

**As Reported by the Senate Education Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. S. B. No. 1**

**Senator Reineke**

**Cosponsors: Senators Cirino, Gavarone, Brenner, McColley, Romanchuk, Lang,  
Wilson, Reynolds, Antani, Schuring, Huffman, S.**

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**A BILL**

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of the Revised Code that are scheduled to take	173
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changes on and after that date to rename the	175
Department of Education as the Department of	176
Education and Workforce; to create the position	177
of Director of Education and Workforce; and to	178
reform the functions and responsibilities of the	179
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

<b>Section 1.</b> That sections 5.224, 5.281, 9.231, 9.55,	182
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5513.04, 5703.21, 5705.216, 5705.391, 5705.412, 5709.07,	302
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6301.04, 6301.11, 6301.111, 6301.112, 6301.15, 6301.21, 6301.22,	304
and 6301.23 be amended and new section 3301.13 and sections	305
3301.0731, 3301.111, 3301.132, 3301.137, 3301.138, and 3321.042	306

of the Revised Code be enacted to read as follows: 307

**Sec. 5.224.** The first day of March is designated as "Ohio 308  
statehood day," in recognition of the date in 1803 when Ohio 309  
became a state. In addition to those duties imposed on the Ohio 310  
history connection under section 149.30 of the Revised Code, and 311  
those duties imposed on the ~~superintendent of public instruction~~ 312  
director of education and workforce under section 3301.12 of the 313  
Revised Code, the Ohio history connection shall, throughout the 314  
state, and the ~~superintendent~~ director shall, in all school 315  
districts, encourage and promote the celebration of "Ohio 316  
statehood day." 317

**Sec. 5.281.** Beginning in 2018, and every year thereafter, 318  
the full week beginning on the first Monday in May is designated 319  
as in-demand jobs week. 320

Every year during in-demand jobs week, the governor's 321  
office of workforce transformation, in collaboration with the 322  
departments of job and family services, education and workforce, 323  
and higher education, shall organize activities to raise 324  
awareness among educators, students, and parents of jobs that 325  
are in demand by employers operating in this state and the 326  
requirements and benefits of those jobs. The activities shall 327  
include job fairs and company tours to connect middle and high 328  
school students with employers. 329

**Sec. 9.231.** (A) (1) Subject to divisions (A) (2) and (3) of 330  
this section, a governmental entity shall not disburse money 331  
totaling twenty-five thousand dollars or more to any person for 332  
the provision of services for the primary benefit of individuals 333  
or the public and not for the primary benefit of a governmental 334  
entity or the employees of a governmental entity, unless the 335  
contracting authority of the governmental entity first enters 336

into a written contract with the person that is signed by the 337  
person or by an officer or agent of the person authorized to 338  
legally bind the person and that embodies all of the 339  
requirements and conditions set forth in sections 9.23 to 9.236 340  
of the Revised Code. If the disbursement of money occurs over 341  
the course of a governmental entity's fiscal year, rather than 342  
in a lump sum, the contracting authority of the governmental 343  
entity shall enter into the written contract with the person at 344  
the point during the governmental entity's fiscal year that at 345  
least seventy-five thousand dollars has been disbursed by the 346  
governmental entity to the person. Thereafter, the contracting 347  
authority of the governmental entity shall enter into the 348  
written contract with the person at the beginning of the 349  
governmental entity's fiscal year, if, during the immediately 350  
preceding fiscal year, the governmental entity disbursed to that 351  
person an aggregate amount totaling at least seventy-five 352  
thousand dollars. 353

(2) If the money referred to in division (A)(1) of this 354  
section is disbursed by or through more than one state agency to 355  
the person for the provision of services to the same population, 356  
the contracting authorities of those agencies shall determine 357  
which one of them will enter into the written contract with the 358  
person. 359

(3) The requirements and conditions set forth in divisions 360  
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and 361  
(2) and (B) of section 9.234, divisions (A)(2) and (B) of 362  
section 9.235, and sections 9.233 and 9.236 of the Revised Code 363  
do not apply with respect to the following: 364

(a) Contracts to which all of the following apply: 365

(i) The amount received for the services is a set fee for 366

each time the services are provided, is determined in accordance 367  
with a fixed rate per unit of time or per service, or is a 368  
capitated rate, and the fee or rate is established by 369  
competitive bidding or by a market rate survey of similar 370  
services provided in a defined market area. The market rate 371  
survey may be one conducted by or on behalf of the governmental 372  
entity or an independent survey accepted by the governmental 373  
entity as statistically valid and reliable. 374

(ii) The services are provided in accordance with 375  
standards established by state or federal law, or by rules or 376  
regulations adopted thereunder, for their delivery, which 377  
standards are enforced by the federal government, a governmental 378  
entity, or an accrediting organization recognized by the federal 379  
government or a governmental entity. 380

(iii) Payment for the services is made after the services 381  
are delivered and upon submission to the governmental entity of 382  
an invoice or other claim for payment as required by any 383  
applicable local, state, or federal law or, if no such law 384  
applies, by the terms of the contract. 385

(b) Contracts under which the services are reimbursed 386  
through or in a manner consistent with a federal program that 387  
meets all of the following requirements: 388

(i) The program calculates the reimbursement rate on the 389  
basis of the previous year's experience or in accordance with an 390  
alternative method set forth in rules adopted by the Ohio 391  
department of job and family services. 392

(ii) The reimbursement rate is derived from a breakdown of 393  
direct and indirect costs. 394

(iii) The program's guidelines describe types of 395

expenditures that are allowable and not allowable under the 396  
program and delineate which costs are acceptable as direct costs 397  
for purposes of calculating the reimbursement rate. 398

(iv) The program includes a uniform cost reporting system 399  
with specific audit requirements. 400

(c) Contracts under which the services are reimbursed 401  
through or in a manner consistent with a federal program that 402  
calculates the reimbursement rate on a fee for service basis in 403  
compliance with United States office of management and budget 404  
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(d) Contracts for services that are paid pursuant to the 406  
earmarking of an appropriation made by the general assembly for 407  
that purpose. 408

(B) Division (A) of this section does not apply if the 409  
money is disbursed to a person pursuant to a contract with the 410  
United States or a governmental entity under any of the 411  
following circumstances: 412

(1) The person receives the money directly or indirectly 413  
from the United States, and no governmental entity exercises any 414  
oversight or control over the use of the money. 415

(2) The person receives the money solely in return for the 416  
performance of one or more of the following types of services: 417

(a) Medical, therapeutic, or other health-related services 418  
provided by a person if the amount received is a set fee for 419  
each time the person provides the services, is determined in 420  
accordance with a fixed rate per unit of time, or is a capitated 421  
rate, and the fee or rate is reasonable and customary in the 422  
person's trade or profession; 423

(b) Medicaid-funded services, including administrative and management services, provided pursuant to a contract or medicaid provider agreement that meets the requirements of the medicaid program. 424  
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(c) Services, other than administrative or management services or any of the services described in division (B) (2) (a) or (b) of this section, that are commonly purchased by the public at an hourly rate or at a set fee for each time the services are provided, unless the services are performed for the benefit of children, persons who are eligible for the services by reason of advanced age, medical condition, or financial need, or persons who are confined in a detention facility as defined in section 2921.01 of the Revised Code, and the services are intended to help promote the health, safety, or welfare of those children or persons; 428  
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(d) Educational services provided by a school to children eligible to attend that school. For purposes of division (B) (2) (d) of this section, "school" means any school operated by a school district 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 education standards under section 3301.07 of the Revised Code. 439  
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(e) Services provided by a foster home as defined in section 5103.02 of the Revised Code; 447  
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(f) "Routine business services other than administrative or management services," as that term is defined by the attorney general by rule adopted in accordance with Chapter 119. of the Revised Code; 449  
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(g) Services to protect the environment or promote 453  
environmental education that are provided by a nonprofit entity 454  
or services to protect the environment that are funded with 455  
federal grants or revolving loan funds and administered in 456  
accordance with federal law. 457

(3) The person receives the money solely in return for the 458  
performance of services intended to help preserve public health 459  
or safety under circumstances requiring immediate action as a 460  
result of a natural or man-made emergency. 461

(C) With respect to an unincorporated nonprofit 462  
association, corporation, or organization established for the 463  
purpose of providing educational, technical, consulting, 464  
training, financial, or other services to its members in 465  
exchange for membership dues and other fees, any of the services 466  
provided to a member that is a governmental entity shall, for 467  
purposes of this section, be considered services "for the 468  
primary benefit of a governmental entity or the employees of a 469  
governmental entity." 470

**Sec. 9.55.** (A) As used in this section, "state agency" 471  
means the house of representatives, the senate, the governor, 472  
the secretary of state, the auditor of state, the treasurer of 473  
state, the attorney general, the department of job and family 474  
services, the department of commerce, the department of 475  
developmental disabilities, the department of education and 476  
workforce, the department of health, the department of aging, 477  
the governor's office of advocacy for disabled persons, and the 478  
civil rights commission. 479

(B) Each state agency shall install in its offices at 480  
least one teletypewriter designed to receive printed messages 481  
from and transmit printed messages to deaf or hearing-impaired 482

persons. 483

**Sec. 102.02.** (A) (1) Except as otherwise provided in 484  
division (H) of this section, all of the following shall file 485  
with the appropriate ethics commission the disclosure statement 486  
described in this division on a form prescribed by the 487  
appropriate commission: every person who is elected to or is a 488  
candidate for a state, county, or city office and every person 489  
who is appointed to fill a vacancy for an unexpired term in such 490  
an elective office; all members of the state board of education; 491  
the director, assistant directors, deputy directors, division 492  
chiefs, or persons of equivalent rank of any administrative 493  
department of the state; the president or other chief 494  
administrative officer of every state institution of higher 495  
education as defined in section 3345.011 of the Revised Code; 496  
the executive director and the members of the capitol square 497  
review and advisory board appointed or employed pursuant to 498  
section 105.41 of the Revised Code; all members of the Ohio 499  
casino control commission, the executive director of the 500  
commission, all professional employees of the commission, and 501  
all technical employees of the commission who perform an 502  
internal audit function; the individuals set forth in division 503  
(B) (2) of section 187.03 of the Revised Code; the chief 504  
executive officer and the members of the board of each state 505  
retirement system; each employee of a state retirement board who 506  
is a state retirement system investment officer licensed 507  
pursuant to section 1707.163 of the Revised Code; the members of 508  
the Ohio retirement study council appointed pursuant to division 509  
(C) of section 171.01 of the Revised Code; employees of the Ohio 510  
retirement study council, other than employees who perform 511  
purely administrative or clerical functions; the administrator 512  
of workers' compensation and each member of the bureau of 513

workers' compensation board of directors; the bureau of workers' 514  
compensation director of investments; the chief investment 515  
officer of the bureau of workers' compensation; all members of 516  
the board of commissioners on grievances and discipline of the 517  
supreme court and the ethics commission created under section 518  
102.05 of the Revised Code; every business manager, treasurer, 519  
or superintendent of a city, local, exempted village, joint 520  
vocational, or cooperative education school district or an 521  
educational service center; every person who is elected to or is 522  
a candidate for the office of member of a board of education of 523  
a city, local, exempted village, joint vocational, or 524  
cooperative education school district or of a governing board of 525  
an educational service center that has a total student count of 526  
twelve thousand or more as most recently determined by the 527  
department of education and workforce pursuant to section 528  
3317.03 of the Revised Code; every person who is appointed to 529  
the board of education of a municipal school district pursuant 530  
to division (B) or (F) of section 3311.71 of the Revised Code; 531  
all members of the board of directors of a sanitary district 532  
that is established under Chapter 6115. of the Revised Code and 533  
organized wholly for the purpose of providing a water supply for 534  
domestic, municipal, and public use, and that includes two 535  
municipal corporations in two counties; every public official or 536  
employee who is paid a salary or wage in accordance with 537  
schedule C of section 124.15 or schedule E-2 of section 124.152 538  
of the Revised Code; all members appointed to the Ohio livestock 539  
care standards board under section 904.02 of the Revised Code; 540  
all entrepreneurs in residence assigned by the LeanOhio office 541  
in the department of administrative services under section 542  
125.65 of the Revised Code and every other public official or 543  
employee who is designated by the appropriate ethics commission 544  
pursuant to division (B) of this section. 545

(2) The disclosure statement shall include all of the 546  
following: 547

(a) The name of the person filing the statement and each 548  
member of the person's immediate family and all names under 549  
which the person or members of the person's immediate family do 550  
business; 551

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 552  
this section and except as otherwise provided in section 102.022 553  
of the Revised Code, identification of every source of income, 554  
other than income from a legislative agent identified in 555  
division (A) (2) (b) (ii) of this section, received during the 556  
preceding calendar year, in the person's own name or by any 557  
other person for the person's use or benefit, by the person 558  
filing the statement, and a brief description of the nature of 559  
the services for which the income was received. If the person 560  
filing the statement is a member of the general assembly, the 561  
statement shall identify the amount of every source of income 562  
received in accordance with the following ranges of amounts: 563  
zero or more, but less than one thousand dollars; one thousand 564  
dollars or more, but less than ten thousand dollars; ten 565  
thousand dollars or more, but less than twenty-five thousand 566  
dollars; twenty-five thousand dollars or more, but less than 567  
fifty thousand dollars; fifty thousand dollars or more, but less 568  
than one hundred thousand dollars; and one hundred thousand 569  
dollars or more. Division (A) (2) (b) (i) of this section shall not 570  
be construed to require a person filing the statement who 571  
derives income from a business or profession to disclose the 572  
individual items of income that constitute the gross income of 573  
that business or profession, except for those individual items 574  
of income that are attributable to the person's or, if the 575  
income is shared with the person, the partner's, solicitation of 576

services or goods or performance, arrangement, or facilitation 577  
of services or provision of goods on behalf of the business or 578  
profession of clients, including corporate clients, who are 579  
legislative agents. A person who files the statement under this 580  
section shall disclose the identity of and the amount of income 581  
received from a person who the public official or employee knows 582  
or has reason to know is doing or seeking to do business of any 583  
kind with the public official's or employee's agency. 584

(ii) If the person filing the statement is a member of the 585  
general assembly, the statement shall identify every source of 586  
income and the amount of that income that was received from a 587  
legislative agent during the preceding calendar year, in the 588  
person's own name or by any other person for the person's use or 589  
benefit, by the person filing the statement, and a brief 590  
description of the nature of the services for which the income 591  
was received. Division (A) (2) (b) (ii) of this section requires 592  
the disclosure of clients of attorneys or persons licensed under 593  
section 4732.12 of the Revised Code, or patients of persons 594  
licensed under section 4731.14 of the Revised Code, if those 595  
clients or patients are legislative agents. Division (A) (2) (b) 596  
(ii) of this section requires a person filing the statement who 597  
derives income from a business or profession to disclose those 598  
individual items of income that constitute the gross income of 599  
that business or profession that are received from legislative 600  
agents. 601

(iii) Except as otherwise provided in division (A) (2) (b) 602  
(iii) of this section, division (A) (2) (b) (i) of this section 603  
applies to attorneys, physicians, and other persons who engage 604  
in the practice of a profession and who, pursuant to a section 605  
of the Revised Code, the common law of this state, a code of 606  
ethics applicable to the profession, or otherwise, generally are 607

required not to reveal, disclose, or use confidences of clients, 608  
patients, or other recipients of professional services except 609  
under specified circumstances or generally are required to 610  
maintain those types of confidences as privileged communications 611  
except under specified circumstances. Division (A) (2) (b) (i) of 612  
this section does not require an attorney, physician, or other 613  
professional subject to a confidentiality requirement as 614  
described in division (A) (2) (b) (iii) of this section to disclose 615  
the name, other identity, or address of a client, patient, or 616  
other recipient of professional services if the disclosure would 617  
threaten the client, patient, or other recipient of professional 618  
services, would reveal details of the subject matter for which 619  
legal, medical, or professional advice or other services were 620  
sought, or would reveal an otherwise privileged communication 621  
involving the client, patient, or other recipient of 622  
professional services. Division (A) (2) (b) (i) of this section 623  
does not require an attorney, physician, or other professional 624  
subject to a confidentiality requirement as described in 625  
division (A) (2) (b) (iii) of this section to disclose in the brief 626  
description of the nature of services required by division (A) 627  
(2) (b) (i) of this section any information pertaining to specific 628  
professional services rendered for a client, patient, or other 629  
recipient of professional services that would reveal details of 630  
the subject matter for which legal, medical, or professional 631  
advice was sought or would reveal an otherwise privileged 632  
communication involving the client, patient, or other recipient 633  
of professional services. 634

(c) The name of every corporation on file with the 635  
secretary of state that is incorporated in this state or holds a 636  
certificate of compliance authorizing it to do business in this 637  
state, trust, business trust, partnership, or association that 638

transacts business in this state in which the person filing the 639  
statement or any other person for the person's use and benefit 640  
had during the preceding calendar year an investment of over one 641  
thousand dollars at fair market value as of the thirty-first day 642  
of December of the preceding calendar year, or the date of 643  
disposition, whichever is earlier, or in which the person holds 644  
any office or has a fiduciary relationship, and a description of 645  
the nature of the investment, office, or relationship. Division 646  
(A) (2) (c) of this section does not require disclosure of the 647  
name of any bank, savings and loan association, credit union, or 648  
building and loan association with which the person filing the 649  
statement has a deposit or a withdrawable share account. 650

(d) All fee simple and leasehold interests to which the 651  
person filing the statement holds legal title to or a beneficial 652  
interest in real property located within the state, excluding 653  
the person's residence and property used primarily for personal 654  
recreation; 655

(e) The names of all persons residing or transacting 656  
business in the state to whom the person filing the statement 657  
owes, in the person's own name or in the name of any other 658  
person, more than one thousand dollars. Division (A) (2) (e) of 659  
this section shall not be construed to require the disclosure of 660  
debts owed by the person resulting from the ordinary conduct of 661  
a business or profession or debts on the person's residence or 662  
real property used primarily for personal recreation, except 663  
that the superintendent of financial institutions and any deputy 664  
superintendent of banks shall disclose the names of all state- 665  
chartered banks and all bank subsidiary corporations subject to 666  
regulation under section 1109.44 of the Revised Code to whom the 667  
superintendent or deputy superintendent owes any money. 668

(f) The names of all persons residing or transacting 669  
business in the state, other than a depository excluded under 670  
division (A)(2)(c) of this section, who owe more than one 671  
thousand dollars to the person filing the statement, either in 672  
the person's own name or to any person for the person's use or 673  
benefit. Division (A)(2)(f) of this section shall not be 674  
construed to require the disclosure of clients of attorneys or 675  
persons licensed under section 4732.12 of the Revised Code, or 676  
patients of persons licensed under section 4731.14 of the 677  
Revised Code, nor the disclosure of debts owed to the person 678  
resulting from the ordinary conduct of a business or profession. 679

(g) Except as otherwise provided in section 102.022 of the 680  
Revised Code, the source of each gift of over seventy-five 681  
dollars, or of each gift of over twenty-five dollars received by 682  
a member of the general assembly from a legislative agent, 683  
received by the person in the person's own name or by any other 684  
person for the person's use or benefit during the preceding 685  
calendar year, except gifts received by will or by virtue of 686  
section 2105.06 of the Revised Code, or received from spouses, 687  
parents, grandparents, children, grandchildren, siblings, 688  
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 689  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 690  
or any person to whom the person filing the statement stands in 691  
loco parentis, or received by way of distribution from any inter 692  
vivos or testamentary trust established by a spouse or by an 693  
ancestor; 694

(h) Except as otherwise provided in section 102.022 of the 695  
Revised Code, identification of the source and amount of every 696  
payment of expenses incurred for travel to destinations inside 697  
or outside this state that is received by the person in the 698  
person's own name or by any other person for the person's use or 699

benefit and that is incurred in connection with the person's 700  
official duties, except for expenses for travel to meetings or 701  
conventions of a national or state organization to which any 702  
state agency, including, but not limited to, any legislative 703  
agency or state institution of higher education as defined in 704  
section 3345.011 of the Revised Code, pays membership dues, or 705  
any political subdivision or any office or agency of a political 706  
subdivision pays membership dues; 707

(i) Except as otherwise provided in section 102.022 of the 708  
Revised Code, identification of the source of payment of 709  
expenses for meals and other food and beverages, other than for 710  
meals and other food and beverages provided at a meeting at 711  
which the person participated in a panel, seminar, or speaking 712  
engagement or at a meeting or convention of a national or state 713  
organization to which any state agency, including, but not 714  
limited to, any legislative agency or state institution of 715  
higher education as defined in section 3345.011 of the Revised 716  
Code, pays membership dues, or any political subdivision or any 717  
office or agency of a political subdivision pays membership 718  
dues, that are incurred in connection with the person's official 719  
duties and that exceed one hundred dollars aggregated per 720  
calendar year; 721

(j) If the disclosure statement is filed by a public 722  
official or employee described in division (B) (2) of section 723  
101.73 of the Revised Code or division (B) (2) of section 121.63 724  
of the Revised Code who receives a statement from a legislative 725  
agent, executive agency lobbyist, or employer that contains the 726  
information described in division (F) (2) of section 101.73 of 727  
the Revised Code or division (G) (2) of section 121.63 of the 728  
Revised Code, all of the nondisputed information contained in 729  
the statement delivered to that public official or employee by 730

the legislative agent, executive agency lobbyist, or employer 731  
under division (F) (2) of section 101.73 or (G) (2) of section 732  
121.63 of the Revised Code. 733

(3) A person may file a statement required by this section 734  
in person, by mail, or by electronic means. 735

(4) A person who is required to file a statement under 736  
this section shall file that statement according to the 737  
following deadlines, as applicable: 738

(a) Except as otherwise provided in divisions (A) (4) (b), 739  
(c), and (d) of this section, the person shall file the 740  
statement not later than the fifteenth day of May of each year. 741

(b) A person who is a candidate for elective office shall 742  
file the statement no later than the thirtieth day before the 743  
primary, special, or general election at which the candidacy is 744  
to be voted on, whichever election occurs soonest, except that a 745  
person who is a write-in candidate shall file the statement no 746  
later than the twentieth day before the earliest election at 747  
which the person's candidacy is to be voted on. 748

(c) A person who is appointed to fill a vacancy for an 749  
unexpired term in an elective office shall file the statement 750  
within fifteen days after the person qualifies for office. 751

(d) A person who is appointed or employed after the 752  
fifteenth day of May, other than a person described in division 753  
(A) (4) (c) of this section, shall file an annual statement within 754  
ninety days after appointment or employment. 755

(5) No person shall be required to file with the 756  
appropriate ethics commission more than one statement or pay 757  
more than one filing fee for any one calendar year. 758

(6) The appropriate ethics commission, for good cause, may 759  
extend for a reasonable time the deadline for filing a statement 760  
under this section. 761

(7) A statement filed under this section is subject to 762  
public inspection at locations designated by the appropriate 763  
ethics commission except as otherwise provided in this section. 764

(B) The Ohio ethics commission, the joint legislative 765  
ethics committee, and the board of commissioners on grievances 766  
and discipline of the supreme court, using the rule-making 767  
procedures of Chapter 119. of the Revised Code, may require any 768  
class of public officials or employees under its jurisdiction 769  
and not specifically excluded by this section whose positions 770  
involve a substantial and material exercise of administrative 771  
discretion in the formulation of public policy, expenditure of 772  
public funds, enforcement of laws and rules of the state or a 773  
county or city, or the execution of other public trusts, to file 774  
an annual statement under division (A) of this section. The 775  
appropriate ethics commission shall send the public officials or 776  
employees written notice of the requirement not less than thirty 777  
days before the applicable filing deadline unless the public 778  
official or employee is appointed after that date, in which case 779  
the notice shall be sent within thirty days after appointment, 780  
and the filing shall be made not later than ninety days after 781  
appointment. 782

Disclosure statements filed under this division with the 783  
Ohio ethics commission by members of boards, commissions, or 784  
bureaus of the state for which no compensation is received other 785  
than reasonable and necessary expenses shall be kept 786  
confidential. Disclosure statements filed with the Ohio ethics 787  
commission under division (A) of this section by business 788

managers, treasurers, and superintendents of city, local, 789  
exempted village, joint vocational, or cooperative education 790  
school districts or educational service centers shall be kept 791  
confidential, except that any person conducting an audit of any 792  
such school district or educational service center pursuant to 793  
Chapter 117. of the Revised Code may examine the disclosure 794  
statement of any business manager, treasurer, or superintendent 795  
of that school district or educational service center. 796  
Disclosure statements filed with the Ohio ethics commission 797  
under division (A) of this section by the individuals set forth 798  
in division (B) (2) of section 187.03 of the Revised Code shall 799  
be kept confidential. The Ohio ethics commission shall examine 800  
each disclosure statement required to be kept confidential to 801  
determine whether a potential conflict of interest exists for 802  
the person who filed the disclosure statement. A potential 803  
conflict of interest exists if the private interests of the 804  
person, as indicated by the person's disclosure statement, might 805  
interfere with the public interests the person is required to 806  
serve in the exercise of the person's authority and duties in 807  
the person's office or position of employment. If the commission 808  
determines that a potential conflict of interest exists, it 809  
shall notify the person who filed the disclosure statement and 810  
shall make the portions of the disclosure statement that 811  
indicate a potential conflict of interest subject to public 812  
inspection in the same manner as is provided for other 813  
disclosure statements. Any portion of the disclosure statement 814  
that the commission determines does not indicate a potential 815  
conflict of interest shall be kept confidential by the 816  
commission and shall not be made subject to public inspection, 817  
except as is necessary for the enforcement of Chapters 102. and 818  
2921. of the Revised Code and except as otherwise provided in 819  
this division. 820

(C) No person shall knowingly fail to file, on or before 821  
the applicable filing deadline established under this section, a 822  
statement that is required by this section. 823

(D) No person shall knowingly file a false statement that 824  
is required to be filed under this section. 825

(E) (1) Except as provided in divisions (E) (2) and (3) of 826  
this section, the statement required by division (A) or (B) of 827  
this section shall be accompanied by a filing fee of sixty 828  
dollars. 829

(2) The statement required by division (A) of this section 830  
shall be accompanied by the following filing fee to be paid by 831  
the person who is elected or appointed to, or is a candidate 832  
for, any of the following offices: 833

834

1

2

A	For state office, except member of the state board of education	\$95
B	For office of member of general assembly	\$40
C	For county office	\$60
D	For city office	\$35
E	For office of member of the state board of education	\$35
F	For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30

G For position of business manager, treasurer, or \$30  
superintendent of a city, local, exempted village,  
joint vocational, or cooperative education school  
district or educational service center

(3) No judge of a court of record or candidate for judge 835  
of a court of record, and no referee or magistrate serving a 836  
court of record, shall be required to pay the fee required under 837  
division (E) (1) or (2) or (F) of this section. 838

(4) For any public official who is appointed to a 839  
nonelective office of the state and for any employee who holds a 840  
nonelective position in a public agency of the state, the state 841  
agency that is the primary employer of the state official or 842  
employee shall pay the fee required under division (E) (1) or (F) 843  
of this section. 844

(F) If a statement required to be filed under this section 845  
is not filed by the date on which it is required to be filed, 846  
the appropriate ethics commission shall assess the person 847  
required to file the statement a late filing fee of ten dollars 848  
for each day the statement is not filed, except that the total 849  
amount of the late filing fee shall not exceed two hundred fifty 850  
dollars. 851

(G) (1) The appropriate ethics commission other than the 852  
Ohio ethics commission and the joint legislative ethics 853  
committee shall deposit all fees it receives under divisions (E) 854  
and (F) of this section into the general revenue fund of the 855  
state. 856

(2) The Ohio ethics commission shall deposit all receipts, 857  
including, but not limited to, fees it receives under divisions 858  
(E) and (F) of this section, investigative or other fees, costs, 859

or other funds it receives as a result of court orders, and all 860  
moneys it receives from settlements under division (G) of 861  
section 102.06 of the Revised Code, into the Ohio ethics 862  
commission fund, which is hereby created in the state treasury. 863  
All moneys credited to the fund shall be used solely for 864  
expenses related to the operation and statutory functions of the 865  
commission. 866

(3) The joint legislative ethics committee shall deposit 867  
all receipts it receives from the payment of financial 868  
disclosure statement filing fees under divisions (E) and (F) of 869  
this section into the joint legislative ethics committee 870  
investigative and financial disclosure fund. 871

(H) Division (A) of this section does not apply to a 872  
person elected or appointed to the office of precinct, ward, or 873  
district committee member under Chapter 3517. of the Revised 874  
Code; a presidential elector; a delegate to a national 875  
convention; village or township officials and employees; any 876  
physician or psychiatrist who is paid a salary or wage in 877  
accordance with schedule C of section 124.15 or schedule E-2 of 878  
section 124.152 of the Revised Code and whose primary duties do 879  
not require the exercise of administrative discretion; or any 880  
member of a board, commission, or bureau of any county or city 881  
who receives less than one thousand dollars per year for serving 882  
in that position. 883

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 884  
criminal identification and investigation shall procure from 885  
wherever procurable and file for record photographs, pictures, 886  
descriptions, fingerprints, measurements, and other information 887  
that may be pertinent of all persons who have been convicted of 888  
committing within this state a felony, any crime constituting a 889

misdemeanor on the first offense and a felony on subsequent 890  
offenses, or any misdemeanor described in division (A) (1) (a), 891  
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 892  
of all children under eighteen years of age who have been 893  
adjudicated delinquent children for committing within this state 894  
an act that would be a felony or an offense of violence if 895  
committed by an adult or who have been convicted of or pleaded 896  
guilty to committing within this state a felony or an offense of 897  
violence, and of all well-known and habitual criminals. The 898  
person in charge of any county, multicounty, municipal, 899  
municipal-county, or multicounty-municipal jail or workhouse, 900  
community-based correctional facility, halfway house, 901  
alternative residential facility, or state correctional 902  
institution and the person in charge of any state institution 903  
having custody of a person suspected of having committed a 904  
felony, any crime constituting a misdemeanor on the first 905  
offense and a felony on subsequent offenses, or any misdemeanor 906  
described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of 907  
section 109.572 of the Revised Code or having custody of a child 908  
under eighteen years of age with respect to whom there is 909  
probable cause to believe that the child may have committed an 910  
act that would be a felony or an offense of violence if 911  
committed by an adult shall furnish such material to the 912  
superintendent of the bureau. Fingerprints, photographs, or 913  
other descriptive information of a child who is under eighteen 914  
years of age, has not been arrested or otherwise taken into 915  
custody for committing an act that would be a felony or an 916  
offense of violence who is not in any other category of child 917  
specified in this division, if committed by an adult, has not 918  
been adjudicated a delinquent child for committing an act that 919  
would be a felony or an offense of violence if committed by an 920  
adult, has not been convicted of or pleaded guilty to committing 921

a felony or an offense of violence, and is not a child with 922  
respect to whom there is probable cause to believe that the 923  
child may have committed an act that would be a felony or an 924  
offense of violence if committed by an adult shall not be 925  
procured by the superintendent or furnished by any person in 926  
charge of any county, multicounty, municipal, municipal-county, 927  
or multicounty-municipal jail or workhouse, community-based 928  
correctional facility, halfway house, alternative residential 929  
facility, or state correctional institution, except as 930  
authorized in section 2151.313 of the Revised Code. 931

(2) Every clerk of a court of record in this state, other 932  
than the supreme court or a court of appeals, shall send to the 933  
superintendent of the bureau a weekly report containing a 934  
summary of each case involving a felony, involving any crime 935  
constituting a misdemeanor on the first offense and a felony on 936  
subsequent offenses, involving a misdemeanor described in 937  
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 938  
of the Revised Code, or involving an adjudication in a case in 939  
which a child under eighteen years of age was alleged to be a 940  
delinquent child for committing an act that would be a felony or 941  
an offense of violence if committed by an adult. The clerk of 942  
the court of common pleas shall include in the report and 943  
summary the clerk sends under this division all information 944  
described in divisions (A) (2) (a) to (f) of this section 945  
regarding a case before the court of appeals that is served by 946  
that clerk. The summary shall be written on the standard forms 947  
furnished by the superintendent pursuant to division (B) of this 948  
section and shall include the following information: 949

(a) The incident tracking number contained on the standard 950  
forms furnished by the superintendent pursuant to division (B) 951  
of this section; 952

(b) The style and number of the case;	953
(c) The date of arrest, offense, summons, or arraignment;	954
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	955 956 957 958 959 960 961 962 963 964 965 966
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	967 968
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	969 970 971 972
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	973 974 975 976 977
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of	978 979 980 981

identification of all persons arrested on a charge of a felony, 982  
any crime constituting a misdemeanor on the first offense and a 983  
felony on subsequent offenses, or a misdemeanor described in 984  
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 985  
of the Revised Code and of all children under eighteen years of 986  
age arrested or otherwise taken into custody for committing an 987  
act that would be a felony or an offense of violence if 988  
committed by an adult. The superintendent also shall file for 989  
record the fingerprint impressions of all persons confined in a 990  
county, multicounty, municipal, municipal-county, or 991  
multicounty-municipal jail or workhouse, community-based 992  
correctional facility, halfway house, alternative residential 993  
facility, or state correctional institution for the violation of 994  
state laws and of all children under eighteen years of age who 995  
are confined in a county, multicounty, municipal, municipal- 996  
county, or multicounty-municipal jail or workhouse, community- 997  
based correctional facility, halfway house, alternative 998  
residential facility, or state correctional institution or in 999  
any facility for delinquent children for committing an act that 1000  
would be a felony or an offense of violence if committed by an 1001  
adult, and any other information that the superintendent may 1002  
receive from law enforcement officials of the state and its 1003  
political subdivisions. 1004

(4) The superintendent shall carry out Chapter 2950. of 1005  
the Revised Code with respect to the registration of persons who 1006  
are convicted of or plead guilty to a sexually oriented offense 1007  
or a child-victim oriented offense and with respect to all other 1008  
duties imposed on the bureau under that chapter. 1009

(5) The bureau shall perform centralized recordkeeping 1010  
functions for criminal history records and services in this 1011  
state for purposes of the national crime prevention and privacy 1012

compact set forth in section 109.571 of the Revised Code and is 1013  
the criminal history record repository as defined in that 1014  
section for purposes of that compact. The superintendent or the 1015  
superintendent's designee is the compact officer for purposes of 1016  
that compact and shall carry out the responsibilities of the 1017  
compact officer specified in that compact. 1018

(6) The superintendent shall, upon request, assist a 1019  
county coroner in the identification of a deceased person 1020  
through the use of fingerprint impressions obtained pursuant to 1021  
division (A) (1) of this section or collected pursuant to section 1022  
109.572 or 311.41 of the Revised Code. 1023

(B) The superintendent shall prepare and furnish to every 1024  
county, multicounty, municipal, municipal-county, or 1025  
multicounty-municipal jail or workhouse, community-based 1026  
correctional facility, halfway house, alternative residential 1027  
facility, or state correctional institution and to every clerk 1028  
of a court in this state specified in division (A) (2) of this 1029  
section standard forms for reporting the information required 1030  
under division (A) of this section. The standard forms that the 1031  
superintendent prepares pursuant to this division may be in a 1032  
tangible format, in an electronic format, or in both tangible 1033  
formats and electronic formats. 1034

(C) (1) The superintendent may operate a center for 1035  
electronic, automated, or other data processing for the storage 1036  
and retrieval of information, data, and statistics pertaining to 1037  
criminals and to children under eighteen years of age who are 1038  
adjudicated delinquent children for committing an act that would 1039  
be a felony or an offense of violence if committed by an adult, 1040  
criminal activity, crime prevention, law enforcement, and 1041  
criminal justice, and may establish and operate a statewide 1042

communications network to be known as the Ohio law enforcement 1043  
gateway to gather and disseminate information, data, and 1044  
statistics for the use of law enforcement agencies and for other 1045  
uses specified in this division. The superintendent may gather, 1046  
store, retrieve, and disseminate information, data, and 1047  
statistics that pertain to children who are under eighteen years 1048  
of age and that are gathered pursuant to sections 109.57 to 1049  
109.61 of the Revised Code together with information, data, and 1050  
statistics that pertain to adults and that are gathered pursuant 1051  
to those sections. 1052

(2) The superintendent or the superintendent's designee 1053  
shall gather information of the nature described in division (C) 1054  
(1) of this section that pertains to the offense and delinquency 1055  
history of a person who has been convicted of, pleaded guilty 1056  
to, or been adjudicated a delinquent child for committing a 1057  
sexually oriented offense or a child-victim oriented offense for 1058  
inclusion in the state registry of sex offenders and child- 1059  
victim offenders maintained pursuant to division (A)(1) of 1060  
section 2950.13 of the Revised Code and in the internet database 1061  
operated pursuant to division (A)(13) of that section and for 1062  
possible inclusion in the internet database operated pursuant to 1063  
division (A)(11) of that section. 1064

(3) In addition to any other authorized use of 1065  
information, data, and statistics of the nature described in 1066  
division (C)(1) of this section, the superintendent or the 1067  
superintendent's designee may provide and exchange the 1068  
information, data, and statistics pursuant to the national crime 1069  
prevention and privacy compact as described in division (A)(5) 1070  
of this section. 1071

(4) The Ohio law enforcement gateway shall contain the 1072

name, confidential address, and telephone number of program 1073  
participants in the address confidentiality program established 1074  
under sections 111.41 to 111.47 of the Revised Code. 1075

(5) The attorney general may adopt rules under Chapter 1076  
119. of the Revised Code establishing guidelines for the 1077  
operation of and participation in the Ohio law enforcement 1078  
gateway. The rules may include criteria for granting and 1079  
restricting access to information gathered and disseminated 1080  
through the Ohio law enforcement gateway. The attorney general 1081  
shall adopt rules under Chapter 119. of the Revised Code that 1082  
grant access to information in the gateway regarding an address 1083  
confidentiality program participant under sections 111.41 to 1084  
111.47 of the Revised Code to only chiefs of police, village 1085  
marshals, county sheriffs, county prosecuting attorneys, and a 1086  
designee of each of these individuals. The attorney general 1087  
shall permit an office of a county coroner, the state medical 1088  
board, and board of nursing to access and view, but not alter, 1089  
information gathered and disseminated through the Ohio law 1090  
enforcement gateway. 1091

The attorney general may appoint a steering committee to 1092  
advise the attorney general in the operation of the Ohio law 1093  
enforcement gateway that is comprised of persons who are 1094  
representatives of the criminal justice agencies in this state 1095  
that use the Ohio law enforcement gateway and is chaired by the 1096  
superintendent or the superintendent's designee. 1097

(D) (1) The following are not public records under section 1098  
149.43 of the Revised Code: 1099

(a) Information and materials furnished to the 1100  
superintendent pursuant to division (A) of this section; 1101

(b) Information, data, and statistics gathered or 1102  
disseminated through the Ohio law enforcement gateway pursuant 1103  
to division (C) (1) of this section; 1104

(c) Information and materials furnished to any board or 1105  
person under division (F) or (G) of this section. 1106

(2) The superintendent or the superintendent's designee 1107  
shall gather and retain information so furnished under division 1108  
(A) of this section that pertains to the offense and delinquency 1109  
history of a person who has been convicted of, pleaded guilty 1110  
to, or been adjudicated a delinquent child for committing a 1111  
sexually oriented offense or a child-victim oriented offense for 1112  
the purposes described in division (C) (2) of this section. 1113

(E) (1) The attorney general shall adopt rules, in 1114  
accordance with Chapter 119. of the Revised Code and subject to 1115  
division (E) (2) of this section, setting forth the procedure by 1116  
which a person may receive or release information gathered by 1117  
the superintendent pursuant to division (A) of this section. A 1118  
reasonable fee may be charged for this service. If a temporary 1119  
employment service submits a request for a determination of 1120  
whether a person the service plans to refer to an employment 1121  
position has been convicted of or pleaded guilty to an offense 1122  
listed or described in division (A) (1), (2), or (3) of section 1123  
109.572 of the Revised Code, the request shall be treated as a 1124  
single request and only one fee shall be charged. 1125

(2) Except as otherwise provided in this division or 1126  
division (E) (3) or (4) of this section, a rule adopted under 1127  
division (E) (1) of this section may provide only for the release 1128  
of information gathered pursuant to division (A) of this section 1129  
that relates to the conviction of a person, or a person's plea 1130  
of guilty to, a criminal offense or to the arrest of a person as 1131

provided in division (E) (3) of this section. The superintendent 1132  
shall not release, and the attorney general shall not adopt any 1133  
rule under division (E) (1) of this section that permits the 1134  
release of, any information gathered pursuant to division (A) of 1135  
this section that relates to an adjudication of a child as a 1136  
delinquent child, or that relates to a criminal conviction of a 1137  
person under eighteen years of age if the person's case was 1138  
transferred back to a juvenile court under division (B) (2) or 1139  
(3) of section 2152.121 of the Revised Code and the juvenile 1140  
court imposed a disposition or serious youthful offender 1141  
disposition upon the person under either division, unless either 1142  
of the following applies with respect to the adjudication or 1143  
conviction: 1144

(a) The adjudication or conviction was for a violation of 1145  
section 2903.01 or 2903.02 of the Revised Code. 1146

(b) The adjudication or conviction was for a sexually 1147  
oriented offense, the juvenile court was required to classify 1148  
the child a juvenile offender registrant for that offense under 1149  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1150  
classification has not been removed, and the records of the 1151  
adjudication or conviction have not been sealed or expunged 1152  
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 1153  
pursuant to section 2953.32 of the Revised Code. 1154

(3) A rule adopted under division (E) (1) of this section 1155  
may provide for the release of information gathered pursuant to 1156  
division (A) of this section that relates to the arrest of a 1157  
person who is eighteen years of age or older when the person has 1158  
not been convicted as a result of that arrest if any of the 1159  
following applies: 1160

(a) The arrest was made outside of this state. 1161

(b) A criminal action resulting from the arrest is 1162  
pending, and the superintendent confirms that the criminal 1163  
action has not been resolved at the time the criminal records 1164  
check is performed. 1165

(c) The bureau cannot reasonably determine whether a 1166  
criminal action resulting from the arrest is pending, and not 1167  
more than one year has elapsed since the date of the arrest. 1168

(4) A rule adopted under division (E) (1) of this section 1169  
may provide for the release of information gathered pursuant to 1170  
division (A) of this section that relates to an adjudication of 1171  
a child as a delinquent child if not more than five years have 1172  
elapsed since the date of the adjudication, the adjudication was 1173  
for an act that would have been a felony if committed by an 1174  
adult, the records of the adjudication have not been sealed or 1175  
expunged pursuant to sections 2151.355 to 2151.358 of the 1176  
Revised Code, and the request for information is made under 1177  
division (F) of this section or under section 109.572 of the 1178  
Revised Code. In the case of an adjudication for a violation of 1179  
the terms of community control or supervised release, the five- 1180  
year period shall be calculated from the date of the 1181  
adjudication to which the community control or supervised 1182  
release pertains. 1183

(F) (1) As used in division (F) (2) of this section, "head 1184  
start agency" means an entity in this state that has been 1185  
approved to be an agency for purposes of subchapter II of the 1186  
"Community Economic Development Act," 95 Stat. 489 (1981), 42 1187  
U.S.C.A. 9831, as amended. 1188

(2) (a) In addition to or in conjunction with any request 1189  
that is required to be made under section 109.572, 2151.86, 1190  
3301.32, 3301.541, division (C) of section 3310.58, or section 1191

3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 1192  
5153.111 of the Revised Code or that is made under section 1193  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1194  
board of education of any school district; the director of 1195  
developmental disabilities; any county board of developmental 1196  
disabilities; any provider or subcontractor as defined in 1197  
section 5123.081 of the Revised Code; the chief administrator of 1198  
any chartered nonpublic school; the chief administrator of a 1199  
registered private provider that is not also a chartered 1200  
nonpublic school; the chief administrator of any home health 1201  
agency; the chief administrator of or person operating any child 1202  
day-care center, type A family day-care home, or type B family 1203  
day-care home licensed under Chapter 5104. of the Revised Code; 1204  
the chief administrator of any head start agency; the executive 1205  
director of a public children services agency; a private company 1206  
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 1207  
the Revised Code; or an employer described in division (J) (2) of 1208  
section 3327.10 of the Revised Code may request that the 1209  
superintendent of the bureau investigate and determine, with 1210  
respect to any individual who has applied for employment in any 1211  
position after October 2, 1989, or any individual wishing to 1212  
apply for employment with a board of education may request, with 1213  
regard to the individual, whether the bureau has any information 1214  
gathered under division (A) of this section that pertains to 1215  
that individual. On receipt of the request, subject to division 1216  
(E) (2) of this section, the superintendent shall determine 1217  
whether that information exists and, upon request of the person, 1218  
board, or entity requesting information, also shall request from 1219  
the federal bureau of investigation any criminal records it has 1220  
pertaining to that individual. The superintendent or the 1221  
superintendent's designee also may request criminal history 1222  
records from other states or the federal government pursuant to 1223

the national crime prevention and privacy compact set forth in 1224  
section 109.571 of the Revised Code. Within thirty days of the 1225  
date that the superintendent receives a request, subject to 1226  
division (E) (2) of this section, the superintendent shall send 1227  
to the board, entity, or person a report of any information that 1228  
the superintendent determines exists, including information 1229  
contained in records that have been sealed under section 2953.32 1230  
of the Revised Code, and, within thirty days of its receipt, 1231  
subject to division (E) (2) of this section, shall send the 1232  
board, entity, or person a report of any information received 1233  
from the federal bureau of investigation, other than information 1234  
the dissemination of which is prohibited by federal law. 1235

(b) When a board of education or a registered private 1236  
provider is required to receive information under this section 1237  
as a prerequisite to employment of an individual pursuant to 1238  
division (C) of section 3310.58 or section 3319.39 of the 1239  
Revised Code, it may accept a certified copy of records that 1240  
were issued by the bureau of criminal identification and 1241  
investigation and that are presented by an individual applying 1242  
for employment with the district in lieu of requesting that 1243  
information itself. In such a case, the board shall accept the 1244  
certified copy issued by the bureau in order to make a photocopy 1245  
of it for that individual's employment application documents and 1246  
shall return the certified copy to the individual. In a case of 1247  
that nature, a district or provider only shall accept a 1248  
certified copy of records of that nature within one year after 1249  
the date of their issuance by the bureau. 1250

(c) Notwithstanding division (F) (2) (a) of this section, in 1251  
the case of a request under section 3319.39, 3319.391, or 1252  
3327.10 of the Revised Code only for criminal records maintained 1253  
by the federal bureau of investigation, the superintendent shall 1254

not determine whether any information gathered under division 1255  
(A) of this section exists on the person for whom the request is 1256  
made. 1257

(3) The state board of education or the department of 1258  
education and workforce may request, with respect to any 1259  
individual who has applied for employment after October 2, 1989, 1260  
in any position with the state board or the department of 1261  
education and workforce, any information that a school district 1262  
board of education is authorized to request under division (F) 1263  
(2) of this section, and the superintendent of the bureau shall 1264  
proceed as if the request has been received from a school 1265  
district board of education under division (F) (2) of this 1266  
section. 1267

(4) When the superintendent of the bureau receives a 1268  
request for information under section 3319.291 of the Revised 1269  
Code, the superintendent shall proceed as if the request has 1270  
been received from a school district board of education and 1271  
shall comply with divisions (F) (2) (a) and (c) of this section. 1272

(G) In addition to or in conjunction with any request that 1273  
is required to be made under section 3712.09, 3721.121, or 1274  
3740.11 of the Revised Code with respect to an individual who 1275  
has applied for employment in a position that involves providing 1276  
direct care to an older adult or adult resident, the chief 1277  
administrator of a home health agency, hospice care program, 1278  
home licensed under Chapter 3721. of the Revised Code, or adult 1279  
day-care program operated pursuant to rules adopted under 1280  
section 3721.04 of the Revised Code may request that the 1281  
superintendent of the bureau investigate and determine, with 1282  
respect to any individual who has applied after January 27, 1283  
1997, for employment in a position that does not involve 1284

providing direct care to an older adult or adult resident, 1285  
whether the bureau has any information gathered under division 1286  
(A) of this section that pertains to that individual. 1287

In addition to or in conjunction with any request that is 1288  
required to be made under section 173.27 of the Revised Code 1289  
with respect to an individual who has applied for employment in 1290  
a position that involves providing ombudsman services to 1291  
residents of long-term care facilities or recipients of 1292  
community-based long-term care services, the state long-term 1293  
care ombudsman, the director of aging, a regional long-term care 1294  
ombudsman program, or the designee of the ombudsman, director, 1295  
or program may request that the superintendent investigate and 1296  
determine, with respect to any individual who has applied for 1297  
employment in a position that does not involve providing such 1298  
ombudsman services, whether the bureau has any information 1299  
gathered under division (A) of this section that pertains to 1300  
that applicant. 1301

In addition to or in conjunction with any request that is 1302  
required to be made under section 173.38 of the Revised Code 1303  
with respect to an individual who has applied for employment in 1304  
a direct-care position, the chief administrator of a provider, 1305  
as defined in section 173.39 of the Revised Code, may request 1306  
that the superintendent investigate and determine, with respect 1307  
to any individual who has applied for employment in a position 1308  
that is not a direct-care position, whether the bureau has any 1309  
information gathered under division (A) of this section that 1310  
pertains to that applicant. 1311

In addition to or in conjunction with any request that is 1312  
required to be made under section 3712.09 of the Revised Code 1313  
with respect to an individual who has applied for employment in 1314

a position that involves providing direct care to a pediatric 1315  
respite care patient, the chief administrator of a pediatric 1316  
respite care program may request that the superintendent of the 1317  
bureau investigate and determine, with respect to any individual 1318  
who has applied for employment in a position that does not 1319  
involve providing direct care to a pediatric respite care 1320  
patient, whether the bureau has any information gathered under 1321  
division (A) of this section that pertains to that individual. 1322

On receipt of a request under this division, the 1323  
superintendent shall determine whether that information exists 1324  
and, on request of the individual requesting information, shall 1325  
also request from the federal bureau of investigation any 1326  
criminal records it has pertaining to the applicant. The 1327  
superintendent or the superintendent's designee also may request 1328  
criminal history records from other states or the federal 1329  
government pursuant to the national crime prevention and privacy 1330  
compact set forth in section 109.571 of the Revised Code. Within 1331  
thirty days of the date a request is received, subject to 1332  
division (E) (2) of this section, the superintendent shall send 1333  
to the requester a report of any information determined to 1334  
exist, including information contained in records that have been 1335  
sealed under section 2953.32 of the Revised Code, and, within 1336  
thirty days of its receipt, shall send the requester a report of 1337  
any information received from the federal bureau of 1338  
investigation, other than information the dissemination of which 1339  
is prohibited by federal law. 1340

(H) Information obtained by a government entity or person 1341  
under this section is confidential and shall not be released or 1342  
disseminated. 1343

(I) The superintendent may charge a reasonable fee for 1344

providing information or criminal records under division (F) (2) 1345  
or (G) of this section. 1346

(J) As used in this section: 1347

(1) "Pediatric respite care program" and "pediatric care 1348  
patient" have the same meanings as in section 3712.01 of the 1349  
Revised Code. 1350

(2) "Sexually oriented offense" and "child-victim oriented 1351  
offense" have the same meanings as in section 2950.01 of the 1352  
Revised Code. 1353

(3) "Registered private provider" means a nonpublic school 1354  
or entity registered with the ~~superintendent of public~~ 1355  
~~instruction~~ department of education and workforce under section 1356  
3310.41 of the Revised Code to participate in the autism 1357  
scholarship program or section 3310.58 of the Revised Code to 1358  
participate in the Jon Peterson special needs scholarship 1359  
program. 1360

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 1361  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 1362  
Code, a completed form prescribed pursuant to division (C) (1) of 1363  
this section, and a set of fingerprint impressions obtained in 1364  
the manner described in division (C) (2) of this section, the 1365  
superintendent of the bureau of criminal identification and 1366  
investigation shall conduct a criminal records check in the 1367  
manner described in division (B) of this section to determine 1368  
whether any information exists that indicates that the person 1369  
who is the subject of the request previously has been convicted 1370  
of or pleaded guilty to any of the following: 1371

(a) A violation of section 2903.01, 2903.02, 2903.03, 1372  
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 1373

2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 1374  
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 1375  
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 1376  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1377  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1378  
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 1379  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 1380  
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 1381  
of the Revised Code, felonious sexual penetration in violation 1382  
of former section 2907.12 of the Revised Code, a violation of 1383  
section 2905.04 of the Revised Code as it existed prior to July 1384  
1, 1996, a violation of section 2919.23 of the Revised Code that 1385  
would have been a violation of section 2905.04 of the Revised 1386  
Code as it existed prior to July 1, 1996, had the violation been 1387  
committed prior to that date, or a violation of section 2925.11 1388  
of the Revised Code that is not a minor drug possession offense; 1389

(b) A violation of an existing or former law of this 1390  
state, any other state, or the United States that is 1391  
substantially equivalent to any of the offenses listed in 1392  
division (A) (1) (a) of this section; 1393

(c) If the request is made pursuant to section 3319.39 of 1394  
the Revised Code for an applicant who is a teacher, any offense 1395  
specified under section 9.79 of the Revised Code or in section 1396  
3319.31 of the Revised Code. 1397

