042
proceedings as for contempt. Any member of the board or the 60043
referee may administer oaths to witnesses. After a hearing by a 60044
referee, the referee shall file a report within ten days after 60045
the termination of the hearing. After consideration of the 60046
referee's report, the board, by a majority vote, may accept or 60047
reject the referee's recommendation. After a hearing by the 60048
board, the board, by majority vote, may enter its determination 60049
upon its minutes. If the decision, after hearing, is in favor of 60050
the employee, the charges and the record of the hearing shall be 60051
physically expunged from the minutes and, if the employee has 60052
suffered any loss of salary by reason of being suspended, the 60053
employee shall be paid the employee's full salary for the period 60054
of such suspension. 60055

Any employee affected by a determination of the board 60056
under this division may appeal to the court of common pleas of 60057

the county in which the board is located within thirty days 60058
after receipt of notice of the entry of such determination. The 60059
appeal shall be an original action in the court and shall be 60060
commenced by the filing of a complaint against the board, in 60061
which complaint the facts shall be alleged upon which the 60062
employee relies for a reversal or modification of such 60063
determination. Upon service or waiver of summons in that appeal, 60064
the board immediately shall transmit to the clerk of the court 60065
for filing a transcript of the original papers filed with the 60066
board, a certified copy of the minutes of the board into which 60067
the determination was entered, and a certified transcript of all 60068
evidence adduced at the hearing or hearings before the board or 60069
a certified transcript of all evidence adduced at the hearing or 60070
hearings before the referee, whereupon the cause shall be at 60071
issue without further pleading and shall be advanced and heard 60072
without delay. The court shall examine the transcript and record 60073
of the hearing and shall hold such additional hearings as it 60074
considers advisable, at which it may consider other evidence in 60075
addition to the transcript and record. 60076

Upon final hearing, the court shall grant or deny the 60077
relief prayed for in the complaint as may be proper in 60078
accordance with the evidence adduced in the hearing. Such an 60079
action is a special proceeding, and either the employee or the 60080
board may appeal from the decision of the court of common pleas 60081
pursuant to the Rules of Appellate Procedure and, to the extent 60082
not in conflict with those rules, Chapter 2505. of the Revised 60083
Code. 60084

(H) Notwithstanding divisions (C) to (G) of this section, 60085
a county board and an employee may agree to submit issues 60086
regarding the employee's removal, suspension, or demotion to 60087
binding arbitration. The terms of the submission, including the 60088

method of selecting the arbitrator or arbitrators and the 60089
responsibility for compensating the arbitrator, shall be 60090
provided for in the arbitration agreement. The arbitrator shall 60091
be selected within fifteen days of the execution of the 60092
agreement. Chapter 2711. of the Revised Code governs the 60093
arbitration proceedings. 60094

Sec. 5126.24. (A) As used in this section: 60095

(1) "License" means an educator license issued by the 60096
state board of education under section 3319.22 of the Revised 60097
Code or a certificate issued by the department of developmental 60098
disabilities. 60099

(2) "Teacher" means a person employed by a county board of 60100
developmental disabilities in a position that requires a 60101
license. 60102

(3) "Nonteaching employee" means a person employed by a 60103
county board of developmental disabilities in a position that 60104
does not require a license. 60105

(4) "Years of service" includes all service described in 60106
division (A) of section 3317.13 of the Revised Code. 60107

(B) Subject to rules established by the director of 60108
developmental disabilities pursuant to Chapter 119. of the 60109
Revised Code, each county board of developmental disabilities 60110
shall annually adopt separate salary schedules for teachers and 60111
nonteaching employees. 60112

(C) The teachers' salary schedule shall provide for 60113
increments based on training and years of service. The board may 60114
establish its own service requirements provided no teacher 60115
receives less than the salary the teacher would be paid under 60116
section 3317.13 of the Revised Code if the teacher were employed 60117

by a school district board of education and provided full credit 60118
for a minimum of five years of actual teaching and military 60119
experience as defined in division (A) of such section is given 60120
to each teacher. 60121

Each teacher who has completed training that would qualify 60122
the teacher for a higher salary bracket pursuant to this section 60123
shall file by the fifteenth day of September with the fiscal 60124
officer of the board, satisfactory evidence of the completion of 60125
such additional training. The fiscal officer shall then 60126
immediately place the teacher, pursuant to this section, in the 60127
proper salary bracket in accordance with training and years of 60128
service. No teacher shall be paid less than the salary to which 60129
the teacher would be entitled under section 3317.13 of the 60130
Revised Code if the teacher were employed by a school district 60131
board of education. 60132

The superintendent of each county board, on or before the 60133
fifteenth day of October of each year, shall certify to the 60134
state board of education and the department of education and 60135
workforce the name of each teacher employed, on an annual 60136
salary, in each special education program operated pursuant to 60137
section 3323.09 of the Revised Code during the first full school 60138
week of October. The superintendent further shall certify, for 60139
each teacher, the number of years of training completed at a 60140
recognized college, the degrees earned from a college recognized 60141
by the ~~state board~~ department of education and workforce, the 60142
type of license held, the number of months employed by the 60143
board, the annual salary, and other information that the ~~state-~~ 60144
~~board~~ department may request. 60145

(D) The nonteaching employees' salary schedule established 60146
by the board shall be based on training, experience, and 60147

qualifications with initial salaries no less than salaries in 60148
effect on July 1, 1985. Each board shall prepare and may amend 60149
from time to time, specifications descriptive of duties, 60150
responsibilities, requirements, and desirable qualifications of 60151
the classifications of employees required to perform the duties 60152
specified in the salary schedule. All nonteaching employees 60153
shall be notified of the position classification to which they 60154
are assigned and the salary for the classification. The 60155
compensation of all nonteaching employees working for a 60156
particular board shall be uniform for like positions except as 60157
compensation would be affected by salary increments based upon 60158
length of service. 60159

On the fifteenth day of October of each year the 60160
nonteaching employees' salary schedule and list of job 60161
classifications and salaries in effect on that date shall be 60162
filed by each board with the superintendent of public 60163
instruction and the department. If such salary schedule and 60164
classification plan is not filed, the ~~superintendent of public~~ 60165
~~instruction~~ director of education and workforce shall order the 60166
board to file such schedule and list forthwith. If this 60167
condition is not corrected within ten days after receipt of the 60168
order from the ~~superintendent~~ director, no money shall be 60169
distributed to the board under Chapter 3317. of the Revised Code 60170
until the ~~superintendent~~ director has satisfactory evidence of 60171
the board's full compliance with such order. 60172

Sec. 5139.34. (A) Funds may be appropriated to the 60173
department of youth services for the purpose of granting state 60174
subsidies to counties. A county or the juvenile court that 60175
serves a county shall use state subsidies granted to the county 60176
pursuant to this section only in accordance with divisions (B) 60177
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 60178

rules pertaining to the state subsidy funds that the department 60179
adopts pursuant to division (D) of section 5139.04 of the 60180
Revised Code. The department shall not grant financial 60181
assistance pursuant to this section for the provision of care 60182
and services for children in a placement facility unless the 60183
facility has been certified, licensed, or approved by a state or 60184
national agency with certification, licensure, or approval 60185
authority, including, but not limited to, the department of job 60186
and family services, department of education and workforce, 60187
department of mental health and addiction services, department 60188
of developmental disabilities, or American correctional 60189
association. For the purposes of this section, placement 60190
facilities do not include a state institution or a county or 60191
district children's home. 60192

The department also shall not grant financial assistance 60193
pursuant to this section for the provision of care and services 60194
for children, including, but not limited to, care and services 60195
in a detention facility, in another facility, or in out-of-home 60196
placement, unless the minimum standards applicable to the care 60197
and services that the department prescribes in rules adopted 60198
pursuant to division (D) of section 5139.04 of the Revised Code 60199
have been satisfied. 60200

(B) The department of youth services shall apply the 60201
following formula to determine the amount of the annual grant 60202
that each county is to receive pursuant to division (A) of this 60203
section, subject to the appropriation for this purpose to the 60204
department made by the general assembly: 60205

(1) Each county shall receive a basic annual grant of 60206
fifty thousand dollars. 60207

(2) The sum of the basic annual grants provided under 60208

division (B) (1) of this section shall be subtracted from the 60209
total amount of funds appropriated to the department of youth 60210
services for the purpose of making grants pursuant to division 60211
(A) of this section to determine the remaining portion of the 60212
funds appropriated. The remaining portion of the funds 60213
appropriated shall be distributed on a per capita basis to each 60214
county that has a population of more than twenty-five thousand 60215
for that portion of the population of the county that exceeds 60216
twenty-five thousand. 60217

(C) (1) Prior to a county's receipt of an annual grant 60218
pursuant to this section, the juvenile court that serves the 60219
county shall prepare, submit, and file in accordance with 60220
division (B) (3) (a) of section 5139.43 of the Revised Code an 60221
annual grant agreement and application for funding that is for 60222
the combined purposes of, and that satisfies the requirements 60223
of, this section and section 5139.43 of the Revised Code. In 60224
addition to the subject matters described in division (B) (3) (a) 60225
of section 5139.43 of the Revised Code or in the rules that the 60226
department adopts to implement that division, the annual grant 60227
agreement and application for funding shall address fiscal 60228
accountability and performance matters pertaining to the 60229
programs, care, and services that are specified in the agreement 60230
and application and for which state subsidy funds granted 60231
pursuant to this section will be used. 60232

(2) The county treasurer of each county that receives an 60233
annual grant pursuant to this section shall deposit the state 60234
subsidy funds so received into the county's felony delinquent 60235
care and custody fund created pursuant to division (B) (1) of 60236
section 5139.43 of the Revised Code. Subject to exceptions 60237
prescribed in section 5139.43 of the Revised Code that may apply 60238
to the disbursement, the department shall disburse the state 60239

subsidy funds to which a county is entitled in a lump sum 60240
payment that shall be made in July of each calendar year. 60241

(3) Upon an order of the juvenile court that serves a 60242
county and subject to appropriation by the board of county 60243
commissioners of that county, a county treasurer shall disburse 60244
from the county's felony delinquent care and custody fund the 60245
state subsidy funds granted to the county pursuant to this 60246
section for use only in accordance with this section, the 60247
applicable provisions of section 5139.43 of the Revised Code, 60248
and the county's approved annual grant agreement and application 60249
for funding. 60250

(4) The moneys in a county's felony delinquent care and 60251
custody fund that represent state subsidy funds granted pursuant 60252
to this section are subject to appropriation by the board of 60253
county commissioners of the county; shall be disbursed by the 60254
county treasurer as required by division (C) (3) of this section; 60255
shall be used in the manners referred to in division (C) (3) of 60256
this section; shall not revert to the county general fund at the 60257
end of any fiscal year; shall carry over in the felony 60258
delinquent care and custody fund from the end of any fiscal year 60259
to the next fiscal year; shall be in addition to, and shall not 60260
be used to reduce, any usual annual increase in county funding 60261
that the juvenile court is eligible to receive or the current 60262
level of county funding of the juvenile court and of any 60263
programs, care, or services for alleged or adjudicated 60264
delinquent children, unruly children, or juvenile traffic 60265
offenders or for children who are at risk of becoming delinquent 60266
children, unruly children, or juvenile traffic offenders; and 60267
shall not be used to pay for the care and custody of felony 60268
delinquents who are in the care and custody of an institution 60269
pursuant to a commitment, recommitment, or revocation of a 60270

release on parole by the juvenile court of that county or who 60271
are in the care and custody of a community corrections facility 60272
pursuant to a placement by the department as described in 60273
division (E) of section 5139.36 of the Revised Code. 60274

(5) As a condition of the continued receipt of state 60275
subsidy funds pursuant to this section, each county and the 60276
juvenile court that serves each county that receives an annual 60277
grant pursuant to this section shall comply with divisions (B) 60278
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 60279

Sec. 5145.06. (A) The department of rehabilitation and 60280
correction shall establish and operate a school system that is 60281
approved and chartered by the department of education and 60282
workforce and designated as the Ohio central school system to 60283
serve all of the correctional institutions under its control. 60284
The Ohio central school system shall provide educational 60285
programs for prisoners to allow them to complete adult basic 60286
education courses, earn Ohio certificates of high school 60287
equivalence, or pursue vocational training. To that end, the 60288
department may employ appropriately certified teachers, 60289
administrators, and support staff. The department shall provide 60290
classrooms, shops, and other appropriate facilities and 60291
necessary furniture, books, stationery, supplies, and equipment. 60292