(2) On receipt of a request pursuant to section 3712.09 or 1398  
3721.121 of the Revised Code, a completed form prescribed 1399  
pursuant to division (C) (1) of this section, and a set of 1400  
fingerprint impressions obtained in the manner described in 1401  
division (C) (2) of this section, the superintendent of the 1402  
bureau of criminal identification and investigation shall 1403

conduct a criminal records check with respect to any person who 1404  
has applied for employment in a position for which a criminal 1405  
records check is required by those sections. The superintendent 1406  
shall conduct the criminal records check in the manner described 1407  
in division (B) of this section to determine whether any 1408  
information exists that indicates that the person who is the 1409  
subject of the request previously has been convicted of or 1410  
pleaded guilty to any of the following: 1411

(a) A violation of section 2903.01, 2903.02, 2903.03, 1412  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1413  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1414  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1415  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1416  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1417  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1418  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1419  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1420

(b) An existing or former law of this state, any other 1421  
state, or the United States that is substantially equivalent to 1422  
any of the offenses listed in division (A) (2) (a) of this 1423  
section. 1424

(3) On receipt of a request pursuant to section 173.27, 1425  
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 1426  
5123.081, or 5123.169 of the Revised Code, a completed form 1427  
prescribed pursuant to division (C) (1) of this section, and a 1428  
set of fingerprint impressions obtained in the manner described 1429  
in division (C) (2) of this section, the superintendent of the 1430  
bureau of criminal identification and investigation shall 1431  
conduct a criminal records check of the person for whom the 1432  
request is made. The superintendent shall conduct the criminal 1433

records check in the manner described in division (B) of this 1434  
section to determine whether any information exists that 1435  
indicates that the person who is the subject of the request 1436  
previously has been convicted of, has pleaded guilty to, or 1437  
(except in the case of a request pursuant to section 5164.34, 1438  
5164.341, or 5164.342 of the Revised Code) has been found 1439  
eligible for intervention in lieu of conviction for any of the 1440  
following, regardless of the date of the conviction, the date of 1441  
entry of the guilty plea, or (except in the case of a request 1442  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 1443  
Revised Code) the date the person was found eligible for 1444  
intervention in lieu of conviction: 1445

(a) A violation of section 959.13, 959.131, 2903.01, 1446  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 1447  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 1448  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 1449  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1450  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 1451  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 1452  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 1453  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 1454  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 1455  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1456  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1457  
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 1458  
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 1459  
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 1460  
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 1461  
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1462  
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 1463  
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 1464

Revised Code;	1465
(b) Felonious sexual penetration in violation of former	1466
section 2907.12 of the Revised Code;	1467
(c) A violation of section 2905.04 of the Revised Code as	1468
it existed prior to July 1, 1996;	1469
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	1470
the Revised Code when the underlying offense that is the object	1471
of the conspiracy, attempt, or complicity is one of the offenses	1472
listed in divisions (A) (3) (a) to (c) of this section;	1473
(e) A violation of an existing or former municipal	1474
ordinance or law of this state, any other state, or the United	1475
States that is substantially equivalent to any of the offenses	1476
listed in divisions (A) (3) (a) to (d) of this section.	1477
(4) On receipt of a request pursuant to section 2151.86 or	1478
2151.904 of the Revised Code, a completed form prescribed	1479
pursuant to division (C) (1) of this section, and a set of	1480
fingerprint impressions obtained in the manner described in	1481
division (C) (2) of this section, the superintendent of the	1482
bureau of criminal identification and investigation shall	1483
conduct a criminal records check in the manner described in	1484
division (B) of this section to determine whether any	1485
information exists that indicates that the person who is the	1486
subject of the request previously has been convicted of or	1487
pleaded guilty to any of the following:	1488
(a) A violation of section 959.13, 2903.01, 2903.02,	1489
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,	1490
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05,	1491
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	1492
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32,	1493

2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 1494  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 1495  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1496  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1497  
2927.12, or 3716.11 of the Revised Code, a violation of section 1498  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1499  
a violation of section 2919.23 of the Revised Code that would 1500  
have been a violation of section 2905.04 of the Revised Code as 1501  
it existed prior to July 1, 1996, had the violation been 1502  
committed prior to that date, a violation of section 2925.11 of 1503  
the Revised Code that is not a minor drug possession offense, 1504  
two or more OVI or OVUAC violations committed within the three 1505  
years immediately preceding the submission of the application or 1506  
petition that is the basis of the request, or felonious sexual 1507  
penetration in violation of former section 2907.12 of the 1508  
Revised Code; 1509

(b) A violation of an existing or former law of this 1510  
state, any other state, or the United States that is 1511  
substantially equivalent to any of the offenses listed in 1512  
division (A) (4) (a) of this section. 1513

(5) Upon receipt of a request pursuant to section 5104.013 1514  
of the Revised Code, a completed form prescribed pursuant to 1515  
division (C) (1) of this section, and a set of fingerprint 1516  
impressions obtained in the manner described in division (C) (2) 1517  
of this section, the superintendent of the bureau of criminal 1518  
identification and investigation shall conduct a criminal 1519  
records check in the manner described in division (B) of this 1520  
section to determine whether any information exists that 1521  
indicates that the person who is the subject of the request has 1522  
been convicted of or pleaded guilty to any of the following: 1523

(a) A violation of section 2151.421, 2903.01, 2903.02, 1524  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1525  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1526  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1527  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1528  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1529  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 1530  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 1531  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 1532  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1533  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1534  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 1535  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 1536  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1537  
3716.11 of the Revised Code, felonious sexual penetration in 1538  
violation of former section 2907.12 of the Revised Code, a 1539  
violation of section 2905.04 of the Revised Code as it existed 1540  
prior to July 1, 1996, a violation of section 2919.23 of the 1541  
Revised Code that would have been a violation of section 2905.04 1542  
of the Revised Code as it existed prior to July 1, 1996, had the 1543  
violation been committed prior to that date, a violation of 1544  
section 2925.11 of the Revised Code that is not a minor drug 1545  
possession offense, a violation of section 2923.02 or 2923.03 of 1546  
the Revised Code that relates to a crime specified in this 1547  
division, or a second violation of section 4511.19 of the 1548  
Revised Code within five years of the date of application for 1549  
licensure or certification. 1550

(b) A violation of an existing or former law of this 1551  
state, any other state, or the United States that is 1552  
substantially equivalent to any of the offenses or violations 1553  
described in division (A) (5) (a) of this section. 1554

(6) Upon receipt of a request pursuant to section 5153.111 1555  
of the Revised Code, a completed form prescribed pursuant to 1556  
division (C)(1) of this section, and a set of fingerprint 1557  
impressions obtained in the manner described in division (C)(2) 1558  
of this section, the superintendent of the bureau of criminal 1559  
identification and investigation shall conduct a criminal 1560  
records check in the manner described in division (B) of this 1561  
section to determine whether any information exists that 1562  
indicates that the person who is the subject of the request 1563  
previously has been convicted of or pleaded guilty to any of the 1564  
following: 1565

(a) A violation of section 2903.01, 2903.02, 2903.03, 1566  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1567  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1568  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1569  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1570  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1571  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1572  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 1573  
Code, felonious sexual penetration in violation of former 1574  
section 2907.12 of the Revised Code, a violation of section 1575  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1576  
a violation of section 2919.23 of the Revised Code that would 1577  
have been a violation of section 2905.04 of the Revised Code as 1578  
it existed prior to July 1, 1996, had the violation been 1579  
committed prior to that date, or a violation of section 2925.11 1580  
of the Revised Code that is not a minor drug possession offense; 1581

(b) A violation of an existing or former law of this 1582  
state, any other state, or the United States that is 1583  
substantially equivalent to any of the offenses listed in 1584  
division (A)(6)(a) of this section. 1585

(7) On receipt of a request for a criminal records check 1586  
from an individual pursuant to section 4749.03 or 4749.06 of the 1587  
Revised Code, accompanied by a completed copy of the form 1588  
prescribed in division (C)(1) of this section and a set of 1589  
fingerprint impressions obtained in a manner described in 1590  
division (C)(2) of this section, the superintendent of the 1591  
bureau of criminal identification and investigation shall 1592  
conduct a criminal records check in the manner described in 1593  
division (B) of this section to determine whether any 1594  
information exists indicating that the person who is the subject 1595  
of the request has been convicted of or pleaded guilty to any 1596  
criminal offense in this state or in any other state. If the 1597  
individual indicates that a firearm will be carried in the 1598  
course of business, the superintendent shall require information 1599  
from the federal bureau of investigation as described in 1600  
division (B)(2) of this section. Subject to division (F) of this 1601  
section, the superintendent shall report the findings of the 1602  
criminal records check and any information the federal bureau of 1603  
investigation provides to the director of public safety. 1604

(8) On receipt of a request pursuant to section 1321.37, 1605  
1321.53, or 4763.05 of the Revised Code, a completed form 1606  
prescribed pursuant to division (C)(1) of this section, and a 1607  
set of fingerprint impressions obtained in the manner described 1608  
in division (C)(2) of this section, the superintendent of the 1609  
bureau of criminal identification and investigation shall 1610  
conduct a criminal records check with respect to any person who 1611  
has applied for a license, permit, or certification from the 1612  
department of commerce or a division in the department. The 1613  
superintendent shall conduct the criminal records check in the 1614  
manner described in division (B) of this section to determine 1615  
whether any information exists that indicates that the person 1616

who is the subject of the request previously has been convicted 1617  
of or pleaded guilty to any criminal offense in this state, any 1618  
other state, or the United States. 1619

(9) On receipt of a request for a criminal records check 1620  
from the treasurer of state under section 113.041 of the Revised 1621  
Code or from an individual under section 928.03, 4701.08, 1622  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 1623  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1624  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 1625  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 1626  
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1627  
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 1628  
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 1629  
accompanied by a completed form prescribed under division (C) (1) 1630  
of this section and a set of fingerprint impressions obtained in 1631  
the manner described in division (C) (2) of this section, the 1632  
superintendent of the bureau of criminal identification and 1633  
investigation shall conduct a criminal records check in the 1634  
manner described in division (B) of this section to determine 1635  
whether any information exists that indicates that the person 1636  
who is the subject of the request has been convicted of or 1637  
pleaded guilty to any criminal offense in this state or any 1638  
other state. Subject to division (F) of this section, the 1639  
superintendent shall send the results of a check requested under 1640  
section 113.041 of the Revised Code to the treasurer of state 1641  
and shall send the results of a check requested under any of the 1642  
other listed sections to the licensing board specified by the 1643  
individual in the request. 1644

(10) On receipt of a request pursuant to section 124.74, 1645  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1646  
Code, a completed form prescribed pursuant to division (C) (1) of 1647

this section, and a set of fingerprint impressions obtained in 1648  
the manner described in division (C) (2) of this section, the 1649  
superintendent of the bureau of criminal identification and 1650  
investigation shall conduct a criminal records check in the 1651  
manner described in division (B) of this section to determine 1652  
whether any information exists that indicates that the person 1653  
who is the subject of the request previously has been convicted 1654  
of or pleaded guilty to any criminal offense under any existing 1655  
or former law of this state, any other state, or the United 1656  
States. 1657

(11) On receipt of a request for a criminal records check 1658  
from an appointing or licensing authority under section 3772.07 1659  
of the Revised Code, a completed form prescribed under division 1660  
(C) (1) of this section, and a set of fingerprint impressions 1661  
obtained in the manner prescribed in division (C) (2) of this 1662  
section, the superintendent of the bureau of criminal 1663  
identification and investigation shall conduct a criminal 1664  
records check in the manner described in division (B) of this 1665  
section to determine whether any information exists that 1666  
indicates that the person who is the subject of the request 1667  
previously has been convicted of or pleaded guilty or no contest 1668  
to any offense under any existing or former law of this state, 1669  
any other state, or the United States that makes the person 1670  
ineligible for appointment or retention under section 3772.07 of 1671  
the Revised Code or that is a disqualifying offense as defined 1672  
in that section or substantially equivalent to a disqualifying 1673  
offense, as applicable. 1674

(12) On receipt of a request pursuant to section 2151.33 1675  
or 2151.412 of the Revised Code, a completed form prescribed 1676  
pursuant to division (C) (1) of this section, and a set of 1677  
fingerprint impressions obtained in the manner described in 1678

division (C) (2) of this section, the superintendent of the 1679  
bureau of criminal identification and investigation shall 1680  
conduct a criminal records check with respect to any person for 1681  
whom a criminal records check is required under that section. 1682  
The superintendent shall conduct the criminal records check in 1683  
the manner described in division (B) of this section to 1684  
determine whether any information exists that indicates that the 1685  
person who is the subject of the request previously has been 1686  
convicted of or pleaded guilty to any of the following: 1687

(a) A violation of section 2903.01, 2903.02, 2903.03, 1688  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1689  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1690  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1691  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1692  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1693  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1694  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1695  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1696

(b) An existing or former law of this state, any other 1697  
state, or the United States that is substantially equivalent to 1698  
any of the offenses listed in division (A) (12) (a) of this 1699  
section. 1700

(13) On receipt of a request pursuant to section 3796.12 1701  
of the Revised Code, a completed form prescribed pursuant to 1702  
division (C) (1) of this section, and a set of fingerprint 1703  
impressions obtained in a manner described in division (C) (2) of 1704  
this section, the superintendent of the bureau of criminal 1705  
identification and investigation shall conduct a criminal 1706  
records check in the manner described in division (B) of this 1707  
section to determine whether any information exists that 1708

indicates that the person who is the subject of the request 1709  
previously has been convicted of or pleaded guilty to the 1710  
following: 1711

(a) A disqualifying offense as specified in rules adopted 1712  
under section 9.79 and division (B) (2) (b) of section 3796.03 of 1713  
the Revised Code if the person who is the subject of the request 1714  
is an administrator or other person responsible for the daily 1715  
operation of, or an owner or prospective owner, officer or 1716  
prospective officer, or board member or prospective board member 1717  
of, an entity seeking a license from the department of commerce 1718  
under Chapter 3796. of the Revised Code; 1719

(b) A disqualifying offense as specified in rules adopted 1720  
under section 9.79 and division (B) (2) (b) of section 3796.04 of 1721  
the Revised Code if the person who is the subject of the request 1722  
is an administrator or other person responsible for the daily 1723  
operation of, or an owner or prospective owner, officer or 1724  
prospective officer, or board member or prospective board member 1725  
of, an entity seeking a license from the state board of pharmacy 1726  
under Chapter 3796. of the Revised Code. 1727

(14) On receipt of a request required by section 3796.13 1728  
of the Revised Code, a completed form prescribed pursuant to 1729  
division (C) (1) of this section, and a set of fingerprint 1730  
impressions obtained in a manner described in division (C) (2) of 1731  
this section, the superintendent of the bureau of criminal 1732  
identification and investigation shall conduct a criminal 1733  
records check in the manner described in division (B) of this 1734  
section to determine whether any information exists that 1735  
indicates that the person who is the subject of the request 1736  
previously has been convicted of or pleaded guilty to the 1737  
following: 1738

(a) A disqualifying offense as specified in rules adopted 1739  
under division (B) (8) (a) of section 3796.03 of the Revised Code 1740  
if the person who is the subject of the request is seeking 1741  
employment with an entity licensed by the department of commerce 1742  
under Chapter 3796. of the Revised Code; 1743

(b) A disqualifying offense as specified in rules adopted 1744  
under division (B) (14) (a) of section 3796.04 of the Revised Code 1745  
if the person who is the subject of the request is seeking 1746  
employment with an entity licensed by the state board of 1747  
pharmacy under Chapter 3796. of the Revised Code. 1748

(15) On receipt of a request pursuant to section 4768.06 1749  
of the Revised Code, a completed form prescribed under division 1750  
(C) (1) of this section, and a set of fingerprint impressions 1751  
obtained in the manner described in division (C) (2) of this 1752  
section, the superintendent of the bureau of criminal 1753  
identification and investigation shall conduct a criminal 1754  
records check in the manner described in division (B) of this 1755  
section to determine whether any information exists indicating 1756  
that the person who is the subject of the request has been 1757  
convicted of or pleaded guilty to any criminal offense in this 1758  
state or in any other state. 1759

(16) On receipt of a request pursuant to division (B) of 1760  
section 4764.07 or division (A) of section 4735.143 of the 1761  
Revised Code, a completed form prescribed under division (C) (1) 1762  
of this section, and a set of fingerprint impressions obtained 1763  
in the manner described in division (C) (2) of this section, the 1764  
superintendent of the bureau of criminal identification and 1765  
investigation shall conduct a criminal records check in the 1766  
manner described in division (B) of this section to determine 1767  
whether any information exists indicating that the person who is 1768

the subject of the request has been convicted of or pleaded 1769  
guilty to any criminal offense in any state or the United 1770  
States. 1771

(17) On receipt of a request for a criminal records check 1772  
under section 147.022 of the Revised Code, a completed form 1773  
prescribed under division (C)(1) of this section, and a set of 1774  
fingerprint impressions obtained in the manner prescribed in 1775  
division (C)(2) of this section, the superintendent of the 1776  
bureau of criminal identification and investigation shall 1777  
conduct a criminal records check in the manner described in 1778  
division (B) of this section to determine whether any 1779  
information exists that indicates that the person who is the 1780  
subject of the request previously has been convicted of or 1781  
pleaded guilty or no contest to any criminal offense under any 1782  
existing or former law of this state, any other state, or the 1783  
United States. 1784

(18) Upon receipt of a request pursuant to division (F) of 1785  
section 2915.081 or division (E) of section 2915.082 of the 1786  
Revised Code, a completed form prescribed under division (C)(1) 1787  
of this section, and a set of fingerprint impressions obtained 1788  
in the manner described in division (C)(2) of this section, the 1789  
superintendent of the bureau of criminal identification and 1790  
investigation shall conduct a criminal records check in the 1791  
manner described in division (B) of this section to determine 1792  
whether any information exists indicating that the person who is 1793  
the subject of the request has been convicted of or pleaded 1794  
guilty or no contest to any offense that is a violation of 1795  
Chapter 2915. of the Revised Code or to any offense under any 1796  
existing or former law of this state, any other state, or the 1797  
United States that is substantially equivalent to such an 1798  
offense. 1799

(19) On receipt of a request pursuant to section 3775.03 1800  
of the Revised Code, a completed form prescribed under division 1801  
(C) (1) of this section, and a set of fingerprint impressions 1802  
obtained in the manner described in division (C) (2) of this 1803  
section, the superintendent of the bureau of criminal 1804  
identification and investigation shall conduct a criminal 1805  
records check in the manner described in division (B) of this 1806  
section and shall request information from the federal bureau of 1807  
investigation to determine whether any information exists 1808  
indicating that the person who is the subject of the request has 1809  
been convicted of any offense under any existing or former law 1810  
of this state, any other state, or the United States that is a 1811  
disqualifying offense as defined in section 3772.07 of the 1812  
Revised Code. 1813

(B) Subject to division (F) of this section, the 1814  
superintendent shall conduct any criminal records check to be 1815  
conducted under this section as follows: 1816

(1) The superintendent shall review or cause to be 1817  
reviewed any relevant information gathered and compiled by the 1818  
bureau under division (A) of section 109.57 of the Revised Code 1819  
that relates to the person who is the subject of the criminal 1820  
records check, including, if the criminal records check was 1821  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 1822  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1823  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 1824  
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 1825  
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1826  
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 1827  
5123.169, or 5153.111 of the Revised Code, any relevant 1828  
information contained in records that have been sealed under 1829  
section 2953.32 of the Revised Code; 1830

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

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

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

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records

check, the completed form prescribed under division (C) (1) of 1861  
this section, and the set of fingerprint impressions obtained in 1862  
the manner described in division (C) (2) of this section: 1863

(a) If the superintendent is required by division (A) of 1864  
this section (other than division (A) (3) of this section) to 1865  
conduct the criminal records check, thirty; 1866

(b) If the superintendent is required by division (A) (3) 1867  
of this section to conduct the criminal records check, sixty. 1868

(C) (1) The superintendent shall prescribe a form to obtain 1869  
the information necessary to conduct a criminal records check 1870  
from any person for whom a criminal records check is to be 1871  
conducted under this section. The form that the superintendent 1872  
prescribes pursuant to this division may be in a tangible 1873  
format, in an electronic format, or in both tangible and 1874  
electronic formats. 1875

(2) The superintendent shall prescribe standard impression 1876  
sheets to obtain the fingerprint impressions of any person for 1877  
whom a criminal records check is to be conducted under this 1878  
section. Any person for whom a records check is to be conducted 1879  
under this section shall obtain the fingerprint impressions at a 1880  
county sheriff's office, municipal police department, or any 1881  
other entity with the ability to make fingerprint impressions on 1882  
the standard impression sheets prescribed by the superintendent. 1883  
The office, department, or entity may charge the person a 1884  
reasonable fee for making the impressions. The standard 1885  
impression sheets the superintendent prescribes pursuant to this 1886  
division may be in a tangible format, in an electronic format, 1887  
or in both tangible and electronic formats. 1888

(3) Subject to division (D) of this section, the 1889

superintendent shall prescribe and charge a reasonable fee for 1890  
providing a criminal records check under this section. The 1891  
person requesting the criminal records check shall pay the fee 1892  
prescribed pursuant to this division. In the case of a request 1893  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1894  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1895  
fee shall be paid in the manner specified in that section. 1896

(4) The superintendent of the bureau of criminal 1897  
identification and investigation may prescribe methods of 1898  
forwarding fingerprint impressions and information necessary to 1899  
conduct a criminal records check, which methods shall include, 1900  
but not be limited to, an electronic method. 1901

(D) The results of a criminal records check conducted 1902  
under this section, other than a criminal records check 1903  
specified in division (A) (7) of this section, are valid for the 1904  
person who is the subject of the criminal records check for a 1905  
period of one year from the date upon which the superintendent 1906  
completes the criminal records check. If during that period the 1907  
superintendent receives another request for a criminal records 1908  
check to be conducted under this section for that person, the 1909  
superintendent shall provide the results from the previous 1910  
criminal records check of the person at a lower fee than the fee 1911  
prescribed for the initial criminal records check. 1912

(E) When the superintendent receives a request for 1913  
information from a registered private provider, the 1914  
superintendent shall proceed as if the request was received from 1915  
a school district board of education under section 3319.39 of 1916  
the Revised Code. The superintendent shall apply division (A) (1) 1917  
(c) of this section to any such request for an applicant who is 1918  
a teacher. 1919

(F) (1) Subject to division (F) (2) of this section, all 1920  
information regarding the results of a criminal records check 1921  
conducted under this section that the superintendent reports or 1922  
sends under division (A) (7) or (9) of this section to the 1923  
director of public safety, the treasurer of state, or the 1924  
person, board, or entity that made the request for the criminal 1925  
records check shall relate to the conviction of the subject 1926  
person, or the subject person's plea of guilty to, a criminal 1927  
offense. 1928

(2) Division (F) (1) of this section does not limit, 1929  
restrict, or preclude the superintendent's release of 1930  
information that relates to the arrest of a person who is 1931  
eighteen years of age or older, to an adjudication of a child as 1932  
a delinquent child, or to a criminal conviction of a person 1933  
under eighteen years of age in circumstances in which a release 1934  
of that nature is authorized under division (E) (2), (3), or (4) 1935  
of section 109.57 of the Revised Code pursuant to a rule adopted 1936  
under division (E) (1) of that section. 1937

(G) As used in this section: 1938

(1) "Criminal records check" means any criminal records 1939  
check conducted by the superintendent of the bureau of criminal 1940  
identification and investigation in accordance with division (B) 1941  
of this section. 1942

(2) "Minor drug possession offense" has the same meaning 1943  
as in section 2925.01 of the Revised Code. 1944

(3) "OVI or OVUAC violation" means a violation of section 1945  
4511.19 of the Revised Code or a violation of an existing or 1946  
former law of this state, any other state, or the United States 1947  
that is substantially equivalent to section 4511.19 of the 1948

Revised Code. 1949

(4) "Registered private provider" means a nonpublic school 1950  
or entity registered with the ~~superintendent of public~~ 1951  
~~instruction department of education and workforce~~ under section 1952  
3310.41 of the Revised Code to participate in the autism 1953  
scholarship program or section 3310.58 of the Revised Code to 1954  
participate in the Jon Peterson special needs scholarship 1955  
program. 1956

**Sec. 109.64.** The bureau of criminal identification and 1957  
investigation shall prepare a periodic information bulletin 1958  
concerning missing children whom it determines may be present in 1959  
this state. The bureau shall compile the bulletin from 1960  
information contained in the national crime information center 1961  
computer. The bulletin shall indicate the names and addresses of 1962  
these minors who are the subject of missing children cases and 1963  
other information that the superintendent of the bureau 1964  
considers appropriate. The bulletin shall contain a reminder to 1965  
law enforcement agencies of their responsibilities under section 1966  
2901.30 of the Revised Code. 1967

The bureau shall send a copy of each periodic information 1968  
bulletin to the missing children clearinghouse established under 1969  
section 109.65 of the Revised Code for use in connection with 1970  
its responsibilities under division (E) of that section. Upon 1971  
receipt of each periodic information bulletin from the bureau, 1972  
the missing children clearinghouse shall send a copy of the 1973  
bulletin to each sheriff, marshal, police department of a 1974  
municipal corporation, police force of a township police 1975  
district or joint police district, and township constable in 1976  
this state, to the board of education of each school district in 1977  
this state, and to each nonpublic school in this state. The 1978

bureau shall provide a copy of the bulletin, upon request, to 1979  
other persons or entities. The superintendent of the bureau, 1980  
with the approval of the attorney general, may establish a 1981  
reasonable fee for a copy of a bulletin provided to persons or 1982  
entities other than law enforcement agencies in this or other 1983  
states or of the federal government, the department of education 1984  
and workforce, governmental entities of this state, and 1985  
libraries in this state. The superintendent shall deposit all 1986  
such fees collected into the missing children fund created by 1987  
section 109.65 of the Revised Code. 1988

As used in this section, "missing children," 1989  
"information," and "minor" have the same meanings as in section 1990  
2901.30 of the Revised Code. 1991

**Sec. 109.65.** (A) As used in this section, "minor," 1992  
"missing child," and "missing children" have the same meanings 1993  
as in section 2901.30 of the Revised Code. 1994

(B) There is hereby created within the office of the 1995  
attorney general the missing children clearinghouse. The 1996  
attorney general shall administer the clearinghouse. The 1997  
clearinghouse is established as a central repository of 1998  
information to coordinate and improve the availability of 1999  
information regarding missing children, which information shall 2000  
be collected and disseminated by the clearinghouse to assist in 2001  
the location of missing children. The clearinghouse shall act as 2002  
an information repository separate from and in addition to law 2003  
enforcement agencies within this state. 2004

(C) The missing children clearinghouse may perform any of 2005  
the following functions: 2006

(1) The establishment of services to aid in the location 2007

of missing children that include, but are not limited to, any of	2008
the following services:	2009
(a) Assistance in the preparation and dissemination of	2010
flyers identifying and describing missing children and their	2011
abductors;	2012
(b) The development of informational forms for the	2013
reporting of missing children that may be used by parents,	2014
guardians, and law enforcement officials to facilitate the	2015
location of a missing child;	2016
(c) The provision of assistance to public and private	2017
organizations, boards of education, nonpublic schools,	2018
preschools, child care facilities, and law enforcement agencies	2019
in planning and implementing voluntary programs to fingerprint	2020
children.	2021
(2) The establishment and operation of a toll-free	2022
telephone line for supplemental reports of missing children and	2023
reports of sightings of missing children;	2024
(3) Upon the request of any person or entity and upon	2025
payment of any applicable fee established by the attorney	2026
general under division (H) of this section, the provision to the	2027
person or entity who makes the request of a copy of any	2028
information possessed by the clearinghouse that was acquired or	2029
prepared pursuant to division (E) (3) of this section;	2030
(4) The performance of liaison services between	2031
individuals and public and private agencies regarding procedures	2032
for handling and responding to missing children reports;	2033
(5) The participation as a member in any networks of other	2034
missing children centers or clearinghouses;	2035

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

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

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

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

Upon the request of any board of education in this state

or any nonpublic school in this state that, pursuant to section 2066  
3313.96 of the Revised Code, is developing an information 2067  
program concerning missing children issues and matters, the 2068  
missing child educational program shall provide to the board or 2069  
nonpublic school assistance in developing the information 2070  
program. The assistance may include, but is not limited to, the 2071  
provision of any or all of the following: 2072

(a) If the requesting entity is a board of education of a 2073  
school district, sample policies on missing and exploited 2074  
children issues to assist the board in complying with section 2075  
3313.205 of the Revised Code; 2076

(b) Suggested safety curricula regarding missing children 2077  
issues, including child safety and abduction prevention issues; 2078

(c) Assistance in developing, with local law enforcement 2079  
agencies, prosecuting attorneys, boards of education, school 2080  
districts, and nonpublic schools, cooperative programs for 2081  
fingerprinting children; 2082

(d) Other assistance to further the goals of the program. 2083

(3) The missing child educational program shall acquire or 2084  
prepare informational materials relating to missing children 2085  
issues and matters. These issues and matters include, but are 2086  
not limited to, the following: 2087

(a) The types of missing children; 2088

(b) The reasons why and how minors become missing 2089  
children, the potential adverse consequences of a minor becoming 2090  
a missing child, and, in the case of minors who are considering 2091  
running away from home or from the care, custody, and control of 2092  
their parents, parent who is the residential parent and legal 2093  
custodian, guardian, legal custodian, or another person 2094

responsible for them, alternatives that may be available to	2095
address their concerns and problems;	2096
(c) Offenses under federal law that could relate to	2097
missing children and other provisions of federal law that focus	2098
on missing children;	2099
(d) Offenses under the Revised Code that could relate to	2100
missing children, including, but not limited to, kidnapping,	2101
abduction, unlawful restraint, child stealing, interference with	2102
custody, endangering children, domestic violence, abuse of a	2103
child and contributing to the dependency, neglect, unruliness,	2104
or delinquency of a child, sexual offenses, drug offenses,	2105
prostitution offenses, and obscenity offenses, and other	2106
provisions of the Revised Code that could relate to missing	2107
children;	2108
(e) Legislation being considered by the general assembly,	2109
legislatures of other states, the congress of the United States,	2110
and political subdivisions in this or any other state to address	2111
missing children issues;	2112
(f) Sources of information on missing children issues;	2113
(g) State, local, federal, and private systems for	2114
locating and identifying missing children;	2115
(h) Law enforcement agency programs, responsibilities, and	2116
investigative techniques in missing children matters;	2117
(i) Efforts on the community level in this and other	2118
states, concerning missing children issues and matters, by	2119
governmental entities and private organizations;	2120
(j) The identification of private organizations that,	2121
among their primary objectives, address missing children issues	2122

and matters; 2123

(k) How to avoid becoming a missing child and what to do 2124  
if one becomes a missing child; 2125

(l) Efforts that schools, parents, and members of a 2126  
community can undertake to reduce the risk that a minor will 2127  
become a missing child and to quickly locate or identify a minor 2128  
if he becomes a missing child, including, but not limited to, 2129  
fingerprinting programs. 2130

(F) Each year the missing children clearinghouse shall 2131  
issue a report describing its performance of the functions 2132  
specified in division (E) of this section and shall provide a 2133  
copy of the report to the speaker of the house of 2134  
representatives, the president of the senate, the governor, the 2135  
superintendent of the bureau of criminal identification and 2136  
investigation, and the director of job and family services. 2137

(G) Any state agency or political subdivision of this 2138  
state that operates a missing children program or a 2139  
clearinghouse for information about missing children shall 2140  
coordinate its activities with the missing children 2141  
clearinghouse. 2142

(H) The attorney general shall determine a reasonable fee 2143  
to be charged for providing to any person or entity other than a 2144  
state or local law enforcement agency of this or any other 2145  
state, a law enforcement agency of the United States, a board of 2146  
education of a school district in this state, a nonpublic school 2147  
in this state, a governmental entity in this state, or a public 2148  
library in this state, pursuant to division (A)(3) of this 2149  
section, copies of any information acquired or prepared pursuant 2150  
to division (E)(3) of this section. The attorney general shall 2151

collect the fee prior to sending or giving copies of any 2152  
information to any person or entity for whom or which this 2153  
division requires the fee to be charged and shall deposit the 2154  
fee into the missing children fund created by division (I) of 2155  
this section. 2156

(I) There is hereby created in the state treasury the 2157  
missing children fund that shall consist of all moneys awarded 2158  
to the state by donation, gift, or bequest, all other moneys 2159  
received for purposes of this section, and all fees collected 2160  
pursuant to this section or section 109.64 of the Revised Code. 2161  
The attorney general shall use the moneys in the missing 2162  
children fund only for purposes of the office of the attorney 2163  
general acquiring or preparing information pursuant to division 2164  
(E) (3) of this section. 2165

(J) The failure of the missing children clearinghouse to 2166  
undertake any function or activity authorized in this section 2167  
does not create a cause of action against the state. 2168

**Sec. 109.71.** There is hereby created in the office of the 2169  
attorney general the Ohio peace officer training commission. The 2170  
commission shall consist of ten members appointed by the 2171  
governor with the advice and consent of the senate and selected 2172  
as follows: one member representing the public; one member who 2173  
represents a fraternal organization representing law enforcement 2174  
officers; two members who are incumbent sheriffs; two members 2175  
who are incumbent chiefs of police; one member from the bureau 2176  
of criminal identification and investigation; one member from 2177  
the state highway patrol; one member who is the special agent in 2178  
charge of a field office of the federal bureau of investigation 2179  
in this state; and one member from the department of education\_ 2180  
and workforce, trade and industrial education services, law 2181

enforcement training. 2182

This section does not confer any arrest authority or any 2183  
ability or authority to detain a person, write or issue any 2184  
citation, or provide any disposition alternative, as granted 2185  
under Chapter 2935. of the Revised Code. 2186

Pursuant to division (A) (9) of section 101.82 of the 2187  
Revised Code, the commission is exempt from the requirements of 2188  
sections 101.82 to 101.87 of the Revised Code. 2189

As used in sections 109.71 to 109.801 of the Revised Code: 2190

(A) "Peace officer" means: 2191

(1) A deputy sheriff, marshal, deputy marshal, member of 2192  
the organized police department of a township or municipal 2193  
corporation, member of a township police district or joint 2194  
police district police force, member of a police force employed 2195  
by a metropolitan housing authority under division (D) of 2196  
section 3735.31 of the Revised Code, or township constable, who 2197  
is commissioned and employed as a peace officer by a political 2198  
subdivision of this state or by a metropolitan housing 2199  
authority, and whose primary duties are to preserve the peace, 2200  
to protect life and property, and to enforce the laws of this 2201  
state, ordinances of a municipal corporation, resolutions of a 2202  
township, or regulations of a board of county commissioners or 2203  
board of township trustees, or any of those laws, ordinances, 2204  
resolutions, or regulations; 2205

(2) A police officer who is employed by a railroad company 2206  
and appointed and commissioned by the secretary of state 2207  
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 2208

(3) Employees of the department of taxation engaged in the 2209  
enforcement of Chapter 5743. of the Revised Code and designated 2210

by the tax commissioner for peace officer training for purposes	2211
of the delegation of investigation powers under section 5743.45	2212
of the Revised Code;	2213
(4) An undercover drug agent;	2214
(5) Enforcement agents of the department of public safety	2215
whom the director of public safety designates under section	2216
5502.14 of the Revised Code;	2217
(6) An employee of the department of natural resources who	2218
is a natural resources law enforcement staff officer designated	2219
pursuant to section 1501.013, a natural resources officer	2220
appointed pursuant to section 1501.24, a forest-fire	2221
investigator appointed pursuant to section 1503.09, or a	2222
wildlife officer designated pursuant to section 1531.13 of the	2223
Revised Code;	2224
(7) An employee of a park district who is designated	2225
pursuant to section 511.232 or 1545.13 of the Revised Code;	2226
(8) An employee of a conservancy district who is	2227
designated pursuant to section 6101.75 of the Revised Code;	2228
(9) A police officer who is employed by a hospital that	2229
employs and maintains its own proprietary police department or	2230
security department, and who is appointed and commissioned by	2231
the secretary of state pursuant to sections 4973.17 to 4973.22	2232
of the Revised Code;	2233
(10) Veterans' homes police officers designated under	2234
section 5907.02 of the Revised Code;	2235
(11) A police officer who is employed by a qualified	2236
nonprofit corporation police department pursuant to section	2237
1702.80 of the Revised Code;	2238

(12) A state university law enforcement officer appointed	2239
under section 3345.04 of the Revised Code or a person serving as	2240
a state university law enforcement officer on a permanent basis	2241
on June 19, 1978, who has been awarded a certificate by the	2242
executive director of the Ohio peace officer training commission	2243
attesting to the person's satisfactory completion of an approved	2244
state, county, municipal, or department of natural resources	2245
peace officer basic training program;	2246
(13) A special police officer employed by the department	2247
of mental health and addiction services pursuant to section	2248
5119.08 of the Revised Code or the department of developmental	2249
disabilities pursuant to section 5123.13 of the Revised Code;	2250
(14) A member of a campus police department appointed	2251
under section 1713.50 of the Revised Code;	2252
(15) A member of a police force employed by a regional	2253
transit authority under division (Y) of section 306.35 of the	2254
Revised Code;	2255
(16) Investigators appointed by the auditor of state	2256
pursuant to section 117.091 of the Revised Code and engaged in	2257
the enforcement of Chapter 117. of the Revised Code;	2258
(17) A special police officer designated by the	2259
superintendent of the state highway patrol pursuant to section	2260
5503.09 of the Revised Code or a person who was serving as a	2261
special police officer pursuant to that section on a permanent	2262
basis on October 21, 1997, and who has been awarded a	2263
certificate by the executive director of the Ohio peace officer	2264
training commission attesting to the person's satisfactory	2265
completion of an approved state, county, municipal, or	2266
department of natural resources peace officer basic training	2267

program; 2268

(18) A special police officer employed by a port authority 2269  
under section 4582.04 or 4582.28 of the Revised Code or a person 2270  
serving as a special police officer employed by a port authority 2271  
on a permanent basis on May 17, 2000, who has been awarded a 2272  
certificate by the executive director of the Ohio peace officer 2273  
training commission attesting to the person's satisfactory 2274  
completion of an approved state, county, municipal, or 2275  
department of natural resources peace officer basic training 2276  
program; 2277

(19) A special police officer employed by a municipal 2278  
corporation who has been awarded a certificate by the executive 2279  
director of the Ohio peace officer training commission for 2280  
satisfactory completion of an approved peace officer basic 2281  
training program and who is employed on a permanent basis on or 2282  
after March 19, 2003, at a municipal airport, or other municipal 2283  
air navigation facility, that has scheduled operations, as 2284  
defined in section 119.3 of Title 14 of the Code of Federal 2285  
Regulations, 14 C.F.R. 119.3, as amended, and that is required 2286  
to be under a security program and is governed by aviation 2287  
security rules of the transportation security administration of 2288  
the United States department of transportation as provided in 2289  
Parts 1542. and 1544. of Title 49 of the Code of Federal 2290  
Regulations, as amended; 2291

(20) A police officer who is employed by an owner or 2292  
operator of an amusement park that has an average yearly 2293  
attendance in excess of six hundred thousand guests and that 2294  
employs and maintains its own proprietary police department or 2295  
security department, and who is appointed and commissioned by a 2296  
judge of the appropriate municipal court or county court 2297

pursuant to section 4973.17 of the Revised Code; 2298

(21) A police officer who is employed by a bank, savings 2299  
and loan association, savings bank, credit union, or association 2300  
of banks, savings and loan associations, savings banks, or 2301  
credit unions, who has been appointed and commissioned by the 2302  
secretary of state pursuant to sections 4973.17 to 4973.22 of 2303  
the Revised Code, and who has been awarded a certificate by the 2304  
executive director of the Ohio peace officer training commission 2305  
attesting to the person's satisfactory completion of a state, 2306  
county, municipal, or department of natural resources peace 2307  
officer basic training program; 2308

(22) An investigator, as defined in section 109.541 of the 2309  
Revised Code, of the bureau of criminal identification and 2310  
investigation who is commissioned by the superintendent of the 2311  
bureau as a special agent for the purpose of assisting law 2312  
enforcement officers or providing emergency assistance to peace 2313  
officers pursuant to authority granted under that section; 2314

(23) A state fire marshal law enforcement officer 2315  
appointed under section 3737.22 of the Revised Code or a person 2316  
serving as a state fire marshal law enforcement officer on a 2317  
permanent basis on or after July 1, 1982, who has been awarded a 2318  
certificate by the executive director of the Ohio peace officer 2319  
training commission attesting to the person's satisfactory 2320  
completion of an approved state, county, municipal, or 2321  
department of natural resources peace officer basic training 2322  
program; 2323

(24) A gaming agent employed under section 3772.03 of the 2324  
Revised Code; 2325

(25) An employee of the state board of pharmacy designated 2326

by the executive director of the board pursuant to section 2327  
4729.04 of the Revised Code to investigate violations of 2328  
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 2329  
Revised Code and rules adopted thereunder. 2330

(B) "Undercover drug agent" has the same meaning as in 2331  
division (B) (2) of section 109.79 of the Revised Code. 2332

(C) "Crisis intervention training" means training in the 2333  
use of interpersonal and communication skills to most 2334  
effectively and sensitively interview victims of rape. 2335

(D) "Missing children" has the same meaning as in section 2336  
2901.30 of the Revised Code. 2337

(E) "Tactical medical professional" means an EMT, EMT- 2338  
basic, AEMT, EMT-I, paramedic, nurse, or physician who is 2339  
trained and certified in a nationally recognized tactical 2340  
medical training program that is equivalent to "tactical combat 2341  
casualty care" (TCCC) and "tactical emergency medical support" 2342  
(TEMS) and who functions in the tactical or austere environment 2343  
while attached to a law enforcement agency of either this state 2344  
or a political subdivision of this state. 2345

(F) "EMT-basic," "EMT-I," and "paramedic" have the same 2346  
meanings as in section 4765.01 of the Revised Code and "EMT" and 2347  
"AEMT" have the same meanings as in section 4765.011 of the 2348  
Revised Code. 2349

(G) "Nurse" means any of the following: 2350

(1) Any person who is licensed to practice nursing as a 2351  
registered nurse by the board of nursing; 2352

(2) Any certified nurse practitioner, clinical nurse 2353  
specialist, certified registered nurse anesthetist, or certified 2354

nurse-midwife who holds a certificate of authority issued by the 2355  
board of nursing under Chapter 4723. of the Revised Code; 2356

(3) Any person who is licensed to practice nursing as a 2357  
licensed practical nurse by the board of nursing pursuant to 2358  
Chapter 4723. of the Revised Code. 2359

(H) "Physician" means a person who is licensed pursuant to 2360  
Chapter 4731. of the Revised Code to practice medicine and 2361  
surgery or osteopathic medicine and surgery. 2362

(I) "County correctional officer" has the same meaning as 2363  
in section 341.41 of the Revised Code. 2364

**Sec. 109.72.** Ohio peace officer training commission member 2365  
terms shall be for three years, commencing on the twentieth day 2366  
of September and ending on the nineteenth day of September. Each 2367  
member shall hold office from the date of appointment until the 2368  
end of the term to which the member was appointed. Any member 2369  
appointed to fill a vacancy occurring prior to the expiration of 2370  
the term for which the member's predecessor was appointed shall 2371  
hold office for the remainder of such term. Any member shall 2372  
continue in office subsequent to the expiration date of the 2373  
member's term until the member's successor takes office, or 2374  
until a period of sixty days has elapsed, whichever occurs 2375  
first. An interim chairperson shall be appointed by the governor 2376  
until such time as the commission elects a permanent 2377  
chairperson. 2378

Any member of the commission appointed pursuant to section 2379  
109.71 of the Revised Code as an incumbent sheriff, incumbent 2380  
chief of police, representative of the state highway patrol, 2381  
state department of education and workforce, federal bureau of 2382  
investigation, and bureau of criminal identification and 2383

investigation, shall immediately, upon termination of holding 2384  
such office, cease to be a member of the commission, and a 2385  
successor shall be appointed. 2386

The commission shall meet at least four times each year. 2387  
Special meetings may be called by the chairperson and shall be 2388  
called by the chairperson at the request of the attorney general 2389  
or upon the written request of five members of the commission. 2390  
The commission may establish its own requirements as to quorum 2391  
and its own procedures with respect to the conduct of its 2392  
meetings and other affairs; provided, that all recommendations 2393  
by the commission to the attorney general pursuant to section 2394  
109.74 of the Revised Code shall require the affirmative vote of 2395  
five members of the commission. 2396

Membership on the commission does not constitute the 2397  
holding of an office, and members of the commission shall not be 2398  
required to take and file oaths of office before serving on the 2399  
commission. The commission shall not exercise any portion of the 2400  
sovereign power of the state. 2401

The members of the commission shall receive no 2402  
compensation for their services but shall be allowed their 2403  
actual and necessary expenses incurred in the performance of 2404  
their duties. 2405

No member of the commission shall be disqualified from 2406  
holding any public office or employment, nor shall the member 2407  
forfeit any such office or employment, by reason of appointment 2408  
to the commission, notwithstanding any general, special, or 2409  
local law, ordinance, or city charter to the contrary. 2410

**Sec. 109.746.** (A) The attorney general may prepare public 2411  
awareness programs that are designed to educate potential 2412

victims of violations of section 2905.32 of the Revised Code and 2413  
their families of the risks of becoming a victim of a violation 2414  
of that section. The attorney general may prepare these programs 2415  
with assistance from the department of health, the department of 2416  
mental health and addiction services, the department of job and 2417  
family services, and the department of education and workforce. 2418

(B) Any organization, person, or other governmental agency 2419  
with an interest and expertise in trafficking in persons may 2420  
submit information or materials to the attorney general 2421  
regarding the preparation of the programs and materials 2422  
permitted under this section. The attorney general, in 2423  
developing the programs and materials permitted by this section, 2424  
shall consider any information submitted pursuant to this 2425  
division. 2426

**Sec. 113.73.** (A) The Ohio state and local government 2427  
expenditure database shall include the following features: 2428

(1) A searchable database of all expenditures; 2429

(2) The ability to filter expenditures by the following 2430  
categories: 2431

(a) The category of expense; 2432

(b) The Ohio administrative knowledge system accounting 2433  
code for a specific good or service. 2434

(3) The ability to search and filter by any of the factors 2435  
listed in section 113.72 of the Revised Code; 2436

(4) The ability to aggregate data contained in the 2437  
database; 2438

(5) The ability to determine the total amount of 2439  
expenditures awarded to a supplier by a state entity; 2440

(6) The ability to download information obtained through 2441  
the database; 2442

(7) A searchable database of state and school district 2443  
employee salary and employment information. 2444

(B) The information required under division (A) (7) of this 2445  
section shall be provided by the department of administrative 2446  
services or the department of education and workforce, as 2447  
applicable. 2448

**Sec. 117.46.** Each biennium the auditor of state shall 2449  
conduct a minimum of four performance audits under this section. 2450  
Except as otherwise provided in this section, at least two of 2451  
the audits shall be of state agencies selected from a list 2452  
comprised of the administrative departments listed in section 2453  
121.02 of the Revised Code and the department of education and 2454  
workforce and at least two of the audits shall be of other state 2455  
agencies. At the auditor of state's discretion, the auditor of 2456  
state may also conduct performance audits of state institutions 2457  
of higher education. The offices of the attorney general, 2458  
auditor of state, governor, secretary of state, and treasurer of 2459  
state and agencies of the legislative and judicial branches are 2460  
not subject to an audit under this section. 2461

The auditor shall select each agency or institution to be 2462  
audited and shall determine whether to audit the entire agency 2463  
or institution or a portion of the agency or institution by 2464  
auditing one or more programs, offices, boards, councils, or 2465  
other entities within that agency or institution. The auditor 2466  
shall make the selection and determination in consultation with 2467  
the governor and the speaker and minority leader of the house of 2468  
representatives and president and minority leader of the senate. 2469

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

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

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

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

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

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

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

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

(E) The department of agriculture, which shall be

administered by the director of agriculture;	2498
(F) The department of natural resources, which shall be administered by the director of natural resources;	2499 2500
(G) The department of health, which shall be administered by the director of health;	2501 2502
(H) The department of job and family services, which shall be administered by the director of job and family services;	2503 2504
(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;	2505 2506
(J) The department of public safety, which shall be administered by the director of public safety;	2507 2508
(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;	2509 2510 2511
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	2512 2513 2514
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	2515 2516 2517
(N) The department of development, which shall be administered by the director of development;	2518 2519
(O) The department of youth services, which shall be administered by the director of youth services;	2520 2521
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;	2522 2523 2524

(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	2525 2526
(R) The department of aging, which shall be administered by the director of aging;	2527 2528
(S) The department of veterans services, which shall be administered by the director of veterans services;	2529 2530
(T) The department of medicaid, which shall be administered by the medicaid director;	2531 2532
<u>(U) The department of education and workforce, which shall be administered by the director of education and workforce.</u>	2533 2534
The director of each department shall exercise the powers and perform the duties vested by law in such department.	2535 2536
<b>Sec. 121.03.</b> The following administrative department heads shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor.	2537 2538 2539 2540 2541
(A) The director of budget and management;	2542
(B) The director of commerce;	2543
(C) The director of transportation;	2544
(D) The director of agriculture;	2545
(E) The director of job and family services;	2546
(F) Until July 1, 1997, the director of liquor control;	2547
(G) The director of public safety;	2548
(H) The superintendent of insurance;	2549

(I) The director of development;	2550
(J) The tax commissioner;	2551
(K) The director of administrative services;	2552
(L) The director of natural resources;	2553
(M) The director of mental health and addiction services;	2554
(N) The director of developmental disabilities;	2555
(O) The director of health;	2556
(P) The director of youth services;	2557
(Q) The director of rehabilitation and correction;	2558
(R) The director of environmental protection;	2559
(S) The director of aging;	2560
(T) The administrator of workers' compensation who meets	2561
the qualifications required under division (A) of section	2562
4121.121 of the Revised Code;	2563
(U) The director of veterans services who meets the	2564
qualifications required under section 5902.01 of the Revised	2565
Code;	2566
(V) The chancellor of higher education;	2567
(W) The medicaid director;	2568
<u>(X) The director of education and workforce.</u>	2569
<b>Sec. 121.35.</b> (A) Subject to division (B) of this section,	2570
the following state agencies shall collaborate to revise and	2571
make more uniform the eligibility standards and eligibility	2572
determination procedures of programs the state agencies	2573
administer:	2574

(1) The department of aging;	2575
(2) The development services agency;	2576
(3) The department of developmental disabilities;	2577
(4) The department of education <u>and workforce</u> ;	2578
(5) The department of health;	2579
(6) The department of job and family services;	2580
(7) The department of medicaid;	2581
(8) The department of mental health and addiction services;	2582 2583
(9) The opportunities for Ohioans with disabilities agency.	2584 2585
(B) In revising eligibility standards and eligibility determination procedures, a state agency shall not make any program's eligibility standards or eligibility determination procedures inconsistent with state or federal law. To the extent authorized by state and federal law, the revisions may provide for the state agencies to share administrative operations.	2586 2587 2588 2589 2590 2591
<b>Sec. 121.37.</b> (A) (1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the <del>superintendent of public instruction</del> <u>director of</u> <u>education and workforce</u> , the executive director of the opportunities for Ohioans with disabilities agency, the medicaid director, and the directors of youth services, job and family services, mental health and addiction services, health, developmental disabilities, aging, rehabilitation and correction, and budget and management. The chairperson of the council shall be the governor or the governor's designee and	2592 2593 2594 2595 2596 2597 2598 2599 2600 2601

shall establish procedures for the council's internal control 2602  
and management. 2603

The purpose of the cabinet council is to help families 2604  
seeking government services. This section shall not be 2605  
interpreted or applied to usurp the role of parents, but solely 2606  
to streamline and coordinate existing government services for 2607  
families seeking assistance for their children. 2608

(2) In seeking to fulfill its purpose, the council may do 2609  
any of the following: 2610

(a) Advise and make recommendations to the governor and 2611  
general assembly regarding the provision of services to 2612  
children; 2613

(b) Advise and assess local governments on the 2614  
coordination of service delivery to children; 2615

(c) Hold meetings at such times and places as may be 2616  
prescribed by the council's procedures and maintain records of 2617  
the meetings, except that records identifying individual 2618  
children are confidential and shall be disclosed only as 2619  
provided by law; 2620

(d) Develop programs and projects, including pilot 2621  
projects, to encourage coordinated efforts at the state and 2622  
local level to improve the state's social service delivery 2623  
system; 2624

(e) Enter into contracts with and administer grants to 2625  
county family and children first councils, as well as other 2626  
county or multicounty organizations to plan and coordinate 2627  
service delivery between state agencies and local service 2628  
providers for families and children; 2629

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	2630 2631
(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;	2632 2633 2634 2635 2636
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	2637 2638 2639 2640 2641
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	2642 2643 2644 2645
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	2646 2647 2648 2649
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	2650 2651 2652 2653
(3) The cabinet council shall provide for the following:	2654
(a) Reviews of service and treatment plans for children for which such reviews are requested;	2655 2656
(b) Assistance as the council determines to be necessary	2657

to meet the needs of children referred by county family and 2658  
children first councils; 2659

(c) Monitoring and supervision of a statewide, 2660  
comprehensive, coordinated, multi-disciplinary, interagency 2661  
system for infants and toddlers with developmental disabilities 2662  
or delays and their families, as established pursuant to federal 2663  
grants received and administered by the department of health for 2664  
early intervention services under the "Individuals with 2665  
Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 2666  
1400, as amended. 2667

(4) The cabinet council shall develop and implement the 2668  
following: 2669

(a) An interagency process to select the indicators that 2670  
will be used to measure progress toward increasing child well- 2671  
being in the state and to update the indicators on an annual 2672  
basis. The indicators shall focus on expectant parents and 2673  
newborns thriving; infants and toddlers thriving; children being 2674  
ready for school; children and youth succeeding in school; youth 2675  
choosing healthy behaviors; and youth successfully transitioning 2676  
into adulthood. 2677

(b) An interagency system to offer guidance and monitor 2678  
progress toward increasing child well-being in the state and in 2679  
each county; 2680

(c) An annual plan that identifies state-level agency 2681  
efforts taken to ensure progress towards increasing child well- 2682  
being in the state. 2683

On an annual basis, the cabinet council shall submit to 2684  
the governor and the general assembly a report on the status of 2685  
efforts to increase child well-being in the state. This report 2686

shall be made available to any other person on request. 2687

(B) (1) Each board of county commissioners shall establish 2688  
a county family and children first council. The board may invite 2689  
any local public or private agency or group that funds, 2690  
advocates, or provides services to children and families to have 2691  
a representative become a permanent or temporary member of its 2692  
county council. Each county council must include the following 2693  
individuals: 2694

(a) At least three individuals who are not employed by an 2695  
agency represented on the council and whose families are or have 2696  
received services from an agency represented on the council or 2697  
another county's council. Where possible, the number of members 2698  
representing families shall be equal to twenty per cent of the 2699  
council's membership. 2700

(b) The director of the board of alcohol, drug addiction, 2701  
and mental health services that serves the county, or, in the 2702  
case of a county that has a board of alcohol and drug addiction 2703  
services and a community mental health board, the directors of 2704  
both boards. If a board of alcohol, drug addiction, and mental 2705  
health services covers more than one county, the director may 2706  
designate a person to participate on the county's council. 2707

(c) The health commissioner, or the commissioner's 2708  
designee, of the board of health of each city and general health 2709  
district in the county. If the county has two or more health 2710  
districts, the health commissioner membership may be limited to 2711  
the commissioners of the two districts with the largest 2712  
populations. 2713

(d) The director of the county department of job and 2714  
family services; 2715

(e) The executive director of the public children services agency;	2716 2717
(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;	2718 2719 2720 2721
(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 workforce</u> , which shall notify each board of county commissioners of its determination at least biennially;	2722 2723 2724 2725 2726
(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;	2727 2728 2729
(i) A representative of the municipal corporation with the largest population in the county;	2730 2731
(j) The president of the board of county commissioners or an individual designated by the board;	2732 2733
(k) A representative of the department of youth services or an individual designated by the department;	2734 2735
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	2736 2737
(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";	2738 2739 2740 2741
(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	2742 2743

Notwithstanding any other provision of law, the public 2744  
members of a county council are not prohibited from serving on 2745  
the council and making decisions regarding the duties of the 2746  
council, including those involving the funding of joint projects 2747  
and those outlined in the county's service coordination 2748  
mechanism implemented pursuant to division (C) of this section. 2749

The cabinet council shall establish a state appeals 2750  
process to resolve disputes among the members of a county 2751  
council concerning whether reasonable responsibilities as 2752  
members are being shared. The appeals process may be accessed 2753  
only by a majority vote of the council members who are required 2754  
to serve on the council. Upon appeal, the cabinet council may 2755  
order that state funds for services to children and families be 2756  
redirected to a county's board of county commissioners. 2757

The county's juvenile court judge senior in service or 2758  
another judge of the juvenile court designated by the 2759  
administrative judge or, where there is no administrative judge, 2760  
by the judge senior in service shall serve as the judicial 2761  
advisor to the county family and children first council. The 2762  
judge may advise the county council on the court's utilization 2763  
of resources, services, or programs provided by the entities 2764  
represented by the members of the county council and how those 2765  
resources, services, or programs assist the court in its 2766  
administration of justice. Service of a judge as a judicial 2767  
advisor pursuant to this section is a judicial function. 2768

(2) The purpose of the county council is to streamline and 2769  
coordinate existing government services for families seeking 2770  
services for their children. In seeking to fulfill its purpose, 2771  
a county council shall provide for the following: 2772

(a) Referrals to the cabinet council of those children for 2773

whom the county council cannot provide adequate services;	2774
(b) Development and implementation of a process that	2775
annually evaluates and prioritizes services, fills service gaps	2776
where possible, and invents new approaches to achieve better	2777
results for families and children;	2778
(c) Participation in the development of a countywide,	2779
comprehensive, coordinated, multi-disciplinary, interagency	2780
system for infants and toddlers with developmental disabilities	2781
or delays and their families, as established pursuant to federal	2782
grants received and administered by the department of health for	2783
early intervention services under the "Individuals with	2784
Disabilities Education Act of 2004";	2785
(d) Maintenance of an accountability system to monitor the	2786
county council's progress in achieving results for families and	2787
children;	2788
(e) Establishment of a mechanism to ensure ongoing input	2789
from a broad representation of families who are receiving	2790
services within the county system.	2791
(3) A county council shall develop and implement the	2792
following:	2793
(a) An interagency process to establish local indicators	2794
and monitor the county's progress toward increasing child well-	2795
being in the county;	2796
(b) An interagency process to identify local priorities to	2797
increase child well-being. The local priorities shall focus on	2798
expectant parents and newborns thriving; infants and toddlers	2799
thriving; children being ready for school; children and youth	2800
succeeding in school; youth choosing healthy behaviors; and	2801
youth successfully transitioning into adulthood and take into	2802

account the indicators established by the cabinet council under 2803  
division (A) (4) (a) of this section. 2804

(c) An annual plan that identifies the county's 2805  
interagency efforts to increase child well-being in the county. 2806

On an annual basis, the county council shall submit a 2807  
report on the status of efforts by the county to increase child 2808  
well-being in the county to the county's board of county 2809  
commissioners and the cabinet council. This report shall be made 2810  
available to any other person on request. 2811

(4) (a) Except as provided in division (B) (4) (b) of this 2812  
section, a county council shall comply with the policies, 2813  
procedures, and activities prescribed by the rules or 2814  
interagency agreements of a state department participating on 2815  
the cabinet council whenever the county council performs a 2816  
function subject to those rules or agreements. 2817

(b) On application of a county council, the cabinet 2818  
council may grant an exemption from any rules or interagency 2819  
agreements of a state department participating on the council if 2820  
an exemption is necessary for the council to implement an 2821  
alternative program or approach for service delivery to families 2822  
and children. The application shall describe the proposed 2823  
program or approach and specify the rules or interagency 2824  
agreements from which an exemption is necessary. The cabinet 2825  
council shall approve or disapprove the application in 2826  
accordance with standards and procedures it shall adopt. If an 2827  
application is approved, the exemption is effective only while 2828  
the program or approach is being implemented, including a 2829  
reasonable period during which the program or approach is being 2830  
evaluated for effectiveness. 2831

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

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

The administrative agent of a county council shall send notice of a member's absence if a member listed in division (B) (1) of this section has been absent from either three consecutive meetings of the county council or a county council subcommittee, or from one-quarter of such meetings in a calendar year, whichever is less. The notice shall be sent to the board

of county commissioners that establishes the county council and, 2863  
for the members listed in divisions (B) (1) (b), (c), (e), and (l) 2864  
of this section, to the governing board overseeing the 2865  
respective entity; for the member listed in division (B) (1) (f) 2866  
of this section, to the county board of developmental 2867  
disabilities that employs the superintendent; for a member 2868  
listed in division (B) (1) (g) or (h) of this section, to the 2869  
school board that employs the superintendent; for the member 2870  
listed in division (B) (1) (i) of this section, to the mayor of 2871  
the municipal corporation; for the member listed in division (B) 2872  
(1) (k) of this section, to the director of youth services; and 2873  
for the member listed in division (B) (1) (n) of this section, to 2874  
that member's board of trustees. 2875

The administrative agent for a county council may do any 2876  
of the following on behalf of the council: 2877

(i) Enter into agreements or administer contracts with 2878  
public or private entities to fulfill specific council business. 2879  
Such agreements and contracts are exempt from the competitive 2880  
bidding requirements of section 307.86 of the Revised Code if 2881  
they have been approved by the county council and they are for 2882  
the purchase of family and child welfare or child protection 2883  
services or other social or job and family services for families 2884  
and children. The approval of the county council is not required 2885  
to exempt agreements or contracts entered into under section 2886  
5139.34, 5139.41, or 5139.43 of the Revised Code from the 2887  
competitive bidding requirements of section 307.86 of the 2888  
Revised Code. 2889

(ii) As determined by the council, provide financial 2890  
stipends, reimbursements, or both, to family representatives for 2891  
expenses related to council activity; 2892

(iii) Receive by gift, grant, devise, or bequest any 2893  
moneys, lands, or other property for the purposes for which the 2894  
council is established. The agent shall hold, apply, and dispose 2895  
of the moneys, lands, or other property according to the terms 2896  
of the gift, grant, devise, or bequest. Any interest or earnings 2897  
shall be treated in the same manner and are subject to the same 2898  
terms as the gift, grant, devise, or bequest from which it 2899  
accrues. 2900

(b) (i) If the county council designates the board of 2901  
county commissioners as its administrative agent, the board may, 2902  
by resolution, delegate any of its powers and duties as 2903  
administrative agent to an executive committee the board 2904  
establishes from the membership of the county council. The board 2905  
shall name to the executive committee at least the individuals 2906  
described in divisions (B) (1) (b) to (h) of this section and may 2907  
appoint the president of the board or another individual as the 2908  
chair of the executive committee. The executive committee must 2909  
include at least one family county council representative who 2910  
does not have a family member employed by an agency represented 2911  
on the council. 2912

(ii) The executive committee may, with the approval of the 2913  
board, hire an executive director to assist the county council 2914  
in administering its powers and duties. The executive director 2915  
shall serve in the unclassified civil service at the pleasure of 2916  
the executive committee. The executive director may, with the 2917  
approval of the executive committee, hire other employees as 2918  
necessary to properly conduct the county council's business. 2919

(iii) The board may require the executive committee to 2920  
submit an annual budget to the board for approval and may amend 2921  
or repeal the resolution that delegated to the executive 2922

committee its authority as the county council's administrative 2923  
agent. 2924

(6) Two or more county councils may enter into an 2925  
agreement to administer their county councils jointly by 2926  
creating a regional family and children first council. A 2927  
regional council possesses the same duties and authority 2928  
possessed by a county council, except that the duties and 2929  
authority apply regionally rather than to individual counties. 2930  
Prior to entering into an agreement to create a regional 2931  
council, the members of each county council to be part of the 2932  
regional council shall meet to determine whether all or part of 2933  
the members of each county council will serve as members of the 2934  
regional council. 2935

(7) A board of county commissioners may approve a 2936  
resolution by a majority vote of the board's members that 2937  
requires the county council to submit a statement to the board 2938  
each time the council proposes to enter into an agreement, adopt 2939  
a plan, or make a decision, other than a decision pursuant to 2940  
section 121.38 of the Revised Code, that requires the 2941  
expenditure of funds for two or more families. The statement 2942  
shall describe the proposed agreement, plan, or decision. 2943

Not later than fifteen days after the board receives the 2944  
statement, it shall, by resolution approved by a majority of its 2945  
members, approve or disapprove the agreement, plan, or decision. 2946  
Failure of the board to pass a resolution during that time 2947  
period shall be considered approval of the agreement, plan, or 2948  
decision. 2949

An agreement, plan, or decision for which a statement is 2950  
required to be submitted to the board shall be implemented only 2951  
if it is approved by the board. 2952

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

Each mechanism shall include all of the following:

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

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

(3) A procedure that permits a family to initiate a

meeting to develop or review the family's service coordination 2983  
plan and allows the family to invite a family advocate, mentor, 2984  
or support person of the family's choice to participate in any 2985  
such meeting; 2986

(4) A procedure for ensuring that a family service 2987  
coordination plan meeting is conducted for each child who 2988  
receives service coordination under the mechanism and for whom 2989  
an emergency out-of-home placement has been made or for whom a 2990  
nonemergency out-of-home placement is being considered. The 2991  
meeting shall be conducted within ten days of an emergency out- 2992  
of-home placement. The meeting shall be conducted before a 2993  
nonemergency out-of-home placement. The family service 2994  
coordination plan shall outline how the county council members 2995  
will jointly pay for services, where applicable, and provide 2996  
services in the least restrictive environment. 2997

(5) A procedure for monitoring the progress and tracking 2998  
the outcomes of each service coordination plan requested in the 2999  
county including monitoring and tracking children in out-of-home 3000  
placements to assure continued progress, appropriateness of 3001  
placement, and continuity of care after discharge from placement 3002  
with appropriate arrangements for housing, treatment, and 3003  
education; 3004

(6) A procedure for protecting the confidentiality of all 3005  
personal family information disclosed during service 3006  
coordination meetings or contained in the comprehensive family 3007  
service coordination plan; 3008

(7) A procedure for assessing the needs and strengths of 3009  
any child or family that has been referred to the council for 3010  
service coordination, including a child whose parent or 3011  
custodian is voluntarily seeking services, and for ensuring that 3012

parents and custodians are afforded the opportunity to 3013  
participate; 3014

(8) A procedure for development of a family service 3015  
coordination plan described in division (D) of this section; 3016

(9) A local dispute resolution process to serve as the 3017  
process that must be used first to resolve disputes among the 3018  
agencies represented on the county council concerning the 3019  
provision of services to children, including children who are 3020  
abused, neglected, dependent, unruly, alleged unruly, or 3021  
delinquent children and under the jurisdiction of the juvenile 3022  
court and children whose parents or custodians are voluntarily 3023  
seeking services. The local dispute resolution process shall 3024  
comply with sections 121.38, 121.381, and 121.382 of the Revised 3025  
Code. The local dispute resolution process shall be used to 3026  
resolve disputes between a child's parents or custodians and the 3027  
county council regarding service coordination. The county 3028  
council shall inform the parents or custodians of their right to 3029  
use the dispute resolution process. Parents or custodians shall 3030  
use existing local agency grievance procedures to address 3031  
disputes not involving service coordination. The dispute 3032  
resolution process is in addition to and does not replace other 3033  
rights or procedures that parents or custodians may have under 3034  
other sections of the Revised Code. 3035

The cabinet council shall adopt rules in accordance with 3036  
Chapter 119. of the Revised Code establishing an administrative 3037  
review process to address problems that arise concerning the 3038  
operation of a local dispute resolution process. 3039

Nothing in division (C) (4) of this section shall be 3040  
interpreted as overriding or affecting decisions of a juvenile 3041  
court regarding an out-of-home placement, long-term placement, 3042

or emergency out-of-home placement. 3043

(D) Each county shall develop a family service 3044  
coordination plan that does all of the following: 3045

(1) Designates service responsibilities among the various 3046  
state and local agencies that provide services to children and 3047  
their families, including children who are abused, neglected, 3048  
dependent, unruly, or delinquent children and under the 3049  
jurisdiction of the juvenile court and children whose parents or 3050  
custodians are voluntarily seeking services; 3051

(2) Designates an individual, approved by the family, to 3052  
track the progress of the family service coordination plan, 3053  
schedule reviews as necessary, and facilitate the family service 3054  
coordination plan meeting process; 3055

(3) Ensures that assistance and services to be provided 3056  
are responsive to the strengths and needs of the family, as well 3057  
as the family's culture, race, and ethnic group, by allowing the 3058  
family to offer information and suggestions and participate in 3059  
decisions. Identified assistance and services shall be provided 3060  
in the least restrictive environment possible. 3061

(4) Includes a process for dealing with a child who is 3062  
alleged to be an unruly child. The process shall include methods 3063  
to divert the child from the juvenile court system; 3064

(5) Includes timelines for completion of goals specified 3065  
in the plan with regular reviews scheduled to monitor progress 3066  
toward those goals; 3067

(6) Includes a plan for dealing with short-term crisis 3068  
situations and safety concerns. 3069

(E) (1) The process provided for under division (D) (4) of 3070

this section may include, but is not limited to, the following:	3071
(a) Designation of the person or agency to conduct the	3072
assessment of the child and the child's family as described in	3073
division (C) (7) of this section and designation of the	3074
instrument or instruments to be used to conduct the assessment;	3075
(b) An emphasis on the personal responsibilities of the	3076
child and the parental responsibilities of the parents,	3077
guardian, or custodian of the child;	3078
(c) Involvement of local law enforcement agencies and	3079
officials.	3080
(2) The method to divert a child from the juvenile court	3081
system that must be included in the service coordination process	3082
may include, but is not limited to, the following:	3083
(a) The preparation of a complaint under section 2151.27	3084
of the Revised Code alleging that the child is an unruly child	3085
and notifying the child and the parents, guardian, or custodian	3086
that the complaint has been prepared to encourage the child and	3087
the parents, guardian, or custodian to comply with other methods	3088
to divert the child from the juvenile court system;	3089
(b) Conducting a meeting with the child, the parents,	3090
guardian, or custodian, and other interested parties to	3091
determine the appropriate methods to divert the child from the	3092
juvenile court system;	3093
(c) A method to provide to the child and the child's	3094
family a short-term respite from a short-term crisis situation	3095
involving a confrontation between the child and the parents,	3096
guardian, or custodian;	3097
(d) A program to provide a mentor to the child or the	3098

parents, guardian, or custodian; 3099

(e) A program to provide parenting education to the 3100  
parents, guardian, or custodian; 3101

(f) An alternative school program for children who are 3102  
truant from school, repeatedly disruptive in school, or 3103  
suspended or expelled from school; 3104

(g) Other appropriate measures, including, but not limited 3105  
to, any alternative methods to divert a child from the juvenile 3106  
court system that are identified by the Ohio family and children 3107  
first cabinet council. 3108

(F) Each county may review and revise the service 3109  
coordination process described in division (D) of this section 3110  
based on the availability of funds under Title IV-A of the 3111  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 3112  
as amended, or to the extent resources are available from any 3113  
other federal, state, or local funds. 3114

**Sec. 121.40.** (A) There is hereby created the Ohio 3115  
commission on service and volunteerism consisting of nineteen 3116  
voting members including the ~~superintendent of public~~ 3117  
~~instruction~~ director of education and workforce or the 3118  
~~superintendent's~~ director's designee, the chancellor of higher 3119  
education or the chancellor's designee, the director of youth 3120  
services or the director's designee, the director of aging or 3121  
the director's designee, and fifteen members who shall be 3122  
appointed by the governor with the advice and consent of the 3123  
senate and who shall serve terms of office of three years. The 3124  
appointees shall include educators, including teachers and 3125  
administrators; representatives of youth organizations; students 3126  
and parents; representatives of organizations engaged in 3127

volunteer program development and management throughout the 3128  
state, including youth and conservation programs; and 3129  
representatives of business, government, nonprofit 3130  
organizations, social service agencies, veterans organizations, 3131  
religious organizations, or philanthropies that support or 3132  
encourage volunteerism within the state. The director of the 3133  
governor's office of faith-based and community initiatives shall 3134  
serve as a nonvoting ex officio member of the commission. 3135  
Members of the commission shall receive no compensation, but 3136  
shall be reimbursed for actual and necessary expenses incurred 3137  
in the performance of their official duties. 3138

(B) The commission shall appoint an executive director for 3139  
the commission, who shall be in the unclassified civil service. 3140  
The governor shall be informed of the appointment of an 3141  
executive director before such an appointment is made. The 3142  
executive director shall supervise the commission's activities 3143  
and report to the commission on the progress of those 3144  
activities. The executive director shall do all things necessary 3145  
for the efficient and effective implementation of the duties of 3146  
the commission. 3147

The responsibilities assigned to the executive director do 3148  
not relieve the members of the commission from final 3149  
responsibility for the proper performance of the requirements of 3150  
this section. 3151

(C) The commission or its designee shall do all of the 3152  
following: 3153

(1) Employ, promote, supervise, and remove all employees 3154  
as needed in connection with the performance of its duties under 3155  
this section and may assign duties to those employees as 3156  
necessary to achieve the most efficient performance of its 3157

functions, and to that end may establish, change, or abolish 3158  
positions, and assign and reassign duties and responsibilities 3159  
of any employee of the commission. Personnel employed by the 3160  
commission who are subject to Chapter 4117. of the Revised Code 3161  
shall retain all of their rights and benefits conferred pursuant 3162  
to that chapter. Nothing in this chapter shall be construed as 3163  
eliminating or interfering with Chapter 4117. of the Revised 3164  
Code or the rights and benefits conferred under that chapter to 3165  
public employees or to any bargaining unit. 3166

(2) Maintain its office in Columbus, and may hold sessions 3167  
at any place within the state; 3168

(3) Acquire facilities, equipment, and supplies necessary 3169  
to house the commission, its employees, and files and records 3170  
under its control, and to discharge any duty imposed upon it by 3171  
law. The expense of these acquisitions shall be audited and paid 3172  
for in the same manner as other state expenses. For that 3173  
purpose, the commission shall prepare and submit to the office 3174  
of budget and management a budget for each biennium according to 3175  
sections 101.532 and 107.03 of the Revised Code. The budget 3176  
submitted shall cover the costs of the commission and its staff 3177  
in the discharge of any duty imposed upon the commission by law. 3178  
The commission shall not delegate any authority to obligate 3179  
funds. 3180

(4) Pay its own payroll and other operating expenses from 3181  
line items designated by the general assembly; 3182

(5) Retain its fiduciary responsibility as appointing 3183  
authority. Any transaction instructions shall be certified by 3184  
the appointing authority or its designee. 3185

(6) Establish the overall policy and management of the 3186

commission in accordance with this chapter;	3187
(7) Assist in coordinating and preparing the state	3188
application for funds under sections 101 to 184 of the "National	3189
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42	3190
U.S.C.A. 12411 to 12544, as amended, assist in administering and	3191
overseeing the "National and Community Service Trust Act of	3192
1993," P.L. 103-82, 107 Stat. 785, and the americorps program in	3193
this state, and assist in developing objectives for a	3194
comprehensive strategy to encourage and expand community service	3195
programs throughout the state;	3196
(8) Assist the <del>state board</del> <u>department of education and</u>	3197
<u>workforce</u> , school districts, the chancellor of higher education,	3198
and institutions of higher education in coordinating community	3199
service education programs through cooperative efforts between	3200
institutions and organizations in the public and private	3201
sectors;	3202
(9) Assist the departments of natural resources, youth	3203
services, aging, and job and family services in coordinating	3204
community service programs through cooperative efforts between	3205
institutions and organizations in the public and private	3206
sectors;	3207
(10) Suggest individuals and organizations that are	3208
available to assist school districts, institutions of higher	3209
education, and the departments of natural resources, youth	3210
services, aging, and job and family services in the	3211
establishment of community service programs and assist in	3212
investigating sources of funding for implementing these	3213
programs;	3214
(11) Assist in evaluating the state's efforts in providing	3215

community service programs using standards and methods that are 3216  
consistent with any statewide objectives for these programs and 3217  
provide information to the ~~state board~~ department of education, 3218  
and workforce, school districts, the chancellor of higher 3219  
education, institutions of higher education, and the departments 3220  
of natural resources, youth services, aging, and job and family 3221  
services to guide them in making decisions about these programs; 3222

(12) Assist the ~~state board~~ department of education and 3223  
workforce in complying with section 3301.70 of the Revised Code 3224  
and the chancellor of higher education in complying with 3225  
division (B) (2) of section 3333.043 of the Revised Code. 3226

(D) The commission shall in writing enter into an 3227  
agreement with another state agency to serve as the commission's 3228  
fiscal agent. Before entering into such an agreement, the 3229  
commission shall inform the governor of the terms of the 3230  
agreement and of the state agency designated to serve as the 3231  
commission's fiscal agent. The fiscal agent shall be responsible 3232  
for all the commission's fiscal matters and financial 3233  
transactions, as specified in the agreement. Services to be 3234  
provided by the fiscal agent include, but are not limited to, 3235  
the following: 3236

(1) Preparing and processing payroll and other personnel 3237  
documents that the commission executes as the appointing 3238  
authority; 3239

(2) Maintaining ledgers of accounts and reports of account 3240  
balances, and monitoring budgets and allotment plans in 3241  
consultation with the commission; and 3242

(3) Performing other routine support services that the 3243  
fiscal agent considers appropriate to achieve efficiency. 3244

(E) (1) The commission, in conjunction and consultation	3245
with the fiscal agent, has the following authority and	3246
responsibility relative to fiscal matters:	3247
(a) Sole authority to draw funds for any and all federal	3248
programs in which the commission is authorized to participate;	3249
(b) Sole authority to expend funds from their accounts for	3250
programs and any other necessary expenses the commission may	3251
incur and its subgrantees may incur; and	3252
(c) Responsibility to cooperate with and inform the fiscal	3253
agent fully of all financial transactions.	3254
(2) The commission shall follow all state procurement,	3255
fiscal, human resources, statutory, and administrative rule	3256
requirements.	3257
(3) The fiscal agent shall determine fees to be charged to	3258
the commission, which shall be in proportion to the services	3259
performed for the commission.	3260
(4) The commission shall pay fees owed to the fiscal agent	3261
from a general revenue fund of the commission or from any other	3262
fund from which the operating expenses of the commission are	3263
paid. Any amounts set aside for a fiscal year for the payment of	3264
these fees shall be used only for the services performed for the	3265
commission by the fiscal agent in that fiscal year.	3266
(F) The commission may accept and administer grants from	3267
any source, public or private, to carry out any of the	3268
commission's functions this section establishes.	3269
<b>Sec. 121.95.</b> (A) As used in sections 121.95, 121.951,	3270
121.952, 121.953, and 121.954 of the Revised Code, "state	3271
agency" means an administrative department created under section	3272

121.02 of the Revised Code, an administrative department head 3273  
appointed under section 121.03 of the Revised Code, and a state 3274  
agency organized under an administrative department or 3275  
administrative department head. "State agency" also includes the 3276  
department of education and workforce, the state lottery 3277  
commission, the Ohio casino control commission, the state racing 3278  
commission, and the public utilities commission of Ohio. Rules 3279  
adopted by an otherwise independent official or entity organized 3280  
under a state agency shall be attributed to the agency under 3281  
which the official or entity is organized for the purposes of 3282  
sections 121.95, 121.951, 121.952, 121.953, and 121.954 of the 3283  
Revised Code. 3284

(B) Not later than December 31, 2019, a state agency shall 3285  
review its existing rules to identify rules having one or more 3286  
regulatory restrictions that require or prohibit an action and 3287  
prepare a base inventory of the regulatory restrictions in its 3288  
existing rules. Rules that include the words "shall," "must," 3289  
"require," "shall not," "may not," and "prohibit" shall be 3290  
considered to contain regulatory restrictions. 3291

(C) In the base inventory, the state agency shall indicate 3292  
all of the following concerning each regulatory restriction: 3293

(1) A description of the regulatory restriction; 3294

(2) The rule number of the rule in which the regulatory 3295  
restriction appears; 3296

(3) The statute under which the regulatory restriction was 3297  
adopted; 3298

(4) Whether state or federal law expressly and 3299  
specifically requires the agency to adopt the regulatory 3300  
restriction or the agency adopted the regulatory restriction 3301

under the agency's general authority; 3302

(5) Whether removing the regulatory restriction would 3303  
require a change to state or federal law, provided that removing 3304  
a regulatory restriction adopted under a law granting the agency 3305  
general authority shall be presumed not to require a change to 3306  
state or federal law; 3307

(6) Any other information the joint committee on agency 3308  
rule review considers necessary. 3309

(D) The state agency shall compute and state the total 3310  
number of regulatory restrictions indicated in the base 3311  
inventory, shall post the base inventory on its web site, and 3312  
shall electronically transmit a copy of the inventory to the 3313  
joint committee. The joint committee shall review the base 3314  
inventory, then transmit it electronically to the speaker of the 3315  
house of representatives and the president of the senate. 3316

(E) The following types of rules or regulatory 3317  
restrictions are not required to be included in a state agency's 3318  
inventory of regulatory restrictions: 3319

(1) An internal management rule; 3320

(2) An emergency rule; 3321

(3) A rule that state or federal law requires the state 3322  
agency to adopt verbatim; 3323

(4) A regulatory restriction contained in materials or 3324  
documents incorporated by reference into a rule pursuant to 3325  
sections 121.71 to 121.75 of the Revised Code; 3326

(5) A rule adopted pursuant to section 1347.15 of the 3327  
Revised Code; 3328

(6) A rule concerning instant lottery games; 3329

(7) A rule adopted by the Ohio casino control commission 3330  
or the state lottery commission concerning sports gaming; 3331

(8) Any other rule that is not subject to review under 3332  
Chapter 106. of the Revised Code. 3333

(F) Beginning on October 17, 2019, and ending on June 30, 3334  
2025, a state agency may not adopt a new regulatory restriction 3335  
unless it simultaneously removes two or more other existing 3336  
regulatory restrictions. The state agency may not satisfy this 3337  
section by merging two or more existing regulatory restrictions 3338  
into a single surviving regulatory restriction. 3339

**Sec. 124.15.** (A) Board and commission members appointed 3340  
prior to July 1, 1991, shall be paid a salary or wage in 3341  
accordance with the following schedules of rates: 3342

Schedule B 3343

Pay Ranges and Step Values 3344

3345

	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 3346

Pay Range and Values 3347

3348

		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 3349  
biweekly basis, with amounts computed on an hourly basis. 3350

(C) Part-time employees shall be compensated on an hourly 3351  
basis for time worked, at the rates shown in division (A) of 3352  
this section or in section 124.152 of the Revised Code. 3353

(D) The salary and wage rates in division (A) of this 3354  
section or in section 124.152 of the Revised Code represent base 3355  
rates of compensation and may be augmented by the provisions of 3356  
section 124.181 of the Revised Code. In those cases where 3357  
lodging, meals, laundry, or other personal services are 3358

furnished an employee in the service of the state, the actual 3359  
costs or fair market value of the personal services shall be 3360  
paid by the employee in such amounts and manner as determined by 3361  
the director of administrative services and approved by the 3362  
director of budget and management, and those personal services 3363  
shall not be considered as a part of the employee's 3364  
compensation. An appointing authority that appoints employees in 3365  
the service of the state, with the approval of the director of 3366  
administrative services and the director of budget and 3367  
management, may establish payments to employees for uniforms, 3368  
tools, equipment, and other requirements of the department and 3369  
payments for the maintenance of them. 3370

The director of administrative services may review 3371  
collective bargaining agreements entered into under Chapter 3372  
4117. of the Revised Code that cover employees in the service of 3373  
the state and determine whether certain benefits or payments 3374  
provided to the employees covered by those agreements should 3375  
also be provided to employees in the service of the state who 3376  
are exempt from collective bargaining coverage and are paid in 3377  
accordance with section 124.152 of the Revised Code or are 3378  
listed in division (B)(2) or (4) of section 124.14 of the 3379  
Revised Code. On completing the review, the director of 3380  
administrative services, with the approval of the director of 3381  
budget and management, may provide to some or all of these 3382  
employees any payment or benefit, except for salary, contained 3383  
in such a collective bargaining agreement even if it is similar 3384  
to a payment or benefit already provided by law to some or all 3385  
of these employees. Any payment or benefit so provided shall not 3386  
exceed the highest level for that payment or benefit specified 3387  
in such a collective bargaining agreement. The director of 3388  
administrative services shall not provide, and the director of 3389

budget and management shall not approve, any payment or benefit 3390  
to such an employee under this division unless the payment or 3391  
benefit is provided pursuant to a collective bargaining 3392  
agreement to a state employee who is in a position with similar 3393  
duties as, is supervised by, or is employed by the same 3394  
appointing authority as, the employee to whom the benefit or 3395  
payment is to be provided. 3396

As used in this division, "payment or benefit already 3397  
provided by law" includes, but is not limited to, bereavement, 3398  
personal, vacation, administrative, and sick leave, disability 3399  
benefits, holiday pay, and pay supplements provided under the 3400  
Revised Code, but does not include wages or salary. 3401

(E) New employees paid in accordance with schedule B of 3402  
division (A) of this section or schedule E-1 of section 124.152 3403  
of the Revised Code shall be employed at the minimum rate 3404  
established for the range unless otherwise provided. Employees 3405  
with qualifications that are beyond the minimum normally 3406  
required for the position and that are determined by the 3407  
director to be exceptional may be employed in, or may be 3408  
transferred or promoted to, a position at an advanced step of 3409  
the range. Further, in time of a serious labor market condition 3410  
when it is relatively impossible to recruit employees at the 3411  
minimum rate for a particular classification, the entrance rate 3412  
may be set at an advanced step in the range by the director of 3413  
administrative services. This rate may be limited to 3414  
geographical regions of the state. Appointments made to an 3415  
advanced step under the provision regarding exceptional 3416  
qualifications shall not affect the step assignment of employees 3417  
already serving. However, anytime the hiring rate of an entire 3418  
classification is advanced to a higher step, all incumbents of 3419  
that classification being paid at a step lower than that being 3420

used for hiring, shall be advanced beginning at the start of the 3421  
first pay period thereafter to the new hiring rate, and any time 3422  
accrued at the lower step will be used to calculate advancement 3423  
to a succeeding step. If the hiring rate of a classification is 3424  
increased for only a geographical region of the state, only 3425  
incumbents who work in that geographical region shall be 3426  
advanced to a higher step. When an employee in the unclassified 3427  
service changes from one state position to another or is 3428  
appointed to a position in the classified service, or if an 3429  
employee in the classified service is appointed to a position in 3430  
the unclassified service, the employee's salary or wage in the 3431  
new position shall be determined in the same manner as if the 3432  
employee were an employee in the classified service. When an 3433  
employee in the unclassified service who is not eligible for 3434  
step increases is appointed to a classification in the 3435  
classified service under which step increases are provided, 3436  
future step increases shall be based on the date on which the 3437  
employee last received a pay increase. If the employee has not 3438  
received an increase during the previous year, the date of the 3439  
appointment to the classified service shall be used to determine 3440  
the employee's annual step advancement eligibility date. In 3441  
reassigning any employee to a classification resulting in a pay 3442  
range increase or to a new pay range as a result of a promotion, 3443  
an increase pay range adjustment, or other classification change 3444  
resulting in a pay range increase, the director shall assign 3445  
such employee to the step in the new pay range that will provide 3446  
an increase of approximately four per cent if the new pay range 3447  
can accommodate the increase. When an employee is being assigned 3448  
to a classification or new pay range as the result of a class 3449  
plan change, if the employee has completed a probationary 3450  
period, the employee shall be placed in a step no lower than 3451  
step two of the new pay range. If the employee has not completed 3452

a probationary period, the employee may be placed in step one of 3453  
the new pay range. Such new salary or wage shall become 3454  
effective on such date as the director determines. 3455

(F) If employment conditions and the urgency of the work 3456  
require such action, the director of administrative services 3457  
may, upon the application of a department head, authorize 3458  
payment at any rate established within the range for the class 3459  
of work, for work of a casual or intermittent nature or on a 3460  
project basis. Payment at such rates shall not be made to the 3461  
same individual for more than three calendar months in any one 3462  
calendar year. Any such action shall be subject to the approval 3463  
of the director of budget and management as to the availability 3464  
of funds. This section and sections 124.14 and 124.152 of the 3465  
Revised Code do not repeal any authority of any department or 3466  
public official to contract with or fix the compensation of 3467  
professional persons who may be employed temporarily for work of 3468  
a casual nature or for work on a project basis. 3469

(G) (1) Except as provided in divisions (G) (2) and (3) of 3470  
this section, each state employee paid in accordance with 3471  
schedule B of this section or schedule E-1 of section 124.152 of 3472  
the Revised Code shall be eligible for advancement to succeeding 3473  
steps in the range for the employee's class or grade according 3474  
to the schedule established in this division. Beginning on the 3475  
first day of the pay period within which the employee completes 3476  
the prescribed probationary period in the employee's 3477  
classification with the state, each employee shall receive an 3478  
automatic salary adjustment equivalent to the next higher step 3479  
within the pay range for the employee's class or grade. 3480

Except as provided in divisions (G) (2) and (3) of this 3481  
section, each employee paid in accordance with schedule E-1 of 3482

section 124.152 of the Revised Code shall be eligible to advance 3483  
to the next higher step until the employee reaches the top step 3484  
in the range for the employee's class or grade, if the employee 3485  
has maintained satisfactory performance in accordance with 3486  
criteria established by the employee's appointing authority. 3487  
Those step advancements shall not occur more frequently than 3488  
once in any twelve-month period. 3489

When an employee is promoted, the step entry date shall be 3490  
set to account for a probationary period. When an employee is 3491  
reassigned to a higher pay range, the step entry date shall be 3492  
set to allow an employee who is not at the highest step of the 3493  
range to receive a step advancement one year from the 3494  
reassignment date. Step advancement shall not be affected by 3495  
demotion. A promoted employee shall advance to the next higher 3496  
step of the pay range on the first day of the pay period in 3497  
which the required probationary period is completed. Step 3498  
advancement shall become effective at the beginning of the pay 3499  
period within which the employee attains the necessary length of 3500  
service. Time spent on authorized leave of absence shall be 3501  
counted for this purpose. 3502

If determined to be in the best interest of the state 3503  
service, the director of administrative services may, either 3504  
statewide or in selected agencies, adjust the dates on which 3505  
annual step advancements are received by employees paid in 3506  
accordance with schedule E-1 of section 124.152 of the Revised 3507  
Code. 3508

(2) (a) There shall be a moratorium on annual step 3509  
advancements under division (G) (1) of this section beginning 3510  
June 21, 2009, through June 20, 2011. Step advancements shall 3511  
resume with the pay period beginning June 21, 2011. Upon the 3512

resumption of step advancements, there shall be no retroactive 3513  
step advancements for the period the moratorium was in effect. 3514  
The moratorium shall not affect an employee's performance 3515  
evaluation schedule. 3516

An employee who begins a probationary period before June 3517  
21, 2009, shall advance to the next step in the employee's pay 3518  
range at the end of probation, and then become subject to the 3519  
moratorium. An employee who is hired, promoted, or reassigned to 3520  
a higher pay range between June 21, 2009, through June 20, 2011, 3521  
shall not advance to the next step in the employee's pay range 3522  
until the next anniversary of the employee's date of hire, 3523  
promotion, or reassignment that occurs on or after June 21, 3524  
2011. 3525

(b) The moratorium under division (G) (2) (a) of this 3526  
section shall apply to the employees of the secretary of state, 3527  
the auditor of state, the treasurer of state, and the attorney 3528  
general, who are subject to this section unless the secretary of 3529  
state, the auditor of state, the treasurer of state, or the 3530  
attorney general decides to exempt the office's employees from 3531  
the moratorium and so notifies the director of administrative 3532  
services in writing on or before July 1, 2009. 3533

(3) Employees in intermittent positions shall be employed 3534  
at the minimum rate established for the pay range for their 3535  
classification and are not eligible for step advancements. 3536

(H) Employees in appointive managerial or professional 3537  
positions paid in accordance with schedule C of this section or 3538  
schedule E-2 of section 124.152 of the Revised Code may be 3539  
appointed at any rate within the appropriate pay range. This 3540  
rate of pay may be adjusted higher or lower within the 3541  
respective pay range at any time the appointing authority so 3542

desires as long as the adjustment is based on the employee's 3543  
ability to successfully administer those duties assigned to the 3544  
employee. Salary adjustments shall not be made more frequently 3545  
than once in any six-month period under this provision to 3546  
incumbents holding the same position and classification. 3547

(I) When an employee is assigned to duty outside this 3548  
state, the employee may be compensated, upon request of the 3549  
department head and with the approval of the director of 3550  
administrative services, at a rate not to exceed fifty per cent 3551  
in excess of the employee's current base rate for the period of 3552  
time spent on that duty. 3553

(J) Unless compensation for members of a board or 3554  
commission is otherwise specifically provided by law, the 3555  
director of administrative services shall establish the rate and 3556  
method of payment for members of boards and commissions pursuant 3557  
to the pay schedules listed in section 124.152 of the Revised 3558  
Code. 3559

(K) Regular full-time employees in positions assigned to 3560  
classes within the instruction and education administration 3561  
series under the job classification plans of the director of 3562  
administrative services, except certificated employees on the 3563  
instructional staff of the state school for the blind or the 3564  
state school for the deaf, whose positions are scheduled to work 3565  
on the basis of an academic year rather than a full calendar 3566  
year, shall be paid according to the pay range assigned by the 3567  
applicable job classification plan, but only during those pay 3568  
periods included in the academic year of the school where the 3569  
employee is located. 3570

(l) Part-time or substitute teachers or those whose period 3571  
of employment is other than the full academic year shall be 3572

compensated for the actual time worked at the rate established 3573  
by this section. 3574

(2) Employees governed by this division are exempt from 3575  
sections 124.13 and 124.19 of the Revised Code. 3576

(3) Length of service for the purpose of determining 3577  
eligibility for step advancements as provided by division (G) of 3578  
this section and for the purpose of determining eligibility for 3579  
longevity pay supplements as provided by division (E) of section 3580  
124.181 of the Revised Code shall be computed on the basis of 3581  
one full year of service for the completion of each academic 3582  
year. 3583

(L) The superintendent of the state school for the deaf 3584  
and the superintendent of the state school for the blind shall, 3585  
subject to the approval of the ~~superintendent of public~~ 3586  
~~instruction~~director of education and workforce, carry out both 3587  
of the following: 3588

(1) Annually, between the first day of April and the last 3589  
day of June, establish for the ensuing fiscal year a schedule of 3590  
hourly rates for the compensation of each certificated employee 3591  
on the instructional staff of that superintendent's respective 3592  
school constructed as follows: 3593

(a) Determine for each level of training, experience, and 3594  
other professional qualification for which an hourly rate is set 3595  
forth in the current schedule, the per cent that rate is of the 3596  
rate set forth in such schedule for a teacher with a bachelor's 3597  
degree and no experience. If there is more than one such rate 3598  
for such a teacher, the lowest rate shall be used to make the 3599  
computation. 3600

(b) Determine which six city, local, and exempted village 3601

school districts with territory in Franklin county have in 3602  
effect on, or have adopted by, the first day of April for the 3603  
school year that begins on the ensuing first day of July, 3604  
teacher salary schedules with the highest minimum salaries for a 3605  
teacher with a bachelor's degree and no experience; 3606

(c) Divide the sum of such six highest minimum salaries by 3607  
ten thousand five hundred sixty; 3608

(d) Multiply each per cent determined in division (L) (1) 3609  
(a) of this section by the quotient obtained in division (L) (1) 3610  
(c) of this section; 3611

(e) One hundred five per cent of each product thus 3612  
obtained shall be the hourly rate for the corresponding level of 3613  
training, experience, or other professional qualification in the 3614  
schedule for the ensuing fiscal year. 3615

(2) Annually, assign each certificated employee on the 3616  
instructional staff of the superintendent's respective school to 3617  
an hourly rate on the schedule that is commensurate with the 3618  
employee's training, experience, and other professional 3619  
qualifications. 3620

If an employee is employed on the basis of an academic 3621  
year, the employee's annual salary shall be calculated by 3622  
multiplying the employee's assigned hourly rate times one 3623  
thousand seven hundred sixty. If an employee is not employed on 3624  
the basis of an academic year, the employee's annual salary 3625  
shall be calculated in accordance with the following formula: 3626

(a) Multiply the number of days the employee is required 3627  
to work pursuant to the employee's contract by eight; 3628

(b) Multiply the product of division (L) (2) (a) of this 3629  
section by the employee's assigned hourly rate. 3630

Each employee shall be paid an annual salary in biweekly 3631  
installments. The amount of each installment shall be calculated 3632  
by dividing the employee's annual salary by the number of 3633  
biweekly installments to be paid during the year. 3634

Sections 124.13 and 124.19 of the Revised Code do not 3635  
apply to an employee who is paid under this division. 3636

As used in this division, "academic year" means the number 3637  
of days in each school year that the schools are required to be 3638  
open for instruction with pupils in attendance. Upon completing 3639  
an academic year, an employee paid under this division shall be 3640  
deemed to have completed one year of service. An employee paid 3641  
under this division is eligible to receive a pay supplement 3642  
under division (L) (1), (2), or (3) of section 124.181 of the 3643  
Revised Code for which the employee qualifies, but is not 3644  
eligible to receive a pay supplement under division (L) (4) or 3645  
(5) of that section. An employee paid under this division is 3646  
eligible to receive a pay supplement under division (L) (6) of 3647  
section 124.181 of the Revised Code for which the employee 3648  
qualifies, except that the supplement is not limited to a 3649  
maximum of five per cent of the employee's regular base salary 3650  
in a calendar year. 3651

(M) Division (A) of this section does not apply to "exempt 3652  
employees," as defined in section 124.152 of the Revised Code, 3653  
who are paid under that section. 3654

Notwithstanding any other provisions of this chapter, when 3655  
an employee transfers between bargaining units or transfers out 3656  
of or into a bargaining unit, the director of administrative 3657  
services shall establish the employee's compensation and adjust 3658  
the maximum leave accrual schedule as the director deems 3659  
equitable. 3660

**Sec. 124.382.** (A) As used in this section and sections 3661  
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 3662

(1) "Pay period" means the fourteen-day period of time 3663  
during which the payroll is accumulated, as determined by the 3664  
director of administrative services. 3665

(2) "Active pay status" means the conditions under which 3666  
an employee is eligible to receive pay, and includes, but is not 3667  
limited to, vacation leave, sick leave, personal leave, 3668  
bereavement leave, and administrative leave. 3669

(3) "No pay status" means the conditions under which an 3670  
employee is ineligible to receive pay and includes, but is not 3671  
limited to, leave without pay, leave of absence, and disability 3672  
leave. 3673

(4) "Disability leave" means the leave granted pursuant to 3674  
section 124.385 of the Revised Code. 3675

(5) "Full-time permanent employee" means an employee whose 3676  
regular hours of duty total eighty hours in a pay period in a 3677  
state agency and whose appointment is not for a limited period 3678  
of time. 3679

(6) "Base rate of pay" means the rate of pay established 3680  
under schedule B or C of section 124.15 of the Revised Code or 3681  
under schedule E-1 or schedule E-2 of section 124.152 of the 3682  
Revised Code, plus any supplement provided under section 124.181 3683  
of the Revised Code, plus any supplements enacted into law which 3684  
are added to schedule B or C of section 124.15 of the Revised 3685  
Code or to schedule E-1 or schedule E-2 of section 124.152 of 3686  
the Revised Code. 3687

(7) "Part-time permanent employee" means an employee whose 3688  
regular hours of duty total less than eighty hours in a pay 3689

period in a state agency and whose appointment is not for a 3690  
limited period of time. 3691

(B) Each full-time permanent and part-time permanent 3692  
employee whose salary or wage is paid directly by warrant of the 3693  
director of budget and management shall be credited with sick 3694  
leave of three and one-tenth hours for each completed eighty 3695  
hours of service, excluding overtime hours worked. Sick leave is 3696  
not available for use until it appears on the employee's earning 3697  
statement and the compensation described in the earning 3698  
statement is available to the employee. 3699

(C) Any sick leave credit provided pursuant to division 3700  
(B) of this section, remaining as of the last day of the pay 3701  
period preceding the first paycheck the employee receives in 3702  
December, shall be converted pursuant to section 124.383 of the 3703  
Revised Code. 3704

(D) Employees may use sick leave, provided a credit 3705  
balance is available, upon approval of the responsible 3706  
administrative officer of the employing unit, for absence due to 3707  
personal illness, pregnancy, injury, exposure to contagious 3708  
disease that could be communicated to other employees, and 3709  
illness, injury, or death in the employee's immediate family. 3710  
When sick leave is used, it shall be deducted from the 3711  
employee's credit on the basis of absence from previously 3712  
scheduled work in such increments of an hour and at such a 3713  
compensation rate as the director of administrative services 3714  
determines. The appointing authority of each employing unit may 3715  
require an employee to furnish a satisfactory, signed statement 3716  
to justify the use of sick leave. 3717

If, after having utilized the credit provided by this 3718  
section, an employee utilizes sick leave that was accumulated 3719

prior to November 15, 1981, compensation for such sick leave 3720  
used shall be at a rate as the director determines. 3721

(E) (1) The previously accumulated sick leave balance of an 3722  
employee who has been separated from the public service, for 3723  
which separation payments pursuant to section 124.384 of the 3724  
Revised Code have not been made, shall be placed to the 3725  
employee's credit upon the employee's reemployment in the public 3726  
service, if the reemployment takes place within ten years of the 3727  
date on which the employee was last terminated from public 3728  
service. 3729

(2) The previously accumulated sick leave balance of an 3730  
employee who has separated from a school district shall be 3731  
placed to the employee's credit upon the employee's appointment 3732  
as an unclassified employee of the state department of education 3733  
and workforce, if all of the following apply: 3734

(a) The employee accumulated the sick leave balance while 3735  
employed by the school district. 3736

(b) The employee did not receive any separation payments 3737  
for the sick leave balance. 3738

(c) The employee's employment with the department takes 3739  
place within ten years after the date on which the employee 3740  
separated from the school district. 3741

(F) An employee who transfers from one public agency to 3742  
another shall be credited with the unused balance of the 3743  
employee's accumulated sick leave. 3744

(G) The director of administrative services shall 3745  
establish procedures to uniformly administer this section. No 3746  
sick leave may be granted to a state employee upon or after the 3747  
employee's retirement or termination of employment. 3748

(H) As used in this division, "active payroll" means 3749  
conditions under which an employee is in active pay status or 3750  
eligible to receive pay for an approved leave of absence, 3751  
including, but not limited to, occupational injury leave, 3752  
disability leave, or workers' compensation. 3753

(1) Employees who are in active payroll status on June 18, 3754  
2011, shall receive a one-time credit of additional sick leave 3755  
in the pay period that begins on July 1, 2011. Full-time 3756  
employees shall receive the lesser of either a one-time credit 3757  
of thirty-two hours of additional sick leave or a one-time 3758  
credit of additional sick leave equivalent to half the hours of 3759  
personal leave the employee lost during the moratorium 3760  
established under either division (A) of section 124.386 of the 3761  
Revised Code or pursuant to a rule of the director of 3762  
administrative services. Part-time employees shall receive a 3763  
one-time credit of sixteen hours of additional sick leave. 3764

(2) Employees who are not in active payroll status due to 3765  
military leave or an absence taken in accordance with the 3766  
federal "Family and Medical Leave Act" are eligible to receive 3767  
the one-time additional sick leave credit. 3768

(3) The one-time additional sick leave credit does not 3769  
apply to employees of the supreme court, general assembly, 3770  
legislative service commission, secretary of state, auditor of 3771  
state, treasurer of state, or attorney general unless the 3772  
supreme court, general assembly, legislative service commission, 3773  
secretary of state, auditor of state, treasurer of state, or 3774  
attorney general participated in the moratorium under division 3775  
(H) or (I) of section 124.386 of the Revised Code and notifies 3776  
in writing the director of administrative services on or before 3777  
June 1, 2011, of the decision to participate in the one-time 3778

additional sick leave credit. Written notice under this division 3779  
shall be signed by the appointing authority for employees of the 3780  
supreme court, general assembly, or legislative service 3781  
commission, as the case may be. 3782

**Sec. 124.384.** (A) Except as otherwise provided in this 3783  
section, employees whose salaries or wages are paid by warrant 3784  
of the director of budget and management and who have 3785  
accumulated sick leave under section 124.38 or 124.382 of the 3786  
Revised Code shall be paid for a percentage of their accumulated 3787  
balances, upon separation for any reason, including death but 3788  
excluding retirement, at their last base rate of pay at the rate 3789  
of one hour of pay for every two hours of accumulated balances. 3790  
An employee who retires in accordance with any retirement plan 3791  
offered by the state shall be paid upon retirement for each hour 3792  
of the employee's accumulated sick leave balance at a rate of 3793  
fifty-five per cent of the employee's last base rate of pay. 3794

An employee serving in a temporary work level who elects 3795  
to convert unused sick leave to cash shall do so at the base 3796  
rate of pay of the employee's normal classification. If an 3797  
employee dies, the employee's unused sick leave shall be paid in 3798  
accordance with section 2113.04 of the Revised Code or to the 3799  
employee's estate. 3800

In order to be eligible for the payment authorized by this 3801  
section, an employee shall have at least one year of state 3802  
service and shall request all or a portion of that payment no 3803  
later than three years after separation from state service. No 3804  
person is eligible to receive all or a portion of the payment 3805  
authorized by this section at any time later than three years 3806  
after the person's separation from state service. 3807

(B) A person initially employed on or after July 5, 1987, 3808

by a state agency in which the employees' salaries or wages are 3809  
paid directly by warrant of the director of budget and 3810  
management shall receive payment under this section only for 3811  
sick leave accumulated while employed by state agencies in which 3812  
the employees' salaries or wages are paid directly by warrant of 3813  
the director of budget and management. Additionally, a person 3814  
initially employed on or after July 5, 1987, but before October 3815  
1, 2017, by the state department of education and workforce as 3816  
an unclassified employee shall receive payment under this 3817  
section for sick leave placed to the employee's credit under 3818  
division (E) (2) of section 124.382 of the Revised Code. 3819

(C) For employees paid in accordance with section 124.152 3820  
of the Revised Code and those employees listed in divisions (B) 3821  
(2) and (4) of section 124.14 of the Revised Code, the director 3822  
of administrative services, with the approval of the director of 3823  
budget and management, may establish a plan for early payment of 3824  
accrued sick leave and vacation leave. 3825

**Sec. 125.05.** Except as provided in division (D) or (E) of 3826  
this section, no state agency shall purchase any supplies or 3827  
services except as provided in divisions (A) to (C) of this 3828  
section. 3829