(B) (1) The department of rehabilitation and correction 60293
shall require each prisoner who has not obtained a high school 60294
diploma to take courses leading toward an Ohio certificate of 60295
high school equivalence, an Ohio high school diploma pursuant to 60296
section 3313.61 of the Revised Code, or courses that provide 60297
vocational training. If a prisoner has obtained a high school 60298
diploma, the department shall encourage the prisoner to 60299
participate in a program of advanced studies or training for a 60300

skilled trade. 60301

(2) The department of rehabilitation and correction shall 60302
adopt rules that prescribe disciplinary actions that the 60303
department may take if a prisoner refuses to participate in an 60304
educational program required under division (B)(1) of this 60305
section. 60306

(3) The failure of the department of rehabilitation and 60307
correction to provide, pursuant to division (B)(1) of this 60308
section, an opportunity for any prisoner to participate in 60309
courses that lead toward an Ohio certificate of high school 60310
equivalence or an Ohio high school diploma, or that provide 60311
vocational training, does not give rise to a claim for damages 60312
against the department. 60313

(C) The department of rehabilitation and correction, for a 60314
clearly established medical, mental health, or security reason, 60315
may exclude certain prisoners from the requirement to take 60316
courses pursuant to division (B)(1) of this section. Any 60317
exclusion under this division shall be only for a clearly 60318
established medical, mental health, or security reason. Within 60319
six months after ~~the effective date of this amendment~~ March 31, 60320
2003, the department shall adopt rules pursuant to Chapter 119. 60321
of the Revised Code to establish the criteria and procedures for 60322
an exclusion under this division. 60323

Sec. 5162.363. The department of medicaid shall enter into 60324
an interagency agreement with the department of education and 60325
workforce under section 5162.35 of the Revised Code that 60326
provides for the department of education and workforce to 60327
administer the medicaid school component of the medicaid program 60328
other than the aspects of the component that sections 5162.36 to 60329
5162.366 of the Revised Code require the department of medicaid 60330

to administer. The interagency agreement may include a provision 60331
that provides for the department of education and workforce to 60332
pay to the department of medicaid the nonfederal share of a 60333
portion of the administrative expenses the department of 60334
medicaid incurs in administering the aspects of the component 60335
that the department of medicaid administers. 60336

To the extent authorized by rules authorized by section 60337
5162.021 of the Revised Code, the department of education and 60338
workforce shall adopt rules establishing a process by which 60339
qualified medicaid school providers participating in the 60340
medicaid school component pay to the department of education and 60341
workforce the nonfederal share of the department's expenses 60342
incurred in administering the component. The rules shall be 60343
adopted in accordance with Chapter 119. of the Revised Code. 60344

Sec. 5162.365. (A) A qualified medicaid school provider is 60345
solely responsible for timely repaying any overpayment that the 60346
provider receives under the medicaid school component of the 60347
medicaid program and that is discovered by a federal or state 60348
audit. This is the case regardless of whether the audit's 60349
finding identifies the provider, department of medicaid, or 60350
department of education and workforce as being responsible for 60351
the overpayment. 60352

(B) The department of medicaid shall not do any of the 60353
following regarding an overpayment for which a qualified 60354
medicaid school provider is responsible for repaying: 60355

(1) Make a payment to the federal government to meet or 60356
delay the provider's repayment obligation; 60357

(2) Assume the provider's repayment obligation; 60358

(3) Forgive the provider's repayment obligation. 60359

(C) Each qualified medicaid school provider shall 60360
indemnify and hold harmless the department of medicaid for any 60361
cost or penalty resulting from a federal or state audit finding 60362
that a claim submitted by the provider under section 5162.361 of 60363
the Revised Code did not comply with a federal or state 60364
requirement applicable to the claim, including a requirement of 60365
a medicaid waiver component. 60366

Sec. 5502.262. (A) As used in this section: 60367

(1) "Administrator" means the superintendent, principal, 60368
chief administrative officer, or other person having supervisory 60369
authority of any of the following: 60370

(a) A city, exempted village, local, or joint vocational 60371
school district; 60372

(b) A community school established under Chapter 3314. of 60373
the Revised Code, as required through reference in division (A) 60374
(11)(d) of section 3314.03 of the Revised Code; 60375

(c) A STEM school established under Chapter 3326. of the 60376
Revised Code, as required through reference in section 3326.11 60377
of the Revised Code; 60378

(d) A college-preparatory boarding school established 60379
under Chapter 3328. of the Revised Code; 60380

(e) A district or school operating a career-technical 60381
education program approved by the department of education and 60382
workforce under section 3317.161 of the Revised Code; 60383

(f) A chartered nonpublic school; 60384

(g) An educational service center; 60385

(h) A preschool program or school-age child care program 60386

licensed by the department of education and workforce; 60387

(i) Any other facility that primarily provides educational 60388
services to children subject to regulation by the department of 60389
education and workforce. 60390

(2) "Emergency management test" means a regularly 60391
scheduled drill, exercise, or activity designed to assess and 60392
evaluate an emergency management plan under this section. 60393

(3) "Building" means any school, school building, 60394
facility, program, or center. 60395

(4) "Regional mobile training officer" means the regional 60396
mobile training officer appointed under section 5502.70 of the 60397
Revised Code for the region in which a district, school, center, 60398
program, or facility is located. 60399

(B) (1) Each administrator shall develop and adopt a 60400
comprehensive emergency management plan, in accordance with 60401
rules adopted pursuant to division (F) of this section, for each 60402
building under the administrator's control. The administrator 60403
shall examine the environmental conditions and operations of 60404
each building to determine potential hazards to student and 60405
staff safety and shall propose operating changes to promote the 60406
prevention of potentially dangerous problems and circumstances. 60407
In developing the plan for each building, the administrator 60408
shall involve community law enforcement and safety officials, 60409
parents of students who are assigned to the building, and 60410
teachers and nonteaching employees who are assigned to the 60411
building. The administrator may involve the regional mobile 60412
training officer in the development of the plan. The 60413
administrator shall incorporate remediation strategies into the 60414
plan for any building where documented safety problems have 60415

occurred. 60416

(2) Each administrator shall also incorporate into the 60417
emergency management plan adopted under division (B)(1) of this 60418
section all of the following: 60419

(a) A protocol for addressing serious threats to the 60420
safety of property, students, employees, or administrators; 60421

(b) A protocol for responding to any emergency events that 60422
occur and compromise the safety of property, students, 60423
employees, or administrators. This protocol shall include, but 60424
not be limited to, all of the following: 60425

(i) A floor plan that is unique to each floor of the 60426
building; 60427

(ii) A site plan that includes all building property and 60428
surrounding property; 60429

(iii) An emergency contact information sheet. 60430

(c) A threat assessment plan developed as prescribed in 60431
section 5502.263 of the Revised Code. A building may use the 60432
model plan developed by the department of public safety under 60433
that section; 60434

(d) A protocol for school threat assessment teams 60435
established under section 3313.669 of the Revised Code. 60436

(3) Each protocol described in division (B) of this 60437
section shall include procedures determined to be appropriate by 60438
the administrator for responding to threats and emergency 60439
events, respectively, including such things as notification of 60440
appropriate law enforcement personnel, calling upon specified 60441
emergency response personnel for assistance, and informing 60442
parents of affected students. 60443

Prior to the opening day of each school year, the administrator shall inform each student or child enrolled in the school and the student's or child's parent of the parental notification procedures included in the protocol.

(4) Each administrator shall keep a copy of the emergency management plan adopted pursuant to this section in a secure place.

(C) (1) The administrator shall submit to the director of public safety, in accordance with rules adopted pursuant to division (F) of this section, an electronic copy of the emergency management plan prescribed by division (B) of this section not less than once every three years, whenever a major modification to the building requires changes in the procedures outlined in the plan, and whenever information on the emergency contact information sheet changes.

(2) The administrator also shall file a copy of the plan with each law enforcement agency that has jurisdiction over the school building and, upon request, to any of the following:

(a) The fire department that serves the political subdivision in which the building is located;

(b) The emergency medical service organization that serves the political subdivision in which the building is located;

(c) The county emergency management agency for the county in which the building is located;

(d) The regional mobile training officer.

(3) Upon receipt of an emergency management plan, the director shall post the information on the contact and information management system and submit the information in

accordance with rules adopted pursuant to division (F) of this section, to the attorney general, who shall post that information on the Ohio law enforcement gateway or its successor.

(4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place.

(D) (1) Not later than the first day of July of each year, each administrator shall review the emergency management plan and certify to the director that the plan is current and accurate.

(2) Anytime that an administrator updates the emergency management plan pursuant to division (C) (1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted pursuant to division (F) of this section, to the director and to any entity with which the administrator filed a copy under division (C) (2) of this section.

(E) Each administrator shall do both of the following:

(1) Prepare and conduct at least one annual emergency management test, as defined in division (A) (2) of this section, in accordance with rules adopted pursuant to division (F) of this section;

(2) Grant access to each building under the control of the administrator to law enforcement personnel and to entities described in division (C) (2) of this section, to enable the personnel and entities to hold training sessions for responding to threats and emergency events affecting the building, provided that the access occurs outside of student instructional hours

and the administrator, or the administrator's designee, is 60501
present in the building during the training sessions. 60502

(F) The director of public safety, in consultation with 60503
representatives from the education community and in accordance 60504
with Chapter 119. of the Revised Code, shall adopt rules 60505
regarding emergency management plans under this section, 60506
including the content of the plans and procedures for filing the 60507
plans. The rules shall specify that plans and information 60508
required under division (B) of this section be submitted on 60509
standardized forms developed by the director for such purpose. 60510
The rules shall also specify the requirements and procedures for 60511
emergency management tests conducted pursuant to division (E) (1) 60512
of this section. Failure to comply with the rules may result in 60513
discipline pursuant to section 3319.31 of the Revised Code or 60514
any other action against the administrator as prescribed by 60515
rule. 60516

(G) Division (B) of section 3319.31 of the Revised Code 60517
applies to any administrator who is subject to the requirements 60518
of this section and is not exempt under division (H) of this 60519
section and who is an applicant for a license or holds a license 60520
from the state board of education pursuant to section 3319.22 of 60521
the Revised Code. 60522

(H) (1) The director may exempt any administrator from the 60523
requirements of this section, if the director determines that 60524
the requirements do not otherwise apply to a building or 60525
buildings under the control of that administrator. 60526

(2) The director shall exempt from the requirements of 60527
this section the administrator of an online learning school, 60528
established under section 3302.42 of the Revised Code, unless 60529
students of that school participate in in-person instruction or 60530

assessments at a location that is not covered by an existing 60531
emergency management plan, developed under this section as of 60532
December 14, 2021. 60533

(I) Copies of the emergency management plan and 60534
information required under division (B) of this section are 60535
security records and are not public records pursuant to section 60536
149.433 of the Revised Code. In addition, the information posted 60537
to the contact and information management system, pursuant to 60538
division (C) (3) (b) of this section, is exempt from public 60539
disclosure or release in accordance with sections 149.43, 60540
149.433, and 5502.03 of the Revised Code. 60541

Notwithstanding section 149.433 of the Revised Code, a 60542
floor plan filed with the attorney general pursuant to this 60543
section is not a public record to the extent it is a record kept 60544
by the attorney general. 60545

Sec. 5502.263. (A) As used in this section, "evidence- 60546
based" means a program or practice that does either of the 60547
following: 60548

(1) Demonstrates a rationale based on high-quality 60549
research findings or positive evaluation that such a program or 60550
practice is likely to improve relevant outcomes and includes 60551
ongoing efforts to examine the effects of the program or 60552
practice; 60553

(2) Has a statistically significant effect on relevant 60554
outcomes based on: 60555

(a) Strong evidence from at least one well-designed and 60556
well-implemented experimental study; 60557

(b) Moderate evidence from at least one well-designed and 60558
well-implemented quasi-experimental study; or 60559

(c) Promising evidence from at least one well-designed and well-implemented correlation study with statistical controls for selection bias.

(B) Not later than two years after ~~the effective date of this section~~ March 24, 2021, the department of public safety, in consultation with the department of education and workforce and the attorney general, shall develop a model threat assessment plan that may be used in a building's emergency management plan developed under section 5502.262 of the Revised Code. The model plan shall do at least the following:

(1) Identify the types of threatening behavior that may represent a physical threat to a school community;

(2) Identify individuals to whom threatening behavior should be reported and steps to be taken by those individuals;

(3) Establish threat assessment guidelines including identification, evaluation of seriousness of threat or danger, intervention to reduce potential violence, and follow-up to assess intervention results;

(4) Establish guidelines for coordinating with local law enforcement agencies and reports collected through the district's chosen anonymous reporting program under section 3313.6610 of the Revised Code and identify a point of contact within each agency;

(5) Conform with all other specifications in a school's emergency management plan developed under section 5502.262 of the Revised Code.