(A) A state agency may, without competitive selection, 3830  
make any purchase of supplies or services that cost less than 3831  
fifty thousand dollars after complying with divisions (A) to (E) 3832  
of section 125.035 of the Revised Code. The agency may make the 3833  
purchase directly or may make the purchase from or through the 3834  
department of administrative services, whichever the agency 3835  
determines. The agency shall adopt written procedures consistent 3836  
with the department's purchasing procedures and shall use those 3837  
procedures when making purchases under this division. 3838

Section 127.16 of the Revised Code does not apply to 3839  
purchases made under this division. 3840

(B) A state agency shall make purchases of supplies and 3841  
services that cost fifty thousand dollars or more through the 3842  
department of administrative services and the process provided 3843  
in section 125.035 of the Revised Code, unless the department 3844  
grants a waiver under division (D) or (E) of that section and a 3845  
release and permit under division (G) of that section. 3846

(C) An agency that has been granted a release and permit 3847  
under division (G) of section 125.035 of the Revised Code to 3848  
make a purchase may make the purchase without competitive 3849  
selection if after making the purchase the cumulative purchase 3850  
threshold as computed under division (E) of section 127.16 of 3851  
the Revised Code would: 3852

(1) Be exceeded and the controlling board approves the 3853  
purchase; 3854

(2) Not be exceeded and the department of administrative 3855  
services approves the purchase. 3856

(D) If the department of education and workforce or the 3857  
Ohio education computer network determines that it can purchase 3858  
software services or supplies for specified school districts at 3859  
a price less than the price for which the districts could 3860  
purchase the same software services or supplies for themselves, 3861  
the department or network shall certify that fact to the 3862  
department of administrative services and, acting as an agent 3863  
for the specified school districts, shall make that purchase 3864  
without following the provisions in divisions (A) to (D) of this 3865  
section. 3866

(E) When the purchase cost of personal protective 3867

equipment is less than fifty thousand dollars, a state agency 3868  
shall comply with divisions (A) to (E) of section 125.035 of the 3869  
Revised Code. If the purchase is not subject to the requirements 3870  
of an applicable first or second requisite procurement program, 3871  
the agency shall apply the same preferences in section 125.09 of 3872  
the Revised Code when making the purchase. As used in this 3873  
division, "personal protective equipment" means equipment worn 3874  
to minimize exposure to hazards that cause workplace injuries 3875  
and illnesses. 3876

**Sec. 125.13.** (A) As used in this section: 3877

(1) "Emergency medical service organization" has the same 3878  
meaning as in section 4765.01 of the Revised Code. 3879

(2) "Private fire company" has the same meaning as in 3880  
section 9.60 of the Revised Code. 3881

(B) Whenever a state agency has excess or surplus 3882  
supplies, it shall notify the director of administrative 3883  
services. On forms provided by the director, the state agency 3884  
shall furnish to the director a list of its excess and surplus 3885  
supplies, including the location of the supplies and whether the 3886  
supplies are currently in the agency's control. 3887

(C) Upon receipt of notification and at no cost to the 3888  
state agency, the director of administrative services shall make 3889  
arrangements for their disposition and shall take immediate 3890  
control of a state agency's excess and surplus supplies, except 3891  
for the following excess and surplus supplies: 3892

(1) Excess or surplus supplies that have a value below the 3893  
minimum value that the director establishes for excess and 3894  
surplus supplies under division (F) of this section; 3895

(2) Excess or surplus supplies that the director has 3896

authorized an agency to donate to a governmental agency,	3897
including, but not limited to, public schools and surplus	3898
computers and computer equipment transferred to a public school	3899
under division (G) of this section;	3900
(3) Excess or surplus supplies that an agency trades in as	3901
full or partial payment when purchasing a replacement item;	3902
(4) Hazardous property;	3903
(5) Excess or surplus supplies that the director has	3904
authorized to be part of an interagency transfer;	3905
(6) Excess or surplus supplies that are donated under	3906
division (H) of this section.	3907
(D) The director shall inventory excess and surplus	3908
supplies in the director's control and post on a public web site	3909
a list of the supplies available for acquisition. The director	3910
may have the supplies repaired. The director shall not charge a	3911
fee for the collection or transportation of excess and surplus	3912
supplies.	3913
(E) The director may do any of the following:	3914
(1) Dispose of declared surplus or excess supplies in the	3915
director's control by sale, lease, donation, or transfer. If the	3916
director does so, the director shall dispose of those supplies	3917
in any of the following manners:	3918
(a) To state agencies or by interagency trade;	3919
(b) To state-supported or state-assisted institutions of	3920
higher education;	3921
(c) To tax-supported agencies, municipal corporations, or	3922
other political subdivisions of this state, private fire	3923

companies, or private, nonprofit emergency medical service organizations; 3924  
3925

(d) To nonpublic elementary and secondary schools chartered by the ~~state board~~ department of education and workforce under section 3301.16 of the Revised Code; 3926  
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(e) To a nonprofit organization that is both exempt from federal income taxation under 26 U.S.C. 501(a) and (c) (3) and that receives funds from the state or has a contract with the state; 3929  
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(f) To the general public by auction, sealed bid, sale, or negotiation. 3933  
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(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E) (1) (a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c) (3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division. 3935  
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(F) The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in the director's control by public auction, sealed bid, sale, or negotiation, except that no employee of the disposing agency shall be allowed to purchase, lease, or receive any such 3948  
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supplies. The director may dispose of declared surplus or excess 3953  
supplies, including motor vehicles, in the director's control as 3954  
the director determines proper if such supplies cannot be 3955  
disposed of pursuant to division (E) of this section. The 3956  
director shall by rule establish a minimum value for excess and 3957  
surplus supplies and prescribe procedures for a state agency to 3958  
follow in disposing of excess and surplus supplies in its 3959  
control that have a value below the minimum value established by 3960  
the director. 3961

(G) The director of administrative services may authorize 3962  
any state agency to transfer surplus computers and computer 3963  
equipment that are not needed by other state agencies directly 3964  
to an accredited public school within the state. The computers 3965  
and computer equipment may be repaired or refurbished prior to 3966  
transfer. The state agency may charge a service fee to the 3967  
public schools for the property not to exceed the direct cost of 3968  
repairing or refurbishing it. The state agency shall deposit 3969  
such funds into the account used for repair or refurbishment. 3970

(H) Excess and surplus supplies of food shall be exempt 3971  
from this section and may be donated directly to nonprofit food 3972  
pantries and institutions without notification to the director 3973  
of administrative services. 3974

**Sec. 133.06.** (A) A school district shall not incur, 3975  
without a vote of the electors, net indebtedness that exceeds an 3976  
amount equal to one-tenth of one per cent of its tax valuation, 3977  
except as provided in divisions (G) and (H) of this section and 3978  
in division (D) of section 3313.372 of the Revised Code, or as 3979  
prescribed in section 3318.052 or 3318.44 of the Revised Code, 3980  
or as provided in division (J) of this section. 3981

(B) Except as provided in divisions (E), (F), and (I) of 3982

this section, a school district shall not incur net indebtedness 3983  
that exceeds an amount equal to nine per cent of its tax 3984  
valuation. 3985

(C) A school district shall not submit to a vote of the 3986  
electors the question of the issuance of securities in an amount 3987  
that will make the district's net indebtedness after the 3988  
issuance of the securities exceed an amount equal to four per 3989  
cent of its tax valuation, unless the ~~superintendent of public~~ 3990  
~~instruction~~director of education and workforce, acting under 3991  
policies adopted by the ~~state board~~department of education and 3992  
workforce, and the tax commissioner, acting under written 3993  
policies of the commissioner, consent to the submission. A 3994  
request for the consents shall be made at least one hundred 3995  
twenty days prior to the election at which the question is to be 3996  
submitted. 3997

The ~~superintendent of public instruction~~director of 3998  
education and workforce shall certify to the district the 3999  
~~superintendent's~~director's and the tax commissioner's decisions 4000  
within thirty days after receipt of the request for consents. 4001

If the electors do not approve the issuance of securities 4002  
at the election for which the ~~superintendent of public~~ 4003  
~~instruction~~director of education and workforce and tax 4004  
commissioner consented to the submission of the question, the 4005  
school district may submit the same question to the electors on 4006  
the date that the next special election may be held under 4007  
section 3501.01 of the Revised Code without submitting a new 4008  
request for consent. If the school district seeks to submit the 4009  
same question at any other subsequent election, the district 4010  
shall first submit a new request for consent in accordance with 4011  
this division. 4012

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:	4013 4014
(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;	4015 4016 4017
(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;	4018 4019 4020 4021
(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;	4022 4023 4024 4025
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	4026 4027
(5) Debt incurred under section 3313.374 of the Revised Code;	4028 4029
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	4030 4031 4032
(7) Debt incurred under section 3318.042 of the Revised Code;	4033 4034
(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.	4035 4036 4037
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	4038 4039 4040

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

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

(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.

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

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

(b) The projected needs;

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

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

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

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the ~~superintendent~~ director and any

other information the ~~superintendent~~director obtains, indicates 4069  
a likelihood of potential average growth of tax valuation of the 4070  
district during the next five years of an average of not less 4071  
than one and one-half per cent per year. The findings and 4072  
certification of the ~~superintendent~~director shall be 4073  
conclusive. 4074

(4) An approved special needs district may incur net 4075  
indebtedness by the issuance of securities in accordance with 4076  
the provisions of this chapter in an amount that does not exceed 4077  
an amount equal to the greater of the following: 4078

(a) Twelve per cent of the sum of its tax valuation plus 4079  
an amount that is the product of multiplying that tax valuation 4080  
by the percentage by which the tax valuation has increased over 4081  
the tax valuation on the first day of the sixtieth month 4082  
preceding the month in which its board determines to submit to 4083  
the electors the question of issuing the proposed securities; 4084

(b) Twelve per cent of the sum of its tax valuation plus 4085  
an amount that is the product of multiplying that tax valuation 4086  
by the percentage, determined by the ~~superintendent of public~~ 4087  
~~instruction~~director of education and workforce, by which that 4088  
tax valuation is projected to increase during the next ten 4089  
years. 4090

(F) A school district may issue securities for emergency 4091  
purposes, in a principal amount that does not exceed an amount 4092  
equal to three per cent of its tax valuation, as provided in 4093  
this division. 4094

(1) A board of education, by resolution, may declare an 4095  
emergency if it determines both of the following: 4096

(a) School buildings or other necessary school facilities 4097

in the district have been wholly or partially destroyed, or 4098  
condemned by a constituted public authority, or that such 4099  
buildings or facilities are partially constructed, or so 4100  
constructed or planned as to require additions and improvements 4101  
to them before the buildings or facilities are usable for their 4102  
intended purpose, or that corrections to permanent improvements 4103  
are necessary to remove or prevent health or safety hazards. 4104

(b) Existing fiscal and net indebtedness limitations make 4105  
adequate replacement, additions, or improvements impossible. 4106

(2) Upon the declaration of an emergency, the board of 4107  
education may, by resolution, submit to the electors of the 4108  
district pursuant to section 133.18 of the Revised Code the 4109  
question of issuing securities for the purpose of paying the 4110  
cost, in excess of any insurance or condemnation proceeds 4111  
received by the district, of permanent improvements to respond 4112  
to the emergency need. 4113

(3) The procedures for the election shall be as provided 4114  
in section 133.18 of the Revised Code, except that: 4115

(a) The form of the ballot shall describe the emergency 4116  
existing, refer to this division as the authority under which 4117  
the emergency is declared, and state that the amount of the 4118  
proposed securities exceeds the limitations prescribed by 4119  
division (B) of this section; 4120

(b) The resolution required by division (B) of section 4121  
133.18 of the Revised Code shall be certified to the county 4122  
auditor and the board of elections at least one hundred days 4123  
prior to the election; 4124

(c) The county auditor shall advise and, not later than 4125  
ninety-five days before the election, confirm that advice by 4126

certification to, the board of education of the information 4127  
required by division (C) of section 133.18 of the Revised Code; 4128

(d) The board of education shall then certify its 4129  
resolution and the information required by division (D) of 4130  
section 133.18 of the Revised Code to the board of elections not 4131  
less than ninety days prior to the election. 4132

(4) Notwithstanding division (B) of section 133.21 of the 4133  
Revised Code, the first principal payment of securities issued 4134  
under this division may be set at any date not later than sixty 4135  
months after the earliest possible principal payment otherwise 4136  
provided for in that division. 4137

(G) (1) The board of education may contract with an 4138  
architect, professional engineer, or other person experienced in 4139  
the design and implementation of energy conservation measures 4140  
for an analysis and recommendations pertaining to installations, 4141  
modifications of installations, or remodeling that would 4142  
significantly reduce energy consumption in buildings owned by 4143  
the district. The report shall include estimates of all costs of 4144  
such installations, modifications, or remodeling, including 4145  
costs of design, engineering, installation, maintenance, 4146  
repairs, measurement and verification of energy savings, and 4147  
debt service, forgone residual value of materials or equipment 4148  
replaced by the energy conservation measure, as defined by the 4149  
Ohio facilities construction commission, a baseline analysis of 4150  
actual energy consumption data for the preceding three years 4151  
with the utility baseline based on only the actual energy 4152  
consumption data for the preceding twelve months, and estimates 4153  
of the amounts by which energy consumption and resultant 4154  
operational and maintenance costs, as defined by the commission, 4155  
would be reduced. 4156

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

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

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

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

(2) The board of education may contract with a person 4187  
experienced in the implementation of student transportation to 4188  
produce a report that includes an analysis of and 4189  
recommendations for the use of alternative fuel vehicles by 4190  
school districts. The report shall include cost estimates 4191  
detailing the return on investment over the life of the 4192  
alternative fuel vehicles and environmental impact of 4193  
alternative fuel vehicles. The report also shall include 4194  
estimates of all costs associated with alternative fuel 4195  
transportation, including facility modifications and vehicle 4196  
purchase costs or conversion costs. 4197

If the board finds after receiving the report that the 4198  
amount of money the district would spend on purchasing 4199  
alternative fuel vehicles or vehicle conversion is not likely to 4200  
exceed the amount of money it would save in fuel and resultant 4201  
operational and maintenance costs over the ensuing five years, 4202  
the board may submit to the commission a copy of its findings 4203  
and a request for approval to incur indebtedness to finance the 4204  
purchase of new alternative fuel vehicles or vehicle conversions 4205  
for the purpose of reducing fuel costs. 4206

The facilities construction commission, in consultation 4207  
with the auditor of state, may deny a request under division (G) 4208  
(2) of this section by the board of education of any school 4209  
district that is in a state of fiscal watch pursuant to division 4210  
(A) of section 3316.03 of the Revised Code, if it determines 4211  
that the expenditure of funds is not in the best interest of the 4212  
school district. 4213

No district board of education of a school district that 4214  
is in a state of fiscal emergency pursuant to division (B) of 4215  
section 3316.03 of the Revised Code shall submit a request 4216

without submitting evidence that the purchase or conversion of 4217  
alternative fuel vehicles has been approved by the district's 4218  
financial planning and supervision commission established under 4219  
section 3316.05 of the Revised Code. 4220

No board of education of a school district for which an 4221  
academic distress commission has been established under section 4222  
3302.10 of the Revised Code shall submit a request without first 4223  
receiving approval to incur indebtedness from the district's 4224  
academic distress commission established under that section, for 4225  
so long as such commission continues to be required for the 4226  
district. 4227

(3) The facilities construction commission shall approve 4228  
the board's request provided that the following conditions are 4229  
satisfied: 4230

(a) The commission determines that the board's findings 4231  
are reasonable. 4232

(b) The request for approval is complete. 4233

(c) If the request was submitted under division (G) (1) of 4234  
this section, the installations, modifications, or remodeling 4235  
are consistent with any project to construct or acquire 4236  
classroom facilities, or to reconstruct or make additions to 4237  
existing classroom facilities under sections 3318.01 to 3318.20 4238  
or sections 3318.40 to 3318.45 of the Revised Code. 4239

Upon receipt of the commission's approval, the district 4240  
may issue securities without a vote of the electors in a 4241  
principal amount not to exceed nine-tenths of one per cent of 4242  
its tax valuation for the purpose specified in division (G) (1) 4243  
or (2) of this section, but the total net indebtedness of the 4244  
district without a vote of the electors incurred under this and 4245

all other sections of the Revised Code, except section 3318.052 4246  
of the Revised Code, shall not exceed one per cent of the 4247  
district's tax valuation. 4248

(4) (a) So long as any securities issued under division (G) 4249  
(1) of this section remain outstanding, the board of education 4250  
shall monitor the energy consumption and resultant operational 4251  
and maintenance costs of buildings in which installations or 4252  
modifications have been made or remodeling has been done 4253  
pursuant to that division. Except as provided in division (G) (4) 4254  
(b) of this section, the board shall maintain and annually 4255  
update a report in a form and manner prescribed by the 4256  
facilities construction commission documenting the reductions in 4257  
energy consumption and resultant operational and maintenance 4258  
cost savings attributable to such installations, modifications, 4259  
or remodeling. The resultant operational and maintenance cost 4260  
savings shall be certified by the school district treasurer. The 4261  
report shall be submitted annually to the commission. 4262

(b) If the facilities construction commission verifies 4263  
that the certified annual reports submitted to the commission by 4264  
a board of education under division (G) (4) (a) of this section 4265  
fulfill the guarantee required under division (B) of section 4266  
3313.372 of the Revised Code for three consecutive years, the 4267  
board of education shall no longer be subject to the annual 4268  
reporting requirements of division (G) (4) (a) of this section. 4269

(5) So long as any securities issued under division (G) (2) 4270  
of this section remain outstanding, the board of education shall 4271  
monitor the purchase of new alternative fuel vehicles or vehicle 4272  
conversions pursuant to that division. The board shall maintain 4273  
and annually update a report in a form and manner prescribed by 4274  
the facilities construction commission documenting the purchase 4275

of new alternative fuel vehicles or vehicle conversions, the 4276  
associated environmental impact, and return on investment. The 4277  
resultant fuel and operational and maintenance cost savings 4278  
shall be certified by the school district treasurer. The report 4279  
shall be submitted annually to the commission. 4280

(H) With the consent of the ~~superintendent of public~~ 4281  
~~instruction~~director of education and workforce, a school 4282  
district may incur without a vote of the electors net 4283  
indebtedness that exceeds the amounts stated in divisions (A) 4284  
and (G) of this section for the purpose of paying costs of 4285  
permanent improvements, if and to the extent that both of the 4286  
following conditions are satisfied: 4287

(1) The fiscal officer of the school district estimates 4288  
that receipts of the school district from payments made under or 4289  
pursuant to agreements entered into pursuant to section 725.02, 4290  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 4291  
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 4292  
or 5709.82 of the Revised Code, or distributions under division 4293  
(C) of section 5709.43 or division (B) of section 5709.47 of the 4294  
Revised Code, or any combination thereof, are, after accounting 4295  
for any appropriate coverage requirements, sufficient in time 4296  
and amount, and are committed by the proceedings, to pay the 4297  
debt charges on the securities issued to evidence that 4298  
indebtedness and payable from those receipts, and the taxing 4299  
authority of the district confirms the fiscal officer's 4300  
estimate, which confirmation is approved by the ~~superintendent~~ 4301  
~~of public instruction~~director of education and workforce; 4302

(2) The fiscal officer of the school district certifies, 4303  
and the taxing authority of the district confirms, that the 4304  
district, at the time of the certification and confirmation, 4305

reasonably expects to have sufficient revenue available for the 4306  
purpose of operating such permanent improvements for their 4307  
intended purpose upon acquisition or completion thereof, and the 4308  
~~superintendent of public instruction~~ director of education and 4309  
workforce approves the taxing authority's confirmation. 4310

The maximum maturity of securities issued under division 4311  
(H) of this section shall be the lesser of twenty years or the 4312  
maximum maturity calculated under section 133.20 of the Revised 4313  
Code. 4314

(I) A school district may incur net indebtedness by the 4315  
issuance of securities in accordance with the provisions of this 4316  
chapter in excess of the limit specified in division (B) or (C) 4317  
of this section when necessary to raise the school district 4318  
portion of the basic project cost and any additional funds 4319  
necessary to participate in a project under Chapter 3318. of the 4320  
Revised Code, including the cost of items designated by the 4321  
facilities construction commission as required locally funded 4322  
initiatives, the cost of other locally funded initiatives in an 4323  
amount that does not exceed fifty per cent of the district's 4324  
portion of the basic project cost, and the cost for site 4325  
acquisition. A school district shall notify the ~~superintendent~~ 4326  
~~of public instruction~~ director of education and workforce 4327  
whenever that district will exceed either limit pursuant to this 4328  
division. 4329

(J) A school district whose portion of the basic project 4330  
cost of its classroom facilities project under sections 3318.01 4331  
to 3318.20 of the Revised Code is greater than or equal to one 4332  
hundred million dollars may incur without a vote of the electors 4333  
net indebtedness in an amount up to two per cent of its tax 4334  
valuation through the issuance of general obligation securities 4335

in order to generate all or part of the amount of its portion of 4336  
the basic project cost if the controlling board has approved the 4337  
facilities construction commission's conditional approval of the 4338  
project under section 3318.04 of the Revised Code. The school 4339  
district board and the Ohio facilities construction commission 4340  
shall include the dedication of the proceeds of such securities 4341  
in the agreement entered into under section 3318.08 of the 4342  
Revised Code. No state moneys shall be released for a project to 4343  
which this section applies until the proceeds of any bonds 4344  
issued under this section that are dedicated for the payment of 4345  
the school district portion of the project are first deposited 4346  
into the school district's project construction fund. 4347

**Sec. 133.061.** (A) This section applies only to a school 4348  
district that satisfies all of the following conditions: 4349

(1) The district, prior to June 30, 2007, undertook a 4350  
classroom facilities project under section 3318.37 of the 4351  
Revised Code. 4352

(2) The district will undertake a subsequent classroom 4353  
facilities project under section 3318.37 of the Revised Code 4354  
that will consist of a single building housing grades six 4355  
through twelve. 4356

(3) The district's project described in division (A) (2) of 4357  
this section will include locally funded initiatives that are 4358  
not required by the Ohio facilities construction commission. 4359

(4) The district's project described in division (A) (2) of 4360  
this section will commence within two years after June 30, 2007. 4361

(B) Notwithstanding any other provision of law to the 4362  
contrary, a school district to which this section applies may 4363  
incur net indebtedness by the issuance of securities in 4364

accordance with the provisions of this chapter in excess of the 4365  
limit specified in division (B) or (C) of section 133.06 of the 4366  
Revised Code when necessary to raise the school district portion 4367  
of the basic project cost and any additional funds necessary to 4368  
participate in the classroom facilities project described in 4369  
division (A) (2) of this section, including the cost of items 4370  
designated by the Ohio facilities construction commission as 4371  
required locally funded initiatives, the cost for site 4372  
acquisition, and the cost of the locally funded initiatives that 4373  
are not required by the commission described in division (A) (3) 4374  
of this section, as long as the district's total net 4375  
indebtedness after the issuance of those securities does not 4376  
exceed one hundred twenty-five per cent of the limit prescribed 4377  
in division (B) of section 133.06 of the Revised Code and the 4378  
electors of the district approve the issuance of those 4379  
securities. 4380

The facilities construction commission shall notify the 4381  
~~superintendent of public instruction~~ director of education and 4382  
workforce whenever a school district will exceed either limit 4383  
pursuant to this section. 4384

**Sec. 135.142.** (A) In addition to the investments 4385  
authorized by section 135.14 of the Revised Code, any board of 4386  
education, by a two-thirds vote of its members, may authorize 4387  
the treasurer of the board of education to invest up to forty 4388  
per cent of the interim moneys of the board, available for 4389  
investment at any one time, in either of the following: 4390

(1) Commercial paper notes issued by any entity that is 4391  
defined in ~~division (D) of section 1705.01 or division (E) (K)~~ 4392  
of section 1706.01 of the Revised Code and has assets exceeding 4393  
five hundred million dollars, and to which notes all of the 4394

following apply: 4395

(a) The notes are rated at the time of purchase in the 4396  
highest classification established by at least two nationally 4397  
recognized standard rating services. 4398

(b) The aggregate value of the notes does not exceed ten 4399  
per cent of the aggregate value of the outstanding commercial 4400  
paper of the issuing corporation. 4401

(c) The notes mature no later than two hundred seventy 4402  
days after purchase. 4403

(d) The investment in commercial paper notes of a single 4404  
issuer shall not exceed in the aggregate five per cent of 4405  
interim moneys of the board available for investment at the time 4406  
of purchase. 4407

(2) Bankers' acceptances of banks that are insured by the 4408  
federal deposit insurance corporation and that mature no later 4409  
than one hundred eighty days after purchase. 4410

(B) No investment authorized pursuant to division (A) of 4411  
this section shall be made, whether or not authorized by a board 4412  
of education, unless the treasurer of the board of education has 4413  
completed additional training for making the types of 4414  
investments authorized pursuant to division (A) of this section. 4415  
The type and amount of such training shall be approved and may 4416  
be conducted by or provided under the supervision of the 4417  
treasurer of state. 4418

(C) The treasurer of the board of education shall prepare 4419  
annually and submit to the board of education, the- 4420  
~~superintendent of public instruction~~ director of education and 4421  
workforce, and the auditor of state, on or before the thirty- 4422  
first day of August, a report listing each investment made 4423

pursuant to division (A) of this section during the preceding 4424  
fiscal year, income earned from such investments, fees and 4425  
commissions paid pursuant to division (D) of this section, and 4426  
any other information required by the board, the ~~superintendent~~ 4427  
director, and the auditor of state. 4428

(D) A board of education may make appropriations and 4429  
expenditures for fees and commissions in connection with 4430  
investments made pursuant to division (A) of this section. 4431

(E) (1) In addition to the investments authorized by 4432  
section 135.14 of the Revised Code and division (A) of this 4433  
section, any board of education that is a party to an agreement 4434  
with the treasurer of state pursuant to division (G) of section 4435  
135.143 of the Revised Code and that has outstanding obligations 4436  
issued under authority of section 133.10 of the Revised Code may 4437  
authorize the treasurer of the board of education to invest 4438  
interim moneys of the board in debt interests rated in either of 4439  
the two highest rating classifications by at least two 4440  
nationally recognized standard rating services and issued by 4441  
entities that are defined in ~~division (D) of section 1705.01 or~~ 4442  
~~division (E) (K)~~ of section 1706.01 of the Revised Code. The 4443  
debt interests purchased under authority of division (E) of this 4444  
section shall mature not later than the latest maturity date of 4445  
the outstanding obligations issued under authority of section 4446  
133.10 or 133.301 of the Revised Code. 4447

(2) If any of the debt interests acquired under division 4448  
(E) (1) of this section ceases to be rated as there required, its 4449  
issuer shall notify the treasurer of state of this fact within 4450  
twenty-four hours. At any time thereafter the treasurer of state 4451  
may require collateralization at the rate of one hundred two per 4452  
cent of any remaining obligation of the entity, with securities 4453

authorized for investment under section 135.143 of the Revised 4454  
Code. The collateral shall be delivered to and held by a 4455  
custodian acceptable to the treasurer of state, marked to market 4456  
daily, and any default to be cured within twelve hours. 4457  
Unlimited substitution shall be allowed of comparable 4458  
securities. 4459

**Sec. 149.331.** The state records program of the department 4460  
of administrative services shall do all of the following: 4461

(A) Establish and promulgate in consultation with the 4462  
state archivist standards, procedures, and techniques for the 4463  
effective management of state records; 4464

(B) Review applications for one-time records disposal and 4465  
schedules of records retention and destruction submitted by 4466  
state agencies in accordance with section 149.333 of the Revised 4467  
Code; 4468

(C) Establish "general schedules" proposing the disposal, 4469  
after the lapse of specified periods of time, of records of 4470  
specified form or character common to several or all agencies 4471  
that either have accumulated or may accumulate in such agencies 4472  
and that apparently will not, after the lapse of the periods 4473  
specified, have sufficient administrative, legal, fiscal, or 4474  
other value to warrant their further preservation by the state; 4475

(D) Establish and maintain a records management training 4476  
program, and provide a basic consulting service, for personnel 4477  
involved in record-making and record-keeping functions of 4478  
departments, offices, and institutions; 4479

(E) Provide for the disposition of any remaining records 4480  
of any state agency, board, or commission, whether in the 4481  
executive, judicial, or legislative branch of government, that 4482

has terminated its operations. After the closing of the Ohio 4483  
veterans' children's home, the resident records of the home and 4484  
the resident records of the home when it was known as the 4485  
soldiers' and sailors' orphans' home required to be maintained 4486  
by approved records retention schedules shall be administered by 4487  
the state department of education and workforce pursuant to this 4488  
chapter, the administrative records of the home required to be 4489  
maintained by approved records retention schedules shall be 4490  
administered by the department of administrative services 4491  
pursuant to this chapter, and historical records of the home 4492  
shall be transferred to an appropriate archival institution in 4493  
this state prescribed by the state records program. 4494

(F) Establish a centralized program coordinating 4495  
micrographics standards, training, and services for the benefit 4496  
of all state agencies; 4497

(G) Establish and publish in accordance with the 4498  
applicable law necessary procedures and rules for the retention 4499  
and disposal of state records. 4500

This section does not apply to the records of state- 4501  
supported institutions of higher education, which shall keep 4502  
their own records. 4503

**Sec. 175.30.** As used in sections 175.30 to 175.32 of the 4504  
Revised Code: 4505

(A) "First home" or "home" means the first residential 4506  
real property located in this state to be purchased by a 4507  
recipient who has not owned or had an ownership interest in a 4508  
principal residence in the three years prior to the purchase. 4509

(B) "Graduate" means an individual who has graduated from 4510  
an institution of higher education and who is eligible under 4511

division (B) of section 175.31 of the Revised Code to apply for 4512  
a grant, financial assistance, or down payment assistance 4513  
awarded under the grants for grads program. 4514

(C) "Institution of higher education" means a state 4515  
university or college located in this state, a private college 4516  
or university located in this state that possesses a certificate 4517  
of authorization issued by the ~~Ohio board of regents~~ chancellor 4518  
of higher education under Chapter 1713. of the Revised Code, or 4519  
an accredited college or university located outside this state 4520  
that is accredited by an accrediting organization or 4521  
professional accrediting association recognized by the ~~Ohio~~ 4522  
~~board of regents~~ chancellor. 4523

(D) "Ohio resident" means any of the following: 4524

(1) An individual who was a resident of this state at the 4525  
time of the individual's graduation from an Ohio public or 4526  
nonpublic high school that is approved by the ~~state board~~ 4527  
department of education and workforce, and who is a resident of 4528  
this state at the time of applying for the program; 4529

(2) An individual who was a resident of this state at the 4530  
time of completing, through the twelfth-grade level, a home 4531  
study program approved by the ~~state board~~ department of 4532  
education and workforce, and who is a resident of this state at 4533  
the time of applying for the program; 4534

(3) An individual whose parent was a resident of this 4535  
state at the time of the individual's graduation from high 4536  
school, and who graduated from either of the following: 4537

(a) An out-of-state high school that was accredited by a 4538  
regional accrediting organization recognized by the United 4539  
States department of education and met standards at least 4540

equivalent to those adopted by the ~~state board~~ director of 4541  
education and workforce for approval of nonpublic schools in 4542  
this state; 4543

(b) A high school approved by the United States department 4544  
of defense. 4545

(E) "Program" means the grants for grads program created 4546  
under section 175.31 of the Revised Code. 4547

(F) "Recipient" means an individual who has been awarded a 4548  
grant or has received financial assistance or down payment 4549  
assistance under the program. 4550

**Sec. 197.04.** (A) The Holocaust and genocide memorial and 4551  
education commission shall consist of fifteen members as 4552  
follows: 4553

(1) Two members shall be members of the house of 4554  
representatives appointed by the governor after consultation 4555  
with the speaker of the house of representatives, with one 4556  
member being from the majority party and one member being from 4557  
the minority party, to serve a term of the remainder of the 4558  
general assembly during which the representative is appointed. 4559

(2) Two members shall be members of the senate appointed 4560  
by the governor after consultation with the president of the 4561  
senate, with one member being from the majority party and one 4562  
member being from the minority party, to serve a term of the 4563  
remainder of the general assembly during which the senator is 4564  
appointed. 4565

(3) Three nonvoting ex officio members, to serve until the 4566  
ex officio member ceases to hold the applicable office: 4567

(a) The ~~superintendent of public instruction~~ director of 4568

<u>education and workforce;</u>	4569
(b) The chancellor of higher education;	4570
(c) The director of veterans services.	4571
(4) Eight members shall be appointed by the governor with the advice and consent of the senate, to serve a term of three years, as follows:	4572 4573 4574
(a) At least three members shall be involved in Holocaust and genocide memorial and education or have a personal connection or experience with the Holocaust or genocide.	4575 4576 4577
(b) At least three members shall have expertise regarding the Holocaust and investigation, analysis, or research regarding genocide.	4578 4579 4580
(B) Vacancies shall be filled in the manner provided under division (A) of this section. 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.	4581 4582 4583 4584 4585 4586 4587 4588
<b>Sec. 319.301.</b> (A) The reductions required by division (D) of this section do not apply to any of the following:	4589 4590
(1) Taxes levied at whatever rate is required to produce a specified amount of tax money, including a tax levied under section 5705.199 or 5748.09 of the Revised Code, or an amount to pay debt charges;	4591 4592 4593 4594
(2) Taxes levied within the one per cent limitation imposed by Section 2 of Article XII, Ohio Constitution;	4595 4596

(3) Taxes provided for by the charter of a municipal corporation.	4597 4598
(B) As used in this section:	4599
(1) "Real property" includes real property owned by a railroad.	4600 4601
(2) "Carryover property" means all real property on the current year's tax list except:	4602 4603
(a) Land and improvements that were not taxed by the district in both the preceding year and the current year;	4604 4605
(b) Land and improvements that were not in the same class in both the preceding year and the current year.	4606 4607
(3) "Effective tax rate" means with respect to each class of property:	4608 4609
(a) The sum of the total taxes that would have been charged and payable for current expenses against real property in that class if each of the district's taxes were reduced for the current year under division (D) (1) of this section without regard to the application of division (E) (3) of this section divided by	4610 4611 4612 4613 4614 4615
(b) The taxable value of all real property in that class.	4616
(4) "Taxes charged and payable" means the taxes charged and payable prior to any reduction required by section 319.302 of the Revised Code.	4617 4618 4619
(C) The tax commissioner shall make the determinations required by this section each year, without regard to whether a taxing district has territory in a county to which section 5715.24 of the Revised Code applies for that year. Separate	4620 4621 4622 4623

determinations shall be made for each of the two classes 4624  
established pursuant to section 5713.041 of the Revised Code. 4625

(D) With respect to each tax authorized to be levied by 4626  
each taxing district, the tax commissioner, annually, shall do 4627  
both of the following: 4628

(1) Determine by what percentage, if any, the sums levied 4629  
by such tax against the carryover property in each class would 4630  
have to be reduced for the tax to levy the same number of 4631  
dollars against such property in that class in the current year 4632  
as were charged against such property by such tax in the 4633  
preceding year subsequent to the reduction made under this 4634  
section but before the reduction made under section 319.302 of 4635  
the Revised Code. In the case of a tax levied for the first time 4636  
that is not a renewal of an existing tax, the commissioner shall 4637  
determine by what percentage the sums that would otherwise be 4638  
levied by such tax against carryover property in each class 4639  
would have to be reduced to equal the amount that would have 4640  
been levied if the full rate thereof had been imposed against 4641  
the total taxable value of such property in the preceding tax 4642  
year. A tax or portion of a tax that is designated a replacement 4643  
levy under section 5705.192 of the Revised Code is not a renewal 4644  
of an existing tax for purposes of this division. 4645

(2) Certify each percentage determined in division (D) (1) 4646  
of this section, as adjusted under division (E) of this section, 4647  
and the class of property to which that percentage applies to 4648  
the auditor of each county in which the district has territory. 4649  
The auditor, after complying with section 319.30 of the Revised 4650  
Code, shall reduce the sum to be levied by such tax against each 4651  
parcel of real property in the district by the percentage so 4652  
certified for its class. Certification shall be made by the 4653

first day of September except in the case of a tax levied for 4654  
the first time, in which case certification shall be made within 4655  
fifteen days of the date the county auditor submits the 4656  
information necessary to make the required determination. 4657

(E) (1) As used in division (E) (2) of this section, "pre- 4658  
1982 joint vocational taxes" means, with respect to a class of 4659  
property, the difference between the following amounts: 4660

(a) The taxes charged and payable in tax year 1981 against 4661  
the property in that class for the current expenses of the joint 4662  
vocational school district of which the school district is a 4663  
part after making all reductions under this section; 4664

(b) Two-tenths of one per cent of the taxable value of all 4665  
real property in that class. 4666

If the amount in division (E) (1) (b) of this section 4667  
exceeds the amount in division (E) (1) (a) of this section, the 4668  
pre-1982 joint vocational taxes shall be zero. 4669

As used in divisions (E) (2) and (3) of this section, 4670  
"taxes charged and payable" has the same meaning as in division 4671  
(B) (4) of this section and excludes any tax charged and payable 4672  
in 1985 or thereafter under sections 5705.194 to 5705.197 or 4673  
section 5705.199, 5705.213, 5705.219, or 5748.09 of the Revised 4674  
Code. 4675

(2) If in the case of a school district other than a joint 4676  
vocational or cooperative education school district any 4677  
percentage required to be used in division (D) (2) of this 4678  
section for either class of property could cause the total taxes 4679  
charged and payable for current expenses to be less than two per 4680  
cent of the taxable value of all real property in that class 4681  
that is subject to taxation by the district, the commissioner 4682

shall determine what percentages would cause the district's 4683  
total taxes charged and payable for current expenses against 4684  
that class, after all reductions that would otherwise be made 4685  
under this section, to equal, when combined with the pre-1982 4686  
joint vocational taxes against that class, the lesser of the 4687  
following: 4688

(a) The sum of the rates at which those taxes are 4689  
authorized to be levied; 4690

(b) Two per cent of the taxable value of the property in 4691  
that class. The auditor shall use such percentages in making the 4692  
reduction required by this section for that class. 4693

(3) If in the case of a joint vocational school district 4694  
any percentage required to be used in division (D) (2) of this 4695  
section for either class of property could cause the total taxes 4696  
charged and payable for current expenses for that class to be 4697  
less than two-tenths of one per cent of the taxable value of 4698  
that class, the commissioner shall determine what percentages 4699  
would cause the district's total taxes charged and payable for 4700  
current expenses for that class, after all reductions that would 4701  
otherwise be made under this section, to equal that amount. The 4702  
auditor shall use such percentages in making the reductions 4703  
required by this section for that class. 4704

(F) No reduction shall be made under this section in the 4705  
rate at which any tax is levied. 4706

(G) The commissioner may order a county auditor to furnish 4707  
any information the commissioner needs to make the 4708  
determinations required under division (D) or (E) of this 4709  
section, and the auditor shall supply the information in the 4710  
form and by the date specified in the order. If the auditor 4711

fails to comply with an order issued under this division, except 4712  
for good cause as determined by the commissioner, the 4713  
commissioner shall withhold from such county or taxing district 4714  
therein fifty per cent of state revenues to local governments 4715  
pursuant to section 5747.50 of the Revised Code or shall direct 4716  
the department of education and workforce to withhold therefrom 4717  
fifty per cent of state revenues to school districts pursuant to 4718  
Chapter 3317. of the Revised Code. The commissioner shall 4719  
withhold the distribution of such revenues until the county 4720  
auditor has complied with this division, and the department 4721  
shall withhold the distribution of such revenues until the 4722  
commissioner has notified the department that the county auditor 4723  
has complied with this division. 4724

(H) If the commissioner is unable to certify a tax 4725  
reduction factor for either class of property in a taxing 4726  
district located in more than one county by the last day of 4727  
November because information required under division (G) of this 4728  
section is unavailable, the commissioner may compute and certify 4729  
an estimated tax reduction factor for that district for that 4730  
class. The estimated factor shall be based upon an estimate of 4731  
the unavailable information. Upon receipt of the actual 4732  
information for a taxing district that received an estimated tax 4733  
reduction factor, the commissioner shall compute the actual tax 4734  
reduction factor and use that factor to compute the taxes that 4735  
should have been charged and payable against each parcel of 4736  
property for the year for which the estimated reduction factor 4737  
was used. The amount by which the estimated factor resulted in 4738  
an overpayment or underpayment in taxes on any parcel shall be 4739  
added to or subtracted from the amount due on that parcel in the 4740  
ensuing tax year. 4741

A percentage or a tax reduction factor determined or 4742

computed by the commissioner under this section shall be used 4743  
solely for the purpose of reducing the sums to be levied by the 4744  
tax to which it applies for the year for which it was determined 4745  
or computed. It shall not be used in making any tax computations 4746  
for any ensuing tax year. 4747

(I) In making the determinations under division (D)(1) of 4748  
this section, the tax commissioner shall take account of changes 4749  
in the taxable value of carryover property resulting from 4750  
complaints filed under section 5715.19 of the Revised Code for 4751  
determinations made for the tax year in which such changes are 4752  
reported to the commissioner. Such changes shall be reported to 4753  
the commissioner on the first abstract of real property filed 4754  
with the commissioner under section 5715.23 of the Revised Code 4755  
following the date on which the complaint is finally determined 4756  
by the board of revision or by a court or other authority with 4757  
jurisdiction on appeal. The tax commissioner shall account for 4758  
such changes in making the determinations only for the tax year 4759  
in which the change in valuation is reported. Such a valuation 4760  
change shall not be used to recompute the percentages determined 4761  
under division (D)(1) of this section for any prior tax year. 4762

**Sec. 901.71.** (A) There is hereby created the advisory 4763  
committee on livestock exhibitions consisting of not more than 4764  
twenty-one members, as follows: 4765

(1) The director of agriculture, or the director's 4766  
designee; 4767

(2) The state veterinarian, or the state veterinarian's 4768  
designee; 4769

(3) A representative of the Ohio cattlemen's association, 4770  
the Ohio purebred dairy cattle association, the Ohio pork 4771

producers council, the Ohio poultry association, the Ohio sheep 4772  
improvement association, the Ohio fair managers association, the 4773  
Ohio farm bureau federation, the Ohio farmers union, the Ohio 4774  
department of ~~education's~~ education and workforce's agricultural 4775  
education service, the Ohio state university extension, the 4776  
national farmers organization, and the Ohio state grange, or 4777  
their designees. Each of these members shall be chosen by the 4778  
organization the member represents. 4779

(4) The chairperson of the Ohio expositions commission, or 4780  
the chairperson's designee; 4781

(5) Three persons who shall be appointed by the director, 4782  
each of whom shall serve as a member of a board of directors of 4783  
a county or independent agricultural society organized under 4784  
section 1711.01 or 1711.02 of the Revised Code. Of the initial 4785  
appointments made by the director, one shall be for a term 4786  
ending on December 31, 1996; one shall be for a term ending on 4787  
December 31, 1997; and one shall be for a term ending on 4788  
December 31, 1998. 4789

(6) Not more than three additional members appointed at 4790  
the option of the director. If the director appoints one or more 4791  
additional members, the first additional appointment shall be 4792  
for a term ending on December 31, 1996, the second additional 4793  
appointment shall be for a term ending on December 31, 1997, and 4794  
the third additional appointment shall be for a term ending on 4795  
December 31, 1998. 4796

Following the completion of the initial terms of the 4797  
appointments made by the director, each term of office shall be 4798  
three years, commencing on the first day of January and ending 4799  
on the thirty-first day of December. A member appointed by the 4800  
director shall hold office from the date of the member's 4801

appointment until the end of the term for which the member was 4802  
appointed. Vacancies shall be filled in the same manner as the 4803  
original appointment. Any member appointed to fill a vacancy 4804  
occurring prior to the expiration of the term for which the 4805  
member's predecessor was appointed shall hold office for the 4806  
remainder of the unexpired term. Any member shall continue in 4807  
office subsequent to the expiration date of the member's term 4808  
until the member's successor takes office or until a period of 4809  
ninety days has elapsed, whichever occurs first. 4810

Members may be removed from the committee only for 4811  
misfeasance, malfeasance, or nonfeasance. A vacancy on the 4812  
committee shall not impair the right of the other members to 4813  
exercise all of the functions of the committee. A simple 4814  
majority constitutes a quorum for the conduct of business of the 4815  
committee. On request, each member shall be reimbursed for the 4816  
actual and necessary expenses incurred in the discharge of the 4817  
member's duties as a committee member. 4818

(B) The committee shall be considered a part of the 4819  
department of agriculture for the administrative purposes 4820  
required by this section, including the payment of expenses 4821  
authorized to each member of the committee under this section. 4822  
The director or the director's designee shall serve as 4823  
chairperson of the committee. The director shall designate an 4824  
employee or official of the department to act as the secretary 4825  
of the committee. The secretary shall keep the minutes of the 4826  
committee's meetings and a permanent journal of all meetings, 4827  
proceedings, findings, determinations, and recommendations of 4828  
the committee, including an itemized statement of the expenses 4829  
allowed to each member of the committee under this section. The 4830  
committee may request from the director, and the director shall 4831  
provide, meeting space, assistance, services, and information to 4832

enable the committee to carry out its duties. 4833

(C) The committee shall meet at least once annually after 4834  
the fifteenth day of October and before the first day of 4835  
December. The committee may meet at other times as the 4836  
chairperson or a majority of the committee members considers 4837  
appropriate, provided the chairperson gives members written 4838  
notice of any meeting at least seven days prior to the meeting. 4839

(D) The committee may propose rules and may advise and 4840  
counsel the director on all matters relating to the 4841  
administration of exhibitions and any other matters that the 4842  
committee and the director consider appropriate in carrying out 4843  
sections 901.71 to 901.76 of the Revised Code. 4844

**Sec. 921.06.** (A) (1) No individual shall do any of the 4845  
following without having a commercial applicator license issued 4846  
by the director of agriculture: 4847

(a) Apply pesticides for a pesticide business without 4848  
direct supervision; 4849

(b) Apply pesticides as part of the individual's duties 4850  
while acting as an employee of the United States government, a 4851  
state, county, township, or municipal corporation, or a park 4852  
district, port authority, or sanitary district created under 4853  
Chapter 1545., 4582., or 6115. of the Revised Code, 4854  
respectively; 4855

(c) Apply restricted use pesticides. Division (A) (1) (c) of 4856  
this section does not apply to a private applicator or an 4857  
immediate family member or a subordinate employee of a private 4858  
applicator who is acting under the direct supervision of that 4859  
private applicator. 4860

(d) If the individual is the owner of a business other 4861

than a pesticide business or an employee of such an owner, apply 4862  
pesticides at any of the following publicly accessible sites 4863  
that are located on the property: 4864

(i) Food service operations that are licensed under 4865  
Chapter 3717. of the Revised Code; 4866

(ii) Retail food establishments that are licensed under 4867  
Chapter 3717. of the Revised Code; 4868

(iii) Golf courses; 4869

(iv) Rental properties of more than four apartment units 4870  
at one location; 4871

(v) Hospitals or medical facilities as defined in section 4872  
3701.01 of the Revised Code; 4873

(vi) Child day-care centers or school child day-care 4874  
centers as defined in section 5104.01 of the Revised Code; 4875

(vii) Facilities owned or operated by a school district 4876  
established under Chapter 3311. of the Revised Code, including 4877  
an educational service center, a community school established 4878  
under Chapter 3314. of the Revised Code, or a chartered or 4879  
nonchartered nonpublic school that meets minimum standards 4880  
established by the ~~state board~~ director of education and 4881  
workforce; 4882

(viii) State institutions of higher education as defined 4883  
in section 3345.011 of the Revised Code, nonprofit institutions 4884  
holding a certificate of authorization pursuant to Chapter 1713. 4885  
of the Revised Code, institutions holding a certificate of 4886  
registration from the state board of career colleges and schools 4887  
and program authorization for an associate or bachelor's degree 4888  
program issued under section 3332.05 of the Revised Code, and 4889

private institutions exempt from regulation under Chapter 3332. 4890  
of the Revised Code as prescribed in section 3333.046 of the 4891  
Revised Code; 4892

(ix) Food processing establishments as defined in section 4893  
3715.021 of the Revised Code; 4894

(x) Any other site designated by rule. 4895

(e) Conduct authorized diagnostic inspections. 4896

(2) Divisions (A) (1) (a) to (d) of this section do not 4897  
apply to an individual who is acting as a trained serviceperson 4898  
under the direct supervision of a commercial applicator. 4899

(3) Licenses shall be issued for a period of time 4900  
established by rule and shall be renewed in accordance with 4901  
deadlines established by rule. The fee for each such license 4902  
shall be established by rule. If a license is not issued or 4903  
renewed, the application fee shall be retained by the state as 4904  
payment for the reasonable expense of processing the 4905  
application. The director shall by rule classify by pesticide- 4906  
use category licenses to be issued under this section. A single 4907  
license may include more than one pesticide-use category. No 4908  
individual shall be required to pay an additional license fee if 4909  
the individual is licensed for more than one category. 4910

The fee for each license or renewal does not apply to an 4911  
applicant who is an employee of the department of agriculture 4912  
whose job duties require licensure as a commercial applicator as 4913  
a condition of employment. 4914

(B) Application for a commercial applicator license shall 4915  
be made on a form prescribed by the director. Each application 4916  
for a license shall state the pesticide-use category or 4917  
categories of license for which the applicant is applying and 4918

other information that the director determines essential to the 4919  
administration of this chapter. 4920

(C) If the director finds that the applicant is competent 4921  
to apply pesticides and conduct diagnostic inspections and that 4922  
the applicant has passed both the general examination and each 4923  
applicable pesticide-use category examination as required under 4924  
division (A) of section 921.12 of the Revised Code, the director 4925  
shall issue a commercial applicator license limited to the 4926  
pesticide-use category or categories for which the applicant is 4927  
found to be competent. If the director rejects an application, 4928  
the director may explain why the application was rejected, 4929  
describe the additional requirements necessary for the applicant 4930  
to obtain a license, and return the application. The applicant 4931  
may resubmit the application without payment of any additional 4932  
fee. 4933

(D) (1) A person who is a commercial applicator shall be 4934  
deemed to hold a private applicator's license for purposes of 4935  
applying pesticides on agricultural commodities that are 4936  
produced by the commercial applicator. 4937

(2) A commercial applicator shall apply pesticides only in 4938  
the pesticide-use category or categories in which the applicator 4939  
is licensed under this chapter. 4940

(E) All money collected under this section shall be 4941  
credited to the pesticide, fertilizer, and lime program fund 4942  
created in section 921.22 of the Revised Code. 4943

**Sec. 2151.011.** (A) As used in the Revised Code: 4944

(1) "Juvenile court" means whichever of the following is 4945  
applicable that has jurisdiction under this chapter and Chapter 4946  
2152. of the Revised Code: 4947

(a) The division of the court of common pleas specified in 4948  
section 2101.022 or 2301.03 of the Revised Code as having 4949  
jurisdiction under this chapter and Chapter 2152. of the Revised 4950  
Code or as being the juvenile division or the juvenile division 4951  
combined with one or more other divisions; 4952

(b) The juvenile court of Cuyahoga county or Hamilton 4953  
county that is separately and independently created by section 4954  
2151.08 or Chapter 2153. of the Revised Code and that has 4955  
jurisdiction under this chapter and Chapter 2152. of the Revised 4956  
Code; 4957

(c) If division (A) (1) (a) or (b) of this section does not 4958  
apply, the probate division of the court of common pleas. 4959

(2) "Juvenile judge" means a judge of a court having 4960  
jurisdiction under this chapter. 4961

(3) "Private child placing agency" means any association, 4962  
as defined in section 5103.02 of the Revised Code, that is 4963  
certified under section 5103.03 of the Revised Code to accept 4964  
temporary, permanent, or legal custody of children and place the 4965  
children for either foster care or adoption. 4966

(4) "Private noncustodial agency" means any person, 4967  
organization, association, or society certified by the 4968  
department of job and family services that does not accept 4969  
temporary or permanent legal custody of children, that is 4970  
privately operated in this state, and that does one or more of 4971  
the following: 4972

(a) Receives and cares for children for two or more 4973  
consecutive weeks; 4974

(b) Participates in the placement of children in certified 4975  
foster homes; 4976

(c) Provides adoption services in conjunction with a	4977
public children services agency or private child placing agency.	4978
(B) As used in this chapter:	4979
(1) "Adequate parental care" means the provision by a	4980
child's parent or parents, guardian, or custodian of adequate	4981
food, clothing, and shelter to ensure the child's health and	4982
physical safety and the provision by a child's parent or parents	4983
of specialized services warranted by the child's physical or	4984
mental needs.	4985
(2) "Adult" means an individual who is eighteen years of	4986
age or older.	4987
(3) "Agreement for temporary custody" means a voluntary	4988
agreement authorized by section 5103.15 of the Revised Code that	4989
transfers the temporary custody of a child to a public children	4990
services agency or a private child placing agency.	4991
(4) "Alternative response" means the public children	4992
services agency's response to a report of child abuse or neglect	4993
that engages the family in a comprehensive evaluation of child	4994
safety, risk of subsequent harm, and family strengths and needs	4995
and that does not include a determination as to whether child	4996
abuse or neglect occurred.	4997
(5) "Certified foster home" means a foster home, as	4998
defined in section 5103.02 of the Revised Code, certified under	4999
section 5103.03 of the Revised Code.	5000
(6) "Child" means a person who is under eighteen years of	5001
age, except that the juvenile court has jurisdiction over any	5002
person who is adjudicated an unruly child prior to attaining	5003
eighteen years of age until the person attains twenty-one years	5004
of age, and, for purposes of that jurisdiction related to that	5005

adjudication, a person who is so adjudicated an unruly child 5006  
shall be deemed a "child" until the person attains twenty-one 5007  
years of age. 5008

(7) "Child day camp," "child care," "child day-care 5009  
center," "part-time child day-care center," "type A family day- 5010  
care home," "licensed type B family day-care home," "type B 5011  
family day-care home," "administrator of a child day-care 5012  
center," "administrator of a type A family day-care home," and 5013  
"in-home aide" have the same meanings as in section 5104.01 of 5014  
the Revised Code. 5015

(8) "Child care provider" means an individual who is a 5016  
child-care staff member or administrator of a child day-care 5017  
center, a type A family day-care home, or a type B family day- 5018  
care home, or an in-home aide or an individual who is licensed, 5019  
is regulated, is approved, operates under the direction of, or 5020  
otherwise is certified by the department of job and family 5021  
services, department of developmental disabilities, or the early 5022  
childhood programs of the department of education and workforce. 5023

(9) "Commit" means to vest custody as ordered by the 5024  
court. 5025

(10) "Counseling" includes both of the following: 5026

(a) General counseling services performed by a public 5027  
children services agency or shelter for victims of domestic 5028  
violence to assist a child, a child's parents, and a child's 5029  
siblings in alleviating identified problems that may cause or 5030  
have caused the child to be an abused, neglected, or dependent 5031  
child. 5032

(b) Psychiatric or psychological therapeutic counseling 5033  
services provided to correct or alleviate any mental or 5034

emotional illness or disorder and performed by a licensed 5035  
psychiatrist, licensed psychologist, or a person licensed under 5036  
Chapter 4757. of the Revised Code to engage in social work or 5037  
professional counseling. 5038

(11) "Custodian" means a person who has legal custody of a 5039  
child or a public children services agency or private child 5040  
placing agency that has permanent, temporary, or legal custody 5041  
of a child. 5042

(12) "Delinquent child" has the same meaning as in section 5043  
2152.02 of the Revised Code. 5044

(13) "Detention" means the temporary care of children 5045  
pending court adjudication or disposition, or execution of a 5046  
court order, in a public or private facility designed to 5047  
physically restrict the movement and activities of children. 5048

(14) "Developmental disability" has the same meaning as in 5049  
section 5123.01 of the Revised Code. 5050

(15) "Differential response approach" means an approach 5051  
that a public children services agency may use to respond to 5052  
accepted reports of child abuse or neglect with either an 5053  
alternative response or a traditional response. 5054

(16) "Foster caregiver" has the same meaning as in section 5055  
5103.02 of the Revised Code. 5056

(17) "Guardian" means a person, association, or 5057  
corporation that is granted authority by a probate court 5058  
pursuant to Chapter 2111. of the Revised Code to exercise 5059  
parental rights over a child to the extent provided in the 5060  
court's order and subject to the residual parental rights of the 5061  
child's parents. 5062

(18) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

(19) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

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

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

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 or 3321.042 of the Revised Code;

(c) The fact that the child in question has received an

age and schooling certificate in accordance with section 3331.01 5092  
of the Revised Code. 5093

(23) "Mental illness" has the same meaning as in section 5094  
5122.01 of the Revised Code. 5095

(24) "Mental injury" means any behavioral, cognitive, 5096  
emotional, or mental disorder in a child caused by an act or 5097  
omission that is described in section 2919.22 of the Revised 5098  
Code and is committed by the parent or other person responsible 5099  
for the child's care. 5100

(25) "Nonsecure care, supervision, or training" means 5101  
care, supervision, or training of a child in a facility that 5102  
does not confine or prevent movement of the child within the 5103  
facility or from the facility. 5104

(26) "Of compulsory school age" has the same meaning as in 5105  
section 3321.01 of the Revised Code. 5106

(27) "Organization" means any institution, public, 5107  
semipublic, or private, and any private association, society, or 5108  
agency located or operating in the state, incorporated or 5109  
unincorporated, having among its functions the furnishing of 5110  
protective services or care for children, or the placement of 5111  
children in certified foster homes or elsewhere. 5112

(28) "Out-of-home care" means detention facilities, 5113  
shelter facilities, certified children's crisis care facilities, 5114  
certified foster homes, placement in a prospective adoptive home 5115  
prior to the issuance of a final decree of adoption, 5116  
organizations, certified organizations, child day-care centers, 5117  
type A family day-care homes, type B family day-care homes, 5118  
child care provided by in-home aides, group home providers, 5119  
group homes, institutions, state institutions, residential 5120

facilities, residential care facilities, residential camps, day 5121  
camps, private, nonprofit therapeutic wilderness camps, public 5122  
schools, chartered nonpublic schools, educational service 5123  
centers, hospitals, and medical clinics that are responsible for 5124  
the care, physical custody, or control of children. 5125

(29) "Out-of-home care child abuse" means any of the 5126  
following when committed by a person responsible for the care of 5127  
a child in out-of-home care: 5128

(a) Engaging in sexual activity with a child in the 5129  
person's care; 5130

(b) Denial to a child, as a means of punishment, of proper 5131  
or necessary subsistence, education, medical care, or other care 5132  
necessary for a child's health; 5133

(c) Use of restraint procedures on a child that cause 5134  
injury or pain; 5135

(d) Administration of prescription drugs or psychotropic 5136  
medication to the child without the written approval and ongoing 5137  
supervision of a licensed physician; 5138

(e) Commission of any act, other than by accidental means, 5139  
that results in any injury to or death of the child in out-of- 5140  
home care or commission of any act by accidental means that 5141  
results in an injury to or death of a child in out-of-home care 5142  
and that is at variance with the history given of the injury or 5143  
death. 5144

(30) "Out-of-home care child neglect" means any of the 5145  
following when committed by a person responsible for the care of 5146  
a child in out-of-home care: 5147

(a) Failure to provide reasonable supervision according to 5148

the standards of care appropriate to the age, mental and	5149
physical condition, or other special needs of the child;	5150
(b) Failure to provide reasonable supervision according to	5151
the standards of care appropriate to the age, mental and	5152
physical condition, or other special needs of the child, that	5153
results in sexual or physical abuse of the child by any person;	5154
(c) Failure to develop a process for all of the following:	5155
(i) Administration of prescription drugs or psychotropic	5156
drugs for the child;	5157
(ii) Assuring that the instructions of the licensed	5158
physician who prescribed a drug for the child are followed;	5159
(iii) Reporting to the licensed physician who prescribed	5160
the drug all unfavorable or dangerous side effects from the use	5161
of the drug.	5162
(d) Failure to provide proper or necessary subsistence,	5163
education, medical care, or other individualized care necessary	5164
for the health or well-being of the child;	5165
(e) Confinement of the child to a locked room without	5166
monitoring by staff;	5167
(f) Failure to provide ongoing security for all	5168
prescription and nonprescription medication;	5169
(g) Isolation of a child for a period of time when there	5170
is substantial risk that the isolation, if continued, will	5171
impair or retard the mental health or physical well-being of the	5172
child.	5173
(31) "Permanent custody" means a legal status that vests	5174
in a public children services agency or a private child placing	5175

agency, all parental rights, duties, and obligations, including 5176  
the right to consent to adoption, and divests the natural 5177  
parents or adoptive parents of all parental rights, privileges, 5178  
and obligations, including all residual rights and obligations. 5179

(32) "Permanent surrender" means the act of the parents 5180  
or, if a child has only one parent, of the parent of a child, by 5181  
a voluntary agreement authorized by section 5103.15 of the 5182  
Revised Code, to transfer the permanent custody of the child to 5183  
a public children services agency or a private child placing 5184  
agency. 5185

(33) "Person" means an individual, association, 5186  
corporation, or partnership and the state or any of its 5187  
political subdivisions, departments, or agencies. 5188

(34) "Person responsible for a child's care in out-of-home 5189  
care" means any of the following: 5190

(a) Any foster caregiver, in-home aide, or provider; 5191

(b) Any administrator, employee, or agent of any of the 5192  
following: a public or private detention facility; shelter 5193  
facility; certified children's crisis care facility; 5194  
organization; certified organization; child day-care center; 5195  
type A family day-care home; licensed type B family day-care 5196  
home; group home; institution; state institution; residential 5197  
facility; residential care facility; residential camp; day camp; 5198  
school district; community school; chartered nonpublic school; 5199  
educational service center; hospital; or medical clinic; 5200

(c) Any person who supervises or coaches children as part 5201  
of an extracurricular activity sponsored by a school district, 5202  
public school, or chartered nonpublic school; 5203

(d) Any other person who performs a similar function with 5204

respect to, or has a similar relationship to, children. 5205

(35) "Physical impairment" means having one or more of the 5206  
following conditions that substantially limit one or more of an 5207  
individual's major life activities, including self-care, 5208  
receptive and expressive language, learning, mobility, and self- 5209  
direction: 5210

(a) A substantial impairment of vision, speech, or 5211  
hearing; 5212

(b) A congenital orthopedic impairment; 5213

(c) An orthopedic impairment caused by disease, rheumatic 5214  
fever or any other similar chronic or acute health problem, or 5215  
amputation or another similar cause. 5216

(36) "Placement for adoption" means the arrangement by a 5217  
public children services agency or a private child placing 5218  
agency with a person for the care and adoption by that person of 5219  
a child of whom the agency has permanent custody. 5220

(37) "Placement in foster care" means the arrangement by a 5221  
public children services agency or a private child placing 5222  
agency for the out-of-home care of a child of whom the agency 5223  
has temporary custody or permanent custody. 5224

(38) "Planned permanent living arrangement" means an order 5225  
of a juvenile court pursuant to which both of the following 5226  
apply: 5227

(a) The court gives legal custody of a child to a public 5228  
children services agency or a private child placing agency 5229  
without the termination of parental rights. 5230

(b) The order permits the agency to make an appropriate 5231  
placement of the child and to enter into a written agreement 5232

with a foster care provider or with another person or agency 5233  
with whom the child is placed. 5234

(39) "Practice of social work" and "practice of 5235  
professional counseling" have the same meanings as in section 5236  
4757.01 of the Revised Code. 5237

(40) "Private, nonprofit therapeutic wilderness camp" has 5238  
the same meaning as in section 5103.02 of the Revised Code. 5239

(41) "Sanction, service, or condition" means a sanction, 5240  
service, or condition created by court order following an 5241  
adjudication that a child is an unruly child that is described 5242  
in division (A) (4) of section 2152.19 of the Revised Code. 5243

(42) "Protective supervision" means an order of 5244  
disposition pursuant to which the court permits an abused, 5245  
neglected, dependent, or unruly child to remain in the custody 5246  
of the child's parents, guardian, or custodian and stay in the 5247  
child's home, subject to any conditions and limitations upon the 5248  
child, the child's parents, guardian, or custodian, or any other 5249  
person that the court prescribes, including supervision as 5250  
directed by the court for the protection of the child. 5251

(43) "Psychiatrist" has the same meaning as in section 5252  
5122.01 of the Revised Code. 5253

(44) "Psychologist" has the same meaning as in section 5254  
4732.01 of the Revised Code. 5255

(45) "Resource caregiver" has the same meaning as in 5256  
section 5103.02 of the Revised Code. 5257

(46) "Resource family" has the same meaning as in section 5258  
5103.02 of the Revised Code. 5259

(47) "Residential camp" means a program in which the care, 5260

physical custody, or control of children is accepted overnight 5261  
for recreational or recreational and educational purposes. 5262

(48) "Residential care facility" means an institution, 5263  
residence, or facility that is licensed by the department of 5264  
mental health and addiction services under section 5119.34 of 5265  
the Revised Code and that provides care for a child. 5266

(49) "Residential facility" means a home or facility that 5267  
is licensed by the department of developmental disabilities 5268  
under section 5123.19 of the Revised Code and in which a child 5269  
with a developmental disability resides. 5270

(50) "Residual parental rights, privileges, and 5271  
responsibilities" means those rights, privileges, and 5272  
responsibilities remaining with the natural parent after the 5273  
transfer of legal custody of the child, including, but not 5274  
necessarily limited to, the privilege of reasonable visitation, 5275  
consent to adoption, the privilege to determine the child's 5276  
religious affiliation, and the responsibility for support. 5277

(51) "School day" means the school day established by the 5278  
board of education of the applicable school district pursuant to 5279  
section 3313.481 of the Revised Code. 5280

(52) "School year" has the same meaning as in section 5281  
3313.62 of the Revised Code. 5282

(53) "Secure correctional facility" means a facility under 5283  
the direction of the department of youth services that is 5284  
designed to physically restrict the movement and activities of 5285  
children and used for the placement of children after 5286  
adjudication and disposition. 5287

(54) "Sexual activity" has the same meaning as in section 5288  
2907.01 of the Revised Code. 5289

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

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

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

(58) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

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

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

(1) Place the child in protective supervision;

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

(a) A public children services agency;	5318
(b) A private child placing agency;	5319
(c) Either parent;	5320
(d) A relative residing within or outside the state;	5321
(e) A probation officer for placement in a certified foster home;	5322 5323
(f) Any other person approved by the court.	5324
(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:	5325 5326 5327 5328 5329 5330 5331 5332 5333 5334
(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;	5335 5336 5337
(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of	5338 5339 5340 5341 5342 5343 5344 5345

the curriculum of any high school, successful completion of an 5346  
individualized education program developed for the student by 5347  
any high school, or an age and schooling certificate. 5348  
Responsibility beyond the age of majority shall terminate when 5349  
the child ceases to continuously pursue such an education, 5350  
completes such an education, or is excused from such an 5351  
education under standards adopted by the ~~state board~~ department 5352  
of education and workforce, whichever occurs first. 5353

(c) That the parents of the child have residual parental 5354  
rights, privileges, and responsibilities, including, but not 5355  
limited to, the privilege of reasonable visitation, consent to 5356  
adoption, the privilege to determine the child's religious 5357  
affiliation, and the responsibility for support; 5358

(d) That the person understands that the person must be 5359  
present in court for the dispositional hearing in order to 5360  
affirm the person's intention to become legal custodian, to 5361  
affirm that the person understands the effect of the 5362  
custodianship before the court, and to answer any questions that 5363  
the court or any parties to the case may have. 5364

(4) Commit the child to the permanent custody of a public 5365  
children services agency or private child placing agency, if the 5366  
court determines in accordance with division (E) of section 5367  
2151.414 of the Revised Code that the child cannot be placed 5368  
with one of the child's parents within a reasonable time or 5369  
should not be placed with either parent and determines in 5370  
accordance with division (D) (1) of section 2151.414 of the 5371  
Revised Code that the permanent commitment is in the best 5372  
interest of the child. If the court grants permanent custody 5373  
under this division, the court, upon the request of any party, 5374  
shall file a written opinion setting forth its findings of fact 5375

and conclusions of law in relation to the proceeding. 5376

(5) Place the child in a planned permanent living 5377  
arrangement with a public children services agency or private 5378  
child placing agency, if a public children services agency or 5379  
private child placing agency requests the court to place the 5380  
child in a planned permanent living arrangement and if the court 5381  
finds, by clear and convincing evidence, that a planned 5382  
permanent living arrangement is in the best interest of the 5383  
child, that the child is sixteen years of age or older, and that 5384  
one of the following exists: 5385

(a) The child, because of physical, mental, or 5386  
psychological problems or needs, is unable to function in a 5387  
family-like setting and must remain in residential or 5388  
institutional care now and for the foreseeable future beyond the 5389  
date of the dispositional hearing held pursuant to section 5390  
2151.35 of the Revised Code. 5391

(b) The parents of the child have significant physical, 5392  
mental, or psychological problems and are unable to care for the 5393  
child because of those problems, adoption is not in the best 5394  
interest of the child, as determined in accordance with division 5395  
(D) (1) of section 2151.414 of the Revised Code, and the child 5396  
retains a significant and positive relationship with a parent or 5397  
relative. 5398

(c) The child has been counseled on the permanent 5399  
placement options available to the child, and is unwilling to 5400  
accept or unable to adapt to a permanent placement. 5401

(6) Order the removal from the child's home until further 5402  
order of the court of the person who committed abuse as 5403  
described in section 2151.031 of the Revised Code against the 5404

child, who caused or allowed the child to suffer neglect as 5405  
described in section 2151.03 of the Revised Code, or who is the 5406  
parent, guardian, or custodian of a child who is adjudicated a 5407  
dependent child and order any person not to have contact with 5408  
the child or the child's siblings. 5409

(B) (1) When making a determination on whether to place a 5410  
child in a planned permanent living arrangement pursuant to 5411  
division (A) (5) (b) or (c) of this section, the court shall 5412  
consider all relevant information that has been presented to the 5413  
court, including information gathered from the child, the 5414  
child's guardian ad litem, and the public children services 5415  
agency or private child placing agency. 5416

(2) A child who is placed in a planned permanent living 5417  
arrangement pursuant to division (A) (5) (b) or (c) of this 5418  
section shall be placed in an independent living setting or in a 5419  
family setting in which the caregiver has been provided by the 5420  
agency that has custody of the child with a notice that 5421  
addresses the following: 5422

(a) The caregiver understands that the planned permanent 5423  
living arrangement is intended to be permanent in nature and 5424  
that the caregiver will provide a stable placement for the child 5425  
through the child's emancipation or until the court releases the 5426  
child from the custody of the agency, whichever occurs first. 5427

(b) The caregiver is expected to actively participate in 5428  
the youth's independent living case plan, attend agency team 5429  
meetings and court hearings as appropriate, complete training, 5430  
as developed and implemented under section 5103.035 of the 5431  
Revised Code, related to providing the child independent living 5432  
services, and assist in the child's transition into adulthood. 5433

(3) The department of job and family services shall 5434  
develop a model notice to be provided by an agency that has 5435  
custody of a child to a caregiver under division (B) (2) of this 5436  
section. The agency may modify the model notice to apply to the 5437  
needs of the agency. 5438

(C) No order for permanent custody or temporary custody of 5439  
a child or the placement of a child in a planned permanent 5440  
living arrangement shall be made pursuant to this section unless 5441  
the complaint alleging the abuse, neglect, or dependency 5442  
contains a prayer requesting permanent custody, temporary 5443  
custody, or the placement of the child in a planned permanent 5444  
living arrangement as desired, the summons served on the parents 5445  
of the child contains as is appropriate a full explanation that 5446  
the granting of an order for permanent custody permanently 5447  
divests them of their parental rights, a full explanation that 5448  
an adjudication that the child is an abused, neglected, or 5449  
dependent child may result in an order of temporary custody that 5450  
will cause the removal of the child from their legal custody 5451  
until the court terminates the order of temporary custody or 5452  
permanently divests the parents of their parental rights, or a 5453  
full explanation that the granting of an order for a planned 5454  
permanent living arrangement will result in the removal of the 5455  
child from their legal custody if any of the conditions listed 5456  
in divisions (A) (5) (a) to (c) of this section are found to 5457  
exist, and the summons served on the parents contains a full 5458  
explanation of their right to be represented by counsel and to 5459  
have counsel appointed pursuant to Chapter 120. of the Revised 5460  
Code if they are indigent. 5461

If after making disposition as authorized by division (A) 5462  
(2) of this section, a motion is filed that requests permanent 5463  
custody of the child, the court may grant permanent custody of 5464

the child to the movant in accordance with section 2151.414 of 5465  
the Revised Code. 5466

(D) If the court issues an order for protective 5467  
supervision pursuant to division (A)(1) of this section, the 5468  
court may place any reasonable restrictions upon the child, the 5469  
child's parents, guardian, or custodian, or any other person, 5470  
including, but not limited to, any of the following: 5471

(1) Order a party, within forty-eight hours after the 5472  
issuance of the order, to vacate the child's home indefinitely 5473  
or for a specified period of time; 5474

(2) Order a party, a parent of the child, or a physical 5475  
custodian of the child to prevent any particular person from 5476  
having contact with the child; 5477

(3) Issue an order restraining or otherwise controlling 5478  
the conduct of any person which conduct would not be in the best 5479  
interest of the child. 5480

(E) As part of its dispositional order, the court shall 5481  
journalize a case plan for the child. The journalized case plan 5482  
shall not be changed except as provided in section 2151.412 of 5483  
the Revised Code. 5484

(F)(1) The court shall retain jurisdiction over any child 5485  
for whom the court issues an order of disposition pursuant to 5486  
division (A) of this section or pursuant to section 2151.414 or 5487  
2151.415 of the Revised Code until the child attains the age of 5488  
eighteen years if the child does not have a developmental 5489  
disability or physical impairment, the child attains the age of 5490  
twenty-one years if the child has a developmental disability or 5491  
physical impairment, or the child is adopted and a final decree 5492  
of adoption is issued, except that the court may retain 5493

jurisdiction over the child and continue any order of 5494  
disposition under division (A) of this section or under section 5495  
2151.414 or 2151.415 of the Revised Code for a specified period 5496  
of time to enable the child to graduate from high school or 5497  
vocational school. The court shall make an entry continuing its 5498  
jurisdiction under this division in the journal. 5499

(2) Any public children services agency, any private child 5500  
placing agency, the department of job and family services, or 5501  
any party, other than any parent whose parental rights with 5502  
respect to the child have been terminated pursuant to an order 5503  
issued under division (A) (4) of this section, by filing a motion 5504  
with the court, may at any time request the court to modify or 5505  
terminate any order of disposition issued pursuant to division 5506  
(A) of this section or section 2151.414 or 2151.415 of the 5507  
Revised Code. The court shall hold a hearing upon the motion as 5508  
if the hearing were the original dispositional hearing and shall 5509  
give all parties to the action and the guardian ad litem notice 5510  
of the hearing pursuant to the Juvenile Rules. If applicable, 5511  
the court shall comply with section 2151.42 of the Revised Code. 5512

(G) Any temporary custody order issued pursuant to 5513  
division (A) of this section shall terminate one year after the 5514  
earlier of the date on which the complaint in the case was filed 5515  
or the child was first placed into shelter care, except that, 5516  
upon the filing of a motion pursuant to section 2151.415 of the 5517  
Revised Code, the temporary custody order shall continue and not 5518  
terminate until the court issues a dispositional order under 5519  
that section. In resolving the motion, the court shall not order 5520  
an existing temporary custody order to continue beyond two years 5521  
after the date on which the complaint was filed or the child was 5522  
first placed into shelter care, whichever date is earlier, 5523  
regardless of whether any extensions have been previously 5524

ordered pursuant to division (D) of section 2151.415 of the Revised Code.

(H) (1) No later than one year after the earlier of the date the complaint in the case was filed or the child was first placed in shelter care, a party may ask the court to extend an order for protective supervision for six months or to terminate the order. A party requesting extension or termination of the order shall file a written request for the extension or termination with the court and give notice of the proposed extension or termination in writing before the end of the day after the day of filing it to all parties and the child's guardian ad litem. If a public children services agency or private child placing agency requests termination of the order, the agency shall file a written status report setting out the facts supporting termination of the order at the time it files the request with the court. If no party requests extension or termination of the order, the court shall notify the parties that the court will extend the order for six months or terminate it and that it may do so without a hearing unless one of the parties requests a hearing. All parties and the guardian ad litem shall have seven days from the date a notice is sent pursuant to this division to object to and request a hearing on the proposed extension or termination.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension

is in the child's best interest, the court shall extend the 5556  
order for six months. 5557

(b) If it does not receive a timely request for a hearing, 5558  
the court may extend the order for six months or terminate it 5559  
without a hearing and shall journalize the order of extension or 5560  
termination not later than fourteen days after receiving the 5561  
request for extension or termination or after the date the court 5562  
notifies the parties that it will extend or terminate the order. 5563  
If the court does not extend or terminate the order, it shall 5564  
schedule a hearing to be held no later than thirty days after 5565  
the expiration of the applicable fourteen-day time period and 5566  
give notice of the date, time, and location of the hearing to 5567  
all parties and the child's guardian ad litem. At the hearing, 5568  
the court shall determine whether extension or termination of 5569  
the order is in the child's best interest. If termination is in 5570  
the child's best interest, the court shall terminate the order. 5571  
If extension is in the child's best interest, the court shall 5572  
issue an order extending the order for protective supervision 5573  
six months. 5574

(2) If the court grants an extension of the order for 5575  
protective supervision pursuant to division (H) (1) of this 5576  
section, a party may, prior to termination of the extension, 5577  
file with the court a request for an additional extension of six 5578  
months or for termination of the order. The court and the 5579  
parties shall comply with division (H) (1) of this section with 5580  
respect to extending or terminating the order. 5581

(3) If a court grants an extension pursuant to division 5582  
(H) (2) of this section, the court shall terminate the order for 5583  
protective supervision at the end of the extension. 5584

(I) The court shall not issue a dispositional order 5585

pursuant to division (A) of this section that removes a child 5586  
from the child's home unless the court complies with section 5587  
2151.419 of the Revised Code and includes in the dispositional 5588  
order the findings of fact required by that section. 5589

(J) If a motion or application for an order described in 5590  
division (A)(6) of this section is made, the court shall not 5591  
issue the order unless, prior to the issuance of the order, it 5592  
provides to the person all of the following: 5593

(1) Notice and a copy of the motion or application; 5594

(2) The grounds for the motion or application; 5595

(3) An opportunity to present evidence and witnesses at a 5596  
hearing regarding the motion or application; 5597

(4) An opportunity to be represented by counsel at the 5598  
hearing. 5599

(K) The jurisdiction of the court shall terminate one year 5600  
after the date of the award or, if the court takes any further 5601  
action in the matter subsequent to the award, the date of the 5602  
latest further action subsequent to the award, if the court 5603  
awards legal custody of a child to either of the following: 5604

(1) A legal custodian who, at the time of the award of 5605  
legal custody, resides in a county of this state other than the 5606  
county in which the court is located; 5607

(2) A legal custodian who resides in the county in which 5608  
the court is located at the time of the award of legal custody, 5609  
but moves to a different county of this state prior to one year 5610  
after the date of the award or, if the court takes any further 5611  
action in the matter subsequent to the award, one year after the 5612  
date of the latest further action subsequent to the award. 5613

The court in the county in which the legal custodian 5614  
resides then shall have jurisdiction in the matter. 5615

**Sec. 2151.357.** (A) If the court orders the records of a 5616  
person sealed pursuant to section 2151.356 of the Revised Code, 5617  
the person who is subject of the order properly may, and the 5618  
court shall, reply that no record exists with respect to the 5619  
person upon any inquiry in the matter, and the court, except as 5620  
provided in division (D) of this section, shall do all of the 5621  
following: 5622

(1) Order that the proceedings in a case described in 5623  
divisions (B) and (C) of section 2151.356 of the Revised Code be 5624  
deemed never to have occurred; 5625

(2) Except as provided in division (C) of this section, 5626  
delete all index references to the case and the person so that 5627  
the references are permanently irretrievable; 5628

(3) Order that all original records of the case maintained 5629  
by any public office or agency, except fingerprints held by a 5630  
law enforcement agency, DNA specimens collected pursuant to 5631  
section 2152.74 of the Revised Code, and DNA records derived 5632  
from DNA specimens pursuant to section 109.573 of the Revised 5633  
Code, be delivered to the court; 5634

(4) Order each public office or agency, upon the 5635  
delivering of records to the court under division (A) (3) of this 5636  
section, to expunge remaining records of the case that are the 5637  
subject of the sealing order that are maintained by that public 5638  
office or agency, except fingerprints, DNA specimens, and DNA 5639  
records described under division (A) (3) of this section; 5640

(5) Send notice of the order to seal to any public office 5641  
or agency that the court has reason to believe may have a record 5642

of the sealed record including, but not limited to, the bureau 5643  
of criminal identification and investigation; 5644

(6) Seal all of the records delivered to the court under 5645  
division (A) (3) of this section, in a separate file in which 5646  
only sealed records are maintained. 5647

(B) Except as provided in division (D) of this section, an 5648  
order to seal under section 2151.356 of the Revised Code applies 5649  
to every public office or agency that has a record relating to 5650  
the case, regardless of whether it receives notice of the 5651  
hearing on the sealing of the record or a copy of the order. 5652  
Except as provided in division (D) of this section, upon the 5653  
written request of a person whose record has been sealed and the 5654  
presentation of a copy of the order and compliance with division 5655  
(A) (3) of this section, a public office or agency shall expunge 5656  
its record relating to the case, except a record of the 5657  
adjudication or arrest or taking into custody that is maintained 5658  
for compiling statistical data and that does not contain any 5659  
reference to the person who is the subject of the order. 5660

(C) The court that maintains sealed records pursuant to 5661  
this section may maintain a manual or computerized index of the 5662  
sealed records and shall make the index available only for the 5663  
purposes set forth in division (E) of this section. 5664

(1) Each entry regarding a sealed record in the index of 5665  
sealed records shall contain all of the following: 5666

(a) The name of the person who is the subject of the 5667  
sealed record; 5668

(b) An alphanumeric identifier relating to the person who 5669  
is the subject of the sealed record; 5670

(c) The word "sealed"; 5671

(d) The name of the court that has custody of the sealed record. 5672  
5673

(2) Any entry regarding a sealed record in the index of sealed records shall not contain either of the following: 5674  
5675

(a) The social security number of the person who is subject of the sealed record; 5676  
5677

(b) The name or a description of the act committed. 5678

(D) Notwithstanding any provision of this section that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently 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 5679  
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permanent exclusion of the individual is subject to division (F) 5702  
of this section. 5703

(E) Inspection of records that have been ordered sealed 5704  
under section 2151.356 of the Revised Code may be made only by 5705  
the following persons or for the following purposes: 5706

(1) By the court; 5707

(2) If the records in question pertain to an act that 5708  
would be an offense of violence that would be a felony if 5709  
committed by an adult, by any law enforcement officer or any 5710  
prosecutor, or the assistants of a law enforcement officer or 5711  
prosecutor, for any valid law enforcement or prosecutorial 5712  
purpose; 5713

(3) Upon application by the person who is the subject of 5714  
the sealed records, by the person that is named in that 5715  
application; 5716

(4) If the records in question pertain to an alleged 5717  
violation of division (E) (1) of section 4301.69 of the Revised 5718  
Code, by any law enforcement officer or any prosecutor, or the 5719  
assistants of a law enforcement officer or prosecutor, for the 5720  
purpose of determining whether the person is eligible for 5721  
diversion under division (E) (2) of section 4301.69 of the 5722  
Revised Code; 5723

(5) At the request of a party in a civil action that is 5724  
based on a case the records for which are the subject of a 5725  
sealing order issued under section 2151.356 of the Revised Code, 5726  
as needed for the civil action. The party also may copy the 5727  
records as needed for the civil action. The sealed records shall 5728  
be used solely in the civil action and are otherwise 5729  
confidential and subject to the provisions of this section; 5730

(6) By the attorney general or an authorized employee of 5731  
the attorney general or the court for purposes of determining 5732  
whether a child is a public registry-qualified juvenile offender 5733  
registrant, as defined in section 2950.01 of the Revised Code, 5734  
for purposes of Chapter 2950. of the Revised Code. 5735

(F) No officer or employee of the state or any of its 5736  
political subdivisions shall knowingly release, disseminate, or 5737  
make available for any purpose involving employment, bonding, 5738  
licensing, or education to any person or to any department, 5739  
agency, or other instrumentality of the state or of any of its 5740  
political subdivisions any information or other data concerning 5741  
any arrest, taking into custody, complaint, indictment, 5742  
information, trial, hearing, adjudication, or correctional 5743  
supervision, the records of which have been sealed pursuant to 5744  
section 2151.356 of the Revised Code and the release, 5745  
dissemination, or making available of which is not expressly 5746  
permitted by this section. Whoever violates this division is 5747  
guilty of divulging confidential information, a misdemeanor of 5748  
the fourth degree. 5749

(G) In any application for employment, license, or other 5750  
right or privilege, any appearance as a witness, or any other 5751  
inquiry, a person may not be questioned with respect to any 5752  
arrest or taking into custody for which the records were sealed. 5753  
If an inquiry is made in violation of this division, the person 5754  
may respond as if the sealed arrest or taking into custody did 5755  
not occur, and the person shall not be subject to any adverse 5756  
action because of the arrest or taking into custody or the 5757  
response. 5758

(H) The judgment rendered by the court under this chapter 5759  
shall not impose any of the civil disabilities ordinarily 5760

imposed by conviction of a crime in that the child is not a 5761  
criminal by reason of the adjudication, and no child shall be 5762  
charged with or convicted of a crime in any court except as 5763  
provided by this chapter. The disposition of a child under the 5764  
judgment rendered or any evidence given in court shall not 5765  
operate to disqualify a child in any future civil service 5766  
examination, appointment, or application. Evidence of a judgment 5767  
rendered and the disposition of a child under the judgment is 5768  
not admissible to impeach the credibility of the child in any 5769  
action or proceeding. Otherwise, the disposition of a child 5770  
under the judgment rendered or any evidence given in court is 5771  
admissible as evidence for or against the child in any action or 5772  
proceeding in any court in accordance with the Rules of Evidence 5773  
and also may be considered by any court as to the matter of 5774  
sentence or to the granting of probation, and a court may 5775  
consider the judgment rendered and the disposition of a child 5776  
under that judgment for purposes of determining whether the 5777  
child, for a future criminal conviction or guilty plea, is a 5778  
repeat violent offender, as defined in section 2929.01 of the 5779  
Revised Code. 5780

**Sec. 2151.362.** (A) (1) In the manner prescribed by division 5781  
(C) (1) or (2) of section 3313.64 of the Revised Code, as 5782  
applicable, the court, at the time of making any order that 5783  
removes a child from the child's own home or that vests legal or 5784  
permanent custody of the child in a person other than the 5785  
child's parent or a government agency, shall determine the 5786  
school district that is to bear the cost of educating the child. 5787  
The court shall make the determination a part of the order that 5788  
provides for the child's placement or commitment. That school 5789  
district shall bear the cost of educating the child unless and 5790  
until the department of education and workforce determines that 5791

a different district shall be responsible for bearing that cost 5792  
pursuant to division (A) (2) of this section. The court's order 5793  
shall state that the determination of which school district is 5794  
responsible to bear the cost of educating the child is subject 5795  
to re-determination by the department pursuant to that division. 5796

(2) If, while the child is in the custody of a person 5797  
other than the child's parent or a government agency, the 5798  
department of education and workforce determines that the place 5799  
of residence of the child's parent has changed since the court 5800  
issued its initial order, the department may name a different 5801  
school district to bear the cost of educating the child. The 5802  
department shall make this new determination, and any future 5803  
determinations, based on evidence received from the school 5804  
district currently responsible to bear the cost of educating the 5805  
child. If the department finds that the evidence demonstrates to 5806  
its satisfaction that the residence of the child's parent has 5807  
changed since the court issued its initial order under division 5808  
(A) (1) of this section, or since the department last made a 5809  
determination under division (A) (2) of this section, the 5810  
department shall name the district in which the child's parent 5811  
currently resides or, if the parent's residence is not known, 5812  
the district in which the parent's last known residence is 5813  
located. If the department cannot determine any Ohio district in 5814  
which the parent currently resides or has resided, the school 5815  
district designated in the initial court order under division 5816  
(A) (1) of this section, or in the most recent determination made 5817  
by the department under division (A) (2) of this section, shall 5818  
continue to bear the cost of educating the child. 5819

(B) Whenever a child is placed in a detention facility 5820  
established under section 2152.41 of the Revised Code or a 5821  
juvenile facility established under section 2151.65 of the 5822

Revised Code, the facility shall be responsible for coordinating 5823  
the education of the child. The facility may take any of the 5824  
following measures in coordinating the education of the child: 5825

(1) If applicable, use the chartered nonpublic school that 5826  
the facility operates; 5827

(2) Arrange with the school district responsible for 5828  
bearing the cost of educating the child determined under 5829  
division (A) of this section, for the facility to educate the 5830  
child on its own; 5831

(3) Contract with an educational service center for the 5832  
service center to educate the child; 5833

(4) Contract with the school district in which the 5834  
facility is located for that school district to educate the 5835  
child; 5836

(5) If the child is enrolled in an internet- or computer- 5837  
based community school established under Chapter 3314. of the 5838  
Revised Code, and provided that the facility possesses the 5839  
necessary hardware, software, and internet connectivity, permit 5840  
continued instruction of the child by the internet- or computer- 5841  
based community school. 5842

If the facility coordinates the education of the child 5843  
pursuant to division (B) (1), (2), (3), or (4) of this section, 5844  
child's school district as determined by the court or the 5845  
department, in the same manner as prescribed in division (A) of 5846  
this section, shall pay the cost of educating the child based on 5847  
the per capita cost of the educational facility within the 5848  
detention home or juvenile facility. 5849

If the facility coordinates the education of the child 5850  
pursuant to division (B) (5) of this section, payment for the 5851

cost of educating the child shall be made only as provided in 5852  
section 3317.022 of the Revised Code. 5853

(C) Whenever a child is placed by the court in a private 5854  
institution, school, or residential treatment center or any 5855  
other private facility, the state shall pay to the court a 5856  
subsidy to help defray the expense of educating the child in an 5857  
amount equal to the product of the daily per capita educational 5858  
cost of the private facility, as determined pursuant to this 5859  
section, and the number of days the child resides at the private 5860  
facility, provided that the subsidy shall not exceed twenty-five 5861  
hundred dollars per year per child. The daily per capita 5862  
educational cost of a private facility shall be determined by 5863  
dividing the actual program cost of the private facility or 5864  
twenty-five hundred dollars, whichever is less, by three hundred 5865  
sixty-five days or by three hundred sixty-six days for years 5866  
that include February twenty-ninth. The state shall pay seventy- 5867  
five per cent of the total subsidy for each year quarterly to 5868  
the court. The state may adjust the remaining twenty-five per 5869  
cent of the total subsidy to be paid to the court for each year 5870  
to an amount that is less than twenty-five per cent of the total 5871  
subsidy for that year based upon the availability of funds 5872  
appropriated to the department of education and workforce for 5873  
the purpose of subsidizing courts that place a child in a 5874  
private institution, school, or residential treatment center or 5875  
any other private facility and shall pay that adjusted amount to 5876  
the court at the end of the year. 5877

**Sec. 2305.111.** (A) As used in this section: 5878

(1) "Childhood sexual abuse" means any conduct that 5879  
constitutes any of the violations identified in division (A)(1) 5880  
(a) or (b) of this section and would constitute a criminal 5881

offense under the specified section or division of the Revised Code, if the victim of the violation is at the time of the violation a child under eighteen years of age or a child with a developmental disability or physical impairment under twenty-one years of age. The court need not find that any person has been convicted of or pleaded guilty to the offense under the specified section or division of the Revised Code in order for the conduct that is the violation constituting the offense to be childhood sexual abuse for purposes of this division. This division applies to any of the following violations committed in the following specified circumstances:

(a) A violation of section 2907.02 or of division (A) (1), (5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 of the Revised Code;

(b) A violation of section 2907.05 or 2907.06 of the Revised Code if, at the time of the violation, any of the following apply:

(i) The actor is the victim's natural parent, adoptive parent, or stepparent or the guardian, custodian, or person in loco parentis of the victim.

(ii) The victim is in custody of law or a patient in a hospital or other institution, and the actor has supervisory or disciplinary authority over the victim.

(iii) The actor is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the ~~state board~~ director of education and workforce prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the victim is enrolled in or attends that school, and the actor is not enrolled in and does

not attend that school. 5911

(iv) The actor is a teacher, administrator, coach, or 5912  
other person in authority employed by or serving in an 5913  
institution of higher education, and the victim is enrolled in 5914  
or attends that institution. 5915

(v) The actor is the victim's athletic or other type of 5916  
coach, is the victim's instructor, is the leader of a scouting 5917  
troop of which the victim is a member, or is a person with 5918  
temporary or occasional disciplinary control over the victim. 5919

(vi) The actor is a mental health professional, the victim 5920  
is a mental health client or patient of the actor, and the actor 5921  
induces the victim to submit by falsely representing to the 5922  
victim that the sexual contact involved in the violation is 5923  
necessary for mental health treatment purposes. 5924

(vii) The victim is confined in a detention facility, and 5925  
the actor is an employee of that detention facility. 5926

(viii) The actor is a cleric, and the victim is a member 5927  
of, or attends, the church or congregation served by the cleric. 5928

(2) "Cleric" has the same meaning as in section 2317.02 of 5929  
the Revised Code. 5930

(3) "Mental health client or patient" has the same meaning 5931  
as in section 2305.51 of the Revised Code. 5932

(4) "Mental health professional" has the same meaning as 5933  
in section 2305.115 of the Revised Code. 5934

(5) "Sexual contact" has the same meaning as in section 5935  
2907.01 of the Revised Code. 5936

(6) "Victim" means, except as provided in division (B) of 5937

this section, a victim of childhood sexual abuse. 5938

(B) Except as provided in section 2305.115 of the Revised 5939  
Code and subject to division (C) of this section, an action for 5940  
assault or battery shall be brought within one year after the 5941  
cause of the action accrues. For purposes of this section, a 5942  
cause of action for assault or battery accrues upon the later of 5943  
the following: 5944

(1) The date on which the alleged assault or battery 5945  
occurred; 5946

(2) If the plaintiff did not know the identity of the 5947  
person who allegedly committed the assault or battery on the 5948  
date on which it allegedly occurred, the earlier of the 5949  
following dates: 5950

(a) The date on which the plaintiff learns the identity of 5951  
that person; 5952

(b) The date on which, by the exercise of reasonable 5953  
diligence, the plaintiff should have learned the identity of 5954  
that person. 5955

(C) An action for assault or battery brought by a victim 5956  
of childhood sexual abuse based on childhood sexual abuse, or an 5957  
action brought by a victim of childhood sexual abuse asserting 5958  
any claim resulting from childhood sexual abuse, shall be 5959  
brought within twelve years after the cause of action accrues. 5960  
For purposes of this section, a cause of action for assault or 5961  
battery based on childhood sexual abuse, or a cause of action 5962  
for a claim resulting from childhood sexual abuse, accrues upon 5963  
the date on which the victim reaches the age of majority. If the 5964  
defendant in an action brought by a victim of childhood sexual 5965  
abuse asserting a claim resulting from childhood sexual abuse 5966

that occurs on or after August 3, 2006, has fraudulently 5967  
concealed from the plaintiff facts that form the basis of the 5968  
claim, the running of the limitations period with regard to that 5969  
claim is tolled until the time when the plaintiff discovers or 5970  
in the exercise of due diligence should have discovered those 5971  
facts. 5972

**Sec. 2901.01.** (A) As used in the Revised Code: 5973

(1) "Force" means any violence, compulsion, or constraint 5974  
physically exerted by any means upon or against a person or 5975  
thing. 5976

(2) "Deadly force" means any force that carries a 5977  
substantial risk that it will proximately result in the death of 5978  
any person. 5979

(3) "Physical harm to persons" means any injury, illness, 5980  
or other physiological impairment, regardless of its gravity or 5981  
duration. 5982

(4) "Physical harm to property" means any tangible or 5983  
intangible damage to property that, in any degree, results in 5984  
loss to its value or interferes with its use or enjoyment. 5985  
"Physical harm to property" does not include wear and tear 5986  
occasioned by normal use. 5987

(5) "Serious physical harm to persons" means any of the 5988  
following: 5989

(a) Any mental illness or condition of such gravity as 5990  
would normally require hospitalization or prolonged psychiatric 5991  
treatment; 5992

(b) Any physical harm that carries a substantial risk of 5993  
death; 5994

(c) Any physical harm that involves some permanent 5995  
incapacity, whether partial or total, or that involves some 5996  
temporary, substantial incapacity; 5997

(d) Any physical harm that involves some permanent 5998  
disfigurement or that involves some temporary, serious 5999  
disfigurement; 6000

(e) Any physical harm that involves acute pain of such 6001  
duration as to result in substantial suffering or that involves 6002  
any degree of prolonged or intractable pain. 6003

(6) "Serious physical harm to property" means any physical 6004  
harm to property that does either of the following: 6005

(a) Results in substantial loss to the value of the 6006  
property or requires a substantial amount of time, effort, or 6007  
money to repair or replace; 6008

(b) Temporarily prevents the use or enjoyment of the 6009  
property or substantially interferes with its use or enjoyment 6010  
for an extended period of time. 6011

(7) "Risk" means a significant possibility, as contrasted 6012  
with a remote possibility, that a certain result may occur or 6013  
that certain circumstances may exist. 6014

(8) "Substantial risk" means a strong possibility, as 6015  
contrasted with a remote or significant possibility, that a 6016  
certain result may occur or that certain circumstances may 6017  
exist. 6018

(9) "Offense of violence" means any of the following: 6019

(a) A violation of section 2903.01, 2903.02, 2903.03, 6020  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.18, 2903.21, 6021  
2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 6022

2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 6023  
2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2917.321, 2919.25, 6024  
2921.03, 2921.04, 2921.34, or 2923.161, of division (A) (1) of 6025  
section 2903.34, of division (A) (1), (2), or (3) of section 6026  
2911.12, or of division (B) (1), (2), (3), or (4) of section 6027  
2919.22 of the Revised Code or felonious sexual penetration in 6028  
violation of former section 2907.12 of the Revised Code; 6029

(b) A violation of an existing or former municipal 6030  
ordinance or law of this or any other state or the United 6031  
States, substantially equivalent to any section, division, or 6032  
offense listed in division (A) (9) (a) of this section; 6033

(c) An offense, other than a traffic offense, under an 6034  
existing or former municipal ordinance or law of this or any 6035  
other state or the United States, committed purposely or 6036  
knowingly, and involving physical harm to persons or a risk of 6037  
serious physical harm to persons; 6038

(d) A conspiracy or attempt to commit, or complicity in 6039  
committing, any offense under division (A) (9) (a), (b), or (c) of 6040  
this section; 6041

(e) A violation of division (C) of section 959.131 of the 6042  
Revised Code. 6043

(10) (a) "Property" means any property, real or personal, 6044  
tangible or intangible, and any interest or license in that 6045  
property. "Property" includes, but is not limited to, cable 6046  
television service, other telecommunications service, 6047  
telecommunications devices, information service, computers, 6048  
data, computer software, financial instruments associated with 6049  
computers, other documents associated with computers, or copies 6050  
of the documents, whether in machine or human readable form, 6051

trade secrets, trademarks, copyrights, patents, and property 6052  
protected by a trademark, copyright, or patent. "Financial 6053  
instruments associated with computers" include, but are not 6054  
limited to, checks, drafts, warrants, money orders, notes of 6055  
indebtedness, certificates of deposit, letters of credit, bills 6056  
of credit or debit cards, financial transaction authorization 6057  
mechanisms, marketable securities, or any computer system 6058  
representations of any of them. 6059

(b) As used in division (A)(10) of this section, "trade 6060  
secret" has the same meaning as in section 1333.61 of the 6061  
Revised Code, and "telecommunications service" and "information 6062  
service" have the same meanings as in section 2913.01 of the 6063  
Revised Code. 6064

(c) As used in divisions (A)(10) and (13) of this section, 6065  
"cable television service," "computer," "computer software," 6066  
"computer system," "computer network," "data," and 6067  
"telecommunications device" have the same meanings as in section 6068  
2913.01 of the Revised Code. 6069

(11) "Law enforcement officer" means any of the following: 6070

(a) A sheriff, deputy sheriff, constable, police officer 6071  
of a township or joint police district, marshal, deputy marshal, 6072  
municipal police officer, member of a police force employed by a 6073  
metropolitan housing authority under division (D) of section 6074  
3735.31 of the Revised Code, or state highway patrol trooper; 6075

(b) An officer, agent, or employee of the state or any of 6076  
its agencies, instrumentalities, or political subdivisions, upon 6077  
whom, by statute, a duty to conserve the peace or to enforce all 6078  
or certain laws is imposed and the authority to arrest violators 6079  
is conferred, within the limits of that statutory duty and 6080

authority;	6081
(c) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;	6082 6083
(d) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;	6084 6085 6086
(e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;	6087 6088 6089
(f) A person appointed by a mayor pursuant to section 737.10 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;	6090 6091 6092 6093
(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;	6094 6095 6096 6097
(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;	6098 6099
(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;	6100 6101
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	6102 6103 6104
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	6105 6106
(l) The house of representatives sergeant at arms if the	6107

house of representatives sergeant at arms has arrest authority 6108  
pursuant to division (E) (1) of section 101.311 of the Revised 6109  
Code and an assistant house of representatives sergeant at arms; 6110

(m) The senate sergeant at arms and an assistant senate 6111  
sergeant at arms; 6112

(n) A special police officer employed by a municipal 6113  
corporation at a municipal airport, or other municipal air 6114  
navigation facility, that has scheduled operations, as defined 6115  
in section 119.3 of Title 14 of the Code of Federal Regulations, 6116  
14 C.F.R. 119.3, as amended, and that is required to be under a 6117  
security program and is governed by aviation security rules of 6118  
the transportation security administration of the United States 6119  
department of transportation as provided in Parts 1542. and 6120  
1544. of Title 49 of the Code of Federal Regulations, as 6121  
amended. 6122

(12) "Privilege" means an immunity, license, or right 6123  
conferred by law, bestowed by express or implied grant, arising 6124  
out of status, position, office, or relationship, or growing out 6125  
of necessity. 6126

(13) "Contraband" means any property that is illegal for a 6127  
person to acquire or possess under a statute, ordinance, or 6128  
rule, or that a trier of fact lawfully determines to be illegal 6129  
to possess by reason of the property's involvement in an 6130  
offense. "Contraband" includes, but is not limited to, all of 6131  
the following: 6132

(a) Any controlled substance, as defined in section 6133  
3719.01 of the Revised Code, or any device or paraphernalia; 6134

(b) Any unlawful gambling device or paraphernalia; 6135

(c) Any dangerous ordnance or obscene material. 6136

(14) A person is "not guilty by reason of insanity" 6137  
relative to a charge of an offense only if the person proves, in 6138  
the manner specified in section 2901.05 of the Revised Code, 6139  
that at the time of the commission of the offense, the person 6140  
did not know, as a result of a severe mental disease or defect, 6141  
the wrongfulness of the person's acts. 6142

(B) (1) (a) Subject to division (B) (2) of this section, as 6143  
used in any section contained in Title XXIX of the Revised Code 6144  
that sets forth a criminal offense, "person" includes all of the 6145  
following: 6146

(i) An individual, corporation, business trust, estate, 6147  
trust, partnership, and association; 6148

(ii) An unborn human who is viable. 6149

(b) As used in any section contained in Title XXIX of the 6150  
Revised Code that does not set forth a criminal offense, 6151  
"person" includes an individual, corporation, business trust, 6152  
estate, trust, partnership, and association. 6153

(c) As used in division (B) (1) (a) of this section: 6154

(i) "Unborn human" means an individual organism of the 6155  
species *Homo sapiens* from fertilization until live birth. 6156

(ii) "Viable" means the stage of development of a human 6157  
fetus at which there is a realistic possibility of maintaining 6158  
and nourishing of a life outside the womb with or without 6159  
temporary artificial life-sustaining support. 6160

(2) Notwithstanding division (B) (1) (a) of this section, in 6161  
no case shall the portion of the definition of the term "person" 6162  
that is set forth in division (B) (1) (a) (ii) of this section be 6163  
applied or construed in any section contained in Title XXIX of 6164

the Revised Code that sets forth a criminal offense in any of 6165  
the following manners: 6166

(a) Except as otherwise provided in division (B) (2) (a) of 6167  
this section, in a manner so that the offense prohibits or is 6168  
construed as prohibiting any pregnant woman or her physician 6169  
from performing an abortion with the consent of the pregnant 6170  
woman, with the consent of the pregnant woman implied by law in 6171  
a medical emergency, or with the approval of one otherwise 6172  
authorized by law to consent to medical treatment on behalf of 6173  
the pregnant woman. An abortion that violates the conditions 6174  
described in the immediately preceding sentence may be punished 6175  
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 6176  
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 6177  
2903.21, or 2903.22 of the Revised Code, as applicable. An 6178  
abortion that does not violate the conditions described in the 6179  
second immediately preceding sentence, but that does violate 6180  
section 2919.12, division (B) of section 2919.13, or section 6181  
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 6182  
be punished as a violation of section 2919.12, division (B) of 6183  
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 6184  
2919.18 of the Revised Code, as applicable. Consent is 6185  
sufficient under this division if it is of the type otherwise 6186  
adequate to permit medical treatment to the pregnant woman, even 6187  
if it does not comply with section 2919.12 of the Revised Code. 6188

(b) In a manner so that the offense is applied or is 6189  
construed as applying to a woman based on an act or omission of 6190  
the woman that occurs while she is or was pregnant and that 6191  
results in any of the following: 6192

(i) Her delivery of a stillborn baby; 6193

(ii) Her causing, in any other manner, the death in utero 6194

of a viable, unborn human that she is carrying;	6195
(iii) Her causing the death of her child who is born alive	6196
but who dies from one or more injuries that are sustained while	6197
the child is a viable, unborn human;	6198
(iv) Her causing her child who is born alive to sustain	6199
one or more injuries while the child is a viable, unborn human;	6200
(v) Her causing, threatening to cause, or attempting to	6201
cause, in any other manner, an injury, illness, or other	6202
physiological impairment, regardless of its duration or gravity,	6203
or a mental illness or condition, regardless of its duration or	6204
gravity, to a viable, unborn human that she is carrying.	6205
(C) As used in Title XXIX of the Revised Code:	6206
(1) "School safety zone" consists of a school, school	6207
building, school premises, school activity, and school bus.	6208
(2) "School," "school building," and "school premises"	6209
have the same meanings as in section 2925.01 of the Revised	6210
Code.	6211
(3) "School activity" means any activity held under the	6212
auspices of a board of education of a city, local, exempted	6213
village, joint vocational, or cooperative education school	6214
district; a governing authority of a community school	6215
established under Chapter 3314. of the Revised Code; a governing	6216
board of an educational service center, or the governing body of	6217
a school for which the <del>state board</del> <u>director of education and</u>	6218
<u>workforce</u> prescribes minimum standards under section 3301.07 of	6219
the Revised Code.	6220
(4) "School bus" has the same meaning as in section	6221
4511.01 of the Revised Code.	6222