Evidence-based threat assessment processes or best practice threat assessment guidelines created by the national threat assessment center shall be a resource when developing the

model threat assessment plan. 60589

(C) Not later than two years after ~~the effective date of~~ 60590
~~this section~~ March 24, 2021, the department of public safety, in 60591
consultation with the department of education and workforce and 60592
the attorney general, shall develop and maintain a list of 60593
approved training programs for completion by school threat 60594
assessment team members prescribed in section 3313.669 of the 60595
Revised Code, one of which must be free or of no cost to 60596
schools. Each program approved under this section must be an 60597
evidence-based program that provides instruction in the 60598
following: 60599

(1) Identifying behaviors, signs, and threats that may 60600
lead to a violent act; 60601

(2) Determining the seriousness of a threat; 60602

(3) Developing intervention plans that protect the 60603
potential victims and address the underlying problem or conflict 60604
that initiated the behavior and assessments of plan results. 60605

Completion of an approved program under this section shall 60606
fulfill the training requirements prescribed under section 60607
3313.669 of the Revised Code. 60608

Sec. 5513.04. (A) Notwithstanding sections 125.12, 125.13, 60609
and 125.14 of the Revised Code, the director of transportation 60610
may sell, transfer, or otherwise dispose of any item of personal 60611
property that is not needed by the department of transportation. 60612
The director may exchange any such item, in the manner provided 60613
for in this chapter, and pay the balance of the cost of such new 60614
item from funds appropriated to the department. The director 60615
also may accept a credit voucher or cash in an amount mutually 60616
agreed upon between a vendor and the department. The director 60617

shall apply the amount of any credit voucher to future purchases 60618
from that vendor and shall deposit any cash into the state 60619
treasury to the credit of the highway operating fund created in 60620
section 5735.051 of the Revised Code. 60621

(B) (1) The director may sell or transfer any structure, 60622
machinery, tools, equipment, parts, material, office furniture, 60623
or supplies unfit for use or not needed by the department of 60624
transportation to any agency of the state or a political 60625
subdivision of the state without notice of the proposed disposal 60626
and upon any mutually agreed upon terms. 60627

(2) Before selling any passenger vehicle, van, truck, 60628
trailer, or other heavy equipment, the director shall notify 60629
each county, municipal corporation, township, and school 60630
district of the sale. The director shall similarly notify the 60631
board of trustees of any regional water and sewer district 60632
established under Chapter 6119. of the Revised Code, when the 60633
board has forwarded to the director the district's name and 60634
current business address. For the purposes of this division, the 60635
name and current business address of a regional water and sewer 60636
district shall be forwarded to the director once each year 60637
during any year in which the board wishes the notification to be 60638
given. The notice required by this division may be given by the 60639
most economical means considered to be effective. If after seven 60640
days following mailing or other issuance of the director's 60641
notice, no county, municipal corporation, township, regional 60642
water and sewer district, educational service center, or school 60643
district has notified the director that it wishes to purchase 60644
any such vehicle or other heavy equipment, the director may 60645
proceed with the sale under division (C) of this section. 60646

In the discretion of the director, the director may 60647

transfer any vehicle or other heavy equipment that is unfit for 60648
use or not needed by the department to any agency of the state 60649
or political subdivision of the state without advertising for 60650
bids and upon mutually agreed upon terms. 60651

(3) The director may sell or otherwise dispose of any 60652
structure or structural materials salvaged on the state highway 60653
system that in the director's judgment are no longer needed by 60654
the department, or that, through wear or obsolescence, have 60655
become unfit for use. The director may transfer the structure or 60656
materials to counties, municipal corporations, school districts, 60657
or other political subdivisions without advertising for bids and 60658
upon mutually agreed upon terms. The director may transfer the 60659
structure or structural materials to a nonprofit corporation 60660
upon being furnished a copy of a contract between the nonprofit 60661
corporation and a county, municipal corporation, or other 60662
political subdivision to which the structure is to be moved 60663
pursuant to which the nonprofit corporation must make the 60664
structure or structural materials available for rent or sale 60665
within a period of three months after becoming available for 60666
occupancy to an individual or family which has been displaced by 60667
governmental action or which occupies substandard housing as 60668
certified by such political subdivision, without advertising for 60669
bids. Any such transfers shall be for such consideration as 60670
shall be determined by the director to be fair and reasonable, 60671
and shall be upon such terms and specifications with respect to 60672
performance and indemnity as shall be determined necessary by 60673
the director. 60674

When, in carrying out an improvement that replaces any 60675
structure or structural materials, it is advantageous to dispose 60676
of the structure or structural materials by providing in the 60677
contract for the improvement that the structure or structural 60678

materials, or any part thereof, shall become the property of the contractor, the director may so proceed.

(C) (1) Any item that has not been sold or transferred as provided in division (B) of this section may be sold at a public sale, as determined by the director. The director may authorize such sale by the deputy directors of transportation, and the proceedings of such sale shall be conducted in the same manner as provided for sales by the director. The director may establish a minimum price for any item to be sold and may establish any other terms, conditions, and manner for the sale of a particular item, which may be on any basis the director determines to be most advantageous to the department. The director may reject any offer or bid for an item. The director may remove any item from a sale if it develops that a public authority has a use for the item. In any notice of a sale, the director shall include a brief description of the item to be sold, the terms and conditions of the sale, and a statement of the time, place, and manner of the sale.

(2) (a) If, in the opinion of the director, any item to be sold has an estimated fair market value in excess of one thousand dollars, the director shall post a notice of the sale, for not less than ten days, on the official web site of the department. If the district where the property is located maintains a web site, notice of the sale also shall be posted on that web site. At least ten days before the sale, the director also shall publish one notice of the sale in a periodical or newspaper of general circulation in the region in which the items are located. A sale under division (C) (2) (a) of this section shall be made to the highest responsible bidder.

(b) If, in the opinion of the director, any item to be

sold has an estimated fair market value of one thousand dollars 60709
or less, the director is not required to advertise the proposed 60710
sale except by notice posted on the official web site of the 60711
department. The notice shall be posted for at least five working 60712
days. A sale under division (C) (2) (b) of this section shall be 60713
made to the highest responsible bidder. 60714

(D) Proceeds of any sale described in this section shall 60715
be paid into the state treasury to the credit of the highway 60716
operating fund or any other fund of the department as determined 60717
by the director. 60718

(E) Once each year, the ~~state board~~ department of 60719
education and workforce shall provide the director with a 60720
current list of the addresses of all school districts and 60721
educational service centers in the state. 60722

(F) As used in this section: 60723

(1) "Personal property" means any structure or structural 60724
material, machinery, tools, equipment, parts, material, office 60725
furniture, supplies, passenger vehicle, van, truck, trailer, or 60726
other heavy equipment of the department; 60727

(2) "School district" means any city school district, 60728
local school district, exempted village school district, 60729
cooperative education school district, and joint vocational 60730
school district, as defined in Chapter 3311. of the Revised 60731
Code. 60732

(3) "Sale" means fixed price sale, live or internet 60733
auction, or any other type of sale determined by the director. 60734

Sec. 5703.21. (A) Except as provided in divisions (B) and 60735
(C) of this section, no agent of the department of taxation, 60736
except in the agent's report to the department or when called on 60737

to testify in any court or proceeding, shall divulge any 60738
information acquired by the agent as to the transactions, 60739
property, or business of any person while acting or claiming to 60740
act under orders of the department. Whoever violates this 60741
provision shall thereafter be disqualified from acting as an 60742
officer or employee or in any other capacity under appointment 60743
or employment of the department. 60744

(B) (1) For purposes of an audit pursuant to section 117.15 60745
of the Revised Code, or an audit of the department pursuant to 60746
Chapter 117. of the Revised Code, or an audit, pursuant to that 60747
chapter, the objective of which is to express an opinion on a 60748
financial report or statement prepared or issued pursuant to 60749
division (A) (7) or (9) of section 126.21 of the Revised Code, 60750
the officers and employees of the auditor of state charged with 60751
conducting the audit shall have access to and the right to 60752
examine any state tax returns and state tax return information 60753
in the possession of the department to the extent that the 60754
access and examination are necessary for purposes of the audit. 60755
Any information acquired as the result of that access and 60756
examination shall not be divulged for any purpose other than as 60757
required for the audit or unless the officers and employees are 60758
required to testify in a court or proceeding under compulsion of 60759
legal process. Whoever violates this provision shall thereafter 60760
be disqualified from acting as an officer or employee or in any 60761
other capacity under appointment or employment of the auditor of 60762
state. 60763

(2) For purposes of an internal audit pursuant to section 60764
126.45 of the Revised Code, the officers and employees of the 60765
office of internal audit in the office of budget and management 60766
charged with directing the internal audit shall have access to 60767
and the right to examine any state tax returns and state tax 60768

return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal audit.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal audit solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to

section 3125.43 of the Revised Code; 60798

(3) Disclosing to the motor vehicle repair board any 60799
information in the possession of the department that is 60800
necessary for the board to verify the existence of an 60801
applicant's valid vendor's license and current state tax 60802
identification number under section 4775.07 of the Revised Code; 60803

(4) Providing information to the administrator of workers' 60804
compensation pursuant to sections 4123.271 and 4123.591 of the 60805
Revised Code; 60806

(5) Providing to the attorney general information the 60807
department obtains under division (J) of section 1346.01 of the 60808
Revised Code; 60809

(6) Permitting properly authorized officers, employees, or 60810
agents of a municipal corporation from inspecting reports or 60811
information pursuant to section 718.84 of the Revised Code or 60812
rules adopted under section 5745.16 of the Revised Code; 60813

(7) Providing information regarding the name, account 60814
number, or business address of a holder of a vendor's license 60815
issued pursuant to section 5739.17 of the Revised Code, a holder 60816
of a direct payment permit issued pursuant to section 5739.031 60817
of the Revised Code, or a seller having a use tax account 60818
maintained pursuant to section 5741.17 of the Revised Code, or 60819
information regarding the active or inactive status of a 60820
vendor's license, direct payment permit, or seller's use tax 60821
account; 60822

(8) Releasing invoices or invoice information furnished 60823
under section 4301.433 of the Revised Code pursuant to that 60824
section; 60825

(9) Providing to a county auditor notices or documents 60826

concerning or affecting the taxable value of property in the 60827
county auditor's county. Unless authorized by law to disclose 60828
documents so provided, the county auditor shall not disclose 60829
such documents; 60830

(10) Providing to a county auditor sales or use tax return 60831
or audit information under section 333.06 of the Revised Code; 60832

(11) Subject to section 4301.441 of the Revised Code, 60833
disclosing to the appropriate state agency information in the 60834
possession of the department of taxation that is necessary to 60835
verify a permit holder's gallonage or noncompliance with taxes 60836
levied under Chapter 4301. or 4305. of the Revised Code; 60837

(12) Disclosing to the department of natural resources 60838
information in the possession of the department of taxation that 60839
is necessary for the department of taxation to verify the 60840
taxpayer's compliance with section 5749.02 of the Revised Code 60841
or to allow the department of natural resources to enforce 60842
Chapter 1509. of the Revised Code; 60843

(13) Disclosing to the department of job and family 60844
services, industrial commission, and bureau of workers' 60845
compensation information in the possession of the department of 60846
taxation solely for the purpose of identifying employers that 60847
misclassify employees as independent contractors or that fail to 60848
properly report and pay employer tax liabilities. The department 60849
of taxation shall disclose only such information that is 60850
necessary to verify employer compliance with law administered by 60851
those agencies. 60852

(14) Disclosing to the Ohio casino control commission 60853
information in the possession of the department of taxation that 60854
is necessary to verify a casino operator's or sports gaming 60855

proprietor's compliance with section 5747.063, 5753.02, or 60856
5753.021 of the Revised Code and sections related thereto; 60857

(15) Disclosing to the state lottery commission 60858
information in the possession of the department of taxation that 60859
is necessary to verify a lottery sales agent's compliance with 60860
section 5747.064 of the Revised Code. 60861

(16) Disclosing to the department of development 60862
information in the possession of the department of taxation that 60863
is necessary to ensure compliance with the laws of this state 60864
governing taxation and to verify information reported to the 60865
department of development for the purpose of evaluating 60866
potential tax credits, tax deductions, grants, or loans. Such 60867
information shall not include information received from the 60868
internal revenue service the disclosure of which is prohibited 60869
by section 6103 of the Internal Revenue Code. No officer, 60870
employee, or agent of the department of development shall 60871
disclose any information provided to the department of 60872
development by the department of taxation under division (C)(16) 60873
of this section except when disclosure of the information is 60874
necessary for, and made solely for the purpose of facilitating, 60875
the evaluation of potential tax credits, tax deductions, grants, 60876
or loans. 60877