**Sec. 2903.13.** (A) No person shall knowingly cause or 6223  
attempt to cause physical harm to another or to another's 6224  
unborn. 6225

(B) No person shall recklessly cause serious physical harm 6226  
to another or to another's unborn. 6227

(C) (1) Whoever violates this section is guilty of assault, 6228  
and the court shall sentence the offender as provided in this 6229  
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 6230  
(8), (9), and (10) of this section. Except as otherwise provided 6231  
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 6232  
section, assault is a misdemeanor of the first degree. 6233

(2) Except as otherwise provided in this division, if the 6234  
offense is committed by a caretaker against a person with a 6235  
functional impairment under the caretaker's care, assault is a 6236  
felony of the fourth degree. If the offense is committed by a 6237  
caretaker against a person with a functional impairment under 6238  
the caretaker's care, if the offender previously has been 6239  
convicted of or pleaded guilty to a violation of this section or 6240  
section 2903.11 or 2903.16 of the Revised Code, and if in 6241  
relation to the previous conviction the offender was a caretaker 6242  
and the victim was a person with a functional impairment under 6243  
the offender's care, assault is a felony of the third degree. 6244

(3) If the offense occurs in or on the grounds of a state 6245  
correctional institution or an institution of the department of 6246  
youth services, the victim of the offense is an employee of the 6247  
department of rehabilitation and correction or the department of 6248  
youth services, and the offense is committed by a person 6249  
incarcerated in the state correctional institution or by a 6250  
person institutionalized in the department of youth services 6251  
institution pursuant to a commitment to the department of youth 6252

services, assault is a felony of the third degree. 6253

(4) If the offense is committed in any of the following 6254  
circumstances, assault is a felony of the fifth degree: 6255

(a) The offense occurs in or on the grounds of a local 6256  
correctional facility, the victim of the offense is an employee 6257  
of the local correctional facility or a probation department or 6258  
is on the premises of the facility for business purposes or as a 6259  
visitor, and the offense is committed by a person who is under 6260  
custody in the facility subsequent to the person's arrest for 6261  
any crime or delinquent act, subsequent to the person's being 6262  
charged with or convicted of any crime, or subsequent to the 6263  
person's being alleged to be or adjudicated a delinquent child. 6264

(b) The offense occurs off the grounds of a state 6265  
correctional institution and off the grounds of an institution 6266  
of the department of youth services, the victim of the offense 6267  
is an employee of the department of rehabilitation and 6268  
correction, the department of youth services, or a probation 6269  
department, the offense occurs during the employee's official 6270  
work hours and while the employee is engaged in official work 6271  
responsibilities, and the offense is committed by a person 6272  
incarcerated in a state correctional institution or 6273  
institutionalized in the department of youth services who 6274  
temporarily is outside of the institution for any purpose, by a 6275  
parolee, by an offender under transitional control, under a 6276  
community control sanction, or on an escorted visit, by a person 6277  
under post-release control, or by an offender under any other 6278  
type of supervision by a government agency. 6279

(c) The offense occurs off the grounds of a local 6280  
correctional facility, the victim of the offense is an employee 6281  
of the local correctional facility or a probation department, 6282

the offense occurs during the employee's official work hours and 6283  
while the employee is engaged in official work responsibilities, 6284  
and the offense is committed by a person who is under custody in 6285  
the facility subsequent to the person's arrest for any crime or 6286  
delinquent act, subsequent to the person being charged with or 6287  
convicted of any crime, or subsequent to the person being 6288  
alleged to be or adjudicated a delinquent child and who 6289  
temporarily is outside of the facility for any purpose or by a 6290  
parolee, by an offender under transitional control, under a 6291  
community control sanction, or on an escorted visit, by a person 6292  
under post-release control, or by an offender under any other 6293  
type of supervision by a government agency. 6294

(d) The victim of the offense is a school teacher or 6295  
administrator or a school bus operator, and the offense occurs 6296  
in a school, on school premises, in a school building, on a 6297  
school bus, or while the victim is outside of school premises or 6298  
a school bus and is engaged in duties or official 6299  
responsibilities associated with the victim's employment or 6300  
position as a school teacher or administrator or a school bus 6301  
operator, including, but not limited to, driving, accompanying, 6302  
or chaperoning students at or on class or field trips, athletic 6303  
events, or other school extracurricular activities or functions 6304  
outside of school premises. 6305

(5) If the assault is committed in any of the following 6306  
circumstances, assault is a felony of the fourth degree: 6307

(a) The victim of the offense is a peace officer or an 6308  
investigator of the bureau of criminal identification and 6309  
investigation, a firefighter, or a person performing emergency 6310  
medical service, while in the performance of the officer's, 6311  
investigator's, firefighter's, or person's official duties. 6312

(b) The victim of the offense is an emergency service responder, the offender knows or reasonably should know that the victim is an emergency service responder, and it is the offender's specific purpose to commit the offense against an emergency service responder. 6313  
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(c) The victim of the offense is a family or household member or co-worker of a person who is an emergency service responder, the offender knows or reasonably should know that the victim is a family or household member or co-worker of an emergency service responder, and it is the offender's specific purpose to commit the offense against a family or household member or co-worker of an emergency service responder. 6318  
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(6) If the offense is a felony of the fourth degree under division (C) (5) (a) of this section, if the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, and if the victim suffered serious physical harm as a result of the commission of the offense, the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the fourth degree that is at least twelve months in duration. 6325  
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(7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, assault is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and 6334  
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that prior offense related to the officer's or employee's 6343  
performance or anticipated performance of official 6344  
responsibilities or duties, a felony of the fourth degree. 6345

(8) If the victim of the offense is a health care 6346  
professional of a hospital, a health care worker of a hospital, 6347  
or a security officer of a hospital whom the offender knows or 6348  
has reasonable cause to know is a health care professional of a 6349  
hospital, a health care worker of a hospital, or a security 6350  
officer of a hospital, if the victim is engaged in the 6351  
performance of the victim's duties, and if the hospital offers 6352  
de-escalation or crisis intervention training for such 6353  
professionals, workers, or officers, assault is one of the 6354  
following: 6355

(a) Except as otherwise provided in division (C) (8) (b) of 6356  
this section, assault committed in the specified circumstances 6357  
is a misdemeanor of the first degree. Notwithstanding the fine 6358  
specified in division (A) (2) (a) of section 2929.28 of the 6359  
Revised Code for a misdemeanor of the first degree, in 6360  
sentencing the offender under this division and if the court 6361  
decides to impose a fine, the court may impose upon the offender 6362  
a fine of not more than five thousand dollars. 6363

(b) If the offender previously has been convicted of or 6364  
pleaded guilty to one or more assault or homicide offenses 6365  
committed against hospital personnel, assault committed in the 6366  
specified circumstances is a felony of the fifth degree. 6367

(9) If the victim of the offense is a judge, magistrate, 6368  
prosecutor, or court official or employee whom the offender 6369  
knows or has reasonable cause to know is a judge, magistrate, 6370  
prosecutor, or court official or employee, and if the victim is 6371  
engaged in the performance of the victim's duties, assault is 6372

one of the following: 6373

(a) Except as otherwise provided in division (C) (9) (b) of 6374  
this section, assault committed in the specified circumstances 6375  
is a misdemeanor of the first degree. In sentencing the offender 6376  
under this division, if the court decides to impose a fine, 6377  
notwithstanding the fine specified in division (A) (2) (a) of 6378  
section 2929.28 of the Revised Code for a misdemeanor of the 6379  
first degree, the court may impose upon the offender a fine of 6380  
not more than five thousand dollars. 6381

(b) If the offender previously has been convicted of or 6382  
pleaded guilty to one or more assault or homicide offenses 6383  
committed against justice system personnel, assault committed in 6384  
the specified circumstances is a felony of the fifth degree. 6385

(10) If an offender who is convicted of or pleads guilty 6386  
to assault when it is a misdemeanor also is convicted of or 6387  
pleads guilty to a specification as described in section 6388  
2941.1423 of the Revised Code that was included in the 6389  
indictment, count in the indictment, or information charging the 6390  
offense, the court shall sentence the offender to a mandatory 6391  
jail term as provided in division (F) of section 2929.24 of the 6392  
Revised Code. 6393

If an offender who is convicted of or pleads guilty to 6394  
assault when it is a felony also is convicted of or pleads 6395  
guilty to a specification as described in section 2941.1423 of 6396  
the Revised Code that was included in the indictment, count in 6397  
the indictment, or information charging the offense, except as 6398  
otherwise provided in division (C) (6) of this section, the court 6399  
shall sentence the offender to a mandatory prison term as 6400  
provided in division (B) (8) of section 2929.14 of the Revised 6401  
Code. 6402

(D) A prosecution for a violation of this section does not 6403  
preclude a prosecution of a violation of any other section of 6404  
the Revised Code. One or more acts, a series of acts, or a 6405  
course of behavior that can be prosecuted under this section or 6406  
any other section of the Revised Code may be prosecuted under 6407  
this section, the other section of the Revised Code, or both 6408  
sections. However, if an offender is convicted of or pleads 6409  
guilty to a violation of this section and also is convicted of 6410  
or pleads guilty to a violation of section 2903.22 of the 6411  
Revised Code based on the same conduct involving the same victim 6412  
that was the basis of the violation of this section, the two 6413  
offenses are allied offenses of similar import under section 6414  
2941.25 of the Revised Code. 6415

(E) As used in this section: 6416

(1) "Peace officer" has the same meaning as in section 6417  
2935.01 of the Revised Code. 6418

(2) "Firefighter" means any person who is a firefighter as 6419  
defined in section 3937.41 of the Revised Code and, for purposes 6420  
of division (E) (21) of this section, also includes a member of a 6421  
fire department as defined in section 742.01 of the Revised 6422  
Code. 6423

(3) "Emergency medical service" has the same meaning as in 6424  
section 4765.01 of the Revised Code. 6425

(4) "Local correctional facility" means a county, 6426  
multicounty, municipal, municipal-county, or multicounty- 6427  
municipal jail or workhouse, a minimum security jail established 6428  
under section 341.23 or 753.21 of the Revised Code, or another 6429  
county, multicounty, municipal, municipal-county, or 6430  
multicounty-municipal facility used for the custody of persons 6431

arrested for any crime or delinquent act, persons charged with 6432  
or convicted of any crime, or persons alleged to be or 6433  
adjudicated a delinquent child. 6434

(5) "Employee of a local correctional facility" means a 6435  
person who is an employee of the political subdivision or of one 6436  
or more of the affiliated political subdivisions that operates 6437  
the local correctional facility and who operates or assists in 6438  
the operation of the facility. 6439

(6) "School teacher or administrator" means either of the 6440  
following: 6441

(a) A person who is employed in the public schools of the 6442  
state under a contract described in section 3311.77 or 3319.08 6443  
of the Revised Code in a position in which the person is 6444  
required to have a certificate issued pursuant to sections 6445  
3319.22 to 3319.311 of the Revised Code. 6446

(b) A person who is employed by a nonpublic school for 6447  
which the ~~state board director~~ of education and workforce 6448  
prescribes minimum standards under section 3301.07 of the 6449  
Revised Code and who is certificated in accordance with section 6450  
3301.071 of the Revised Code. 6451

(7) "Community control sanction" has the same meaning as 6452  
in section 2929.01 of the Revised Code. 6453

(8) "Escorted visit" means an escorted visit granted under 6454  
section 2967.27 of the Revised Code. 6455

(9) "Post-release control" and "transitional control" have 6456  
the same meanings as in section 2967.01 of the Revised Code. 6457

(10) "Investigator of the bureau of criminal 6458  
identification and investigation" has the same meaning as in 6459

section 2903.11 of the Revised Code. 6460

(11) "Health care professional" and "health care worker" 6461  
have the same meanings as in section 2305.234 of the Revised 6462  
Code. 6463

(12) "Assault or homicide offense committed against 6464  
hospital personnel" means a violation of this section or of 6465  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 6466  
2903.12, or 2903.14 of the Revised Code committed in 6467  
circumstances in which all of the following apply: 6468

(a) The victim of the offense was a health care 6469  
professional of a hospital, a health care worker of a hospital, 6470  
or a security officer of a hospital. 6471

(b) The offender knew or had reasonable cause to know that 6472  
the victim was a health care professional of a hospital, a 6473  
health care worker of a hospital, or a security officer of a 6474  
hospital. 6475

(c) The victim was engaged in the performance of the 6476  
victim's duties. 6477

(d) The hospital offered de-escalation or crisis 6478  
intervention training for such professionals, workers, or 6479  
officers. 6480

(13) "De-escalation or crisis intervention training" means 6481  
de-escalation or crisis intervention training for health care 6482  
professionals of a hospital, health care workers of a hospital, 6483  
and security officers of a hospital to facilitate interaction 6484  
with patients, members of a patient's family, and visitors, 6485  
including those with mental impairments. 6486

(14) "Assault or homicide offense committed against 6487

justice system personnel" means a violation of this section or 6488  
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 6489  
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 6490  
circumstances in which the victim of the offense was a judge, 6491  
magistrate, prosecutor, or court official or employee whom the 6492  
offender knew or had reasonable cause to know was a judge, 6493  
magistrate, prosecutor, or court official or employee, and the 6494  
victim was engaged in the performance of the victim's duties. 6495

(15) "Court official or employee" means any official or 6496  
employee of a court created under the constitution or statutes 6497  
of this state or of a United States court located in this state. 6498

(16) "Judge" means a judge of a court created under the 6499  
constitution or statutes of this state or of a United States 6500  
court located in this state. 6501

(17) "Magistrate" means an individual who is appointed by 6502  
a court of record of this state and who has the powers and may 6503  
perform the functions specified in Civil Rule 53, Criminal Rule 6504  
19, or Juvenile Rule 40, or an individual who is appointed by a 6505  
United States court located in this state who has similar powers 6506  
and functions. 6507

(18) "Prosecutor" has the same meaning as in section 6508  
2935.01 of the Revised Code. 6509

(19) (a) "Hospital" means, subject to division (E) (19) (b) 6510  
of this section, an institution classified as a hospital under 6511  
section 3701.01 of the Revised Code in which are provided to 6512  
patients diagnostic, medical, surgical, obstetrical, 6513  
psychiatric, or rehabilitation care or a hospital operated by a 6514  
health maintenance organization. 6515

(b) "Hospital" does not include any of the following: 6516

(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health and addiction services or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;

(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.

(20) "Health maintenance organization" has the same meaning as in section 3727.01 of the Revised Code.

(21) "Emergency service responder" means any law enforcement officer, first responder, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, firefighter, or volunteer firefighter.

(22) "Family or household member" means any of the following:

(a) Any of the following who is residing or has resided with a person who is employed as an emergency service responder:

(i) A spouse, a person living as a spouse, or a former

spouse of a person who is employed as an emergency service responder; 6546  
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(ii) A parent, a foster parent, or a child of a person who is employed as an emergency service responder, or another person related by consanguinity or affinity to a person who is employed as an emergency service responder; 6548  
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(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of a person who is employed as an emergency service responder, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of a person who is employed as an emergency service responder. 6552  
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(b) The natural parent of any child of whom a person who is employed as an emergency service responder is the other natural parent or is the putative other natural parent. 6558  
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(23) "First responder," "emergency medical technician-basic," "emergency medical technician-intermediate," and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code. 6561  
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(24) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code. 6565  
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(25) "Person living as a spouse" means a person who is living or has lived with a person who is employed as an emergency service responder in a common law marital relationship, who otherwise is cohabiting with a person who is employed as an emergency service responder, or who otherwise has cohabited with a person who is employed as an emergency service responder within five years prior to the date of the alleged commission of the act in question. 6567  
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(26) "Co-worker" means a person who is employed by the organization or entity that is served by a person who is employed as an emergency service responder.

**Sec. 2907.03.** (A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:

(1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.

(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.

(3) The offender knows that the other person submits because the other person is unaware that the act is being committed.

(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.

(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.

(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.

(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the ~~state board~~ director of education and workforce prescribes minimum standards pursuant to division (D) of section

3301.07 of the Revised Code, the other person is enrolled in or 6603  
attends that school, and the offender is not enrolled in and 6604  
does not attend that school. 6605

(8) The other person is a minor, the offender is a 6606  
teacher, administrator, coach, or other person in authority 6607  
employed by or serving in an institution of higher education, 6608  
and the other person is enrolled in or attends that institution. 6609

(9) The other person is a minor, and the offender is the 6610  
other person's athletic or other type of coach, is the other 6611  
person's instructor, is the leader of a scouting troop of which 6612  
the other person is a member, or is a person with temporary or 6613  
occasional disciplinary control over the other person. 6614

(10) The offender is a mental health professional, the 6615  
other person is a mental health client or patient of the 6616  
offender, and the offender induces the other person to submit by 6617  
falsely representing to the other person that the sexual conduct 6618  
is necessary for mental health treatment purposes. 6619

(11) The other person is confined in a detention facility, 6620  
and the offender is an employee of that detention facility. 6621

(12) The other person is a minor, the offender is a 6622  
cleric, and the other person is a member of, or attends, the 6623  
church or congregation served by the cleric. 6624

(13) The other person is a minor, the offender is a peace 6625  
officer, and the offender is more than two years older than the 6626  
other person. 6627

(B) Whoever violates this section is guilty of sexual 6628  
battery. Except as otherwise provided in this division, sexual 6629  
battery is a felony of the third degree. If the other person is 6630  
less than thirteen years of age, sexual battery is a felony of 6631

the second degree, and the court shall impose upon the offender 6632  
a mandatory prison term equal to one of the definite prison 6633  
terms prescribed in division (A) (2) (b) of section 2929.14 of the 6634  
Revised Code for a felony of the second degree, except that if 6635  
the violation is committed on or after ~~the effective date of~~ 6636  
~~this amendment~~ March 22, 2019, the court shall impose as the 6637  
minimum prison term for the offense a mandatory prison term that 6638  
is one of the minimum terms prescribed in division (A) (2) (a) of 6639  
that section for a felony of the second degree. 6640

(C) As used in this section: 6641

(1) "Cleric" has the same meaning as in section 2317.02 of 6642  
the Revised Code. 6643

(2) "Detention facility" has the same meaning as in 6644  
section 2921.01 of the Revised Code. 6645

(3) "Institution of higher education" means a state 6646  
institution of higher education defined in section 3345.011 of 6647  
the Revised Code, a private nonprofit college or university 6648  
located in this state that possesses a certificate of 6649  
authorization issued by the ~~Ohio board chancellor of regents~~ 6650  
higher education pursuant to Chapter 1713. of the Revised Code, 6651  
or a school certified under Chapter 3332. of the Revised Code. 6652

(4) "Peace officer" has the same meaning as in section 6653  
2935.01 of the Revised Code. 6654

**Sec. 2917.31.** (A) No person shall cause the evacuation of 6655  
any public place, or otherwise cause serious public 6656  
inconvenience or alarm, by doing any of the following: 6657

(1) Initiating or circulating a report or warning of an 6658  
alleged or impending fire, explosion, crime, or other 6659  
catastrophe, knowing that such report or warning is false; 6660

(2) Threatening to commit any offense of violence;	6661
(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.	6662 6663 6664
(B) Division (A) (1) of this section does not apply to any person conducting an authorized fire or emergency drill.	6665 6666
(C) (1) Whoever violates this section is guilty of inducing panic.	6667 6668
(2) Except as otherwise provided in division (C) (3), (4), (5), (6), (7), or (8) of this section, inducing panic is a misdemeanor of the first degree.	6669 6670 6671
(3) Except as otherwise provided in division (C) (4), (5), (6), (7), or (8) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the fourth degree.	6672 6673 6674 6675
(4) Except as otherwise provided in division (C) (5), (6), (7), or (8) of this section, if a violation of this section results in economic harm, the penalty shall be determined as follows:	6676 6677 6678 6679
(a) If the violation results in economic harm of one thousand dollars or more but less than seven thousand five hundred dollars and if division (C) (3) of this section does not apply, inducing panic is a felony of the fifth degree.	6680 6681 6682 6683
(b) If the violation results in economic harm of seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars, inducing panic is a felony of the fourth degree.	6684 6685 6686 6687
(c) If the violation results in economic harm of one	6688

hundred fifty thousand dollars or more, inducing panic is a 6689  
felony of the third degree. 6690

(5) If the public place involved in a violation of 6691  
division (A)(1) of this section is a school or an institution of 6692  
higher education, inducing panic is a felony of the second 6693  
degree. 6694

(6) If the violation pertains to a purported, threatened, 6695  
or actual use of a weapon of mass destruction, and except as 6696  
otherwise provided in division (C)(5), (7), or (8) of this 6697  
section, inducing panic is a felony of the fourth degree. 6698

(7) If the violation pertains to a purported, threatened, 6699  
or actual use of a weapon of mass destruction, and except as 6700  
otherwise provided in division (C)(5) of this section, if a 6701  
violation of this section results in physical harm to any 6702  
person, inducing panic is a felony of the third degree. 6703

(8) If the violation pertains to a purported, threatened, 6704  
or actual use of a weapon of mass destruction, and except as 6705  
otherwise provided in division (C)(5) of this section, if a 6706  
violation of this section results in economic harm of one 6707  
hundred thousand dollars or more, inducing panic is a felony of 6708  
the third degree. 6709

(D)(1) It is not a defense to a charge under this section 6710  
that pertains to a purported or threatened use of a weapon of 6711  
mass destruction that the offender did not possess or have the 6712  
ability to use a weapon of mass destruction or that what was 6713  
represented to be a weapon of mass destruction was not a weapon 6714  
of mass destruction. 6715

(2) Any act that is a violation of this section and any 6716  
other section of the Revised Code may be prosecuted under this 6717

section, the other section, or both sections.	6718
(E) As used in this section:	6719
(1) "Economic harm" means any of the following:	6720
(a) All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct.	6721
"Economic harm" as described in this division includes, but is not limited to, all of the following:	6722
(i) All wages, salaries, or other compensation lost as a result of the criminal conduct;	6723
(ii) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;	6724
(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	6725
(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	6726
(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or section 2917.32 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.	6727
(2) "School" means any school operated by a board of education or any school for which the <del>state board director</del> of education <u>and workforce</u> prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by	6728
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the school is being conducted at the time a violation of this 6746  
section is committed. 6747

(3) "Weapon of mass destruction" means any of the 6748  
following: 6749

(a) Any weapon that is designed or intended to cause death 6750  
or serious physical harm through the release, dissemination, or 6751  
impact of toxic or poisonous chemicals, or their precursors; 6752

(b) Any weapon involving a disease organism or biological 6753  
agent; 6754

(c) Any weapon that is designed to release radiation or 6755  
radioactivity at a level dangerous to human life; 6756

(d) Any of the following, except to the extent that the 6757  
item or device in question is expressly excepted from the 6758  
definition of "destructive device" pursuant to 18 U.S.C. 921(a) 6759  
(4) and regulations issued under that section: 6760

(i) Any explosive, incendiary, or poison gas bomb, 6761  
grenade, rocket having a propellant charge of more than four 6762  
ounces, missile having an explosive or incendiary charge of more 6763  
than one-quarter ounce, mine, or similar device; 6764

(ii) Any combination of parts either designed or intended 6765  
for use in converting any item or device into any item or device 6766  
described in division (E) (3) (d) (i) of this section and from 6767  
which an item or device described in that division may be 6768  
readily assembled. 6769

(4) "Biological agent" has the same meaning as in section 6770  
2917.33 of the Revised Code. 6771

(5) "Emergency medical services personnel" has the same 6772  
meaning as in section 2133.21 of the Revised Code. 6773

(6) "Institution of higher education" means any of the following: 6774  
6775

(a) A state university or college as defined in division 6776  
(A) (1) of section 3345.12 of the Revised Code, community 6777  
college, state community college, university branch, or 6778  
technical college; 6779

(b) A private, nonprofit college, university or other 6780  
post-secondary institution located in this state that possesses 6781  
a certificate of authorization issued by the ~~Ohio board of~~ 6782  
~~regents-chancellor of higher education~~ pursuant to Chapter 1713. 6783  
of the Revised Code; 6784

(c) A post-secondary institution with a certificate of 6785  
registration issued by the state board of career colleges and 6786  
schools under Chapter 3332. of the Revised Code. 6787

**Sec. 2917.46.** (A) No person shall, with intent to identify 6788  
a building as a block parent home or building, display the block 6789  
parent symbol adopted by the former state board of education 6790  
pursuant to former section 3301.076 of the Revised Code prior to 6791  
its repeal on July 1, 2007. 6792

(B) No person shall, with intent to identify a building as 6793  
a block parent home or building, display a symbol that falsely 6794  
gives the appearance of being the block parent symbol adopted by 6795  
the former state board of education pursuant to former section 6796  
3301.076 of the Revised Code prior to its repeal on July 1, 6797  
2007. 6798

(C) No person, with intent to identify a home or building 6799  
as a mcgruff house program home or building, shall display the 6800  
mcgruff house symbol adopted by the division of criminal justice 6801  
services in the state department of public safety pursuant to 6802

section 5502.62 of the Revised Code unless authorized in 6803  
accordance with that section, any rule adopted pursuant to that 6804  
section, or former section 3313.206 of the Revised Code prior to 6805  
its repeal on ~~the effective date of this amendment~~ April 8, 6806  
2019. 6807

(D) No person, with intent to identify a home or building 6808  
as a mcgruff house program home or building, shall display a 6809  
symbol that falsely gives the appearance of being the mcgruff 6810  
house symbol adopted by the division of criminal justice 6811  
services in the state department of public safety pursuant to 6812  
section 5502.62 of the Revised Code or any rule adopted pursuant 6813  
to that section. 6814

(E) (1) Whoever violates division (A) or (B) of this 6815  
section is guilty of unauthorized use of a block parent symbol, 6816  
a minor misdemeanor. 6817

(2) Whoever violates division (C) or (D) of this section 6818  
is guilty of unauthorized use of a mcgruff house symbol, a minor 6819  
misdemeanor. 6820

**Sec. 2923.122.** (A) No person shall knowingly convey, or 6821  
attempt to convey, a deadly weapon or dangerous ordnance into a 6822  
school safety zone. 6823

(B) No person shall knowingly possess a deadly weapon or 6824  
dangerous ordnance in a school safety zone. 6825

(C) No person shall knowingly possess an object in a 6826  
school safety zone if both of the following apply: 6827

(1) The object is indistinguishable from a firearm, 6828  
whether or not the object is capable of being fired. 6829

(2) The person indicates that the person possesses the 6830

object and that it is a firearm, or the person knowingly 6831  
displays or brandishes the object and indicates that it is a 6832  
firearm. 6833

(D) (1) This section does not apply to any of the 6834  
following: 6835

(a) An officer, agent, or employee of this or any other 6836  
state or the United States who is authorized to carry deadly 6837  
weapons or dangerous ordnance and is acting within the scope of 6838  
the officer's, agent's, or employee's duties; 6839

(b) A law enforcement officer who is authorized to carry 6840  
deadly weapons or dangerous ordnance; 6841

(c) A security officer employed by a board of education or 6842  
governing body of a school during the time that the security 6843  
officer is on duty pursuant to that contract of employment; 6844

(d) Any person not described in divisions (D) (1) (a) to (c) 6845  
of this section who has written authorization from the board of 6846  
education or governing body of a school to convey deadly weapons 6847  
or dangerous ordnance into a school safety zone or to possess a 6848  
deadly weapon or dangerous ordnance in a school safety zone and 6849  
who conveys or possesses the deadly weapon or dangerous ordnance 6850  
in accordance with that authorization, provided both of the 6851  
following apply: 6852

(i) Either the person has successfully completed the 6853  
curriculum, instruction, and training established under section 6854  
5502.703 of the Revised Code, or the person has received a 6855  
certificate of having satisfactorily completed an approved basic 6856  
peace officer training program or is a law enforcement officer; 6857

(ii) The board or governing body has notified the public, 6858  
by whatever means the affected school regularly communicates 6859

with the public, that the board or governing body has authorized 6860  
one or more persons to go armed within a school operated by the 6861  
board or governing authority. 6862

A district board or school governing body that authorizes 6863  
a person under division (D) (1) (d) of this section shall require 6864  
that person to submit to an annual criminal records check 6865  
conducted in the same manner as section 3319.39 or 3319.391 of 6866  
the Revised Code. 6867

(e) Any person who is employed in this state, who is 6868  
authorized to carry deadly weapons or dangerous ordnance, and 6869  
who is subject to and in compliance with the requirements of 6870  
section 109.801 of the Revised Code, unless the appointing 6871  
authority of the person has expressly specified that the 6872  
exemption provided in division (D) (1) (e) of this section does 6873  
not apply to the person. 6874

(2) Division (C) of this section does not apply to 6875  
premises upon which home schooling is conducted. Division (C) of 6876  
this section also does not apply to a school administrator, 6877  
teacher, or employee who possesses an object that is 6878  
indistinguishable from a firearm for legitimate school purposes 6879  
during the course of employment, a student who uses an object 6880  
that is indistinguishable from a firearm under the direction of 6881  
a school administrator, teacher, or employee, or any other 6882  
person who with the express prior approval of a school 6883  
administrator possesses an object that is indistinguishable from 6884  
a firearm for a legitimate purpose, including the use of the 6885  
object in a ceremonial activity, a play, reenactment, or other 6886  
dramatic presentation, school safety training, or a ROTC 6887  
activity or another similar use of the object. 6888

(3) This section does not apply to a person who conveys or 6889

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

completion of firearms training that meets or exceeds the 6919  
training requirements described in division (G) (1) of section 6920  
2923.125 of the Revised Code. 6921

(b) The person leaves the handgun in a motor vehicle. 6922

(c) The handgun does not leave the motor vehicle. 6923

(d) If the person exits the motor vehicle, the person 6924  
locks the motor vehicle. 6925

(E) (1) Whoever violates division (A) or (B) of this 6926  
section is guilty of illegal conveyance or possession of a 6927  
deadly weapon or dangerous ordnance in a school safety zone. 6928  
Except as otherwise provided in this division, illegal 6929  
conveyance or possession of a deadly weapon or dangerous 6930  
ordnance in a school safety zone is a felony of the fifth 6931  
degree. If the offender previously has been convicted of a 6932  
violation of this section, illegal conveyance or possession of a 6933  
deadly weapon or dangerous ordnance in a school safety zone is a 6934  
felony of the fourth degree. 6935

(2) Whoever violates division (C) of this section is 6936  
guilty of illegal possession of an object indistinguishable from 6937  
a firearm in a school safety zone. Except as otherwise provided 6938  
in this division, illegal possession of an object 6939  
indistinguishable from a firearm in a school safety zone is a 6940  
misdemeanor of the first degree. If the offender previously has 6941  
been convicted of a violation of this section, illegal 6942  
possession of an object indistinguishable from a firearm in a 6943  
school safety zone is a felony of the fifth degree. 6944

(F) (1) In addition to any other penalty imposed upon a 6945  
person who is convicted of or pleads guilty to a violation of 6946  
this section and subject to division (F) (2) of this section, if 6947

the offender has not attained nineteen years of age, regardless 6948  
of whether the offender is attending or is enrolled in a school 6949  
operated by a board of education or for which the ~~state board~~ 6950  
director of education and workforce prescribes minimum standards 6951  
under section 3301.07 of the Revised Code, the court shall 6952  
impose upon the offender a class four suspension of the 6953  
offender's probationary driver's license, restricted license, 6954  
driver's license, commercial driver's license, temporary 6955  
instruction permit, or probationary commercial driver's license 6956  
that then is in effect from the range specified in division (A) 6957  
(4) of section 4510.02 of the Revised Code and shall deny the 6958  
offender the issuance of any permit or license of that type 6959  
during the period of the suspension. 6960

If the offender is not a resident of this state, the court 6961  
shall impose a class four suspension of the nonresident 6962  
operating privilege of the offender from the range specified in 6963  
division (A) (4) of section 4510.02 of the Revised Code. 6964

(2) If the offender shows good cause why the court should 6965  
not suspend one of the types of licenses, permits, or privileges 6966  
specified in division (F) (1) of this section or deny the 6967  
issuance of one of the temporary instruction permits specified 6968  
in that division, the court in its discretion may choose not to 6969  
impose the suspension, revocation, or denial required in that 6970  
division, but the court, in its discretion, instead may require 6971  
the offender to perform community service for a number of hours 6972  
determined by the court. 6973

(G) As used in this section, "object that is 6974  
indistinguishable from a firearm" means an object made, 6975  
constructed, or altered so that, to a reasonable person without 6976  
specialized training in firearms, the object appears to be a 6977

firearm. 6978

**Sec. 2925.01.** As used in this chapter: 6979

(A) "Administer," "controlled substance," "controlled  
substance analog," "dispense," "distribute," "hypodermic," 6980  
"manufacturer," "official written order," "person," 6981  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 6982  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 6983  
have the same meanings as in section 3719.01 of the Revised 6984  
Code. 6985  
6986

(B) "Drug of abuse" and "person with a drug dependency" 6987  
have the same meanings as in section 3719.011 of the Revised 6988  
Code. 6989

(C) "Drug," "dangerous drug," "licensed health 6990  
professional authorized to prescribe drugs," and "prescription" 6991  
have the same meanings as in section 4729.01 of the Revised 6992  
Code. 6993

(D) "Bulk amount" of a controlled substance means any of 6994  
the following: 6995

(1) For any compound, mixture, preparation, or substance 6996  
included in schedule I, schedule II, or schedule III, with the 6997  
exception of any controlled substance analog, marihuana, 6998  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 6999  
hashish and except as provided in division (D)(2), (5), or (6) 7000  
of this section, whichever of the following is applicable: 7001

(a) An amount equal to or exceeding ten grams or twenty- 7002  
five unit doses of a compound, mixture, preparation, or 7003  
substance that is or contains any amount of a schedule I opiate 7004  
or opium derivative; 7005

(b) An amount equal to or exceeding ten grams of a 7006  
compound, mixture, preparation, or substance that is or contains 7007  
any amount of raw or gum opium; 7008

(c) An amount equal to or exceeding thirty grams or ten 7009  
unit doses of a compound, mixture, preparation, or substance 7010  
that is or contains any amount of a schedule I hallucinogen 7011  
other than tetrahydrocannabinol or lysergic acid amide, or a 7012  
schedule I stimulant or depressant; 7013

(d) An amount equal to or exceeding twenty grams or five 7014  
times the maximum daily dose in the usual dose range specified 7015  
in a standard pharmaceutical reference manual of a compound, 7016  
mixture, preparation, or substance that is or contains any 7017  
amount of a schedule II opiate or opium derivative; 7018

(e) An amount equal to or exceeding five grams or ten unit 7019  
doses of a compound, mixture, preparation, or substance that is 7020  
or contains any amount of phencyclidine; 7021

(f) An amount equal to or exceeding one hundred twenty 7022  
grams or thirty times the maximum daily dose in the usual dose 7023  
range specified in a standard pharmaceutical reference manual of 7024  
a compound, mixture, preparation, or substance that is or 7025  
contains any amount of a schedule II stimulant that is in a 7026  
final dosage form manufactured by a person authorized by the 7027  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 7028  
U.S.C.A. 301, as amended, and the federal drug abuse control 7029  
laws, as defined in section 3719.01 of the Revised Code, that is 7030  
or contains any amount of a schedule II depressant substance or 7031  
a schedule II hallucinogenic substance; 7032

(g) An amount equal to or exceeding three grams of a 7033  
compound, mixture, preparation, or substance that is or contains 7034

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) 7064  
and (C) (11) of that section will not apply regarding the 7065  
defendant and the violation, the bulk amount of the controlled 7066  
substance for purposes of the violation is the amount specified 7067  
in division (D) (1), (2), (3), (4), or (5) of this section for 7068  
the other schedule III, IV, or V controlled substance that is 7069  
combined with the fentanyl-related compound. 7070

(E) "Unit dose" means an amount or unit of a compound, 7071  
mixture, or preparation containing a controlled substance that 7072  
is separately identifiable and in a form that indicates that it 7073  
is the amount or unit by which the controlled substance is 7074  
separately administered to or taken by an individual. 7075

(F) "Cultivate" includes planting, watering, fertilizing, 7076  
or tilling. 7077

(G) "Drug abuse offense" means any of the following: 7078

(1) A violation of division (A) of section 2913.02 that 7079  
constitutes theft of drugs, or a violation of section 2925.02, 7080  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 7081  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 7082  
or 2925.37 of the Revised Code; 7083

(2) A violation of an existing or former law of this or 7084  
any other state or of the United States that is substantially 7085  
equivalent to any section listed in division (G) (1) of this 7086  
section; 7087

(3) An offense under an existing or former law of this or 7088  
any other state, or of the United States, of which planting, 7089  
cultivating, harvesting, processing, making, manufacturing, 7090  
producing, shipping, transporting, delivering, acquiring, 7091  
possessing, storing, distributing, dispensing, selling, inducing 7092

another to use, administering to another, using, or otherwise  
7093  
dealing with a controlled substance is an element;  
7094

(4) A conspiracy to commit, attempt to commit, or  
7095  
complicity in committing or attempting to commit any offense  
7096  
under division (G) (1), (2), or (3) of this section.  
7097

(H) "Felony drug abuse offense" means any drug abuse  
7098  
offense that would constitute a felony under the laws of this  
7099  
state, any other state, or the United States.  
7100

(I) "Harmful intoxicant" does not include beer or  
7101  
intoxicating liquor but means any of the following:  
7102

(1) Any compound, mixture, preparation, or substance the  
7103  
gas, fumes, or vapor of which when inhaled can induce  
7104  
intoxication, excitement, giddiness, irrational behavior,  
7105  
depression, stupefaction, paralysis, unconsciousness,  
7106  
asphyxiation, or other harmful physiological effects, and  
7107  
includes, but is not limited to, any of the following:  
7108

(a) Any volatile organic solvent, plastic cement, model  
7109  
cement, fingernail polish remover, lacquer thinner, cleaning  
7110  
fluid, gasoline, or other preparation containing a volatile  
7111  
organic solvent;  
7112

(b) Any aerosol propellant;  
7113

(c) Any fluorocarbon refrigerant;  
7114

(d) Any anesthetic gas.  
7115

(2) Gamma Butyrolactone;  
7116

(3) 1,4 Butanediol.  
7117

(J) "Manufacture" means to plant, cultivate, harvest,  
7118  
process, make, prepare, or otherwise engage in any part of the  
7119

production of a drug, by propagation, extraction, chemical 7120  
synthesis, or compounding, or any combination of the same, and 7121  
includes packaging, repackaging, labeling, and other activities 7122  
incident to production. 7123

(K) "Possess" or "possession" means having control over a 7124  
thing or substance, but may not be inferred solely from mere 7125  
access to the thing or substance through ownership or occupation 7126  
of the premises upon which the thing or substance is found. 7127

(L) "Sample drug" means a drug or pharmaceutical 7128  
preparation that would be hazardous to health or safety if used 7129  
without the supervision of a licensed health professional 7130  
authorized to prescribe drugs, or a drug of abuse, and that, at 7131  
one time, had been placed in a container plainly marked as a 7132  
sample by a manufacturer. 7133

(M) "Standard pharmaceutical reference manual" means the 7134  
current edition, with cumulative changes if any, of references 7135  
that are approved by the state board of pharmacy. 7136

(N) "Juvenile" means a person under eighteen years of age. 7137

(O) "Counterfeit controlled substance" means any of the 7138  
following: 7139

(1) Any drug that bears, or whose container or label 7140  
bears, a trademark, trade name, or other identifying mark used 7141  
without authorization of the owner of rights to that trademark, 7142  
trade name, or identifying mark; 7143

(2) Any unmarked or unlabeled substance that is 7144  
represented to be a controlled substance manufactured, 7145  
processed, packed, or distributed by a person other than the 7146  
person that manufactured, processed, packed, or distributed it; 7147

(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 7177  
leased by a board of education of a school, the governing 7178  
authority of a community school established under Chapter 3314. 7179  
of the Revised Code, or the governing body of a nonpublic school 7180  
for which the ~~state board~~ director of education and workforce 7181  
prescribes minimum standards under section 3301.07 of the 7182  
Revised Code and on which some of the instruction, 7183  
extracurricular activities, or training of the school is 7184  
conducted, whether or not any instruction, extracurricular 7185  
activities, or training provided by the school is being 7186  
conducted on the parcel of real property at the time a criminal 7187  
offense is committed. 7188

(S) "School building" means any building in which any of 7189  
the instruction, extracurricular activities, or training 7190  
provided by a school is conducted, whether or not any 7191  
instruction, extracurricular activities, or training provided by 7192  
the school is being conducted in the school building at the time 7193  
a criminal offense is committed. 7194

(T) "Disciplinary counsel" means the disciplinary counsel 7195  
appointed by the board of commissioners on grievances and 7196  
discipline of the supreme court under the Rules for the 7197  
Government of the Bar of Ohio. 7198

(U) "Certified grievance committee" means a duly 7199  
constituted and organized committee of the Ohio state bar 7200  
association or of one or more local bar associations of the 7201  
state of Ohio that complies with the criteria set forth in Rule 7202  
V, section 6 of the Rules for the Government of the Bar of Ohio. 7203

(V) "Professional license" means any license, permit, 7204  
certificate, registration, qualification, admission, temporary 7205  
license, temporary permit, temporary certificate, or temporary 7206

registration that is described in divisions (W) (1) to (37) of 7207  
this section and that qualifies a person as a professionally 7208  
licensed person. 7209

(W) "Professionally licensed person" means any of the 7210  
following: 7211

(1) A person who has received a certificate or temporary 7212  
certificate as a certified public accountant or who has 7213  
registered as a public accountant under Chapter 4701. of the 7214  
Revised Code and who holds an Ohio permit issued under that 7215  
chapter; 7216

(2) A person who holds a certificate of qualification to 7217  
practice architecture issued or renewed and registered under 7218  
Chapter 4703. of the Revised Code; 7219

(3) A person who is registered as a landscape architect 7220  
under Chapter 4703. of the Revised Code or who holds a permit as 7221  
a landscape architect issued under that chapter; 7222

(4) A person licensed under Chapter 4707. of the Revised 7223  
Code; 7224

(5) A person who has been issued a certificate of 7225  
registration as a registered barber under Chapter 4709. of the 7226  
Revised Code; 7227

(6) A person licensed and regulated to engage in the 7228  
business of a debt pooling company by a legislative authority, 7229  
under authority of Chapter 4710. of the Revised Code; 7230

(7) A person who has been issued a cosmetologist's 7231  
license, hair designer's license, manicurist's license, 7232  
esthetician's license, natural hair stylist's license, advanced 7233  
cosmetologist's license, advanced hair designer's license, 7234

advanced manicurist's license, advanced esthetician's license, 7235  
advanced natural hair stylist's license, cosmetology 7236  
instructor's license, hair design instructor's license, 7237  
manicurist instructor's license, esthetics instructor's license, 7238  
natural hair style instructor's license, independent 7239  
contractor's license, or tanning facility permit under Chapter 7240  
4713. of the Revised Code; 7241

(8) A person who has been issued a license to practice 7242  
dentistry, a general anesthesia permit, a conscious sedation 7243  
permit, a limited resident's license, a limited teaching 7244  
license, a dental hygienist's license, or a dental hygienist's 7245  
teacher's certificate under Chapter 4715. of the Revised Code; 7246

(9) A person who has been issued an embalmer's license, a 7247  
funeral director's license, a funeral home license, or a 7248  
crematory license, or who has been registered for an embalmer's 7249  
or funeral director's apprenticeship under Chapter 4717. of the 7250  
Revised Code; 7251

(10) A person who has been licensed as a registered nurse 7252  
or practical nurse, or who has been issued a certificate for the 7253  
practice of nurse-midwifery under Chapter 4723. of the Revised 7254  
Code; 7255

(11) A person who has been licensed to practice optometry 7256  
or to engage in optical dispensing under Chapter 4725. of the 7257  
Revised Code; 7258

(12) A person licensed to act as a pawnbroker under 7259  
Chapter 4727. of the Revised Code; 7260

(13) A person licensed to act as a precious metals dealer 7261  
under Chapter 4728. of the Revised Code; 7262

(14) A person licensed under Chapter 4729. of the Revised 7263

Code as a pharmacist or pharmacy intern or registered under that 7264  
chapter as a registered pharmacy technician, certified pharmacy 7265  
technician, or pharmacy technician trainee; 7266

(15) A person licensed under Chapter 4729. of the Revised 7267  
Code as a manufacturer of dangerous drugs, outsourcing facility, 7268  
third-party logistics provider, repackager of dangerous drugs, 7269  
wholesale distributor of dangerous drugs, or terminal 7270  
distributor of dangerous drugs; 7271

(16) A person who is authorized to practice as a physician 7272  
assistant under Chapter 4730. of the Revised Code; 7273

(17) A person who has been issued a license to practice 7274  
medicine and surgery, osteopathic medicine and surgery, or 7275  
podiatric medicine and surgery under Chapter 4731. of the 7276  
Revised Code or has been issued a certificate to practice a 7277  
limited branch of medicine under that chapter; 7278

(18) A person licensed as a psychologist, independent 7279  
school psychologist, or school psychologist under Chapter 4732. 7280  
of the Revised Code; 7281

(19) A person registered to practice the profession of 7282  
engineering or surveying under Chapter 4733. of the Revised 7283  
Code; 7284

(20) A person who has been issued a license to practice 7285  
chiropractic under Chapter 4734. of the Revised Code; 7286

(21) A person licensed to act as a real estate broker or 7287  
real estate salesperson under Chapter 4735. of the Revised Code; 7288

(22) A person registered as a registered environmental 7289  
health specialist under Chapter 4736. of the Revised Code; 7290

(23) A person licensed to operate or maintain a junkyard 7291

under Chapter 4737. of the Revised Code;	7292
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	7293 7294
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	7295 7296
(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;	7297 7298 7299 7300
(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;	7301 7302 7303
(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;	7304 7305 7306
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	7307 7308
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	7309 7310 7311
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	7312 7313 7314
(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	7315 7316 7317 7318 7319

Revised Code;	7320
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	7321 7322
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	7323 7324 7325
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	7326 7327
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	7328 7329
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	7330 7331 7332
(X) "Cocaine" means any of the following:	7333
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	7334 7335
(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;	7336 7337 7338 7339
(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.	7340 7341 7342 7343 7344 7345
(Y) "L.S.D." means lysergic acid diethylamide.	7346

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:

(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in

section 2929.01 of the Revised Code.	7376
(EE) "Minor drug possession offense" means either of the following:	7377
	7378
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	7379
	7380
(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.	7381
	7382
	7383
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	7384
	7385
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	7386
	7387
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	7388
	7389
	7390
(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.	7391
	7392
	7393
	7394
	7395
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	7396
	7397
(KK) "Fentanyl-related compound" means any of the following:	7398
	7399
(1) Fentanyl;	7400
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-	7401
	7402

phenylethyl)-4-(N-propanilido) piperidine);	7403
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	7404
	7405
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	7406
	7407
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	7408
	7409
	7410
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	7411
	7412
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	7413
	7414
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	7415
	7416
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	7417
	7418
(10) Alfentanil;	7419
(11) Carfentanil;	7420
(12) Remifentanil;	7421
(13) Sufentanil;	7422
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	7423
	7424
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as	7425
identified by a report from an established forensic laboratory,	7426
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	7427
	7428

butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 7429  
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 7430  
fluorofentanyl: 7431

(a) A chemical scaffold consisting of both of the 7432  
following: 7433

(i) A five, six, or seven member ring structure containing 7434  
a nitrogen, whether or not further substituted; 7435

(ii) An attached nitrogen to the ring, whether or not that 7436  
nitrogen is enclosed in a ring structure, including an attached 7437  
aromatic ring or other lipophilic group to that nitrogen. 7438

(b) A polar functional group attached to the chemical 7439  
scaffold, including but not limited to a hydroxyl, ketone, 7440  
amide, or ester; 7441

(c) An alkyl or aryl substitution off the ring nitrogen of 7442  
the chemical scaffold; and 7443

(d) The compound has not been approved for medical use by 7444  
the United States food and drug administration. 7445

(LL) "First degree felony mandatory prison term" means one 7446  
of the definite prison terms prescribed in division (A) (1) (b) of 7447  
section 2929.14 of the Revised Code for a felony of the first 7448  
degree, except that if the violation for which sentence is being 7449  
imposed is committed on or after March 22, 2019, it means one of 7450  
the minimum prison terms prescribed in division (A) (1) (a) of 7451  
that section for a felony of the first degree. 7452

(MM) "Second degree felony mandatory prison term" means 7453  
one of the definite prison terms prescribed in division (A) (2) 7454  
(b) of section 2929.14 of the Revised Code for a felony of the 7455  
second degree, except that if the violation for which sentence 7456

is being imposed is committed on or after March 22, 2019, it 7457  
means one of the minimum prison terms prescribed in division (A) 7458  
(2) (a) of that section for a felony of the second degree. 7459

(NN) "Maximum first degree felony mandatory prison term" 7460  
means the maximum definite prison term prescribed in division 7461  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 7462  
the first degree, except that if the violation for which 7463  
sentence is being imposed is committed on or after March 22, 7464  
2019, it means the longest minimum prison term prescribed in 7465  
division (A) (1) (a) of that section for a felony of the first 7466  
degree. 7467

(OO) "Maximum second degree felony mandatory prison term" 7468  
means the maximum definite prison term prescribed in division 7469  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 7470  
the second degree, except that if the violation for which 7471  
sentence is being imposed is committed on or after March 22, 7472  
2019, it means the longest minimum prison term prescribed in 7473  
division (A) (2) (a) of that section for a felony of the second 7474  
degree. 7475

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 7476  
as in section 928.01 of the Revised Code. 7477

(QQ) An offense is "committed in the vicinity of a 7478  
substance addiction services provider or a recovering addict" if 7479  
either of the following apply: 7480

(1) The offender commits the offense on the premises of a 7481  
substance addiction services provider's facility, including a 7482  
facility licensed prior to June 29, 2019, under section 5119.391 7483  
of the Revised Code to provide methadone treatment or an opioid 7484  
treatment program licensed on or after that date under section 7485

5119.37 of the Revised Code, or within five hundred feet of the 7486  
premises of a substance addiction services provider's facility 7487  
and the offender knows or should know that the offense is being 7488  
committed within the vicinity of the substance addiction 7489  
services provider's facility. 7490

(2) The offender sells, offers to sell, delivers, or 7491  
distributes the controlled substance or controlled substance 7492  
analog to a person who is receiving treatment at the time of the 7493  
commission of the offense, or received treatment within thirty 7494  
days prior to the commission of the offense, from a substance 7495  
addiction services provider and the offender knows that the 7496  
person is receiving or received that treatment. 7497

(RR) "Substance addiction services provider" means an 7498  
agency, association, corporation or other legal entity, 7499  
individual, or program that provides one or more of the 7500  
following at a facility: 7501

(1) Either alcohol addiction services, or drug addiction 7502  
services, or both such services that are certified by the 7503  
director of mental health and addiction services under section 7504  
5119.36 of the Revised Code; 7505

(2) Recovery supports that are related to either alcohol 7506  
addiction services, or drug addiction services, or both such 7507  
services and paid for with federal, state, or local funds 7508  
administered by the department of mental health and addiction 7509  
services or a board of alcohol, drug addiction, and mental 7510  
health services. 7511

(SS) "Premises of a substance addiction services 7512  
provider's facility" means the parcel of real property on which 7513  
any substance addiction service provider's facility is situated. 7514

(TT) "Alcohol and drug addiction services" has the same 7515  
meaning as in section 5119.01 of the Revised Code. 7516

**Sec. 2950.11.** (A) Regardless of when the sexually oriented 7517  
offense or child-victim oriented offense was committed, if a 7518  
person is convicted of, pleads guilty to, has been convicted of, 7519  
or has pleaded guilty to a sexually oriented offense or a child- 7520  
victim oriented offense or a person is or has been adjudicated a 7521  
delinquent child for committing a sexually oriented offense or a 7522  
child-victim oriented offense and is classified a juvenile 7523  
offender registrant or is an out-of-state juvenile offender 7524  
registrant based on that adjudication, and if the offender or 7525  
delinquent child is in any category specified in division (F) (1) 7526  
(a), (b), or (c) of this section, the sheriff with whom the 7527  
offender or delinquent child has most recently registered under 7528  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 7529  
the sheriff to whom the offender or delinquent child most 7530  
recently sent a notice of intent to reside under section 2950.04 7531  
or 2950.041 of the Revised Code, within the period of time 7532  
specified in division (C) of this section, shall provide a 7533  
written notice containing the information set forth in division 7534  
(B) of this section to all of the persons described in divisions 7535  
(A) (1) to (10) of this section. If the sheriff has sent a notice 7536  
to the persons described in those divisions as a result of 7537  
receiving a notice of intent to reside and if the offender or 7538  
delinquent child registers a residence address that is the same 7539  
residence address described in the notice of intent to reside, 7540  
the sheriff is not required to send an additional notice when 7541  
the offender or delinquent child registers. The sheriff shall 7542  
provide the notice to all of the following persons: 7543