(17) Disclosing to the department of insurance information 60878
in the possession of the department of taxation that is 60879
necessary to ensure a taxpayer's compliance with the 60880
requirements with any tax credit administered by the department 60881
of development and claimed by the taxpayer against any tax 60882
administered by the superintendent of insurance. No officer, 60883
employee, or agent of the department of insurance shall disclose 60884
any information provided to the department of insurance by the 60885

department of taxation under division (C) (17) of this section. 60886

(18) Disclosing to the division of liquor control 60887
information in the possession of the department of taxation that 60888
is necessary for the division and department to comply with the 60889
requirements of sections 4303.26 and 4303.271 of the Revised 60890
Code. 60891

(19) Disclosing to the department of education and 60892
workforce, upon that department's request, information in the 60893
possession of the department of taxation that is necessary only 60894
to verify whether the family income of a student applying for or 60895
receiving a scholarship under the educational choice scholarship 60896
pilot program is equal to, less than, or greater than the income 60897
thresholds prescribed by section 3310.032 of the Revised Code. 60898
The department of education and workforce shall provide 60899
sufficient information about the student and the student's 60900
family to enable the department of taxation to make the 60901
verification. 60902

(20) Disclosing to the Ohio rail development commission 60903
information in the possession of the department of taxation that 60904
is necessary to ensure compliance with the laws of this state 60905
governing taxation and to verify information reported to the 60906
commission for the purpose of evaluating potential grants or 60907
loans. Such information shall not include information received 60908
from the internal revenue service the disclosure of which is 60909
prohibited by section 6103 of the Internal Revenue Code. No 60910
member, officer, employee, or agent of the Ohio rail development 60911
commission shall disclose any information provided to the 60912
commission by the department of taxation under division (C) (20) 60913
of this section except when disclosure of the information is 60914
necessary for, and made solely for the purpose of facilitating, 60915

the evaluation of potential grants or loans. 60916

(21) Disclosing to the state racing commission information 60917
in the possession of the department of taxation that is 60918
necessary for verification of compliance with and for 60919
enforcement and administration of the taxes levied by Chapter 60920
3769. of the Revised Code. Such information shall include 60921
information that is necessary for the state racing commission to 60922
verify compliance with Chapter 3769. of the Revised Code for the 60923
purposes of issuance, denial, suspension, or revocation of a 60924
permit pursuant to section 3769.03 or 3769.06 of the Revised 60925
Code and related sections. Unless disclosure is otherwise 60926
authorized by law, information provided to the state racing 60927
commission under this section remains confidential and is not 60928
subject to public disclosure pursuant to section 3769.041 of the 60929
Revised Code. 60930

(22) Disclosing to the state fire marshal information in 60931
the possession of the department of taxation that is necessary 60932
for the state fire marshal to verify the compliance of a 60933
licensed manufacturer of fireworks or a licensed wholesaler of 60934
fireworks with section 3743.22 of the Revised Code. No officer, 60935
employee, or agent of the state fire marshal shall disclose any 60936
information provided to the state fire marshal by the department 60937
of taxation under division (C) (22) of this section. 60938

Sec. 5705.216. A board of education that has issued notes 60939
in anticipation of the proceeds of a permanent improvements levy 60940
in the maximum amount permitted under division (D) (2) or (3) of 60941
section 5705.21 of the Revised Code or a taxing authority of a 60942
county school financing district that has issued notes in 60943
anticipation of the proceeds of a levy in the maximum amount 60944
permitted under section 5705.215 of the Revised Code may, if the 60945

proceeds from the issuance of such notes have been spent, 60946
contracted, or encumbered, apply to the ~~superintendent of public~~ 60947
~~instruction~~ director of education and workforce for 60948
authorization to anticipate a fraction of the remaining 60949
estimated proceeds of the levy and issue anticipation notes for 60950
that purpose. The application shall be in such form and contain 60951
such information as the ~~superintendent~~ director considers 60952
necessary and shall specify the amount of notes to be issued. 60953
The amount shall not exceed the following: 60954

(A) In the case of a school district: 60955

(1) For levies described under division (D) (2) of section 60956
5705.21 of the Revised Code, the amount by which the total 60957
estimated proceeds of the levy remaining to be collected 60958
throughout its life exceeds the amount from such proceeds 60959
required to pay the principal and interest on notes issued under 60960
section 5705.21 of the Revised Code and the interest on any 60961
notes issued under this section; 60962

(2) For levies described under division (D) (3) of section 60963
5705.21 of the Revised Code, the amount by which the total 60964
estimated proceeds of the levy remaining to be collected over 60965
the specified number of years authorized for the issuance of the 60966
notes exceeds the amount from such proceeds required to pay the 60967
principal and interest on notes issued under section 5705.21 of 60968
the Revised Code and the interest on any notes issued under this 60969
section. 60970

(B) In the case of a county school financing district, the 60971
amount by which the total estimated proceeds of the levy 60972
remaining to be collected for the first five years of its life 60973
exceed the amount from such proceeds required to pay the 60974
principal and interest on notes issued under section 5705.215 of 60975

the Revised Code and the interest on any notes issued under this section. 60976
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The ~~superintendent~~director shall examine the application and any other relevant information submitted and shall determine and certify the maximum amount of notes the district may issue under this section, which may be an amount less than the amount requested by the district. 60978
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If the ~~superintendent~~director determines that the anticipated proceeds from the levy may be significantly less than expected and that additional notes should not be issued, the ~~superintendent~~director may deny the application and give written notice of the denial to the president of the district's board of education or the taxing authority. 60983
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Such notes shall be sold in the same manner as notes issued under section 5705.21 or 5705.215 of the Revised Code. 60989
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Sec. 5705.391. (A) The department of education and workforce and the auditor of state shall jointly adopt rules requiring boards of education to submit five-year projections of operational revenues and expenditures. The rules shall provide for the auditor of state or the department to examine the five-year projections and to determine whether any further fiscal analysis is needed to ascertain whether a district has the potential to incur a deficit during the first three years of the five-year period. 60991
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The auditor of state or the department may conduct any further audits or analyses necessary to assess any district's fiscal condition. If further audits or analyses are conducted by the auditor of state, the auditor of state shall notify the department of the district's fiscal condition, and the 61000
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department shall immediately notify the district of any 61005
potential to incur a deficit in the current fiscal year or of 61006
any strong indications that a deficit will be incurred in either 61007
of the ensuing two years. If such audits or analyses are 61008
conducted by the department, the department shall immediately 61009
notify the district and the auditor of state of such potential 61010
deficit or strong indications thereof. 61011

A district notified under this section shall take 61012
immediate steps to eliminate any deficit in the current fiscal 61013
year and shall begin to plan to avoid the projected future 61014
deficits. 61015

(B) The state board of education, in accordance with 61016
sections 3319.31 and 3319.311 of the Revised Code, may limit, 61017
suspend, or revoke a license as defined under section 3319.31 of 61018
the Revised Code that has been issued to any school employee 61019
found to have willfully contributed erroneous, inaccurate, or 61020
incomplete data required for the submission of the five-year 61021
projection required by this section. 61022

(C) The department and the auditor of state, in their 61023
joint adoption of rules under division (A) of this section, 61024
shall not require a board of education to submit its five-year 61025
projection of operational revenues and expenditures prior to the 61026
thirtieth day of November of any fiscal year. 61027

Sec. 5705.412. (A) As used in this section, "qualifying 61028
contract" means any agreement for the expenditure of money under 61029
which aggregate payments from the funds included in the school 61030
district's five-year forecast under section 5705.391 of the 61031
Revised Code will exceed the lesser of the following amounts: 61032

(1) Five hundred thousand dollars; 61033

(2) One per cent of the total revenue to be credited in 61034
the current fiscal year to the district's general fund, as 61035
specified in the district's most recent certificate of estimated 61036
resources certified under section 5705.36 of the Revised Code. 61037

(B) (1) Notwithstanding section 5705.41 of the Revised 61038
Code, no school district shall adopt any appropriation measure, 61039
make any qualifying contract, or increase during any school year 61040
any wage or salary schedule unless there is attached thereto a 61041
certificate, signed as required by this section, that the school 61042
district has in effect the authorization to levy taxes including 61043
the renewal or replacement of existing levies which, when 61044
combined with the estimated revenue from all other sources 61045
available to the district at the time of certification, are 61046
sufficient to provide the operating revenues necessary to enable 61047
the district to maintain all personnel and programs for all the 61048
days set forth in its adopted school calendars for the current 61049
fiscal year and for a number of days in succeeding fiscal years 61050
equal to the number of days instruction was held or is scheduled 61051
for the current fiscal year, as follows: 61052

(a) A certificate attached to an appropriation measure 61053
under this section shall cover only the fiscal year in which the 61054
appropriation measure is effective and shall not consider the 61055
renewal or replacement of an existing levy as the authority to 61056
levy taxes that are subject to appropriation in the current 61057
fiscal year unless the renewal or replacement levy has been 61058
approved by the electors and is subject to appropriation in the 61059
current fiscal year. 61060

(b) A certificate attached, in accordance with this 61061
section, to any qualifying contract shall cover the term of the 61062
contract. 61063

(c) A certificate attached under this section to a wage or salary schedule shall cover the term of the schedule. 61064
61065

If the board of education has not adopted a school calendar for the school year beginning on the first day of the fiscal year in which a certificate is required, the certificate attached to an appropriation measure shall include the number of days on which instruction was held in the preceding fiscal year and other certificates required under this section shall include that number of days for the fiscal year in which the certificate is required and any succeeding fiscal years that the certificate must cover. 61066
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The certificate shall be signed by the treasurer and president of the board of education and the superintendent of the school district, unless the district is in a state of fiscal emergency declared under Chapter 3316. of the Revised Code. In that case, the certificate shall be signed by a member of the district's financial planning and supervision commission who is designated by the commission for this purpose. 61075
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(2) In lieu of the certificate required under division (B) of this section, an alternative certificate stating the following may be attached: 61082
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(a) The contract is a multi-year contract for materials, equipment, or nonpayroll services essential to the education program of the district; 61085
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(b) The multi-year contract demonstrates savings over the duration of the contract as compared to costs that otherwise would have been demonstrated in a single year contract, and the terms will allow the district to reduce the deficit it is currently facing in future years as demonstrated in its five- 61088
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year forecast adopted in accordance with section 5705.391 of the Revised Code. 61093
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The certificate shall be signed by the treasurer and 61095
president of the board of education and the superintendent of 61096
the school district, unless the district is in a state of fiscal 61097
emergency declared under Chapter 3316. of the Revised Code. In 61098
that case, the certificate shall be signed by a member of the 61099
district's financial planning and supervision commission who is 61100
designated by the commission for this purpose. 61101

(C) Every qualifying contract made or wage or salary 61102
schedule adopted or put into effect without such a certificate 61103
shall be void, and no payment of any amount due thereon shall be 61104
made. 61105

(D) The department of education and workforce and the 61106
auditor of state jointly shall adopt rules governing the methods 61107
by which treasurers, presidents of boards of education, 61108
superintendents, and members of financial planning and 61109
supervision commissions shall estimate revenue and determine 61110
whether such revenue is sufficient to provide necessary 61111
operating revenue for the purpose of making certifications 61112
required by this section. 61113

(E) The auditor of state shall be responsible for 61114
determining whether school districts are in compliance with this 61115
section. At the time a school district is audited pursuant to 61116
section 117.11 of the Revised Code, the auditor of state shall 61117
review each certificate issued under this section since the 61118
district's last audit, and the appropriation measure, contract, 61119
or wage and salary schedule to which such certificate was 61120
attached. If the auditor of state determines that a school 61121
district has not complied with this section with respect to any 61122

qualifying contract or wage or salary schedule, the auditor of 61123
state shall notify the prosecuting attorney for the county, the 61124
city director of law, or other chief law officer of the school 61125
district. That officer may file a civil action in any court of 61126
appropriate jurisdiction to seek a declaration that the contract 61127
or wage or salary schedule is void, to recover for the school 61128
district from the payee the amount of payments already made 61129
under it, or both, except that the officer shall not seek to 61130
recover payments made under any collective bargaining agreement 61131
entered into under Chapter 4117. of the Revised Code. If the 61132
officer does not file such an action within one hundred twenty 61133
days after receiving notice of noncompliance from the auditor of 61134
state, any taxpayer may institute the action in the taxpayer's 61135
own name on behalf of the school district. 61136

(F) This section does not apply to any contract or 61137
increase in any wage or salary schedule that is necessary in 61138
order to enable a board of education to comply with division (B) 61139
of section 3317.13 of the Revised Code, provided the contract or 61140
increase does not exceed the amount required to be paid to be in 61141
compliance with such division. 61142

(G) Any officer, employee, or other person who expends or 61143
authorizes the expenditure of any public funds or authorizes or 61144
executes any contract or schedule contrary to this section, 61145
expends or authorizes the expenditure of any public funds on the 61146
void contract or schedule, or issues a certificate under this 61147
section which contains any false statements is liable to the 61148
school district for the full amount paid from the district's 61149
funds on the contract or schedule. The officer, employee, or 61150
other person is jointly and severally liable in person and upon 61151
any official bond that the officer, employee, or other person 61152
has given to the school district to the extent of any payments 61153

on the void claim, not to exceed ten thousand dollars. However, 61154
no officer, employee, or other person shall be liable for a 61155
mistaken estimate of available resources made in good faith and 61156
based upon reasonable grounds. If an officer, employee, or other 61157
person is found to have complied with rules jointly adopted by 61158
the department of education and workforce and the auditor of 61159
state under this section governing methods by which revenue 61160
shall be estimated and determined sufficient to provide 61161
necessary operating revenue for the purpose of making 61162
certifications required by this section, the officer, employee, 61163
or other person shall not be liable under this section if the 61164
estimates and determinations made according to those rules do 61165
not, in fact, conform with actual revenue. The prosecuting 61166
attorney of the county, the city director of law, or other chief 61167
law officer of the district shall enforce this liability by 61168
civil action brought in any court of appropriate jurisdiction in 61169
the name of and on behalf of the school district. If the 61170
prosecuting attorney, city director of law, or other chief law 61171
officer of the district fails, upon the written request of any 61172
taxpayer, to institute action for the enforcement of the 61173
liability, the attorney general, or the taxpayer in the 61174
taxpayer's own name, may institute the action on behalf of the 61175
subdivision. 61176

(H) This section does not require the attachment of an 61177
additional certificate beyond that required by section 5705.41 61178
of the Revised Code for current payrolls of, or contracts of 61179
employment with, any employees or officers of the school 61180
district. 61181

This section does not require the attachment of a 61182
certificate to a temporary appropriation measure if all of the 61183
following apply: 61184

(1) The amount appropriated does not exceed twenty-five 61185
per cent of the total amount from all sources available for 61186
expenditure from any fund during the preceding fiscal year; 61187

(2) The measure will not be in effect on or after the 61188
thirtieth day following the earliest date on which the district 61189
may pass an annual appropriation measure; 61190

(3) An amended official certificate of estimated resources 61191
for the current year, if required, has not been certified to the 61192
board of education under division (B) of section 5705.36 of the 61193
Revised Code. 61194

Sec. 5709.07. (A) The following property shall be exempt 61195
from taxation: 61196

(1) Real property used by a school for primary or 61197
secondary educational purposes, including only so much of the 61198
land as is necessary for the proper occupancy, use, and 61199
enjoyment of such real property by the school for primary or 61200
secondary educational purposes. The exemption under division (A) 61201
(1) of this section does not apply to any portion of the real 61202
property not used for primary or secondary educational purposes. 61203

For purposes of division (A) (1) of this section: 61204

(a) "School" means a public or nonpublic school. "School" 61205
excludes home instruction as authorized under section 3321.04 of 61206
the Revised Code. 61207

(b) "Public school" includes schools of a school district, 61208
STEM schools established under Chapter 3326. of the Revised 61209
Code, community schools established under Chapter 3314. of the 61210
Revised Code, and educational service centers established under 61211
section 3311.05 of the Revised Code. 61212

(c) "Nonpublic school" means a nonpublic school for which 61213
the ~~state board~~ director of education and workforce has issued a 61214
charter pursuant to section 3301.16 of the Revised Code and 61215
prescribes minimum standards under division (D) (2) of section 61216
3301.07 of the Revised Code. 61217

(2) Houses used exclusively for public worship, the books 61218
and furniture in them, and the ground attached to them that is 61219
not leased or otherwise used with a view to profit and that is 61220
necessary for their proper occupancy, use, and enjoyment; 61221

(3) Real property owned and operated by a church that is 61222
used primarily for church retreats or church camping, and that 61223
is not used as a permanent residence. Real property exempted 61224
under division (A) (3) of this section may be made available by 61225
the church on a limited basis to charitable and educational 61226
institutions if the property is not leased or otherwise made 61227
available with a view to profit. 61228

(4) Public colleges and academies and all buildings 61229
connected with them, and all lands connected with public 61230
institutions of learning, not used with a view to profit, 61231
including those buildings and lands that satisfy all of the 61232
following: 61233

(a) The buildings are used for housing for full-time 61234
students or housing-related facilities for students, faculty, or 61235
employees of a state university, or for other purposes related 61236
to the state university's educational purpose, and the lands are 61237
underneath the buildings or are used for common space, walkways, 61238
and green spaces for the state university's students, faculty, 61239
or employees. As used in this division, "housing-related 61240
facilities" includes both parking facilities related to the 61241
buildings and common buildings made available to students, 61242

faculty, or employees of a state university. The leasing of 61243
space in housing-related facilities shall not be considered an 61244
activity with a view to profit for purposes of division (A) (4) 61245
of this section. 61246

(b) The buildings and lands are supervised or otherwise 61247
under the control, directly or indirectly, of an organization 61248
that is exempt from federal income taxation under section 501(c) 61249
(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 61250
U.S.C. 1, as amended, and the state university has entered into 61251
a qualifying joint use agreement with the organization that 61252
entitles the students, faculty, or employees of the state 61253
university to use the lands or buildings; 61254

(c) The state university has agreed, under the terms of 61255
the qualifying joint use agreement with the organization 61256
described in division (A) (4) (b) of this section, that the state 61257
university, to the extent applicable under the agreement, will 61258
make payments to the organization in amounts sufficient to 61259
maintain agreed-upon debt service coverage ratios on bonds 61260
related to the lands or buildings. 61261

(B) This section shall not extend to leasehold estates or 61262
real property held under the authority of a college or 61263
university of learning in this state; but leaseholds, or other 61264
estates or property, real or personal, the rents, issues, 61265
profits, and income of which is given to a municipal 61266
corporation, school district, or subdistrict in this state 61267
exclusively for the use, endowment, or support of schools for 61268
the free education of youth without charge shall be exempt from 61269
taxation as long as such property, or the rents, issues, 61270
profits, or income of the property is used and exclusively 61271
applied for the support of free education by such municipal 61272

corporation, district, or subdistrict. Division (B) of this section shall not apply with respect to buildings and lands that satisfy all of the requirements specified in divisions (A) (4) (a) to (c) of this section.

(C) For purposes of this section, if the requirements specified in divisions (A) (4) (a) to (c) of this section are satisfied, the buildings and lands with respect to which exemption is claimed under division (A) (4) of this section shall be deemed to be used with reasonable certainty in furthering or carrying out the necessary objects and purposes of a state university.

(D) As used in this section:

(1) "Church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person.

(2) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(3) "Qualifying joint use agreement" means an agreement that satisfies all of the following:

(a) The agreement was entered into before June 30, 2004;

(b) The agreement is between a state university and an organization that is exempt from federal income taxation under section 501(c) (3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended; and

(c) The state university that is a party to the agreement reported to the ~~Ohio board-chancellor of regents-higher education~~ that the university maintained a headcount of at least

twenty-five thousand students on its main campus during the 61301
academic school year that began in calendar year 2003 and ended 61302
in calendar year 2004. 61303

Sec. 5709.92. (A) As used in this section: 61304

(1) "School district" means a city, local, or exempted 61305
village school district. 61306

(2) "Joint vocational school district" means a joint 61307
vocational school district created under section 3311.16 of the 61308
Revised Code, and includes a cooperative education school 61309
district created under section 3311.52 or 3311.521 of the 61310
Revised Code and a county school financing district created 61311
under section 3311.50 of the Revised Code. 61312

(3) "Total resources" means the sum of the amounts 61313
described in divisions (A)(3)(a) to (g) of this section less any 61314
reduction required under division (C)(3)(a) of this section. 61315

(a) The state education aid for fiscal year 2015; 61316

(b) The sum of the payments received in fiscal year 2015 61317
for current expense levy losses under division (C)(3) of section 61318
5727.85 and division (C)(12) of section 5751.21 of the Revised 61319
Code, as they existed at that time, excluding the portion of 61320
such payments attributable to levies for joint vocational school 61321
district purposes; 61322

(c) The sum of fixed-sum levy loss payments received by 61323
the school district in fiscal year 2015 under division (F)(1) of 61324
section 5727.85 and division (E)(1) of section 5751.21 of the 61325
Revised Code, as they existed at that time, for fixed-sum levies 61326
charged and payable for a purpose other than paying debt 61327
charges; 61328

(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A) (2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.

(4) (a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.240 of Am. Sub. H.B.59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B.59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections

319.302 and 323.152 of the Revised Code. 61358

(6) "Capacity quintile" means the capacity measure 61359
quintiles determined under division (B) of this section. 61360

(7) "Threshold per cent" means the following: 61361

(a) For a school district in the lowest capacity quintile, 61362
one per cent for fiscal year 2016 and two per cent for fiscal 61363
year 2017. 61364

(b) For a school district in the second lowest capacity 61365
quintile, one and one-fourth per cent for fiscal year 2016 and 61366
two and one-half per cent for fiscal year 2017. 61367

(c) For a school district in the third lowest capacity 61368
quintile, one and one-half per cent for fiscal year 2016 and 61369
three per cent for fiscal year 2017. 61370

(d) For a school district in the second highest capacity 61371
quintile, one and three-fourths per cent for fiscal year 2016 61372
and three and one-half per cent for fiscal year 2017. 61373

(e) For a school district in the highest capacity 61374
quintile, two per cent for fiscal year 2016 and four per cent 61375
for fiscal year 2017. 61376

(f) For a joint vocational school district, two per cent 61377
for fiscal year 2016 and four per cent for fiscal year 2017. 61378

(8) "Current expense allocation" means the sum of the 61379
payments received by a school district or joint vocational 61380
school district in fiscal year 2015 for current expense levy 61381
losses under division (C) (3) of section 5727.85 and division (C) 61382
(12) of section 5751.21 of the Revised Code as they existed at 61383
that time, less any reduction required under division (C) (3) (b) 61384
of this section. 61385

(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division (C) (3) (c) of section 5727.85 and division (C) (12) (c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities.

(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes.

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes.

(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes.

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes.

(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015.

(15) "Total taxable value" has the same meaning as in section 3317.02 of the Revised Code.

(B) The department of education and workforce shall rank all school districts in the order of districts' capacity measures determined under former section 3317.018 of the Revised Code from lowest to highest, and divide such ranking into quintiles, with the first quintile containing the twenty per cent of school districts having the lowest capacity measure and the fifth quintile containing the twenty per cent of school districts having the highest capacity measure. This calculation and ranking shall be performed once, in fiscal year 2016.

(C) (1) In fiscal year 2016, payments shall be made to school districts and joint vocational school districts equal to the sum of the amounts described in divisions (C) (1) (a) or (b) and (C) (1) (c) of this section. In fiscal year 2017, payments shall be made to school districts and joint vocational school districts equal to the amount described in division (C) (1) (a) or (b) of this section.

(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's threshold percent, zero;

(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold percent, the difference between the current expense allocation and the product of the threshold percentage and total resources;

(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent.

(2) In fiscal year 2018 and subsequent fiscal years, payments shall be made to school districts and joint vocational

school districts equal to the difference obtained by subtracting 61444
the amount described in division (C) (2) (b) of this section from 61445
the amount described in division (C) (2) (a) of this section, 61446
provided that such amount is greater than zero. 61447

(a) The sum of the payments received by the district under 61448
division (C) (1) (b) or (C) (2) of this section for the immediately 61449
preceding fiscal year; 61450

(b) One-sixteenth of one per cent of the average of the 61451
total taxable value of the district for tax years 2014, 2015, 61452
and 2016. 61453

(3) (a) "Total resources" used to compute payments under 61454
division (C) (1) of this section shall be reduced to the extent 61455
that payments distributed in fiscal year 2015 were attributable 61456
to levies no longer charged and payable for tax year 2014. 61457

(b) "Current expense allocation" used to compute payments 61458
under division (C) (1) of this section shall be reduced to the 61459
extent that the payments distributed in fiscal year 2015 were 61460
attributable to levies no longer charged and payable for tax 61461
year 2014. 61462

(4) The department of education and workforce shall report 61463
to each school district and joint vocational school district the 61464
apportionment of the payments under division (C) (1) of this 61465
section among the district's funds based on qualifying levies. 61466

(D) (1) Payments in the following amounts shall be made to 61467
school districts and joint vocational school districts in tax 61468
years 2016 through 2021: 61469

(a) In tax year 2016, the sum of the district's operating 61470
TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy 61471
losses. 61472

(b) In tax year 2017, the sum of the district's operating
TPP fixed-sum levy losses and eighty per cent of operating S.B.
3 fixed-sum levy losses.