(1) (a) Any occupant of each residential unit that is 7544  
located within one thousand feet of the offender's or delinquent 7545

child's residential premises, that is located within the county 7546  
served by the sheriff, and that is not located in a multi-unit 7547  
building. Division (D)(3) of this section applies regarding 7548  
notices required under this division. 7549

(b) If the offender or delinquent child resides in a 7550  
multi-unit building, any occupant of each residential unit that 7551  
is located in that multi-unit building and that shares a common 7552  
hallway with the offender or delinquent child. For purposes of 7553  
this division, an occupant's unit shares a common hallway with 7554  
the offender or delinquent child if the entrance door into the 7555  
occupant's unit is located on the same floor and opens into the 7556  
same hallway as the entrance door to the unit the offender or 7557  
delinquent child occupies. Division (D)(3) of this section 7558  
applies regarding notices required under this division. 7559

(c) The building manager, or the person the building owner 7560  
or condominium unit owners association authorizes to exercise 7561  
management and control, of each multi-unit building that is 7562  
located within one thousand feet of the offender's or delinquent 7563  
child's residential premises, including a multi-unit building in 7564  
which the offender or delinquent child resides, and that is 7565  
located within the county served by the sheriff. In addition to 7566  
notifying the building manager or the person authorized to 7567  
exercise management and control in the multi-unit building under 7568  
this division, the sheriff shall post a copy of the notice 7569  
prominently in each common entryway in the building and any 7570  
other location in the building the sheriff determines 7571  
appropriate. The manager or person exercising management and 7572  
control of the building shall permit the sheriff to post copies 7573  
of the notice under this division as the sheriff determines 7574  
appropriate. In lieu of posting copies of the notice as 7575  
described in this division, a sheriff may provide notice to all 7576

occupants of the multi-unit building by mail or personal 7577  
contact; if the sheriff so notifies all the occupants, the 7578  
sheriff is not required to post copies of the notice in the 7579  
common entryways to the building. Division (D)(3) of this 7580  
section applies regarding notices required under this division. 7581

(d) All additional persons who are within any category of 7582  
neighbors of the offender or delinquent child that the attorney 7583  
general by rule adopted under section 2950.13 of the Revised 7584  
Code requires to be provided the notice and who reside within 7585  
the county served by the sheriff; 7586

(2) The executive director of the public children services 7587  
agency that has jurisdiction within the specified geographical 7588  
notification area and that is located within the county served 7589  
by the sheriff; 7590

(3) (a) The superintendent of each board of education of a 7591  
school district that has schools within the specified 7592  
geographical notification area and that is located within the 7593  
county served by the sheriff; 7594

(b) The principal of the school within the specified 7595  
geographical notification area and within the county served by 7596  
the sheriff that the delinquent child attends; 7597

(c) If the delinquent child attends a school outside of 7598  
the specified geographical notification area or outside of the 7599  
school district where the delinquent child resides, the 7600  
superintendent of the board of education of a school district 7601  
that governs the school that the delinquent child attends and 7602  
the principal of the school that the delinquent child attends. 7603

(4) (a) The appointing or hiring officer of each chartered 7604  
nonpublic school located within the specified geographical 7605

notification area and within the county served by the sheriff or 7606  
of each other school located within the specified geographical 7607  
notification area and within the county served by the sheriff 7608  
and that is not operated by a board of education described in 7609  
division (A) (3) of this section; 7610

(b) Regardless of the location of the school, the 7611  
appointing or hiring officer of a chartered nonpublic school 7612  
that the delinquent child attends. 7613

(5) The director, head teacher, elementary principal, or 7614  
site administrator of each preschool program governed by Chapter 7615  
3301. of the Revised Code that is located within the specified 7616  
geographical notification area and within the county served by 7617  
the sheriff; 7618

(6) The administrator of each child day-care center or 7619  
type A family day-care home that is located within the specified 7620  
geographical notification area and within the county served by 7621  
the sheriff, and each holder of a license to operate a type B 7622  
family day-care home that is located within the specified 7623  
geographical notification area and within the county served by 7624  
the sheriff. As used in this division, "child day-care center," 7625  
"type A family day-care home," and "type B family day-care home" 7626  
have the same meanings as in section 5104.01 of the Revised 7627  
Code. 7628

(7) The president or other chief administrative officer of 7629  
each institution of higher education, as defined in section 7630  
2907.03 of the Revised Code, that is located within the 7631  
specified geographical notification area and within the county 7632  
served by the sheriff, and the chief law enforcement officer of 7633  
the state university law enforcement agency or campus police 7634  
department established under section 3345.04 or 1713.50 of the 7635

Revised Code, if any, that serves that institution; 7636

(8) The sheriff of each county that includes any portion 7637  
of the specified geographical notification area; 7638

(9) If the offender or delinquent child resides within the 7639  
county served by the sheriff, the chief of police, marshal, or 7640  
other chief law enforcement officer of the municipal corporation 7641  
in which the offender or delinquent child resides or, if the 7642  
offender or delinquent child resides in an unincorporated area, 7643  
the constable or chief of the police department or police 7644  
district police force of the township in which the offender or 7645  
delinquent child resides; 7646

(10) Volunteer organizations in which contact with minors 7647  
or other vulnerable individuals might occur or any organization, 7648  
company, or individual who requests notification as provided in 7649  
division (J) of this section. 7650

(B) The notice required under division (A) of this section 7651  
shall include all of the following information regarding the 7652  
subject offender or delinquent child: 7653

(1) The offender's or delinquent child's name; 7654

(2) The address or addresses of the offender's or public 7655  
registry-qualified juvenile offender registrant's residence, 7656  
school, institution of higher education, or place of employment, 7657  
as applicable, or the residence address or addresses of a 7658  
delinquent child who is not a public registry-qualified juvenile 7659  
offender registrant; 7660

(3) The sexually oriented offense or child-victim oriented 7661  
offense of which the offender was convicted, to which the 7662  
offender pleaded guilty, or for which the child was adjudicated 7663  
a delinquent child; 7664

(4) A statement that identifies the category specified in 7665  
division (F)(1)(a), (b), or (c) of this section that includes 7666  
the offender or delinquent child and that subjects the offender 7667  
or delinquent child to this section; 7668

(5) The offender's or delinquent child's photograph. 7669

(C) If a sheriff with whom an offender or delinquent child 7670  
registers under section 2950.04, 2950.041, or 2950.05 of the 7671  
Revised Code or to whom the offender or delinquent child most 7672  
recently sent a notice of intent to reside under section 2950.04 7673  
or 2950.041 of the Revised Code is required by division (A) of 7674  
this section to provide notices regarding an offender or 7675  
delinquent child and if, pursuant to that requirement, the 7676  
sheriff provides a notice to a sheriff of one or more other 7677  
counties in accordance with division (A)(8) of this section, the 7678  
sheriff of each of the other counties who is provided notice 7679  
under division (A)(8) of this section shall provide the notices 7680  
described in divisions (A)(1) to (7) and (A)(9) and (10) of this 7681  
section to each person or entity identified within those 7682  
divisions that is located within the specified geographical 7683  
notification area and within the county served by the sheriff in 7684  
question. 7685

(D)(1) A sheriff required by division (A) or (C) of this 7686  
section to provide notices regarding an offender or delinquent 7687  
child shall provide the notice to the neighbors that are 7688  
described in division (A)(1) of this section and the notices to 7689  
law enforcement personnel that are described in divisions (A)(8) 7690  
and (9) of this section as soon as practicable, but no later 7691  
than five days after the offender sends the notice of intent to 7692  
reside to the sheriff and again no later than five days after 7693  
the offender or delinquent child registers with the sheriff or, 7694

if the sheriff is required by division (C) of this section to 7695  
provide the notices, no later than five days after the sheriff 7696  
is provided the notice described in division (A) (8) of this 7697  
section. 7698

A sheriff required by division (A) or (C) of this section 7699  
to provide notices regarding an offender or delinquent child 7700  
shall provide the notices to all other specified persons that 7701  
are described in divisions (A) (2) to (7) and (A) (10) of this 7702  
section as soon as practicable, but not later than seven days 7703  
after the offender or delinquent child registers with the 7704  
sheriff or, if the sheriff is required by division (C) of this 7705  
section to provide the notices, no later than five days after 7706  
the sheriff is provided the notice described in division (A) (8) 7707  
of this section. 7708

(2) If an offender or delinquent child in relation to whom 7709  
division (A) of this section applies verifies the offender's or 7710  
delinquent child's current residence, school, institution of 7711  
higher education, or place of employment address, as applicable, 7712  
with a sheriff pursuant to section 2950.06 of the Revised Code, 7713  
the sheriff may provide a written notice containing the 7714  
information set forth in division (B) of this section to the 7715  
persons identified in divisions (A) (1) to (10) of this section. 7716  
If a sheriff provides a notice pursuant to this division to the 7717  
sheriff of one or more other counties in accordance with 7718  
division (A) (8) of this section, the sheriff of each of the 7719  
other counties who is provided the notice under division (A) (8) 7720  
of this section may provide, but is not required to provide, a 7721  
written notice containing the information set forth in division 7722  
(B) of this section to the persons identified in divisions (A) 7723  
(1) to (7) and (A) (9) and (10) of this section. 7724

(3) A sheriff may provide notice under division (A) (1) (a) 7725  
or (b) of this section, and may provide notice under division 7726  
(A) (1) (c) of this section to a building manager or person 7727  
authorized to exercise management and control of a building, by 7728  
mail, by personal contact, or by leaving the notice at or under 7729  
the entry door to a residential unit. For purposes of divisions 7730  
(A) (1) (a) and (b) of this section, and the portion of division 7731  
(A) (1) (c) of this section relating to the provision of notice to 7732  
occupants of a multi-unit building by mail or personal contact, 7733  
the provision of one written notice per unit is deemed as 7734  
providing notice to all occupants of that unit. 7735

(E) All information that a sheriff possesses regarding an 7736  
offender or delinquent child who is in a category specified in 7737  
division (F) (1) (a), (b), or (c) of this section that is 7738  
described in division (B) of this section and that must be 7739  
provided in a notice required under division (A) or (C) of this 7740  
section or that may be provided in a notice authorized under 7741  
division (D) (2) of this section is a public record that is open 7742  
to inspection under section 149.43 of the Revised Code. 7743

The sheriff shall not cause to be publicly disseminated by 7744  
means of the internet any of the information described in this 7745  
division that is provided by a delinquent child unless that 7746  
child is in a category specified in division (F) (1) (a), (b), or 7747  
(c) of this section. 7748

(F) (1) Except as provided in division (F) (2) of this 7749  
section, the duties to provide the notices described in 7750  
divisions (A) and (C) of this section apply regarding any 7751  
offender or delinquent child who is in any of the following 7752  
categories: 7753

(a) The offender is a tier III sex offender/child-victim 7754

offender, or the delinquent child is a public registry-qualified 7755  
juvenile offender registrant, and a juvenile court has not 7756  
removed pursuant to section 2950.15 of the Revised Code the 7757  
delinquent child's duty to comply with sections 2950.04, 7758  
2950.041, 2950.05, and 2950.06 of the Revised Code. 7759

(b) The delinquent child is a tier III sex offender/child- 7760  
victim offender who is not a public registry-qualified juvenile 7761  
offender registrant, the delinquent child was subjected to this 7762  
section prior to January 1, 2008, as a sexual predator, habitual 7763  
sex offender, child-victim predator, or habitual child-victim 7764  
offender, as those terms were defined in section 2950.01 of the 7765  
Revised Code as it existed prior to January 1, 2008, and a 7766  
juvenile court has not removed pursuant to section 2152.84 or 7767  
2152.85 of the Revised Code the delinquent child's duty to 7768  
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 7769  
the Revised Code. 7770

(c) The delinquent child is a tier III sex offender/child- 7771  
victim offender who is not a public registry-qualified juvenile 7772  
offender registrant, the delinquent child was classified a 7773  
juvenile offender registrant on or after January 1, 2008, the 7774  
court has imposed a requirement under section 2152.82, 2152.83, 7775  
or 2152.84 of the Revised Code subjecting the delinquent child 7776  
to this section, and a juvenile court has not removed pursuant 7777  
to section 2152.84 or 2152.85 of the Revised Code the delinquent 7778  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 7779  
and 2950.06 of the Revised Code. 7780

(2) The notification provisions of this section do not 7781  
apply to a person described in division (F) (1) (a), (b), or (c) 7782  
of this section if a court finds at a hearing after considering 7783  
the factors described in this division that the person would not 7784

be subject to the notification provisions of this section that 7785  
were in the version of this section that existed immediately 7786  
prior to January 1, 2008. In making the determination of whether 7787  
a person would have been subject to the notification provisions 7788  
under prior law as described in this division, the court shall 7789  
consider the following factors: 7790

(a) The offender's or delinquent child's age; 7791

(b) The offender's or delinquent child's prior criminal or 7792  
delinquency record regarding all offenses, including, but not 7793  
limited to, all sexual offenses; 7794

(c) The age of the victim of the sexually oriented offense 7795  
for which sentence is to be imposed or the order of disposition 7796  
is to be made; 7797

(d) Whether the sexually oriented offense for which 7798  
sentence is to be imposed or the order of disposition is to be 7799  
made involved multiple victims; 7800

(e) Whether the offender or delinquent child used drugs or 7801  
alcohol to impair the victim of the sexually oriented offense or 7802  
to prevent the victim from resisting; 7803

(f) If the offender or delinquent child previously has 7804  
been convicted of or pleaded guilty to, or been adjudicated a 7805  
delinquent child for committing an act that if committed by an 7806  
adult would be, a criminal offense, whether the offender or 7807  
delinquent child completed any sentence or dispositional order 7808  
imposed for the prior offense or act and, if the prior offense 7809  
or act was a sex offense or a sexually oriented offense, whether 7810  
the offender or delinquent child participated in available 7811  
programs for sexual offenders; 7812

(g) Any mental illness or mental disability of the 7813

offender or delinquent child; 7814

(h) The nature of the offender's or delinquent child's 7815  
sexual conduct, sexual contact, or interaction in a sexual 7816  
context with the victim of the sexually oriented offense and 7817  
whether the sexual conduct, sexual contact, or interaction in a 7818  
sexual context was part of a demonstrated pattern of abuse; 7819

(i) Whether the offender or delinquent child, during the 7820  
commission of the sexually oriented offense for which sentence 7821  
is to be imposed or the order of disposition is to be made, 7822  
displayed cruelty or made one or more threats of cruelty; 7823

(j) Whether the offender or delinquent child would have 7824  
been a habitual sex offender or a habitual child victim offender 7825  
under the definitions of those terms set forth in section 7826  
2950.01 of the Revised Code as that section existed prior to 7827  
January 1, 2008; 7828

(k) Any additional behavioral characteristics that 7829  
contribute to the offender's or delinquent child's conduct. 7830

(G) (1) The department of job and family services shall 7831  
compile, maintain, and update in January and July of each year, 7832  
a list of all agencies, centers, or homes of a type described in 7833  
division (A) (2) or (6) of this section that contains the name of 7834  
each agency, center, or home of that type, the county in which 7835  
it is located, its address and telephone number, and the name of 7836  
an administrative officer or employee of the agency, center, or 7837  
home. 7838

(2) The department of education and workforce shall 7839  
compile, maintain, and update in January and July of each year, 7840  
a list of all boards of education, schools, or programs of a 7841  
type described in division (A) (3), (4), or (5) of this section 7842

that contains the name of each board of education, school, or 7843  
program of that type, the county in which it is located, its 7844  
address and telephone number, the name of the superintendent of 7845  
the board or of an administrative officer or employee of the 7846  
school or program, and, in relation to a board of education, the 7847  
county or counties in which each of its schools is located and 7848  
the address of each such school. 7849

(3) ~~The Ohio board of regents~~ chancellor of higher 7850  
education shall compile, maintain, and update in January and 7851  
July of each year, a list of all institutions of a type 7852  
described in division (A) (7) of this section that contains the 7853  
name of each such institution, the county in which it is 7854  
located, its address and telephone number, and the name of its 7855  
president or other chief administrative officer. 7856

(4) A sheriff required by division (A) or (C) of this 7857  
section, or authorized by division (D) (2) of this section, to 7858  
provide notices regarding an offender or delinquent child, or a 7859  
designee of a sheriff of that type, may request the department 7860  
of job and family services, ~~the~~ department of education, ~~or Ohio~~  
~~board of regents~~ and workforce, or chancellor by telephone, in 7861  
person, or by mail, to provide the sheriff or designee with the 7862  
names, addresses, and telephone numbers of the appropriate 7863  
persons and entities to whom the notices described in divisions 7864  
(A) (2) to (7) of this section are to be provided. Upon receipt 7865  
of a request, the department ~~or board~~ shall provide the 7866  
requesting sheriff or designee with the names, addresses, and 7867  
telephone numbers of the appropriate persons and entities to 7868  
whom those notices are to be provided. 7869  
7870

(H) (1) Upon the motion of the offender or the prosecuting 7871  
attorney of the county in which the offender was convicted of or 7872

pleaded guilty to the sexually oriented offense or child-victim 7873  
oriented offense for which the offender is subject to community 7874  
notification under this section, or upon the motion of the 7875  
sentencing judge or that judge's successor in office, the judge 7876  
may schedule a hearing to determine whether the interests of 7877  
justice would be served by suspending the community notification 7878  
requirement under this section in relation to the offender. The 7879  
judge may dismiss the motion without a hearing but may not issue 7880  
an order suspending the community notification requirement 7881  
without a hearing. At the hearing, all parties are entitled to 7882  
be heard, and the judge shall consider all of the factors set 7883  
forth in division (K) of this section. If, at the conclusion of 7884  
the hearing, the judge finds that the offender has proven by 7885  
clear and convincing evidence that the offender is unlikely to 7886  
commit in the future a sexually oriented offense or a child- 7887  
victim oriented offense and if the judge finds that suspending 7888  
the community notification requirement is in the interests of 7889  
justice, the judge may suspend the application of this section 7890  
in relation to the offender. The order shall contain both of 7891  
these findings. 7892

The judge promptly shall serve a copy of the order upon 7893  
the sheriff with whom the offender most recently registered 7894  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 7895  
and upon the bureau of criminal identification and 7896  
investigation. 7897

An order suspending the community notification requirement 7898  
does not suspend or otherwise alter an offender's duties to 7899  
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 7900  
the Revised Code and does not suspend the victim notification 7901  
requirement under section 2950.10 of the Revised Code. 7902

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;

(b) A person who is convicted of or pleads guilty to a sexually oriented offense that is a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02

of the Revised Code; 7933

(c) A person who is convicted of or pleads guilty to a 7934  
sexually oriented offense that is attempted rape committed on or 7935  
after January 2, 2007, and who also is convicted of or pleads 7936  
guilty to a specification of the type described in section 7937  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 7938

(d) A person who is convicted of or pleads guilty to an 7939  
offense described in division (B) (3) (a), (b), (c), or (d) of 7940  
section 2971.03 of the Revised Code and who is sentenced for 7941  
that offense pursuant to that division; 7942

(e) An offender who is in a category specified in division 7943  
(F) (1) (a), (b), or (c) of this section and who, subsequent to 7944  
being subjected to community notification, has pleaded guilty to 7945  
or been convicted of a sexually oriented offense or child-victim 7946  
oriented offense. 7947

(I) If a person is convicted of, pleads guilty to, has 7948  
been convicted of, or has pleaded guilty to a sexually oriented 7949  
offense or a child-victim oriented offense or a person is or has 7950  
been adjudicated a delinquent child for committing a sexually 7951  
oriented offense or a child-victim oriented offense and is 7952  
classified a juvenile offender registrant or is an out-of-state 7953  
juvenile offender registrant based on that adjudication, and if 7954  
the offender or delinquent child is not in any category 7955  
specified in division (F) (1) (a), (b), or (c) of this section, 7956  
the sheriff with whom the offender or delinquent child has most 7957  
recently registered under section 2950.04, 2950.041, or 2950.05 7958  
of the Revised Code and the sheriff to whom the offender or 7959  
delinquent child most recently sent a notice of intent to reside 7960  
under section 2950.04 or 2950.041 of the Revised Code, within 7961  
the period of time specified in division (D) of this section, 7962

shall provide a written notice containing the information set 7963  
forth in division (B) of this section to the executive director 7964  
of the public children services agency that has jurisdiction 7965  
within the specified geographical notification area and that is 7966  
located within the county served by the sheriff. 7967

(J) Each sheriff shall allow a volunteer organization or 7968  
other organization, company, or individual who wishes to receive 7969  
the notice described in division (A) (10) of this section 7970  
regarding a specific offender or delinquent child or notice 7971  
regarding all offenders and delinquent children who are located 7972  
in the specified geographical notification area to notify the 7973  
sheriff by electronic mail or through the sheriff's web site of 7974  
this election. The sheriff shall promptly inform the bureau of 7975  
criminal identification and investigation of these requests in 7976  
accordance with the forwarding procedures adopted by the 7977  
attorney general pursuant to section 2950.13 of the Revised 7978  
Code. 7979

(K) In making a determination under division (H) (1) of 7980  
this section as to whether to suspend the community notification 7981  
requirement under this section for an offender, the judge shall 7982  
consider all relevant factors, including, but not limited to, 7983  
all of the following: 7984

(1) The offender's age; 7985

(2) The offender's prior criminal or delinquency record 7986  
regarding all offenses, including, but not limited to, all 7987  
sexually oriented offenses or child-victim oriented offenses; 7988

(3) The age of the victim of the sexually oriented offense 7989  
or child-victim oriented offense the offender committed; 7990

(4) Whether the sexually oriented offense or child-victim 7991

oriented offense the offender committed involved multiple 7992  
victims; 7993

(5) Whether the offender used drugs or alcohol to impair 7994  
the victim of the sexually oriented offense or child-victim 7995  
oriented offense the offender committed or to prevent the victim 7996  
from resisting; 7997

(6) If the offender previously has been convicted of, 7998  
pleaded guilty to, or been adjudicated a delinquent child for 7999  
committing an act that if committed by an adult would be a 8000  
criminal offense, whether the offender completed any sentence or 8001  
dispositional order imposed for the prior offense or act and, if 8002  
the prior offense or act was a sexually oriented offense or a 8003  
child-victim oriented offense, whether the offender or 8004  
delinquent child participated in available programs for sex 8005  
offenders or child-victim offenders; 8006

(7) Any mental illness or mental disability of the 8007  
offender; 8008

(8) The nature of the offender's sexual conduct, sexual 8009  
contact, or interaction in a sexual context with the victim of 8010  
the sexually oriented offense the offender committed or the 8011  
nature of the offender's interaction in a sexual context with 8012  
the victim of the child-victim oriented offense the offender 8013  
committed, whichever is applicable, and whether the sexual 8014  
conduct, sexual contact, or interaction in a sexual context was 8015  
part of a demonstrated pattern of abuse; 8016

(9) Whether the offender, during the commission of the 8017  
sexually oriented offense or child-victim oriented offense the 8018  
offender committed, displayed cruelty or made one or more 8019  
threats of cruelty; 8020

(10) Any additional behavioral characteristics that 8021  
contribute to the offender's conduct. 8022

(L) As used in this section, "specified geographical 8023  
notification area" means the geographic area or areas within 8024  
which the attorney general, by rule adopted under section 8025  
2950.13 of the Revised Code, requires the notice described in 8026  
division (B) of this section to be given to the persons 8027  
identified in divisions (A)(2) to (8) of this section. 8028

**Sec. 2953.34.** (A) Inspection of the sealed records 8029  
included in a sealing order may be made only by the following 8030  
persons or for the following purposes: 8031

(1) By a law enforcement officer or prosecutor, or the 8032  
assistants of either, to determine whether the nature and 8033  
character of the offense with which a person is to be charged 8034  
would be affected by virtue of the person's previously having 8035  
been convicted of a crime; 8036

(2) By the parole or probation officer of the person who 8037  
is the subject of the records, for the exclusive use of the 8038  
officer in supervising the person while on parole or under a 8039  
community control sanction or a post-release control sanction, 8040  
and in making inquiries and written reports as requested by the 8041  
court or adult parole authority; 8042

(3) Upon application by the person who is the subject of 8043  
the records, by the persons named in the application; 8044

(4) By a law enforcement officer who was involved in the 8045  
case, for use in the officer's defense of a civil action arising 8046  
out of the officer's involvement in that case; 8047

(5) By a prosecuting attorney or the prosecuting 8048  
attorney's assistants, to determine a defendant's eligibility to 8049

enter a pre-trial diversion program established pursuant to 8050  
section 2935.36 of the Revised Code; 8051

(6) By any law enforcement agency or any authorized 8052  
employee of a law enforcement agency or by the department of 8053  
rehabilitation and correction or department of youth services as 8054  
part of a background investigation of a person who applies for 8055  
employment with the agency or with the department; 8056

(7) By any law enforcement agency or any authorized 8057  
employee of a law enforcement agency, for the purposes set forth 8058  
in, and in the manner provided in, division (I) of section 8059  
2953.34 of the Revised Code; 8060

(8) By the bureau of criminal identification and 8061  
investigation or any authorized employee of the bureau for the 8062  
purpose of providing information to a board or person pursuant 8063  
to division (F) or (G) of section 109.57 of the Revised Code; 8064

(9) By the bureau of criminal identification and 8065  
investigation or any authorized employee of the bureau for the 8066  
purpose of performing a criminal history records check on a 8067  
person to whom a certificate as prescribed in section 109.77 of 8068  
the Revised Code is to be awarded; 8069

(10) By the bureau of criminal identification and 8070  
investigation or any authorized employee of the bureau for the 8071  
purpose of conducting a criminal records check of an individual 8072  
pursuant to division (B) of section 109.572 of the Revised Code 8073  
that was requested pursuant to any of the sections identified in 8074  
division (B)(1) of that section; 8075

(11) By the bureau of criminal identification and 8076  
investigation, an authorized employee of the bureau, a sheriff, 8077  
or an authorized employee of a sheriff in connection with a 8078

criminal records check described in section 311.41 of the Revised Code; 8079  
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(12) By the attorney general or an authorized employee of the attorney general or a court for purposes of determining a person's classification pursuant to Chapter 2950. of the Revised Code; 8081  
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(13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points against a person under section 4510.036 of the Revised Code or for taking action with regard to points assessed. 8085  
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When the nature and character of the offense with which a person is to be charged would be affected by the information, it may be used for the purpose of charging the person with an offense. 8090  
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(B) In any criminal proceeding, proof of any otherwise admissible prior conviction may be introduced and proved, notwithstanding the fact that for any such prior conviction an order of sealing or expungement previously was issued pursuant to sections 2953.31 to 2953.34 of the Revised Code. 8094  
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(C) The person or governmental agency, office, or department that maintains sealed records pertaining to convictions or bail forfeitures that have been sealed pursuant to section 2953.32 of the Revised Code may maintain a manual or computerized index to the sealed records. The index shall contain only the name of, and alphanumeric identifiers that relate to, the persons who are the subject of the sealed records, the word "sealed," and the name of the person, agency, office, or department that has custody of the sealed records, 8099  
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and shall not contain the name of the crime committed. The index 8108  
shall be made available by the person who has custody of the 8109  
sealed records only for the purposes set forth in divisions (A), 8110  
(B), and (D) of this section. 8111

(D) Notwithstanding any provision of this section or 8112  
section 2953.32 of the Revised Code that requires otherwise, a 8113  
board of education of a city, local, exempted village, or joint 8114  
vocational school district that maintains records of an 8115  
individual who has been permanently excluded under sections 8116  
3301.121 and 3313.662 of the Revised Code is permitted to 8117  
maintain records regarding a conviction that was used as the 8118  
basis for the individual's permanent exclusion, regardless of a 8119  
court order to seal or expunge the record. An order issued under 8120  
this section to seal or expunge the record of a conviction does 8121  
not revoke the adjudication order of the ~~superintendent of~~ 8122  
~~public instruction~~ director of education and workforce to 8123  
permanently exclude the individual who is the subject of the 8124  
sealing or expungement order. An order issued under this section 8125  
to seal or expunge the record of a conviction of an individual 8126  
may be presented to a district superintendent as evidence to 8127  
support the contention that the superintendent should recommend 8128  
that the permanent exclusion of the individual who is the 8129  
subject of the sealing or expungement order be revoked. Except 8130  
as otherwise authorized by this division and sections 3301.121 8131  
and 3313.662 of the Revised Code, any school employee in 8132  
possession of or having access to the sealed or expunged 8133  
conviction records of an individual that were the basis of a 8134  
permanent exclusion of the individual is subject to division (J) 8135  
of this section. 8136

(E) Notwithstanding any provision of this section or 8137  
section 2953.32 of the Revised Code that requires otherwise, if 8138

the auditor of state or a prosecutor maintains records, reports, 8139  
or audits of an individual who has been forever disqualified 8140  
from holding public office, employment, or a position of trust 8141  
in this state under sections 2921.41 and 2921.43 of the Revised 8142  
Code, or has otherwise been convicted of an offense based upon 8143  
the records, reports, or audits of the auditor of state, the 8144  
auditor of state or prosecutor is permitted to maintain those 8145  
records to the extent they were used as the basis for the 8146  
individual's disqualification or conviction, and shall not be 8147  
compelled by court order to seal or expunge those records. 8148

(F) For purposes of sections 2953.31 and 2953.34 of the 8149  
Revised Code, DNA records collected in the DNA database and 8150  
fingerprints filed for record by the superintendent of the 8151  
bureau of criminal identification and investigation shall not be 8152  
sealed or expunged unless the superintendent receives a 8153  
certified copy of a final court order establishing that the 8154  
offender's conviction has been overturned. For purposes of this 8155  
section, a court order is not "final" if time remains for an 8156  
appeal or application for discretionary review with respect to 8157  
the order. 8158

(G) The sealing of a record under this section does not 8159  
affect the assessment of points under section 4510.036 of the 8160  
Revised Code and does not erase points assessed against a person 8161  
as a result of the sealed record. 8162

(H) (1) The court shall send notice of any order to seal 8163  
official records issued pursuant to division (B) (3) of section 8164  
2953.33 of the Revised Code to the bureau of criminal 8165  
identification and investigation and shall send notice of any 8166  
order issued pursuant to division (B) (4) of that section to any 8167  
public office or agency that the court knows or has reason to 8168

believe may have any record of the case, whether or not it is an official record, that is the subject of the order.

(2) A person whose official records have been sealed pursuant to an order issued pursuant to section 2953.33 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order.

(3) An order to seal official records issued pursuant to section 2953.33 of the Revised Code applies to every public office or agency that has a record of the case that is the subject of the order, regardless of whether it receives notice of the hearing on the application for the order to seal the official records or receives a copy of the order to seal the official records pursuant to division (H) (1) or (2) of this section.

(4) Upon receiving a copy of an order to seal official records pursuant to division (H) (1) or (2) of this section or upon otherwise becoming aware of an applicable order to seal official records issued pursuant to section 2953.33 of the Revised Code, a public office or agency shall comply with the order and, if applicable, with division (K) of this section, except that it may maintain a record of the case that is the subject of the order if the record is maintained for the purpose of compiling statistical data only and does not contain any reference to the person who is the subject of the case and the order.

(5) A public office or agency also may maintain an index of sealed official records, in a form similar to that for sealed records of conviction as set forth in division (C) of this section, access to which may not be afforded to any person other

than the person who has custody of the sealed official records. 8199  
The sealed official records to which such an index pertains 8200  
shall not be available to any person, except that the official 8201  
records of a case that have been sealed may be made available to 8202  
the following persons for the following purposes: 8203

(a) To the person who is the subject of the records upon 8204  
written application, and to any other person named in the 8205  
application, for any purpose; 8206

(b) To a law enforcement officer who was involved in the 8207  
case, for use in the officer's defense of a civil action arising 8208  
out of the officer's involvement in that case; 8209

(c) To a prosecuting attorney or the prosecuting 8210  
attorney's assistants to determine a defendant's eligibility to 8211  
enter a pre-trial diversion program established pursuant to 8212  
section 2935.36 of the Revised Code; 8213

(d) To a prosecuting attorney or the prosecuting 8214  
attorney's assistants to determine a defendant's eligibility to 8215  
enter a pre-trial diversion program under division (E) (2) (b) of 8216  
section 4301.69 of the Revised Code. 8217

(I) (1) Upon the issuance of an order by a court pursuant 8218  
to division (D) (2) of section 2953.32 of the Revised Code 8219  
directing that all official records of a case pertaining to a 8220  
conviction or bail forfeiture be sealed or expunged or an order 8221  
by a court pursuant to division (E) of section 2151.358, 8222  
division (C) (2) of section 2953.35, or division (E) of section 8223  
2953.36 of the Revised Code directing that all official records 8224  
of a case pertaining to a conviction or delinquent child 8225  
adjudication be expunged: 8226

(a) Every law enforcement officer who possesses 8227

investigatory work product immediately shall deliver that work 8228  
product to the law enforcement officer's employing law 8229  
enforcement agency. 8230

(b) Except as provided in divisions (I)(1)(c) and (d) of 8231  
this section, every law enforcement agency that possesses 8232  
investigatory work product shall close that work product to all 8233  
persons who are not directly employed by the law enforcement 8234  
agency and shall treat that work product, in relation to all 8235  
persons other than those who are directly employed by the law 8236  
enforcement agency, as if it did not exist and never had 8237  
existed. 8238

(c) A law enforcement agency that possesses investigatory 8239  
work product may permit another law enforcement agency to use 8240  
that work product in the investigation of another offense if the 8241  
facts incident to the offense being investigated by the other 8242  
law enforcement agency and the facts incident to an offense that 8243  
is the subject of the case are reasonably similar. The agency 8244  
that permits the use of investigatory work product may provide 8245  
the other agency with the name of the person who is the subject 8246  
of the case if it believes that the name of the person is 8247  
necessary to the conduct of the investigation by the other 8248  
agency. 8249

(d) The auditor of state may provide to or discuss with 8250  
other parties investigatory work product maintained pursuant to 8251  
Chapter 117. of the Revised Code by the auditor of state. 8252

(2) (a) Except as provided in divisions (I)(1)(c) and (d) 8253  
of this section, no law enforcement officer or other person 8254  
employed by a law enforcement agency shall knowingly release, 8255  
disseminate, or otherwise make the investigatory work product or 8256  
any information contained in that work product available to, or 8257

discuss any information contained in it with, any person not 8258  
employed by the employing law enforcement agency. 8259

(b) No law enforcement agency, or person employed by a law 8260  
enforcement agency, that receives investigatory work product 8261  
pursuant to divisions (I) (1) (c) and (d) of this section shall 8262  
use that work product for any purpose other than the 8263  
investigation of the offense for which it was obtained from the 8264  
other law enforcement agency, or disclose the name of the person 8265  
who is the subject of the work product except when necessary for 8266  
the conduct of the investigation of the offense, or the 8267  
prosecution of the person for committing the offense, for which 8268  
it was obtained from the other law enforcement agency. 8269

(3) Whoever violates division (I) (2) (a) or (b) of this 8270  
section is guilty of divulging confidential investigatory work 8271  
product, a misdemeanor of the fourth degree. 8272

(J) (1) Except as authorized by divisions (A) to (C) of 8273  
this section or by Chapter 2950. of the Revised Code and subject 8274  
to division (J) (2) of this section, any officer or employee of 8275  
the state, or a political subdivision of the state, who releases 8276  
or otherwise disseminates or makes available for any purpose 8277  
involving employment, bonding, or licensing in connection with 8278  
any business, trade, or profession to any person, or to any 8279  
department, agency, or other instrumentality of the state, or 8280  
any political subdivision of the state, any information or other 8281  
data concerning any law enforcement or justice system matter the 8282  
records with respect to which the officer or employee had 8283  
knowledge of were sealed by an existing order issued pursuant to 8284  
section 2953.32 of the Revised Code, division (E) of section 8285  
2151.358, section 2953.35, or section 2953.36 of the Revised 8286  
Code, or were expunged by an order issued pursuant to section 8287

2953.42 of the Revised Code as it existed prior to June 29, 8288  
1988, is guilty of divulging confidential information, a 8289  
misdemeanor of the fourth degree. 8290

(2) Division (J)(1) of this section does not apply to an 8291  
officer or employee of the state, or a political subdivision of 8292  
the state, who releases or otherwise disseminates or makes 8293  
available for any purpose specified in that division any 8294  
information or other data concerning a law enforcement or 8295  
justice system matter the records of which the officer had 8296  
knowledge were sealed or expunged by an order of a type 8297  
described in that division, if all of the following apply: 8298

(a) The officer or employee released, disseminated, or 8299  
made available the information or data from the sealed or 8300  
expunged records together with information or data concerning 8301  
another law enforcement or justice system matter. 8302

(b) The records of the other law enforcement or justice 8303  
system matter were not sealed or expunged by any order of a type 8304  
described in division (J)(1) of this section. 8305

(c) The law enforcement or justice system matter covered 8306  
by the information or data from the sealed or expunged records 8307  
and the other law enforcement or justice system matter covered 8308  
by the information or data from the records that were not sealed 8309  
or expunged resulted from or were connected to the same act. 8310

(d) The officer or employee made a good faith effort to 8311  
not release, disseminate, or make available any information or 8312  
other data concerning any law enforcement or justice system 8313  
matter from the sealed or expunged records, and the officer or 8314  
employee did not release, disseminate, or make available the 8315  
information or other data from the sealed or expunged records 8316

with malicious purpose, in bad faith, or in a wanton or reckless manner. 8317  
8318

(3) Any person who, in violation of this section, uses, 8319  
disseminates, or otherwise makes available any index prepared 8320  
pursuant to division (C) of this section is guilty of a 8321  
misdemeanor of the fourth degree. 8322

(K) (1) Except as otherwise provided in Chapter 2950. of 8323  
the Revised Code, upon the issuance of an order by a court under 8324  
division (B) of section 2953.33 of the Revised Code directing 8325  
that all official records pertaining to a case be sealed and 8326  
that the proceedings in the case be deemed not to have occurred: 8327

(a) Every law enforcement officer possessing records or 8328  
reports pertaining to the case that are the officer's specific 8329  
investigatory work product and that are excepted from the 8330  
definition of official records shall immediately deliver the 8331  
records and reports to the officer's employing law enforcement 8332  
agency. Except as provided in division (K) (1) (c) or (d) of this 8333  
section, no such officer shall knowingly release, disseminate, 8334  
or otherwise make the records and reports or any information 8335  
contained in them available to, or discuss any information 8336  
contained in them with, any person not employed by the officer's 8337  
employing law enforcement agency. 8338

(b) Every law enforcement agency that possesses records or 8339  
reports pertaining to the case that are its specific 8340  
investigatory work product and that are excepted from the 8341  
definition of official records, or that are the specific 8342  
investigatory work product of a law enforcement officer it 8343  
employs and that were delivered to it under division (K) (1) (a) 8344  
of this section shall, except as provided in division (K) (1) (c) 8345  
or (d) of this section, close the records and reports to all 8346

persons who are not directly employed by the law enforcement 8347  
agency and shall, except as provided in division (K) (1) (c) or 8348  
(d) of this section, treat the records and reports, in relation 8349  
to all persons other than those who are directly employed by the 8350  
law enforcement agency, as if they did not exist and had never 8351  
existed. Except as provided in division (K) (1) (c) or (d) of this 8352  
section, no person who is employed by the law enforcement agency 8353  
shall knowingly release, disseminate, or otherwise make the 8354  
records and reports in the possession of the employing law 8355  
enforcement agency or any information contained in them 8356  
available to, or discuss any information contained in them with, 8357  
any person not employed by the employing law enforcement agency. 8358

(c) A law enforcement agency that possesses records or 8359  
reports pertaining to the case that are its specific 8360  
investigatory work product and that are excepted from the 8361  
definition of official records, or that are the specific 8362  
investigatory work product of a law enforcement officer it 8363  
employs and that were delivered to it under division (K) (1) (a) 8364  
of this section may permit another law enforcement agency to use 8365  
the records or reports in the investigation of another offense, 8366  
if the facts incident to the offense being investigated by the 8367  
other law enforcement agency and the facts incident to an 8368  
offense that is the subject of the case are reasonably similar. 8369  
The agency that provides the records and reports may provide the 8370  
other agency with the name of the person who is the subject of 8371  
the case, if it believes that the name of the person is 8372  
necessary to the conduct of the investigation by the other 8373  
agency. 8374

No law enforcement agency, or person employed by a law 8375  
enforcement agency, that receives from another law enforcement 8376  
agency records or reports pertaining to a case the records of 8377

which have been ordered sealed pursuant to division (B) of 8378  
section 2953.33 of the Revised Code shall use the records and 8379  
reports for any purpose other than the investigation of the 8380  
offense for which they were obtained from the other law 8381  
enforcement agency, or disclose the name of the person who is 8382  
the subject of the records or reports except when necessary for 8383  
the conduct of the investigation of the offense, or the 8384  
prosecution of the person for committing the offense, for which 8385  
they were obtained from the other law enforcement agency. 8386

(d) The auditor of state may provide to or discuss with 8387  
other parties records, reports, or audits maintained by the 8388  
auditor of state pursuant to Chapter 117. of the Revised Code 8389  
pertaining to the case that are the auditor of state's specific 8390  
investigatory work product and that are excepted from the 8391  
definition of "official records" contained in division (C) of 8392  
section 2953.31 of the Revised Code, or that are the specific 8393  
investigatory work product of a law enforcement officer the 8394  
auditor of state employs and that were delivered to the auditor 8395  
of state under division (K) (1) (a) of this section. 8396

(2) Whoever violates division (K) (1) of this section is 8397  
guilty of divulging confidential information, a misdemeanor of 8398  
the fourth degree. 8399

(L) (1) In any application for employment, license, or any 8400  
other right or privilege, any appearance as a witness, or any 8401  
other inquiry, a person may not be questioned with respect to 8402  
any record that has been sealed pursuant to section 2953.33 of 8403  
the Revised Code. If an inquiry is made in violation of this 8404  
division, the person whose official record was sealed may 8405  
respond as if the arrest underlying the case to which the sealed 8406  
official records pertain and all other proceedings in that case 8407

did not occur, and the person whose official record was sealed 8408  
shall not be subject to any adverse action because of the 8409  
arrest, the proceedings, or the person's response. 8410

(2) An officer or employee of the state or any of its 8411  
political subdivisions who knowingly releases, disseminates, or 8412  
makes available for any purpose involving employment, bonding, 8413  
licensing, or education to any person or to any department, 8414  
agency, or other instrumentality of the state, or of any of its 8415  
political subdivisions, any information or other data concerning 8416  
any arrest, complaint, indictment, information, trial, 8417  
adjudication, or correctional supervision, knowing the records 8418  
of which have been sealed pursuant to section 2953.33 of the 8419  
Revised Code, is guilty of divulging confidential information, a 8420  
misdemeanor of the fourth degree. 8421

(M) It is not a violation of division (I), (J), (K), or 8422  
(L) of this section for the bureau of criminal identification 8423  
and investigation or any authorized employee of the bureau 8424  
participating in the investigation of criminal activity to 8425  
release, disseminate, or otherwise make available to, or discuss 8426  
with, a person directly employed by a law enforcement agency DNA 8427  
records collected in the DNA database or fingerprints filed for 8428  
record by the superintendent of the bureau of criminal 8429  
identification and investigation. 8430

(N) (1) An order issued under section 2953.35 of the 8431  
Revised Code to expunge the record of a person's conviction or, 8432  
except as provided in division (D) of this section, an order 8433  
issued under that section to seal the record of a person's 8434  
conviction restores the person who is the subject of the order 8435  
to all rights and privileges not otherwise restored by 8436  
termination of the sentence or community control sanction or by 8437

final release on parole or post-release control. 8438

(2) (a) In any application for employment, license, or 8439  
other right or privilege, any appearance as a witness, or any 8440  
other inquiry, except as provided in division (B) of this 8441  
section and in section 3319.292 of the Revised Code and subject 8442  
to division (N) (2) (c) of this section, a person may be 8443  
questioned only with respect to convictions not sealed, bail 8444  
forfeitures not expunged under section 2953.42 of the Revised 8445  
Code as it existed prior to June 29, 1988, and bail forfeitures 8446  
not sealed, unless the question bears a direct and substantial 8447  
relationship to the position for which the person is being 8448  
considered. 8449

(b) In any application for a certificate of qualification 8450  
for employment under section 2953.25 of the Revised Code, a 8451  
person may be questioned only with respect to convictions not 8452  
sealed and bail forfeitures not sealed. 8453

(c) A person may not be questioned in any application, 8454  
appearance, or inquiry of a type described in division (N) (2) (a) 8455  
of this section with respect to any conviction expunged under 8456  
section 2953.35 of the Revised Code. 8457

(O) Nothing in section 2953.32 or 2953.34 of the Revised 8458  
Code precludes an offender from taking an appeal or seeking any 8459  
relief from the offender's conviction or from relying on it in 8460  
lieu of any subsequent prosecution for the same offense. 8461

**Sec. 3301.01.** (A) There is hereby created the state board 8462  
of education consisting of nineteen members with eleven elected 8463  
members, one each to be elected in accordance with section 8464  
3301.03 of the Revised Code from each of the districts 8465  
established in accordance with division (B) of this section, and 8466

with eight members to be appointed by the governor with the 8467  
advice and consent of the senate. 8468

In addition to the nineteen elected or appointed members, 8469  
the chairperson of the committee of the senate that primarily 8470  
deals with education and the chairperson of the committee of the 8471  
house of representatives that primarily deals with education 8472  
shall be nonvoting ex officio members of the board. 8473

(B) (1) The territory of each state board of education 8474  
district for each elected voting member of the board shall 8475  
consist of the territory of three contiguous senate districts as 8476  
established in the most recent apportionment for members of the 8477  
general assembly, but the territory of no senate district shall 8478  
be part of the territory of more than one state board of 8479  
education district. Each state board of education district shall 8480  
be as compact as practicable. The districts shall include, when 8481  
practicable, some districts that primarily consist of territory 8482  
in rural areas and some districts that primarily consist of 8483  
territory in urban areas. 8484

(2) If, after the apportionment for members of the general 8485  
assembly is made in any year, the general assembly does not 8486  
during that year enact legislation establishing state board of 8487  
education districts in accordance with division (B) (1) of this 8488  
section, the governor shall designate the boundaries of the 8489  
districts in accordance with division (B) (1) of this section no 8490  
later than the thirty-first day of January of the year next 8491  
succeeding such apportionment. Upon making such designation, the 8492  
governor shall give written notice of the boundaries of the 8493  
districts to each member of the state board of education, 8494  
including the nonvoting ex officio members; the superintendent 8495  
of public instruction; the director of education and workforce; 8496

the president of the senate; the speaker of the house of 8497  
representatives; and the board of elections of each county in 8498  
each new district. On the first day of February in any year in 8499  
which the governor designates the boundaries of state board of 8500  
education districts under this section, the state board of 8501  
education districts as they existed prior to that date shall 8502  
cease to exist and the new districts shall be created. 8503

**Sec. 3301.07.** ~~The state board~~ director of education and 8504  
workforce shall exercise under the acts of the general assembly 8505  
general supervision of the system of public education in the 8506  
state. In addition to the powers otherwise imposed on the ~~state~~ 8507  
~~board~~ director under the provisions of law, the ~~board~~ director 8508  
shall have the powers described in this section. 8509

(A) ~~The state board~~ director shall exercise policy 8510  
forming, planning, and evaluative functions for the public 8511  
schools of the state except as otherwise provided by law. 8512

(B) (1) ~~The state board~~ director shall exercise leadership 8513  
in the improvement of public education in this state, and 8514  
administer the educational policies of this state relating to 8515  
public schools, and relating to instruction and instructional 8516  
material, building and equipment, transportation of pupils, 8517  
administrative responsibilities of school officials and 8518  
personnel, and finance and organization of school districts, 8519  
educational service centers, and territory. Consultative and 8520  
advisory services in such matters shall be provided by the ~~board~~ 8521  
department of education and workforce to school districts and 8522  
educational service centers of this state. 8523

(2) ~~The state board~~ director also shall develop a standard 8524  
of financial reporting which shall be used by each school 8525  
district board of education and each governing board of an 8526

educational service center, each governing authority of a 8527  
community school established under Chapter 3314., each governing 8528  
body of a STEM school established under Chapter ~~3328.~~ 3326., and 8529  
each board of trustees of a college-preparatory boarding school 8530  
established under Chapter 3328. of the Revised Code to make its 8531  
financial information and annual budgets for each school 8532  
building under its control available to the public in a format 8533  
understandable by the average citizen. The format shall show, 8534  
both at the district and at the school building level, revenue 8535  
by source; expenditures for salaries, wages, and benefits of 8536  
employees, showing such amounts separately for classroom 8537  
teachers, other employees required to hold licenses issued 8538  
pursuant to sections 3319.22 to 3319.31 of the Revised Code, and 8539  
all other employees; expenditures other than for personnel, by 8540  
category, including utilities, textbooks and other educational 8541  
materials, equipment, permanent improvements, pupil 8542  
transportation, extracurricular athletics, and other 8543  
extracurricular activities; and per pupil expenditures. The 8544  
format shall also include information on total revenue and 8545  
expenditures, per pupil revenue, and expenditures for both 8546  
classroom and nonclassroom purposes, as defined by the standards 8547  
adopted under section 3302.20 of the Revised Code in the 8548  
aggregate and for each subgroup of students, as defined by 8549  
section 3317.40 of the Revised Code, that receives services 8550  
provided for by state or federal funding. 8551

(3) Each school district board, governing authority, 8552  
governing body, or board of trustees, or its respective 8553  
designee, shall annually report, to the department ~~of education,~~ 8554  
all financial information required by the standards for 8555  
financial reporting, as prescribed by division (B) (2) of this 8556  
section and adopted by the ~~state board~~ director. The department 8557

shall make all reports submitted pursuant to this division 8558  
available in such a way that allows for comparison between 8559  
financial information included in these reports and financial 8560  
information included in reports produced prior to July 1, 2013. 8561  
The department shall post these reports in a prominent location 8562  
on its web site and shall notify each school when reports are 8563  
made available. 8564

(C) ~~The state board~~ director shall administer and 8565  
supervise the allocation and distribution of all state and 8566  
federal funds for public school education under the provisions 8567  
of law, and may prescribe such systems of accounting as are 8568  
necessary and proper to this function. It may require county 8569  
auditors and treasurers, boards of education, educational 8570  
service center governing boards, treasurers of such boards, 8571  
teachers, and other school officers and employees, or other 8572  
public officers or employees, to file with it such reports as it 8573  
may prescribe relating to such funds, or to the management and 8574  
condition of such funds. 8575

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 8576  
XLVII, and LI of the Revised Code a reference is made to 8577  
standards prescribed under this section or division (D) of this 8578  
section, that reference shall be construed to refer to the 8579  
standards prescribed under division (D) (2) of this section, 8580  
unless the context specifically indicates a different meaning or 8581  
intent. 8582

(2) ~~The state board~~ director shall formulate and prescribe 8583  
minimum standards to be applied to all elementary and secondary 8584  
schools in this state for the purpose of providing children 8585  
access to a general education of high quality according to the 8586  
learning needs of each individual, including students with 8587

disabilities, economically disadvantaged students, English 8588  
learners, and students identified as gifted. Such standards 8589  
shall provide adequately for: ~~the licensing of a requirement~~ 8590  
that teachers, administrators, and other professional personnel 8591  
be licensed by the state board of education and their assignment 8592  
assigned according to training and qualifications; efficient and 8593  
effective instructional materials and equipment, including 8594  
library facilities; the proper organization, administration, and 8595  
supervision of each school, including regulations for preparing 8596  
all necessary records and reports and the preparation of a 8597  
statement of policies and objectives for each school; the 8598  
provision of safe buildings, grounds, health and sanitary 8599  
facilities and services; admission of pupils, and such 8600  
requirements for their promotion from grade to grade as will 8601  
assure that they are capable and prepared for the level of study 8602  
to which they are certified; and requirements for graduation, ~~—~~ 8603  
~~and such other factors as the board finds necessary.~~ The minimum 8604  
standards the director adopts under this section are limited to 8605  
powers and duties that are expressly prescribed and authorized 8606  
in statute. 8607

~~The state board~~ director shall base any standards 8608  
governing the promotion of students or requirements for 8609  
graduation on the ability of students, at any grade level, to 8610  
earn credits or advance upon demonstration of mastery of 8611  
knowledge and skills through competency-based learning models. 8612  
Credits of grade level advancement shall not require a minimum 8613  
number of days or hours in a classroom. 8614

~~The state board~~ director shall base any standards 8615  
governing the assignment of staff on ensuring each school has a 8616  
sufficient number of teachers to ensure a student has an 8617  
appropriate level of interaction to meet each student's personal 8618

learning goals. 8619

In the formulation and administration of such standards 8620  
for nonpublic schools the ~~board~~ director shall also consider the 8621  
particular needs, methods and objectives of those schools, 8622  
provided they do not conflict with the provision of a general 8623  
education of a high quality and provided that regular procedures 8624  
shall be followed for promotion from grade to grade of pupils 8625  
who have met the educational requirements prescribed. 8626

(3) In addition to the minimum standards required by 8627  
division (D) (2) of this section, the ~~state board~~ director may 8628  
formulate and prescribe the following additional minimum 8629  
operating standards for school districts: 8630