(c) In tax year 2018, the sum of eighty per cent of the
district's operating TPP fixed-sum levy losses and sixty per
cent of its operating S.B. 3 fixed-sum levy losses.

(d) In tax year 2019, the sum of sixty per cent of the
district's operating TPP fixed-sum levy losses and forty per
cent of its operating S.B. 3 fixed-sum levy losses.

(e) In tax year 2020, the sum of forty per cent of the
district's operating TPP fixed-sum levy losses and twenty per
cent of its operating S.B. 3 fixed-sum levy losses.

(f) In tax year 2021, twenty per cent of the district's
operating TPP fixed-sum levy losses.

No payment shall be made under division (D) (1) of this
section after tax year 2021.

(2) Amounts are payable under division (D) of this section
for fixed-sum levy losses only to the extent of such losses for
qualifying levies that remain in effect for the current tax
year. For this purpose, a qualifying levy levied under section
5705.194 or 5705.213 of the Revised Code remains in effect for
the current tax year only if a tax levied under either of those
sections is charged and payable for the current tax year for an
annual sum at least equal to the annual sum levied by the board
of education for tax year 2004 under those sections less the
amount of the payment under this division.

(E) (1) For fixed-sum levies for debt purposes, payments
shall be made to school districts and joint vocational school
districts equal to one hundred per cent of the district's fixed-

sum levy loss determined under division (E) of section 5751.20 61502
and division (H) of section 5727.84 of the Revised Code as in 61503
effect before July 1, 2015, and paid in tax year 2014. No 61504
payment shall be made for qualifying levies that are no longer 61505
charged and payable. 61506

(2) Beginning in 2016, by the thirty-first day of January 61507
of each year, the tax commissioner shall review the calculation 61508
of fixed-sum levy loss for debt purposes determined under 61509
division (E) of section 5751.20 and division (H) of section 61510
5727.84 of the Revised Code as in effect before July 1, 2015. If 61511
the commissioner determines that a fixed-sum levy that had been 61512
scheduled to be reimbursed in the current year is no longer 61513
charged and payable, a revised calculation for that year and all 61514
subsequent years shall be made. 61515

(F) (1) For taxes levied within the ten-mill limitation for 61516
debt purposes in tax year 1998 in the case of electric company 61517
tax value losses, and in tax year 1999 in the case of natural 61518
gas company tax value losses, payments shall be made to school 61519
districts and joint vocational school districts equal to one 61520
hundred per cent of the loss computed under division (D) of 61521
section 5727.85 of the Revised Code as in effect before July 1, 61522
2015, as if the tax were a fixed-rate levy, but those payments 61523
shall extend through fiscal year 2016. 61524

(2) For taxes levied within the ten-mill limitation for 61525
debt purposes in tax year 2005, payments shall be made to school 61526
districts and joint vocational school districts equal to one 61527
hundred per cent of the loss computed under division (D) of 61528
section 5751.21 of the Revised Code as in effect before July 1, 61529
2015, as if the tax were a fixed-rate levy, but those payments 61530
shall extend through fiscal year 2018. 61531

(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education and workforce, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For a merger of two or more districts, fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger.

(2) If property is transferred from one district to a previously existing district, the amount of the total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to the total resources, current expense allocation, and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district.

(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense allocation, total allocation, or non-current expense allocation.

(4) If the recipient district under division (G) (2) of 61562
this section or the newly created district under division (G) (3) 61563
of this section is assuming debt from one or more of the 61564
districts from which the property was transferred and any of the 61565
districts losing the property had fixed-sum levy losses, the 61566
department of education and workforce, in consultation with the 61567
tax commissioner, shall make an equitable division of the 61568
reimbursements for those losses. 61569

(H) The payments required by divisions (C), (D), (E), (F), 61570
and (I) of this section shall be distributed periodically to 61571
each school and joint vocational school district by the 61572
department of education and workforce unless otherwise provided 61573
for. Except as provided in division (D) of this section, if a 61574
levy that is a qualifying levy is not charged and payable in any 61575
year after 2014, payments to the school district or joint 61576
vocational school district shall be reduced to the extent that 61577
the payments distributed in fiscal year 2015 were attributable 61578
to the levy loss of that levy. 61579

(I) For fiscal years 2022 through 2026, if the total 61580
amount to be received under divisions (C) and (E) of this 61581
section by any school district that has a nuclear power plant 61582
located within its territory is less than the amount the 61583
district received under this section in fiscal year 2017, the 61584
district shall receive a supplemental payment equal to the 61585
difference between the amount to be received under those 61586
divisions for the fiscal year and the amount received under this 61587
section in fiscal year 2017. 61588

Sec. 5715.26. (A) (1) Upon receiving the statement required 61589
by section 5715.25 of the Revised Code, the county auditor shall 61590
forthwith add to or deduct from each tract, lot, or parcel of 61591

real property or class of real property the required percentage 61592
or amount of the valuation thereof, adding or deducting any sum 61593
less than five dollars so that the value of any separate tract, 61594
lot, or parcel of real property shall be ten dollars or some 61595
multiple thereof. 61596

(2) After making the additions or deductions required by 61597
this section, the auditor shall transmit to the tax commissioner 61598
the appropriate adjusted abstract of the real property of each 61599
taxing district in the auditor's county in which an adjustment 61600
was required. 61601

(3) If the commissioner increases or decreases the 61602
aggregate value of the real property or any class thereof in any 61603
county or taxing district thereof and does not receive within 61604
ninety days thereafter an adjusted abstract conforming to its 61605
statement for such county or taxing district therein, the 61606
commissioner shall withhold from such county or taxing district 61607
therein fifty per cent of its share in the distribution of state 61608
revenues to local governments pursuant to sections 5747.50 to 61609
5747.55 of the Revised Code and shall direct the department of 61610
education and workforce to withhold therefrom fifty per cent of 61611
state revenues to school districts pursuant to Chapter 3317. of 61612
the Revised Code. The commissioner shall withhold the 61613
distribution of such funds until such county auditor has 61614
complied with this division, and the department shall withhold 61615
the distribution of such funds until the commissioner has 61616
notified the department that such county auditor has complied 61617
with this division. 61618

(B) (1) If the commissioner's determination is appealed 61619
under section 5715.251 of the Revised Code, the county auditor, 61620
treasurer, and all other officers shall forthwith proceed with 61621

the levy and collection of the current year's taxes in the 61622
manner prescribed by law. The taxes shall be determined and 61623
collected as if the commissioner had determined under section 61624
5715.24 of the Revised Code that the real property and the 61625
various classes thereof in the county as shown in the auditor's 61626
abstract were assessed for taxation and the true and 61627
agricultural use values were recorded on the agricultural land 61628
tax list as required by law. 61629

(2) If as a result of the appeal to the board it is 61630
finally determined either that all real property and the various 61631
classes thereof have not been assessed as required by law or 61632
that the values set forth in the agricultural land tax list do 61633
not correctly reflect the true and agricultural use values of 61634
the lands contained therein, the county auditor shall forthwith 61635
add to or deduct from each tract, lot, or parcel of real 61636
property or class of real property the required percentage or 61637
amount of the valuation in accordance with the order of the 61638
board or judgment of the court to which the board's order was 61639
appealed, and the taxes on each tract, lot, or parcel and the 61640
percentages required by section 319.301 of the Revised Code 61641
shall be recomputed using the valuation as finally determined. 61642
The order or judgment making the final determination shall 61643
prescribe the time and manner for collecting, crediting, or 61644
refunding the resultant increases or decreases in taxes. 61645

Sec. 5715.34. (A) When a reassessment of all real 61646
property, or any class of property, situated in the county, 61647
township, municipal corporation, or other taxing district is 61648
ordered by the tax commissioner, the county auditor, within 61649
sixty days of the receipt of such order, shall commence the 61650
reassessment in the manner provided by law and by rules 61651
prescribed and issued by the commissioner. 61652

(B) If a county auditor determines to reassess all real 61653
property situated in the county prior to the time ~~he~~ the auditor 61654
is ordered to do so in compliance with section 5713.01 of the 61655
Revised Code and division (A) of this section, certifies to the 61656
tax commissioner that ~~he~~ the auditor has sufficient moneys 61657
available to do so, and requests the commissioner to order the 61658
reassessment at a date earlier than would otherwise be required, 61659
the commissioner shall issue an order to the auditor to do so. 61660
The auditor shall commence the reassessment in the manner 61661
provided by law and by rules adopted by the commissioner, within 61662
sixty days after receiving the order. 61663

(C) If the county auditor refuses, neglects, or fails to 61664
commence a reassessment within sixty days after receiving such 61665
order, or refuses, neglects, or fails to complete the 61666
reassessment within the time limit prescribed and set forth in 61667
such order, the tax commissioner shall withhold from such county 61668
its share in the distribution of state revenue to local 61669
government pursuant to section 5747.50 of the Revised Code and 61670
shall direct the department of education and workforce to 61671
withhold therefrom its share in the distribution of state 61672
revenue to school districts pursuant to Title XXXIII of the 61673
Revised Code. The commissioner shall withhold the distribution 61674
of such funds until such county auditor has complied with all 61675
the provisions of this section, and the department shall 61676
withhold the distribution of such funds until the commissioner 61677
has notified the department that such auditor has complied with 61678
all of the provisions of this section. 61679

Sec. 5747.057. (A) As used in this section: 61680

(1) "Eligible employee" means an employee who is nineteen 61681
years of age or younger and enrolled in a career-technical 61682

education program approved under section 3317.161 of the Revised Code. 61683
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(2) "Eligible compensation" means compensation paid on and after ~~the effective date of this section~~ March 23, 2022, from which the employer is required to deduct and withhold income tax under section 5747.06 of the Revised Code. 61685
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(B) A nonrefundable credit is allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer that holds a tax credit certificate issued under this section. The credit equals the amount listed on the certificate and shall be claimed for the taxable year that includes the last day of the calendar year for which the certificate was issued. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 61689
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(C) An employer that is a taxpayer or a pass-through entity and that employs an eligible employee in fulfillment of a work-based learning experience, internship, or cooperative education program associated with the career-technical education program in which the eligible employee is enrolled may apply to the department of education and workforce for a tax credit certificate. The application shall be made on forms prescribed by the department, in consultation with the tax commissioner, on or after the first day of January and on or before the first day of February of each year. The application shall include all of the following information for the calendar year preceding the year in which the application is made: 61697
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(1) The amount of eligible compensation paid by the applicant to each of its eligible employees; 61709
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(2) The name, birth date, and social security number of 61711

each eligible employee employed by the applicant; 61712

(3) The career-technical education program in which each 61713
eligible employee is enrolled; 61714

(4) A description of each eligible employee's duties as 61715
part of the employee's work-based learning experience, 61716
internship, or cooperative education program; 61717

(5) Any other information requested by the department. 61718

(D) (1) After determining that the applicant satisfies the 61719
conditions described in division (C) of this section, the 61720
department of education and workforce shall issue, within sixty 61721
days after the receipt of a complete application under that 61722
division, a tax credit certificate to the applicant equal to the 61723
lesser of (a) fifteen per cent of the eligible compensation paid 61724
by the applicant to all eligible employees during the calendar 61725
year or (b) five thousand dollars per eligible employee, in 61726
either case subject to the limitations in division (D) (2) of 61727
this section. 61728

(2) If the applicant pays eligible compensation to an 61729
employee who ceases to qualify as an eligible employee during 61730
the calendar year, only the eligible compensation paid to the 61731
employee while the employee qualified as an eligible employee 61732
may be used to calculate the credit amount on a tax credit 61733
certificate issued under this section. The department shall not 61734
issue certificates in a total amount that would cause the tax 61735
credits claimed in any fiscal biennium to exceed five million 61736
dollars. 61737

(3) Each tax credit certificate issued under this section 61738
shall include a unique identification number and shall state the 61739
amount of tax credit that may be claimed. A taxpayer claiming 61740

the credit allowed under this section shall submit a copy of the certificate with the taxpayer's return or report.

(E) If a tax credit certificate is issued to a pass-through entity under this section, any taxpayer that is a direct or indirect investor in the pass-through entity on the last day of the entity's taxable year ending in the calendar year for which the certificate was issued may claim the taxpayer's distributive or proportionate share of the credit against the taxpayer's aggregate tax liability under section 5747.02 of the Revised Code.

(F) For the purpose of issuing tax credit certificates under this section, the department of education and workforce may request from any of the following entities the data verification code assigned under division (D) (2) of section 3301.0714 of the Revised Code to any student who is included on an application made pursuant to division (C) of this section as an eligible employee:

(1) The student's resident district;

(2) The district or school offering the career-technical education program in which the student is enrolled;

(3) The independent contractor engaged to create and maintain student data verification codes.

The department may not release a data verification code received under this division to any person except as authorized by law. Any document related to the tax credit authorized under this section that the department maintains in its files that contains both a student's name or other personally identifiable information and the student's data verification code is not a public record as defined in section 149.43 of the Revised Code.

Sec. 5753.11. (A) As used in this section:	61770
(1) "Public school district" means any city, local, exempted village, or joint vocational school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, or college-preparatory boarding school established under Chapter 3328. of the Revised Code. "Public school district" does not include any STEM school operated under section 3326.51 of the Revised Code.	61771 61772 61773 61774 61775 61776 61777 61778
(2) "Student population" means the number of students residing in a county who are enrolled in a public school district in grades kindergarten through twelve and the total number of preschool children with disabilities on the following dates:	61779 61780 61781 61782 61783
(a) For the January distribution, the Friday of the first full school week in October;	61784 61785
(b) For the August distribution, the Friday of the first full school week in May.	61786 61787
(B) For the purpose of calculating student population, each public school district shall, twice annually, report to the department of education <u>and workforce</u> the students enrolled in the district on the days specified in division (A) (2) of this section. A student shall be considered to be enrolled in a public school district if the student is participating in education programs of the public school district and the public school district has not:	61788 61789 61790 61791 61792 61793 61794 61795
(1) Received documentation from a parent terminating enrollment of the student;	61796 61797
(2) Been provided documentation of a student's enrollment	61798

in another public or private school; or 61799

(3) Ceased to offer education to the student. 61800

If more than one public school district reports a student 61801
as enrolled, the department shall use procedures adopted by the 61802
department for the reconciliation of enrollment to determine the 61803
district of enrollment for purposes of this section. In the case 61804
of the dual enrollment of a student in a joint vocational school 61805
district and another public school district, the student shall 61806
be included in the enrollments for both schools. If the valid 61807
school district or enrollment cannot be determined in time for 61808
the certification, the count of these students shall be divided 61809
equally between the reporting districts. 61810

(C) The department of education and workforce shall 61811
certify to the department of taxation the student population for 61812
each county and the student population for each public school 61813
district located in whole or in part in the county on or before 61814
the thirtieth day of December, for the January distribution and 61815
on or before the thirtieth day of July, for the August 61816
distribution. A student shall be included in the school district 61817
enrollment for a county only if a student resides in that 61818
county. The location of each community school shall be the 61819
enrollment area required to be defined by the community school 61820
and its sponsor in accordance with division (A)(19) of section 61821
3314.03 of the Revised Code, the location of each STEM school 61822
shall be any county in which its enrolled students reside, and 61823
the location of the college-preparatory boarding schools shall 61824
be the territory of the school district in which the college- 61825
preparatory school is located or the territory of any city, 61826
exempted village, or local school district that has agreed to be 61827
a participating district under section 3328.04 of the Revised 61828

Code. 61829

The student population count certified by the department 61830
of education and workforce to the department of taxation is 61831
final and shall not be adjusted by future updates to the counts. 61832

(D) Not later than the thirty-first day of January and the 61833
thirty-first day of August of each year, the tax commissioner 61834
shall distribute funds in the gross casino revenue county 61835
student fund to public school districts. The commissioner shall 61836
calculate the amount of funds to distribute to each public 61837
school district as follows: 61838

(1) The commissioner shall calculate the proportional 61839
share of the funds attributable to each county by dividing the 61840
total student population certified for each county by the sum of 61841
the total student population certified in all counties 61842
statewide. 61843

(2) The commissioner shall multiply the amount in division 61844
(D) (1) of this section by the total amount of funds in the gross 61845
casino revenue county student fund to obtain the share of funds 61846
for each county. 61847

(3) The commissioner shall multiply the amount in division 61848
(D) (2) of this section by the quotient of the student population 61849
certified for each individual district located in the county 61850
divided by the sum of the student population certified for all 61851
public school districts located in the county. 61852

The commissioner shall distribute to each public school 61853
district the amount so calculated for each district. 61854

Sec. 6109.21. (A) Except as provided in divisions (I) and 61855
(J) of this section, no person shall operate a public water 61856
system in this state without a license issued by the director of 61857

environmental protection. 61858

(B) A person who proposes to operate a new public water 61859
system, in addition to complying with section 6109.07 of the 61860
Revised Code and rules adopted under it, shall obtain an initial 61861
license from the director. The person shall submit an 61862
application for the initial license at least forty-five days 61863
prior to commencing the operation of the system. 61864

(C) A license shall expire on the thirtieth day of January 61865
in the year following its issuance. 61866

(D) A license shall be renewed annually. A person 61867
proposing to continue operating a public water system shall 61868
apply for a license renewal at least thirty days prior to the 61869
expiration date of the license. 61870

(E) Each application for a license or license renewal 61871
shall be accompanied by the appropriate fee established under 61872
division (M) of section 3745.11 of the Revised Code. However, an 61873
applicant for an initial license who is proposing to operate a 61874
new public water system shall submit a fee that equals a 61875
prorated amount of the appropriate fee established under that 61876
division for the remainder of the licensing year. 61877

(F) Not later than thirty days after receiving a completed 61878
application and the appropriate license fee for a license or 61879
license renewal for a public water system, the director shall do 61880
one of the following: 61881

(1) Issue the license or license renewal for the public 61882
water system; 61883

(2) Issue the license or license renewal subject to terms 61884
and conditions that the director determines are necessary to 61885
ensure compliance with this chapter and rules adopted under it; 61886

(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.

(G) The director may condition, suspend, or revoke a license or license renewal issued under this section at any time if the director finds that the public water system was not or will not be operated in substantial compliance with this chapter and rules adopted under it.

(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements governing both of the following:

(1) Information to be included on applications for licenses and license renewals issued under this section;

(2) The issuance, conditioning, suspension, revocation, and denial of licenses and license renewals under this section.

(I) (1) As used in division (I) of this section, "church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed or operated for the private profit of any person.

(2) This section does not apply to a church that operates or maintains a public water system solely to provide water for that church or for a campground that is owned by the church and operated primarily or exclusively for members of the church and their families.

(J) This section does not apply to any public or nonpublic school that meets minimum standards of the ~~state board~~ director of education and workforce that operates or maintains a public

water system solely to provide water for that school. 61916

(K) The environmental protection agency shall collect well 61917
log filing fees on behalf of the division of water resources in 61918
the department of natural resources in accordance with section 61919
1521.05 of the Revised Code and rules adopted under it. The fees 61920
shall be submitted to the division quarterly as provided in 61921
those rules. 61922

Sec. 6301.04. (A) The governor shall establish a state 61923
board. The state board shall consist of the following members: 61924

(1) The governor; 61925

(2) Two members of the house of representatives, appointed 61926
by the speaker of the house of representatives; 61927

(3) Two members of the senate, appointed by the president 61928
of the senate; 61929

(4) Members required under section 101(b)(1)(C) of the 61930
Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1) 61931
(C); 61932

(5) The deputy director of primary and secondary education 61933
and the deputy director of career-technical education appointed 61934
under section 3301.13 of the Revised Code; 61935

(6) Any additional members appointed by the governor. 61936

(B) The governor shall appoint members to the board, who 61937
serve at the governor's pleasure, to perform duties under the 61938
Workforce Innovation and Opportunity Act, as authorized by the 61939
governor. 61940

(C) The board is not subject to sections 101.82 to 101.87 61941
of the Revised Code. 61942

(D) All state agencies engaged in workforce development 61943
activities shall assist the board in the performance of its 61944
duties. 61945

(E) The board shall have the power and authority to do all 61946
of the following: 61947

(1) Develop, implement, and modify the state workforce 61948
development plan; 61949

(2) Review statewide workforce policies and programs and 61950
recommendations on actions to be taken by the state to align 61951
workforce development programs to support a comprehensive and 61952
streamlined workforce development system; 61953

(3) Recommend measures for the development and continuous 61954
improvement of the workforce development system in the state, 61955
including updating comprehensive state performance 61956
accountability measures, also known as workforce success 61957
measures; 61958

(4) Continue to identify and disseminate information on 61959
promising practices in the area of workforce development; 61960

(5) Perform other related work that is required of the 61961
board by the Workforce Innovation and Opportunity Act or 61962
requested by the governor. 61963

Sec. 6301.11. (A) As used in this section, "public or 61964
private institution" means any of the following: 61965

(1) A state institution of higher education, as defined in 61966
section 3345.011 of the Revised Code; 61967

(2) A private, nonprofit institution in this state holding 61968
a certificate of authorization pursuant to Chapter 1713. of the 61969
Revised Code; 61970

(3) An Ohio technical center that provides adult technical education services as recognized by the chancellor of higher education. 61971
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(B) The state board, in connection with the department of job and family services, the department of education and workforce, and public or private institutions, shall develop a methodology for identifying jobs that are in demand by employers operating in this state. The methodology for identifying in-demand jobs shall include an analysis of both of the following: 61974
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(1) Jobs that are in demand in each region of the state, as determined by the director of job and family services; 61980
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(2) Jobs that pay a wage rate that is equal to or greater than one hundred twenty-five per cent of the wage rate established under section 6 of the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206, as amended, or its successor law. 61982
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(C) The department of job and family services, the department of education and workforce, and the public or private institutions, in consultation with the state board, shall use the methodology to create a list of such in-demand jobs in the state and a list of such in-demand jobs in each region of the state. The department of job and family services and the department of education and workforce shall publish the lists on the web ~~site~~ sites of ~~the~~ each department. ~~The department~~ departments and public or private institutions shall periodically update the lists to reflect evolving workforce demands in this state and its regions. 61987
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(D) Local boards and other providers of workforce training shall use the lists of in-demand jobs to cultivate and 61998
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prioritize workforce development activities that correspond to 62000
the employment needs of employers operating in this state and in 62001
each of its regions and to assist individuals in maximizing 62002
their employment opportunities. 62003

Sec. 6301.111. The governor's office of workforce 62004
transformation, in conjunction with the department of job and 62005
family services and the department of education and workforce, 62006
shall conduct an electronic survey of employers in this state to 62007
identify jobs that are in demand by those employers. The office, 62008
in conjunction with the ~~department~~ departments, shall use the 62009
survey results to update the list of in-demand jobs required 62010
under section 6301.11 of the Revised Code, notwithstanding the 62011
requirement in that section that the ~~department~~ departments and 62012
public or private institutions, as defined in that section, 62013
periodically update that list. The office shall complete the 62014
initial survey and make the update required under this section 62015
not later than December 31, 2018. The office shall complete a 62016
subsequent survey and update not later than the last day of 62017
December every two years thereafter. 62018

Sec. 6301.112. (A) The governor's office of workforce 62019
transformation, in collaboration with the departments of higher 62020
education ~~and,~~ job and family services, and education and 62021
workforce, shall create and publish on the OhioMeansJobs web 62022
site a workforce supply tool that uses real-time demand and 62023
supply data. The office shall provide all of the following 62024
through the tool: 62025

(1) Businesses with historical information on graduates 62026
from high demand fields; 62027

(2) Businesses with projections on future graduates; 62028

(3) The number of skilled workers available for work in occupations included in the list of in-demand jobs created under section 6301.11 of the Revised Code. 62029
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(B) ~~Not later than January 1, 2018, the~~ The governor's office of workforce transformation, in collaboration with the departments of higher education ~~and, job and family services, and education and workforce,~~ shall include in the workforce supply tool created under division (A) of this section all in-demand jobs included in the list of in-demand jobs created under section 6301.11 of the Revised Code. 62032
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(C) ~~Not later than December 31, 2018, the~~ The governor's office of workforce transformation, in collaboration with the ~~departments~~ department of higher education and the department of education and workforce, shall establish design teams. The design teams shall do both of the following: 62039
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(1) Identify emerging skill needs based on predictive analytics and analysis of the data from the workforce supply tool created under division (A) of this section; 62044
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(2) Periodically recommend innovations for responding to emerging in-demand jobs and skills. 62047
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Sec. 6301.15. ~~Not later than September 1, 2014, the~~ The director of job and family services, in consultation with ~~the~~ superintendent of public instruction and the director of the governor's office of workforce transformation and the director of education and workforce, shall develop and maintain an online education and career planning tool to assist students in developing education and career plans. ~~The director of job and family services also shall provide information regarding the online planning tool and all appropriate web site links,~~ 62049
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~~including a link to the OhioMeansJobs web site, to the~~ 62058
~~department of education not later than that date.~~ The director 62059
of job and family services shall periodically update the online 62060
education and career planning tool and other information as 62061
determined necessary by the director and shall provide the 62062
updates to the department of education and workforce. 62063

The department of education and workforce shall post the 62064
information ~~received from the director of job and family~~ 62065
~~services developed~~ under this section in a prominent location on 62066
the department's web site. 62067

Sec. 6301.21. (A) ~~Not later than December 31, 2017, the~~ 62068
~~The~~ governor's office of workforce transformation, the 62069
department of education and workforce, and the chancellor of 62070
higher education, in consultation with business and economic 62071
development stakeholder groups, shall develop a regional 62072
workforce collaboration model. The model shall provide guidance 62073
on how the JobsOhio regional network, local chambers of 62074
commerce, economic development organizations, business, business 62075
associations, secondary and post-secondary education 62076
organizations, and Ohio college tech prep regional centers, that 62077
are jointly managed by the department of education and workforce 62078
and the chancellor, shall collaborate to form a partnership that 62079
provides career services to students. 62080

Career services to students may include, but are not 62081
limited to, job shadowing, internships, co-ops, apprenticeships, 62082
career exploration activities, and problem-based curriculum 62083
developed in alignment with in-demand jobs. 62084

(B) The governor's office of workforce transformation 62085
shall oversee the creation of regional workforce collaboration 62086
partnerships based on the model created under division (A) of 62087

this section. The partnerships shall be located in each of the 62088
six different regions of the state, as determined by JobsOhio. 62089

(C) As used in this section, "JobsOhio" has the same 62090
meaning as in section 187.01 of the Revised Code. 62091

Sec. 6301.22. (A) With regard to industry-recognized 62092
credentials and certificate programs, the governor's office of 62093
workforce transformation shall act as a liaison between the 62094
business community and the department of education and workforce 62095
or the chancellor of higher education. In acting as a liaison, 62096
the governor's office of workforce transformation shall accept 62097
inquiries from the business community regarding all of the 62098
following: 62099

(1) Industry-recognized credentials approved under section 62100
3313.6113 of the Revised Code; 62101

(2) Certificate programs and industry-recognized 62102
credentials included in the inventory prescribed under section 62103
3333.94 of the Revised Code; 62104

(3) Any other existing or proposed credential or 62105
certificate program necessary to meet the workforce needs of the 62106
state, as determined by the office. 62107

(B) Based on inquiries submitted under division (A) of 62108
this section, the governor's office of workforce transformation 62109
shall do either of the following: 62110

(1) Request information from the department of education 62111
and workforce regarding industry-recognized credentials approved 62112
under section 3313.6113 of the Revised Code; 62113

(2) Request information from the chancellor regarding 62114
certificate programs and industry-recognized credentials 62115

included in the inventory prescribed under section 3333.94 of 62116
the Revised Code or offered by an institution that holds a 62117
certificate of authorization issued under Chapter 1713. of the 62118
Revised Code. 62119

(C) Based on inquiries submitted under division (A) of 62120
this section, the governor's office of workforce transformation, 62121
in collaboration with the department of education and workforce, 62122
the chancellor, and other stakeholders, including regional 62123
education providers, determined appropriate by the office, shall 62124
convene a review of an existing or proposed industry-recognized 62125
credential or certificate program. The office shall submit the 62126
findings of the department of education and workforce or the 62127
chancellor, as appropriate, to the business that submitted the 62128
inquiry for which the review was initiated. 62129

(D) Nothing in this section shall affect the 62130
responsibilities assigned under division (B) of section 62131
3313.6113 of the Revised Code to the committee established under 62132
division (A) of that section or the responsibilities assigned to 62133
the chancellor under division (B) of section 3333.94 of the 62134
Revised Code. 62135

Sec. 6301.23. (A) As used in this section: 62136

(1) "Ohio career-technical associations" includes all of 62137
the following: 62138

(a) The Ohio association of career and technical 62139
education; 62140

(b) The Ohio association of career-technical 62141
superintendents; 62142

(c) The Ohio association of comprehensive and compact 62143
career-technical schools. 62144

(2) "Other public school" has the same meaning as in 62145
section 3301.0711 of the Revised Code. 62146

(3) "State agency" has the same meaning as in section 1.60 62147
of the Revised Code. 62148

(B) ~~Not later than July 1, 2021, the~~ The governor's office 62149
of workforce transformation, the department of education, and 62150
workforce, and the chancellor of higher education, in 62151
consultation with Ohio career-technical associations and other 62152
appropriate stakeholders, shall develop model guidance for 62153
maintaining a statewide inventory of industry-recognized 62154
credentials. The guidance shall address the following: 62155

(1) Methods for state agencies to efficiently and 62156
effectively organize the different categories of industry- 62157
recognized credentials in a manner that allows students, school 62158
districts, other public schools, chartered nonpublic schools, 62159
and institutions of higher education to easily understand 62160
available credentialing options, based on the unique 62161
circumstances of each individual student; 62162

(2) The potential creation of a centralized, inter-agency 62163
database of information on all industry-recognized credentials 62164
that is accessible to the public; 62165

(3) Methods to streamline the process to add career- 62166
technical programs to the various approved credentialing lists; 62167

(4) Methods to increase transparency in the approval 62168
process for industry-recognized credentials. 62169

Section 2. That existing sections 5.224, 5.281, 9.231, 62170
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6301.11, 6301.111, 6301.112, 6301.15, 6301.21, 6301.22, and 62291
6301.23 of the Revised Code are hereby repealed. 62292

Section 3. That sections 3301.13, 3302.101, and 3302.102 62293
of the Revised Code are hereby repealed. 62294

Section 4. (A) On the effective date of this section, the 62295
Department of Education is hereby renamed as the Department of 62296
Education and Workforce, as prescribed by new section 3301.13 of 62297
the Revised Code as enacted by this act. 62298

(B) On and after the effective date of this section, all 62299

powers and duties vested in the State Board of Education and the 62300
Superintendent of Public Instruction terminate, except as 62301
described in section 3301.111 of the Revised Code. Any business 62302
commenced but not completed on the effective date of this 62303
section by the State Board of Education or the State 62304
Superintendent of Public Instruction shall be completed by the 62305
Department of Education and Workforce in the same manner, and 62306
with the same effect, as if completed by the State Board of 62307
Education or the State Superintendent of Public Instruction. 62308

(C) (1) On or after the effective date of this section, all 62309
employees of the Department of Education and Workforce necessary 62310
for the State Board of Education to perform its powers and 62311
duties, as described in section 3301.111 of the Revised Code, 62312
are hereby transferred to the State Board. Subject to the lay- 62313
off provisions of sections 124.321 to 124.328 of the Revised 62314
Code, employees who are transferred retain their same positions 62315
and all benefits accruing thereto. Once transferred to the State 62316
Board, changes to positions or benefits for employees not 62317
subject to Chapter 4117. of the Revised Code shall be controlled 62318
by Chapter 124. of the Revised Code, or other applicable revised 62319
and administrative code sections. 62320

(2) On the effective date of this section, the assets, 62321
equipment, records, documents, files, and other materials, 62322
irrespective of form or medium, of the Department of Education 62323
and Workforce necessary for the State Board of Education to 62324
perform its duties and powers, as described in section 3301.111 62325
of the Revised Code, are transferred to the State Board. 62326

(D) (1) No validation, cure, right, privilege, remedy, 62327
obligation, or liability is lost or impaired by reason of the 62328
transfer required by this section but shall be administered by 62329

the Director of Education and Workforce or Department of 62330
Education and Workforce. Any action or proceeding pending on the 62331
effective date of this section may be prosecuted or defended in 62332
the name of the Department of Education and Workforce. In all 62333
such actions or proceedings, the Department of Education and 62334
Workforce shall be substituted as a party upon application to 62335
the court or other tribunal. 62336

(2) Except with regard to matters related to the 62337
statutorily prescribed powers and duties of the State Board of 62338
Education as described in section 3301.111 of the Revised Code, 62339
whenever the Department of Education, the State Board of 62340
Education, or the Superintendent of Public Instruction is 62341
referred to in any law, contract, or other document, the 62342
reference shall be deemed to refer to the Department of 62343
Education and Workforce or the Director of Education and 62344
Workforce, whichever is appropriate in context. 62345

(E) All rules, orders, and determinations made or 62346
undertaken by the Superintendent of Public Instruction or the 62347
State Board of Education relating to the powers and duties 62348
transferred to the Department or Director of Education and 62349
Workforce continue in effect as rules, orders, and 62350
determinations of the Department of Education and Workforce 62351
until modified or rescinded by the Director of Education and 62352
Workforce. On or after the effective date of this section, if 62353
necessary to ensure the integrity of the numbering of the 62354
Administrative Code, and to the extent permitted by statute, the 62355
Director of the Legislative Service Commission shall renumber 62356
the rules of the Department of Education, Superintendent of 62357
Public Instruction, or the State Board of Education to reflect 62358
its respective transfer to the Department or Director of 62359
Education and Workforce pursuant to the provisions of law 62360

enacted herein. 62361

This division does not affect the rules of the State Board 62362
of Education regarding the statutorily prescribed powers and 62363
duties of the State Board as described in section 3301.111 of 62364
the Revised Code. 62365

(F) On or after the effective date of this section, 62366
pursuant to section 126.15 of the Revised Code, the Director of 62367
Budget and Management shall transfer the balance of all 62368
appropriations made related to the statutorily prescribed powers 62369
and duties of the State Board of Education, as described in 62370
section 3301.111 of the Revised Code, from the Department of 62371
Education and Workforce to the State Board for the same purpose 62372
as appropriated to the Department of Education and Workforce. 62373

(G) The Director of Education and Workforce, the 62374
Department of Education and Workforce, the State Board of 62375
Education, and the Superintendent of Public Instruction shall 62376
complete any action necessary to implement the provisions of 62377
this act not later than June 30, 2023. 62378

Section 5. The General Assembly, applying the principle 62379
stated in division (B) of section 1.52 of the Revised Code that 62380
amendments are to be harmonized if reasonably capable of 62381
simultaneous operation, finds that the following sections, 62382
presented in this act as composites of the sections as amended 62383
by the acts indicated, are the resulting versions of the 62384
sections in effect prior to the effective date of the sections 62385
as presented in this act: 62386

Section 109.71 of the Revised Code as amended by H.B. 49, 62387
H.B. 79, and S.B. 229, all of the 132nd General Assembly. 62388

Section 135.142 of the Revised Code as amended by both 62389

H.B. 197 and S.B. 276 of the 133rd General Assembly.	62390
Section 2151.353 of the Revised Code as amended by H.B. 8	62391
and H.B. 166, both of the 133rd General Assembly, H.B. 49 of the	62392
132nd General Assembly, and H.B. 50 and H.B. 158, both of the	62393
131st General Assembly.	62394
Section 2953.32 of the Revised Code as amended by H.B. 1,	62395
H.B. 431, and S.B. 10, all of the 133rd General Assembly.	62396
Section 3301.0712 of the Revised Code as amended by both	62397
H.B. 82 and H.B. 110 of the 134th General Assembly.	62398
Section 3301.0715 of the Revised Code as amended by both	62399
H.B. 82 and H.B. 110 of the 134th General Assembly.	62400
Section 3302.03 of the Revised Code as amended by both	62401
S.B. 166 and S.B. 229 of the 134th General Assembly.	62402
Section 3302.04 of the Revised Code as amended by both	62403
H.B. 82 and H.B. 110 of the 134th General Assembly.	62404
Section 3311.741 of the Revised Code as amended by both	62405
H.B. 82 and H.B. 110 of the 134th General Assembly.	62406
Section 3313.25 of the Revised Code as amended by both	62407
H.B. 291 and H.B. 491 of the 132nd General Assembly.	62408
Section 3313.6113 of the Revised Code as amended by H.B.	62409
82, H.B. 110, and S.B. 166, all of the 134th General Assembly.	62410
Section 3314.02 of the Revised Code as amended by both	62411
H.B. 82 and H.B. 110 of the 134th General Assembly.	62412
Section 3314.05 of the Revised Code as amended by both	62413
H.B. 82 and H.B. 110 of the 134th General Assembly.	62414
Section 3319.02 of the Revised Code as amended by both	62415
H.B. 525 and S.B. 316 of the 129th General Assembly.	62416

Section 4757.41 of the Revised Code as amended by both	62417
H.B. 158 and H.B. 230 of the 131st General Assembly.	62418
Section 5703.21 of the Revised Code as amended by H.B. 29,	62419
H.B. 74, H.B. 110, and H.B. 172 of the 134th General Assembly	62420
and H.B. 166 of the 133rd General Assembly.	62421