(a) Standards for the effective and efficient 8631  
organization, administration, and supervision of each school 8632  
district with a commitment to high expectations for every 8633  
student based on the learning needs of each individual, 8634  
including students with disabilities, economically disadvantaged 8635  
students, English learners, and students identified as gifted, 8636  
and commitment to closing the achievement gap without 8637  
suppressing the achievement levels of higher achieving students 8638  
so that all students achieve core knowledge and skills in 8639  
accordance with the statewide academic standards adopted under 8640  
section 3301.079 of the Revised Code; 8641

(b) Standards for the establishment of business advisory 8642  
councils under section 3313.82 of the Revised Code; 8643

(c) Standards for school district buildings that may 8644  
require the effective and efficient organization, 8645  
administration, and supervision of each school district building 8646  
with a commitment to high expectations for every student based 8647

on the learning needs of each individual, including students 8648  
with disabilities, economically disadvantaged students, English 8649  
learners, and students identified as gifted, and commitment to 8650  
closing the achievement gap without suppressing the achievement 8651  
levels of higher achieving students so that all students achieve 8652  
core knowledge and skills in accordance with the statewide 8653  
academic standards adopted under section 3301.079 of the Revised 8654  
Code. 8655

(E) ~~The state board~~ director may require as part of the 8656  
health curriculum information developed under section 2108.34 of 8657  
the Revised Code promoting the donation of anatomical gifts 8658  
pursuant to Chapter 2108. of the Revised Code and may provide 8659  
the information to high schools, educational service centers, 8660  
and joint vocational school district boards of education; 8661

(F) ~~The state board~~ director shall prepare and submit 8662  
annually to the governor and the general assembly a report on 8663  
the status, needs, and major problems of the public schools of 8664  
the state, with recommendations for necessary legislative action 8665  
and a ten-year projection of the state's public and nonpublic 8666  
school enrollment, by year and by grade level. 8667

(G) ~~The state board~~ director shall prepare and submit to 8668  
the director of budget and management the biennial budgetary 8669  
requests of ~~the state board of education, for~~ department and its 8670  
~~agencies divisions~~ and for the public schools of the state. 8671

(H) ~~The state board~~ director shall cooperate with federal, 8672  
state, and local agencies concerned with the health and welfare 8673  
of children and youth of the state. 8674

(I) ~~The state board~~ director shall require such reports 8675  
from school districts and educational service centers, school 8676

officers, and employees as are necessary and desirable. The 8677  
superintendents and treasurers of school districts and 8678  
educational service centers shall certify as to the accuracy of 8679  
all reports required by statutory law or ~~state board or state~~ 8680  
~~department of education~~ director's rules to be submitted by the 8681  
district or educational service center and which contain 8682  
information necessary for calculation of state funding. Any 8683  
superintendent who knowingly falsifies such report shall be 8684  
subject to license revocation pursuant to section 3319.31 of the 8685  
Revised Code. 8686

(J) In accordance with Chapter 119. of the Revised Code, 8687  
the ~~state board~~ director shall adopt procedures, standards, and 8688  
guidelines for the education of children with disabilities 8689  
pursuant to Chapter 3323. of the Revised Code, including 8690  
procedures, standards, and guidelines governing programs and 8691  
services operated by county boards of developmental disabilities 8692  
pursuant to section 3323.09 of the Revised Code. 8693

(K) For the purpose of encouraging the development of 8694  
special programs of education for academically gifted children, 8695  
the ~~state board~~ director shall employ competent persons to 8696  
analyze and publish data, promote research, advise and counsel 8697  
with boards of education, and encourage the training of teachers 8698  
in the special instruction of gifted children. The ~~board~~ 8699  
director may provide financial assistance out of any funds 8700  
appropriated for this purpose to boards of education and 8701  
educational service center governing boards for developing and 8702  
conducting programs of education for academically gifted 8703  
children. 8704

(L) The ~~state board~~ director shall require that all public 8705  
schools emphasize and encourage, within existing units of study, 8706

the teaching of energy and resource conservation as recommended 8707  
to each district board of education by leading business persons 8708  
involved in energy production and conservation, beginning in the 8709  
primary grades. 8710

(M) ~~The state board~~ director shall formulate and prescribe 8711  
minimum standards requiring the use of phonics as a technique in 8712  
the teaching of reading in grades kindergarten through three. In 8713  
addition, ~~the state board~~ director shall provide in-service 8714  
training programs for teachers on the use of phonics as a 8715  
technique in the teaching of reading in grades kindergarten 8716  
through three. 8717

(N) ~~The state board~~ director may adopt rules necessary for 8718  
carrying out any function imposed on ~~it~~ the director by law, and 8719  
may provide rules as are necessary for ~~its government and~~ the 8720  
government of the department and its employees, and may delegate 8721  
~~to the superintendent of public instruction~~ any deputy director 8722  
the management and administration of any function imposed on ~~it~~ 8723  
the director by law. ~~It may provide for the appointment of board~~ 8724  
~~members to serve on temporary committees established by the~~ 8725  
~~board for such purposes as are necessary. Permanent or standing~~ 8726  
~~committees shall not be created.~~ 8727

(O) Upon application from the board of education of a 8728  
school district, ~~the superintendent of public instruction~~ 8729  
director may issue a waiver exempting the district from 8730  
compliance with the standards adopted under divisions (B) (2) and 8731  
(D) of this section, as they relate to the operation of a school 8732  
operated by the district. ~~The state board~~ director shall adopt 8733  
standards for the approval or disapproval of waivers under this 8734  
division. ~~The state superintendent~~ director shall consider every 8735  
application for a waiver, and shall determine whether to grant 8736

or deny a waiver in accordance with the ~~state board's~~ those 8737  
standards. For each waiver granted, the ~~state superintendent~~ 8738  
director shall specify the period of time during which the 8739  
waiver is in effect, which shall not exceed five years. A 8740  
district board may apply to renew a waiver. 8741

**Sec. 3301.071.** (A) (1) In the case of nontax-supported 8742  
schools, standards for teacher certification prescribed under 8743  
section 3301.07 of the Revised Code shall provide for 8744  
certification, without further educational requirements, of any 8745  
administrator, supervisor, or teacher who has attended and 8746  
received a bachelor's degree from a college or university 8747  
accredited by a national or regional association in the United 8748  
States except that, at the discretion of the state board of 8749  
education, this requirement may be met by having an equivalent 8750  
degree from a foreign college or university of comparable 8751  
standing. 8752

(2) In the case of nonchartered, nontax-supported schools, 8753  
the standards for teacher certification prescribed under section 8754  
3301.07 of the Revised Code shall provide for certification, 8755  
without further educational requirements, of any administrator, 8756  
supervisor, or teacher who has attended and received a diploma 8757  
from a "bible college" or "bible institute" described in 8758  
division (E) of section 1713.02 of the Revised Code. 8759

(3) A certificate issued under division (A) (3) of this 8760  
section shall be valid only for teaching foreign language, 8761  
music, religion, computer technology, or fine arts. 8762

Notwithstanding division (A) (1) of this section, the 8763  
standards for teacher certification prescribed under section 8764  
3301.07 of the Revised Code shall provide for certification of a 8765  
person as a teacher upon receipt by the state board of an 8766

affidavit signed by the chief administrative officer of a 8767  
chartered nonpublic school seeking to employ the person, stating 8768  
that the person meets one of the following conditions: 8769

(a) The person has specialized knowledge, skills, or 8770  
expertise that qualifies the person to provide instruction. 8771

(b) The person has provided to the chief administrative 8772  
officer evidence of at least three years of teaching experience 8773  
in a public or nonpublic school. 8774

(c) The person has provided to the chief administrative 8775  
officer evidence of completion of a teacher training program 8776  
named in the affidavit. 8777

(B) Each person applying for a certificate under this 8778  
section for purposes of serving in a nonpublic school chartered 8779  
by the ~~state board~~ director of education and workforce under 8780  
section 3301.16 of the Revised Code shall pay a fee in the 8781  
amount established under division (A) of section 3319.51 of the 8782  
Revised Code. Any fees received under this division shall be 8783  
paid into the state treasury to the credit of the state board of 8784  
education certification fund established under division (B) of 8785  
section 3319.51 of the Revised Code. 8786

(C) A person applying for or holding any certificate 8787  
pursuant to this section for purposes of serving in a nonpublic 8788  
school chartered by the ~~state board~~ director is subject to 8789  
sections 3123.41 to 3123.50 of the Revised Code and any 8790  
applicable rules adopted under section 3123.63 of the Revised 8791  
Code and sections 3319.31 and 3319.311 of the Revised Code. 8792

(D) Divisions (B) and (C) of this section and sections 8793  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 8794  
to any administrators, supervisors, or teachers in nonchartered, 8795

nontax-supported schools. 8796

**Sec. 3301.072.** ~~The state board~~ department of education and 8797  
workforce shall establish continuing programs of in-service 8798  
training in school district budget and finance for 8799  
superintendents of schools or their designees, business 8800  
managers, members of boards of education, and treasurers of 8801  
boards of education for the purpose of enhancing their 8802  
background and working knowledge of government accounting, state 8803  
and federal laws relating to school district budgeting and 8804  
financing, financial report preparation, rules of the auditor of 8805  
state, and budget and accounting management. 8806

The manner and content of each training program shall be 8807  
determined and provided by the ~~state board of education~~ 8808  
department after consultation with the department of taxation 8809  
and the auditor of state. The ~~state board~~ department may enter 8810  
into contracts with the department of taxation and the auditor 8811  
of state to supply, at cost, any assistance required to enable 8812  
the ~~board~~ department of education and workforce to perform its 8813  
duties under this section. 8814

Each school district superintendent or ~~his~~ designee of a 8815  
superintendent, treasurer or treasurer pro tempore, and business 8816  
manager shall attend one training program provided under this 8817  
section each year. 8818

**Sec. 3301.075.** ~~The state board~~ director of education and 8819  
workforce shall adopt rules governing the purchasing and leasing 8820  
of data processing services and equipment for all local, 8821  
exempted village, city, and joint vocational school districts 8822  
and all educational service centers. Such rules shall include 8823  
provisions for the establishment of an Ohio education computer 8824  
network under procedures, guidelines, and specifications of the 8825

department of education and workforce. 8826

The department shall administer funds appropriated for the 8827  
Ohio education computer network to ensure its efficient and 8828  
economical operation and shall approve no more than twenty-seven 8829  
information technology centers to operate concurrently. Such 8830  
centers shall be approved for funding in accordance with rules- 8831  
~~of the state board~~ adopted under this section that shall ~~provide~~ 8832  
~~for the superintendent of public instruction~~ to require the 8833  
membership of each information technology center to be composed 8834  
of combinations of school districts and educational service 8835  
centers having sufficient students to support an efficient, 8836  
economical comprehensive program of computer services to member 8837  
districts and educational service centers. However, no such rule 8838  
shall prohibit a school district or educational service center 8839  
from receiving computer services from any information technology 8840  
center established under this section or from any other public 8841  
or private vendor. Each information technology center shall be 8842  
organized in accordance with section 3313.92 or Chapter 167. of 8843  
the Revised Code. 8844

The department may approve and administer funding for 8845  
programs to provide technical support, maintenance, consulting, 8846  
and group purchasing services for information technology 8847  
centers, school districts, educational service centers, and 8848  
other client entities or governmental entities served in 8849  
accordance with rules adopted by the department or as otherwise 8850  
authorized by law, and to deliver to schools programs operated 8851  
by the infOhio network and the technology solutions group of the 8852  
management council of the Ohio education computer network. 8853

**Sec. 3301.076.** No information technology center 8854  
established under section 3301.075 of the Revised Code shall be 8855

required to maintain an operating reserve account or fund or 8856  
minimum cash balance. This section does not affect any sinking 8857  
fund or other capital improvement fund the center may be 8858  
required to maintain as a condition by law or contract relative 8859  
to the issuance of securities. Any rule ~~of the state board of~~ 8860  
~~education~~ or other regulation or guideline of the department of 8861  
education and workforce that conflicts with this section is 8862  
void. 8863

**Sec. 3301.078.** (A) No official or board of this state, 8864  
whether appointed or elected, shall enter into any agreement or 8865  
memorandum of understanding with any federal or private entity 8866  
that would require the state to cede any measure of control over 8867  
the development, adoption, or revision of academic content 8868  
standards. 8869

(B) No funds appropriated from the general revenue fund 8870  
shall be used to purchase an assessment developed by the 8871  
partnership for assessment of readiness for college and careers 8872  
for use as the assessments prescribed under sections 3301.0710 8873  
and 3301.0712 of the Revised Code. 8874

(C) The department of education and workforce shall 8875  
request that each assessment vendor contracted by the department 8876  
provide an analysis explaining how questions on each of the 8877  
assessments prescribed under section 3301.0710 of the Revised 8878  
Code and the end-of-course examinations prescribed under 8879  
division (B) (2) of section 3301.0712 of the Revised Code 8880  
developed by that vendor are aligned to the academic content 8881  
standards adopted under section 3301.079 of the Revised Code. 8882  
The analysis shall be provided annually to all school districts 8883  
and schools for all grade levels for which assessments are 8884  
prescribed under sections 3301.0710 and 3301.0712 of the Revised 8885

Code. ~~The analysis shall be produced beginning with the 2019-~~ 8886  
~~2020 school year and for each school year thereafter.~~ 8887

(D) The department shall request that each assessment 8888  
vendor described in division (C) of this section provide 8889  
information and materials to school districts and schools for 8890  
assistance with the state achievement assessments. The 8891  
information and materials shall include practice assessments and 8892  
other preparatory materials. The information and materials shall 8893  
be distributed annually to districts and schools ~~beginning with~~ 8894  
~~the 2019-2020 school year and for each school year thereafter.~~ 8895

**Sec. 3301.079.** (A) (1) The ~~state board~~ department of 8896  
education and workforce periodically shall adopt statewide 8897  
academic standards with emphasis on coherence, focus, and 8898  
essential knowledge and that are more challenging and demanding 8899  
when compared to international standards for each of grades 8900  
kindergarten through twelve in English language arts, 8901  
mathematics, science, and social studies. 8902

(a) The ~~state board~~ department shall ensure that the 8903  
standards do all of the following: 8904

(i) Include the essential academic content and skills that 8905  
students are expected to know and be able to do at each grade 8906  
level that will allow each student to be prepared for 8907  
postsecondary instruction and the workplace for success in the 8908  
twenty-first century; 8909

(ii) Include the development of skill sets that promote 8910  
information, media, and technological literacy; 8911

(iii) Include interdisciplinary, project-based, real-world 8912  
learning opportunities; 8913

(iv) Instill life-long learning by providing essential 8914

knowledge and skills based in the liberal arts tradition, as 8915  
well as science, technology, engineering, mathematics, and 8916  
career-technical education; 8917

(v) Be clearly written, transparent, and understandable by 8918  
parents, educators, and the general public. 8919

(b) ~~Not later than July 1, 2012, the state board~~ The 8920  
department shall incorporate into the social studies standards 8921  
for grades four to twelve academic content regarding the 8922  
original texts of the Declaration of Independence, the Northwest 8923  
Ordinance, the Constitution of the United States and its 8924  
amendments, with emphasis on the Bill of Rights, and the Ohio 8925  
Constitution, and their original context. ~~The state board~~ 8926  
department shall revise the model curricula and achievement 8927  
assessments adopted under divisions (B) and (C) of this section 8928  
as necessary to reflect the additional American history and 8929  
American government content. ~~The state board~~ department shall 8930  
make available a list of suggested grade-appropriate 8931  
supplemental readings that place the documents prescribed by 8932  
this division in their historical context, which teachers may 8933  
use as a resource to assist students in reading the documents 8934  
within that context. 8935

(c) When the ~~state board~~ department adopts or revises 8936  
academic content standards in social studies, American history, 8937  
American government, or science under division (A) (1) of this 8938  
section, ~~the state board~~ it shall develop such standards 8939  
independently and not as part of a multistate consortium. 8940

(2) After completing the standards required by division 8941  
(A) (1) of this section, the ~~state board~~ department shall adopt 8942  
standards and model curricula for instruction in technology, 8943  
financial literacy and entrepreneurship, fine arts, and foreign 8944

language for grades kindergarten through twelve. The standards 8945  
shall meet the same requirements prescribed in division (A) (1) 8946  
(a) of this section. 8947

(3) The ~~state board~~ department shall adopt the most recent 8948  
standards developed by the national association for sport and 8949  
physical education for physical education in grades kindergarten 8950  
through twelve or shall adopt its own standards for physical 8951  
education in those grades and revise and update them 8952  
periodically. 8953

The department ~~of education~~ shall employ a full-time 8954  
physical education coordinator to provide guidance and technical 8955  
assistance to districts, community schools, and STEM schools in 8956  
implementing the physical education standards adopted under this 8957  
division. The ~~superintendent director of public instruction~~ 8958  
education and workforce shall determine that the person employed 8959  
as coordinator is qualified for the position, as demonstrated by 8960  
possessing an adequate combination of education, license, and 8961  
experience. 8962

(4) ~~Not later than September 30, 2022, the state board~~ The 8963  
department shall update the standards and model curriculum for 8964  
instruction in computer science in grades kindergarten through 8965  
twelve, which shall include standards for introductory and 8966  
advanced computer science courses in grades nine through twelve. 8967  
When developing the standards and curriculum, the ~~state board~~ 8968  
department shall consider recommendations from computer science 8969  
education stakeholder groups, including teachers and 8970  
representatives from higher education, industry, computer 8971  
science organizations in Ohio, and national computer science 8972  
organizations. 8973

Any district or school may utilize the computer science 8974

standards or model curriculum or any part thereof adopted 8975  
pursuant to division (A) (4) of this section. However, no 8976  
district or school shall be required to utilize all or any part 8977  
of the standards or curriculum. 8978

(5) When academic standards have been completed for any 8979  
subject area required by this section, the ~~state board~~ 8980  
department shall inform all school districts, all community 8981  
schools established under Chapter 3314. of the Revised Code, all 8982  
STEM schools established under Chapter 3326. of the Revised 8983  
Code, and all nonpublic schools required to administer the 8984  
assessments prescribed by sections 3301.0710 and 3301.0712 of 8985  
the Revised Code of the content of those standards. 8986  
Additionally, upon completion of any academic standards under 8987  
this section, the department shall post those standards on the 8988  
department's web site. 8989

(B) (1) The ~~state board~~ department shall adopt a model 8990  
curriculum for instruction in each subject area for which 8991  
updated academic standards are required by division (A) (1) of 8992  
this section and for each of grades kindergarten through twelve 8993  
that is sufficient to meet the needs of students in every 8994  
community. The model curriculum shall be aligned with the 8995  
standards, to ensure that the academic content and skills 8996  
specified for each grade level are taught to students, and shall 8997  
demonstrate vertical articulation and emphasize coherence, 8998  
focus, and rigor. When any model curriculum has been completed, 8999  
the ~~state board~~ department shall inform all school districts, 9000  
community schools, and STEM schools of the content of that model 9001  
curriculum. 9002

(2) ~~Not later than June 30, 2013, the state board, in~~ 9003  
~~consultation with any office housed in the governor's office~~ 9004

~~that deals with workforce development, The department, in~~ 9005  
consultation with the governor's office of workforce 9006  
transformation, shall adopt model curricula for grades 9007  
kindergarten through twelve that embed career connection 9008  
learning strategies into regular classroom instruction. 9009

(3) All school districts, community schools, and STEM 9010  
schools may utilize the state standards and the model curriculum 9011  
established by the ~~state board~~department, together with other 9012  
relevant resources, examples, or models to ensure that students 9013  
have the opportunity to attain the academic standards. Upon 9014  
request, the department shall provide technical assistance to 9015  
any district, community school, or STEM school in implementing 9016  
the model curriculum. 9017

Nothing in this section requires any school district to 9018  
utilize all or any part of a model curriculum developed under 9019  
this section. 9020

(C) The ~~state board~~department shall develop achievement 9021  
assessments aligned with the academic standards and model 9022  
curriculum for each of the subject areas and grade levels 9023  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 9024  
the Revised Code. 9025

When any achievement assessment has been completed, the 9026  
~~state board~~department shall inform all school districts, 9027  
community schools, STEM schools, and nonpublic schools required 9028  
to administer the assessment of its completion, and the 9029  
department shall make the achievement assessment available to 9030  
the districts and schools. 9031

(D) (1) The ~~state board~~department shall adopt a diagnostic 9032  
assessment aligned with the academic standards and model 9033

curriculum for each of grades kindergarten through two in 9034  
reading, writing, and mathematics and for grade three in reading 9035  
and writing. The diagnostic assessment shall be designed to 9036  
measure student comprehension of academic content and mastery of 9037  
related skills for the relevant subject area and grade level. 9038  
Any diagnostic assessment shall not include components to 9039  
identify gifted students. Blank copies of diagnostic assessments 9040  
shall be public records. 9041

(2) When each diagnostic assessment has been completed, 9042  
the ~~state board~~ department shall inform all school districts of 9043  
its completion and ~~the department shall~~ make the diagnostic 9044  
assessment available to the districts at no cost to the 9045  
district. 9046

(3) School districts shall administer the diagnostic 9047  
assessment pursuant to section 3301.0715 of the Revised Code 9048  
beginning the first school year following the development of the 9049  
assessment. 9050

However, beginning with the 2017-2018 school year, both of 9051  
the following shall apply: 9052

(a) In the case of the diagnostic assessments for grades 9053  
one or two in writing or mathematics or for grade three in 9054  
writing, a school district shall not be required to administer 9055  
any such assessment, but may do so at the discretion of the 9056  
district board; 9057

(b) In the case of any diagnostic assessment that is not 9058  
for the grade levels and subject areas specified in division (D) 9059  
(3)(a) of this section, each school district shall administer 9060  
the assessment in the manner prescribed by section 3301.0715 of 9061  
the Revised Code. 9062

(E) The ~~state board~~ department shall not adopt a 9063  
diagnostic or achievement assessment for any grade level or 9064  
subject area other than those specified in this section. 9065

(F) Whenever the ~~state board or the~~ department consults 9066  
with persons for the purpose of drafting or reviewing any 9067  
standards, diagnostic assessments, achievement assessments, or 9068  
model curriculum required under this section, the ~~state board or~~ 9069  
~~the~~ department shall first consult with parents of students in 9070  
kindergarten through twelfth grade and with active Ohio 9071  
classroom teachers, other school personnel, and administrators 9072  
with expertise in the appropriate subject area. Whenever 9073  
practicable, the ~~state board and~~ department shall consult with 9074  
teachers recognized as outstanding in their fields. 9075

If the department contracts with more than one outside 9076  
entity for the development of the achievement assessments 9077  
required by this section, the department shall ensure the 9078  
interchangeability of those assessments. 9079

(G) Whenever the ~~state board~~ department adopts standards 9080  
or model curricula under this section, the department also shall 9081  
provide information on the use of blended, online, or digital 9082  
learning in the delivery of the standards or curricula to 9083  
students in accordance with division (A) (5) of this section. 9084

(H) The fairness sensitivity review committee, ~~established~~ 9085  
~~by rule of the state board of education,~~ of the department shall 9086  
not allow any question on any achievement or diagnostic 9087  
assessment developed under this section or any proficiency test 9088  
prescribed by former section 3301.0710 of the Revised Code, as 9089  
it existed prior to September 11, 2001, to include, be written 9090  
to promote, or inquire as to individual moral or social values 9091  
or beliefs. The decision of the committee shall be final. This 9092

section does not create a private cause of action. 9093

(I) Not later than sixty days prior to the adoption ~~by the~~ 9094  
~~state board~~ of updated academic standards under division (A) (1) 9095  
of this section or updated model curricula under division (B) (1) 9096  
of this section, the ~~superintendent~~ director of ~~public~~ 9097  
~~instruction~~ education and workforce shall present the academic 9098  
standards or model curricula, as applicable, in person at a 9099  
public hearing of the respective committees of the house of 9100  
representatives and senate that consider education legislation. 9101

(J) As used in this section: 9102

(1) "Blended learning" means the delivery of instruction 9103  
in a combination of time primarily in a supervised physical 9104  
location away from home and online delivery whereby the student 9105  
has some element of control over time, place, path, or pace of 9106  
learning and includes noncomputer-based learning opportunities. 9107

(2) "Online learning" means students work primarily from 9108  
their residences on assignments delivered via an internet- or 9109  
other computer-based instructional method. 9110

(3) "Coherence" means a reflection of the structure of the 9111  
discipline being taught. 9112

(4) "Digital learning" means learning facilitated by 9113  
technology that gives students some element of control over 9114  
time, place, path, or pace of learning. 9115

(5) "Focus" means limiting the number of items included in 9116  
a curriculum to allow for deeper exploration of the subject 9117  
matter. 9118

(6) "Vertical articulation" means key academic concepts 9119  
and skills associated with mastery in particular content areas 9120

should be articulated and reinforced in a developmentally 9121  
appropriate manner at each grade level so that over time 9122  
students acquire a depth of knowledge and understanding in the 9123  
core academic disciplines. 9124

**Sec. 3301.0710.** ~~The state board~~ department of education 9125  
and workforce shall adopt rules establishing a statewide program 9126  
to assess student achievement. ~~The state board~~ department shall 9127  
ensure that all assessments administered under the program are 9128  
aligned with the academic standards and model curricula adopted 9129  
by the ~~state board~~ department and are created with input from 9130  
Ohio parents, Ohio classroom teachers, Ohio school 9131  
administrators, and other Ohio school personnel pursuant to 9132  
section 3301.079 of the Revised Code. 9133

The assessment program shall be designed to ensure that 9134  
students who receive a high school diploma demonstrate at least 9135  
high school levels of achievement in English language arts, 9136  
mathematics, science, and social studies. 9137

(A) (1) ~~The state board~~ department shall prescribe all of 9138  
the following: 9139

(a) Two statewide achievement assessments, one each 9140  
designed to measure the level of English language arts and 9141  
mathematics skill expected at the end of third grade; 9142

(b) Two statewide achievement assessments, one each 9143  
designed to measure the level of English language arts and 9144  
mathematics skill expected at the end of fourth grade; 9145

(c) Three statewide achievement assessments, one each 9146  
designed to measure the level of English language arts, 9147  
mathematics, and science skill expected at the end of fifth 9148  
grade; 9149

(d) Two statewide achievement assessments, one each 9150  
designed to measure the level of English language arts and 9151  
mathematics skill expected at the end of sixth grade; 9152

(e) Two statewide achievement assessments, one each 9153  
designed to measure the level of English language arts and 9154  
mathematics skill expected at the end of seventh grade; 9155

(f) Three statewide achievement assessments, one each 9156  
designed to measure the level of English language arts, 9157  
mathematics, and science skill expected at the end of eighth 9158  
grade. 9159

(2) ~~The state board~~ department shall determine and 9160  
designate at least five ranges of scores on each of the 9161  
achievement assessments described in divisions (A) (1) and (B) (1) 9162  
of this section. Each range of scores shall be deemed to 9163  
demonstrate a level of achievement so that any student attaining 9164  
a score within such range has achieved one of the following: 9165

(a) An advanced level of skill; 9166

(b) An accomplished level of skill; 9167

(c) A proficient level of skill; 9168

(d) A basic level of skill; 9169

(e) A limited level of skill. 9170

(3) For the purpose of implementing division (A) of 9171  
section 3313.608 of the Revised Code, ~~the state board~~ department 9172  
shall determine and designate a level of achievement, not lower 9173  
than the level designated in division (A) (2) (e) of this section, 9174  
on the third grade English language arts assessment for a 9175  
student to be promoted to the fourth grade. ~~The state board~~ 9176  
department shall review and adjust upward the level of 9177

achievement designated under this division each year the test is 9178  
administered until the level is set equal to the level 9179  
designated in division (A) (2) (c) of this section. The level of 9180  
achievement designated under this division shall be equal to the 9181  
level designated in division (A) (2) (c) of this section not later 9182  
than July 1, 2024. 9183

(4) Each school district or school shall teach and assess 9184  
social studies in at least the fourth and sixth grades. Any 9185  
assessment in such area shall be determined by the district or 9186  
school and may be formative or summative in nature. The results 9187  
of such assessment shall not be reported to the department ~~of~~ 9188  
~~education.~~ 9189

(B) (1) The assessments prescribed under division (B) (1) of 9190  
this section shall collectively be known as the Ohio graduation 9191  
tests. ~~The state board shall prescribe~~ Those tests shall consist 9192  
of five statewide high school achievement assessments, one each 9193  
designed to measure the level of reading, writing, mathematics, 9194  
science, and social studies skill expected at the end of tenth 9195  
grade. The ~~state board~~ department shall designate a score in at 9196  
least the range designated under division (A) (2) (c) of this 9197  
section on each such assessment that shall be deemed to be a 9198  
passing score on the assessment as a condition toward granting 9199  
high school diplomas under sections 3313.61, 3313.611, 3313.612, 9200  
and 3325.08 of the Revised Code until the assessment system 9201  
prescribed by section 3301.0712 of the Revised Code is 9202  
implemented in accordance with division (B) (2) of this section. 9203

(2) ~~The state board~~ department shall prescribe an 9204  
assessment system in accordance with section 3301.0712 of the 9205  
Revised Code that shall replace the Ohio graduation tests 9206  
beginning with students who enter the ninth grade for the first 9207

time on or after July 1, 2014. 9208

(3) ~~The state board~~ department may enter into a reciprocal 9209  
agreement with the appropriate body or agency of any other state 9210  
that has similar statewide achievement assessment requirements 9211  
for receiving high school diplomas, under which any student who 9212  
has met an achievement assessment requirement of one state is 9213  
recognized as having met the similar requirement of the other 9214  
state for purposes of receiving a high school diploma. For 9215  
purposes of this section and sections 3301.0711 and 3313.61 of 9216  
the Revised Code, any student enrolled in any public high school 9217  
in this state who has met an achievement assessment requirement 9218  
specified in a reciprocal agreement entered into under this 9219  
division shall be deemed to have attained at least the 9220  
applicable score designated under this division on each 9221  
assessment required by division (B)(1) or (2) of this section 9222  
that is specified in the agreement. 9223

(C) ~~The superintendent of public instruction~~ director of 9224  
education and workforce shall designate dates and times for the 9225  
administration of the assessments prescribed by divisions (A) 9226  
and (B) of this section. 9227

In prescribing administration dates pursuant to this 9228  
division, ~~the superintendent~~ director shall designate the dates 9229  
in such a way as to allow a reasonable length of time between 9230  
the administration of assessments prescribed under this section 9231  
and any administration of the national assessment of educational 9232  
progress given to students in the same grade level pursuant to 9233  
section 3301.27 of the Revised Code or federal law. 9234

(D) ~~The state board~~ department shall prescribe a practice 9235  
version of each Ohio graduation test described in division (B) 9236  
(1) of this section that is of comparable length to the actual 9237

test. 9238

(E) Any committee established by the department ~~of~~ 9239  
~~education~~ for the purpose of making recommendations ~~to the state~~ 9240  
~~board~~ regarding the ~~state board's~~ designation of scores on the 9241  
assessments described by this section shall inform the ~~state~~ 9242  
~~board~~ department of the probable percentage of students who 9243  
would score in each of the ranges established under division (A) 9244  
(2) of this section on the assessments if the committee's 9245  
recommendations are adopted by the ~~state board~~ department. To 9246  
the extent possible, these percentages shall be disaggregated by 9247  
gender, major racial and ethnic groups, English learners, 9248  
economically disadvantaged students, students with disabilities, 9249  
and migrant students. 9250

**Sec. 3301.0711.** (A) The department of education and 9251  
workforce shall: 9252

(1) Annually furnish to, grade, and score all assessments 9253  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 9254  
the Revised Code to be administered by city, local, exempted 9255  
village, and joint vocational school districts, except that each 9256  
district shall score any assessment administered pursuant to 9257  
division (B)(10) of this section. Each assessment so furnished 9258  
shall include the data verification code of the student to whom 9259  
the assessment will be administered, as assigned pursuant to 9260  
division (D)(2) of section 3301.0714 of the Revised Code. In 9261  
furnishing the practice versions of Ohio graduation tests 9262  
prescribed by division (D) of section 3301.0710 of the Revised 9263  
Code, the department shall make the tests available on its web 9264  
site for reproduction by districts. In awarding contracts for 9265  
grading assessments, the department shall give preference to 9266  
Ohio-based entities employing Ohio residents. 9267

(2) Adopt rules for the ethical use of assessments and 9268  
prescribing the manner in which the assessments prescribed by 9269  
section 3301.0710 of the Revised Code shall be administered to 9270  
students. 9271

(B) Except as provided in divisions (C) and (J) of this 9272  
section, the board of education of each city, local, and 9273  
exempted village school district shall, in accordance with rules 9274  
adopted under division (A) of this section: 9275

(1) Administer the English language arts assessments 9276  
prescribed under division (A) (1) (a) of section 3301.0710 of the 9277  
Revised Code twice annually to all students in the third grade 9278  
who have not attained the score designated for that assessment 9279  
under division (A) (2) (c) of section 3301.0710 of the Revised 9280  
Code. 9281

(2) Administer the mathematics assessment prescribed under 9282  
division (A) (1) (a) of section 3301.0710 of the Revised Code at 9283  
least once annually to all students in the third grade. 9284

(3) Administer the assessments prescribed under division 9285  
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 9286  
annually to all students in the fourth grade. 9287

(4) Administer the assessments prescribed under division 9288  
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 9289  
annually to all students in the fifth grade. 9290

(5) Administer the assessments prescribed under division 9291  
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 9292  
annually to all students in the sixth grade. 9293

(6) Administer the assessments prescribed under division 9294  
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 9295  
annually to all students in the seventh grade. 9296

(7) Administer the assessments prescribed under division	9297
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	9298
annually to all students in the eighth grade.	9299
(8) Except as provided in division (B) (9) of this section,	9300
administer any assessment prescribed under division (B) (1) of	9301
section 3301.0710 of the Revised Code as follows:	9302
(a) At least once annually to all tenth grade students and	9303
at least twice annually to all students in eleventh or twelfth	9304
grade who have not yet attained the score on that assessment	9305
designated under that division;	9306
(b) To any person who has successfully completed the	9307
curriculum in any high school or the individualized education	9308
program developed for the person by any high school pursuant to	9309
section 3323.08 of the Revised Code but has not received a high	9310
school diploma and who requests to take such assessment, at any	9311
time such assessment is administered in the district.	9312
(9) In lieu of the board of education of any city, local,	9313
or exempted village school district in which the student is also	9314
enrolled, the board of a joint vocational school district shall	9315
administer any assessment prescribed under division (B) (1) of	9316
section 3301.0710 of the Revised Code at least twice annually to	9317
any student enrolled in the joint vocational school district who	9318
has not yet attained the score on that assessment designated	9319
under that division. A board of a joint vocational school	9320
district may also administer such an assessment to any student	9321
described in division (B) (8) (b) of this section.	9322
(10) If the district has a three-year average graduation	9323
rate of not more than seventy-five per cent, administer each	9324
assessment prescribed by division (D) of section 3301.0710 of	9325

the Revised Code in September to all ninth grade students who 9326  
entered ninth grade prior to July 1, 2014. 9327

Except as provided in section 3313.614 of the Revised Code 9328  
for administration of an assessment to a person who has 9329  
fulfilled the curriculum requirement for a high school diploma 9330  
but has not passed one or more of the required assessments, the 9331  
assessments prescribed under division (B) (1) of section 9332  
3301.0710 of the Revised Code shall not be administered after 9333  
the date specified in the rules adopted ~~by the state board of~~ 9334  
~~education~~ under division (D) (1) of section 3301.0712 of the 9335  
Revised Code. 9336

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 9337  
of this section, administer the assessments prescribed by 9338  
division (B) (2) of section 3301.0710 and section 3301.0712 of 9339  
the Revised Code in accordance with the timeline and plan for 9340  
implementation of those assessments prescribed by rule ~~of the~~ 9341  
~~state board~~ adopted under division (D) (1) of section 3301.0712 9342  
of the Revised Code; 9343

(b) A student who has presented evidence to the district 9344  
or school of having satisfied the condition prescribed by 9345  
division (A) (1) of section 3313.618 of the Revised Code to 9346  
qualify for a high school diploma prior to the date of the 9347  
administration of the assessment prescribed under division (B) 9348  
(1) of section 3301.0712 of the Revised Code shall not be 9349  
required to take that assessment. However, no board shall 9350  
prohibit a student who is not required to take such assessment 9351  
from taking the assessment. 9352

(c) A student shall not be required to retake the Algebra 9353  
I end-of-course examination or the English language arts II end- 9354  
of-course examination prescribed under division (B) (2) of 9355

section 3301.0712 of the Revised Code in grades nine through 9356  
twelve if the student demonstrates at least a proficient level 9357  
of skill, as prescribed under division (B)(5)(a) of that 9358  
section, or achieves a competency score, as prescribed under 9359  
division (B)(10) of that section, in an administration of the 9360  
examination prior to grade nine. 9361

(C)(1)(a) In the case of a student receiving special 9362  
education services under Chapter 3323. of the Revised Code, the 9363  
individualized education program developed for the student under 9364  
that chapter shall specify the manner in which the student will 9365  
participate in the assessments administered under this section, 9366  
except that a student with significant cognitive disabilities to 9367  
whom an alternate assessment is administered in accordance with 9368  
division (C)(1) of this section and a student determined to have 9369  
a disability that includes an intellectual disability as 9370  
outlined in guidance issued by the department shall not be 9371  
required to take the assessment prescribed under division (B)(1) 9372  
of section 3301.0712 of the Revised Code. The individualized 9373  
education program may excuse the student from taking any 9374  
particular assessment required to be administered under this 9375  
section if it instead specifies an alternate assessment method 9376  
approved by the department ~~of education~~ as conforming to 9377  
requirements of federal law for receipt of federal funds for 9378  
disadvantaged pupils. To the extent possible, the individualized 9379  
education program shall not excuse the student from taking an 9380  
assessment unless no reasonable accommodation can be made to 9381  
enable the student to take the assessment. No board shall 9382  
prohibit a student who is not required to take an assessment 9383  
under division (C)(1) of this section from taking the 9384  
assessment. 9385

(b) Any alternate assessment approved by the department 9386

for a student under this division shall produce measurable 9387  
results comparable to those produced by the assessment it 9388  
replaces in order to allow for the student's results to be 9389  
included in the data compiled for a school district or building 9390  
under section 3302.03 of the Revised Code. 9391

(c) (i) Any student enrolled in a chartered nonpublic 9392  
school who has been identified, based on an evaluation conducted 9393  
in accordance with section 3323.03 of the Revised Code or 9394  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 9395  
29 U.S.C.A. 794, as amended, as a child with a disability shall 9396  
be excused from taking any particular assessment required to be 9397  
administered under this section if either of the following 9398  
apply: 9399

(I) A plan developed for the student pursuant to rules 9400  
adopted by the ~~state board~~ department excuses the student from 9401  
taking that assessment. 9402

(II) The chartered nonpublic school develops a written 9403  
plan in which the school, in consultation with the student's 9404  
parents, determines that an assessment or alternative assessment 9405  
with accommodations does not accurately assess the student's 9406  
academic performance. The plan shall include an academic profile 9407  
of the student's academic performance and shall be reviewed 9408  
annually to determine if the student's needs continue to require 9409  
excusal from taking the assessment. 9410

(ii) A student with significant cognitive disabilities to 9411  
whom an alternate assessment is administered in accordance with 9412  
division (C) (1) of this section and a student determined to have 9413  
a disability that includes an intellectual disability as 9414  
outlined in guidance issued by the department shall not be 9415  
required to take the assessment prescribed under division (B) (1) 9416

of section 3301.0712 of the Revised Code. 9417

(iii) In the case of any student so excused from taking an 9418  
assessment under division (C) (1) (c) of this section, the 9419  
chartered nonpublic school shall not prohibit the student from 9420  
taking the assessment. 9421

(2) A district board may, for medical reasons or other 9422  
good cause, excuse a student from taking an assessment 9423  
administered under this section on the date scheduled, but that 9424  
assessment shall be administered to the excused student not 9425  
later than nine days following the scheduled date. The district 9426  
board shall annually report the number of students who have not 9427  
taken one or more of the assessments required by this section to 9428  
~~the state board~~ department not later than the thirtieth day of 9429  
June. 9430

(3) As used in this division, "English learner" has the 9431  
same meaning as in 20 U.S.C. 7801. 9432

No school district board shall excuse any English learner 9433  
from taking any particular assessment required to be 9434  
administered under this section, except as follows: 9435

(a) Any English learner who has been enrolled in United 9436  
States schools for less than two years and for whom no 9437  
appropriate accommodations are available based on guidance 9438  
issued by the department shall not be required to take the 9439  
assessment prescribed under division (B) (1) of section 3301.0712 9440  
of the Revised Code. 9441

(b) Any English learner who has been enrolled in United 9442  
States schools for less than one full school year shall not be 9443  
required to take any reading, writing, or English language arts 9444  
assessment. 9445

However, no board shall prohibit an English learner who is 9446  
not required to take an assessment under division (C) (3) of this 9447  
section from taking the assessment. A board may permit any 9448  
English learner to take an assessment required to be 9449  
administered under this section with appropriate accommodations, 9450  
as determined by the department. For each English learner, each 9451  
school district shall annually assess that student's progress in 9452  
learning English, in accordance with procedures approved by the 9453  
department. 9454

(4) (a) The governing authority of a chartered nonpublic 9455  
school may excuse an English learner from taking any assessment 9456  
administered under this section. 9457

(b) No governing authority shall require an English 9458  
learner who has been enrolled in United States schools for less 9459  
than two years and for whom no appropriate accommodations are 9460  
available based on guidance issued by the department to take the 9461  
assessment prescribed under division (B) (1) of section 3301.0712 9462  
of the Revised Code. 9463

(c) No governing authority shall prohibit an English 9464  
learner from taking an assessment from which the student was 9465  
excused under division (C) (4) of this section. 9466

(D) (1) In the school year next succeeding the school year 9467  
in which the assessments prescribed by division (A) (1) or (B) (1) 9468  
of section 3301.0710 of the Revised Code or former division (A) 9469  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 9470  
it existed prior to September 11, 2001, are administered to any 9471  
student, the board of education of any school district in which 9472  
the student is enrolled in that year shall provide to the 9473  
student intervention services commensurate with the student's 9474  
performance, including any intensive intervention required under 9475

section 3313.608 of the Revised Code, in any skill in which the 9476  
student failed to demonstrate at least a score at the proficient 9477  
level on the assessment. 9478

(2) Following any administration of the assessments 9479  
prescribed by division (D) of section 3301.0710 of the Revised 9480  
Code to ninth grade students, each school district that has a 9481  
three-year average graduation rate of not more than seventy-five 9482  
per cent shall determine for each high school in the district 9483  
whether the school shall be required to provide intervention 9484  
services to any students who took the assessments. In 9485  
determining which high schools shall provide intervention 9486  
services based on the resources available, the district shall 9487  
consider each school's graduation rate and scores on the 9488  
practice assessments. The district also shall consider the 9489  
scores received by ninth grade students on the English language 9490  
arts and mathematics assessments prescribed under division (A) 9491  
(1) (f) of section 3301.0710 of the Revised Code in the eighth 9492  
grade in determining which high schools shall provide 9493  
intervention services. 9494

Each high school selected to provide intervention services 9495  
under this division shall provide intervention services to any 9496  
student whose results indicate that the student is failing to 9497  
make satisfactory progress toward being able to attain scores at 9498  
the proficient level on the Ohio graduation tests. Intervention 9499  
services shall be provided in any skill in which a student 9500  
demonstrates unsatisfactory progress and shall be commensurate 9501  
with the student's performance. Schools shall provide the 9502  
intervention services prior to the end of the school year, 9503  
during the summer following the ninth grade, in the next 9504  
succeeding school year, or at any combination of those times. 9505

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

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

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

(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the assessments have been administered;

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

(c) If the district's total enrollment in grades 9535  
kindergarten through twelve during the first full school week of 9536  
October was seven thousand or more, not later than the Tuesday 9537  
after all of the assessments have been administered. 9538

However, any assessment that a student takes during the 9539  
make-up period described in division (C) (2) of this section 9540  
shall be submitted not later than the Friday following the day 9541  
the student takes the assessment. 9542

(2) The department or an entity with which the department 9543  
contracts for the scoring of the assessment shall send to each 9544  
school district board a list of the individual scores of all 9545  
persons taking a state achievement assessment as follows: 9546

(a) Except as provided in division (G) (2) (b) or (c) of 9547  
this section, within forty-five days after the administration of 9548  
the assessments prescribed by sections 3301.0710 and 3301.0712 9549  
of the Revised Code, but in no case shall the scores be returned 9550  
later than the thirtieth day of June following the 9551  
administration; 9552

(b) In the case of the third-grade English language arts 9553  
assessment, within forty-five days after the administration of 9554  
that assessment, but in no case shall the scores be returned 9555  
later than the fifteenth day of June following the 9556  
administration; 9557

(c) In the case of the writing component of an assessment 9558  
or end-of-course examination in the area of English language 9559  
arts, except for the third-grade English language arts 9560  
assessment, the results may be sent after forty-five days of the 9561  
administration of the writing component, but in no case shall 9562  
the scores be returned later than the thirtieth day of June 9563

following the administration. 9564

(3) For assessments administered under this section by a 9565  
joint vocational school district, the department or entity shall 9566  
also send to each city, local, or exempted village school 9567  
district a list of the individual scores of any students of such 9568  
city, local, or exempted village school district who are 9569  
attending school in the joint vocational school district. 9570

(4) Beginning with the 2019-2020 school year, a school 9571  
district, other public school, or chartered nonpublic school may 9572  
administer the third-grade English language arts or mathematics 9573  
assessment, or both, in a paper format in any school year for 9574  
which the district board of education or school governing body 9575  
adopts a resolution indicating that the district or school 9576  
chooses to administer the assessment in a paper format. The 9577  
board or governing body shall submit a copy of the resolution to 9578  
the department of education and workforce not later than the 9579  
first day of May prior to the school year for which it will 9580  
apply. If the resolution is submitted, the district or school 9581  
shall administer the assessment in a paper format to all 9582  
students in the third grade, except that any student whose 9583  
individualized education program or plan developed under section 9584  
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 9585  
794, as amended, specifies that taking the assessment in an 9586  
online format is an appropriate accommodation for the student 9587  
may take the assessment in an online format. 9588

(H) Individual scores on any assessments administered 9589  
under this section shall be released by a district board only in 9590  
accordance with section 3319.321 of the Revised Code and the 9591  
rules adopted under division (A) of this section. No district 9592  
board or its employees shall utilize individual or aggregate 9593

results in any manner that conflicts with rules for the ethical 9594  
use of assessments adopted pursuant to division (A) of this 9595  
section. 9596

(I) Except as provided in division (G) of this section, 9597  
the department or an entity with which the department contracts 9598  
for the scoring of the assessment shall not release any 9599  
individual scores on any assessment administered under this 9600  
section. ~~The state board~~ department shall adopt rules to ensure 9601  
the protection of student confidentiality at all times. The 9602  
rules may require the use of the data verification codes 9603  
assigned to students pursuant to division (D) (2) of section 9604  
3301.0714 of the Revised Code to protect the confidentiality of 9605  
student scores. 9606

(J) Notwithstanding division (D) of section 3311.52 of the 9607  
Revised Code, this section does not apply to the board of 9608  
education of any cooperative education school district except as 9609  
provided under rules adopted pursuant to this division. 9610

(1) In accordance with rules that ~~the state board~~ 9611  
department shall adopt, the board of education of any city, 9612  
exempted village, or local school district with territory in a 9613  
cooperative education school district established pursuant to 9614  
divisions (A) to (C) of section 3311.52 of the Revised Code may 9615  
enter into an agreement with the board of education of the 9616  
cooperative education school district for administering any 9617  
assessment prescribed under this section to students of the 9618  
city, exempted village, or local school district who are 9619  
attending school in the cooperative education school district. 9620

(2) In accordance with rules that ~~the state board~~ 9621  
department shall adopt, the board of education of any city, 9622  
exempted village, or local school district with territory in a 9623

cooperative education school district established pursuant to 9624  
section 3311.521 of the Revised Code shall enter into an 9625  
agreement with the cooperative district that provides for the 9626  
administration of any assessment prescribed under this section 9627  
to both of the following: 9628

(a) Students who are attending school in the cooperative 9629  
district and who, if the cooperative district were not 9630  
established, would be entitled to attend school in the city, 9631  
local, or exempted village school district pursuant to section 9632  
3313.64 or 3313.65 of the Revised Code; 9633

(b) Persons described in division (B) (8) (b) of this 9634  
section. 9635

Any assessment of students pursuant to such an agreement 9636  
shall be in lieu of any assessment of such students or persons 9637  
pursuant to this section. 9638

(K) (1) (a) Except as otherwise provided in division (K) (1) 9639  
or (2) of this section, each chartered nonpublic school for 9640  
which at least sixty-five per cent of its total enrollment is 9641  
made up of students who are participating in state scholarship 9642  
programs shall administer the assessments prescribed by division 9643  
(A) of section 3301.0710 of the Revised Code or an alternative 9644  
standardized assessment determined by the department. In 9645  
accordance with procedures and deadlines prescribed by the 9646  
department, the parent or guardian of a student enrolled in the 9647  
school who is not participating in a state scholarship program 9648  
may submit notice to the chief administrative officer of the 9649  
school that the parent or guardian does not wish to have the 9650  
student take the assessments prescribed for the student's grade 9651  
level under division (A) of section 3301.0710 of the Revised 9652  
Code. If a parent or guardian submits an opt-out notice, the 9653

school shall not administer the assessments to that student. 9654  
This option does not apply to any assessment required for a high 9655  
school diploma under section 3313.612 of the Revised Code. 9656

(b) Any chartered nonpublic school that enrolls students 9657  
who are participating in state scholarship programs may 9658  
administer an alternative standardized assessment determined by 9659  
the department instead of the assessments prescribed by division 9660  
(A) of section 3301.0710 of the Revised Code. 9661

Each chartered nonpublic school subject to division (K) (1) 9662  
(a) or (b) of this section shall report the results of each 9663  
assessment administered under those divisions to the department. 9664

(2) A chartered nonpublic school may submit to the— 9665  
~~superintendent of public instruction~~ director of education and 9666  
workforce a request for a waiver from administering the 9667  
elementary assessments prescribed by division (A) of section 9668  
3301.0710 of the Revised Code. ~~The state superintendent~~ director 9669  
shall approve or disapprove a request for a waiver submitted 9670  
under division (K) (2) of this section. ~~No waiver shall be~~ 9671  
~~approved for any school year prior to the 2015-2016 school year.~~ 9672

To be eligible to submit a request for a waiver, a 9673  
chartered nonpublic school shall meet the following conditions: 9674

(a) At least ninety-five per cent of the students enrolled 9675  
in the school are children with disabilities, as defined under 9676  
section 3323.01 of the Revised Code, or have received a 9677  
diagnosis by a school district or from a physician, including a 9678  
neuropsychiatrist or psychiatrist, or a psychologist who is 9679  
authorized to practice in this or another state as having a 9680  
condition that impairs academic performance, such as dyslexia, 9681  
dyscalculia, attention deficit hyperactivity disorder, or 9682

Asperger's syndrome. 9683

(b) The school has solely served a student population 9684  
described in division (K) (1) (a) of this section for at least ten 9685  
years. 9686

(c) The school provides to the department at least five 9687  
years of records of internal testing conducted by the school 9688  
that affords the department data required for accountability 9689  
purposes, including diagnostic assessments and nationally 9690  
standardized norm-referenced achievement assessments that 9691  
measure reading and math skills. 9692

(3) Any chartered nonpublic school that is not subject to 9693  
division (K) (1) of this section may participate in the 9694  
assessment program by administering any of the assessments 9695  
prescribed by division (A) of section 3301.0710 of the Revised 9696  
Code. The chief administrator of the school shall specify which 9697  
assessments the school will administer. Such specification shall 9698  
be made in writing to the ~~superintendent of public instruction~~ 9699  
director prior to the first day of August of any school year in 9700  
which assessments are administered and shall include a pledge 9701  
that the nonpublic school will administer the specified 9702  
assessments in the same manner as public schools are required to 9703  
do under this section and rules adopted by the department. 9704

(4) The department ~~of education~~ shall furnish the 9705  
assessments prescribed by section 3301.0710 of the Revised Code 9706  
to each chartered nonpublic school that is subject to division 9707  
(K) (1) of this section or participates under division (K) (3) of 9708  
this section. 9709

(L) If a chartered nonpublic school is educating students 9710  
in grades nine through twelve, the following shall apply: 9711

(1) Except as provided in division (L) (4) of this section, 9712  
for a student who is enrolled in a chartered nonpublic school 9713  
that is accredited through the independent schools association 9714  
of the central states and who is attending the school under a 9715  
state scholarship program, the student shall either take all of 9716  
the assessments prescribed by division (B) of section 3301.0712 9717  
of the Revised Code or take an alternative assessment approved 9718  
by the department under section 3313.619 of the Revised Code. 9719  
However, a student who is excused from taking an assessment 9720  
under division (C) of this section or has presented evidence to 9721  
the chartered nonpublic school of having satisfied the condition 9722  
prescribed by division (A) (1) of section 3313.618 of the Revised 9723  
Code to qualify for a high school diploma prior to the date of 9724  
the administration of the assessment prescribed under division 9725  
(B) (1) of section 3301.0712 of the Revised Code shall not be 9726  
required to take that assessment. No governing authority of a 9727  
chartered nonpublic school shall prohibit a student who is not 9728  
required to take such assessment from taking the assessment. 9729

(2) For a student who is enrolled in a chartered nonpublic 9730  
school that is accredited through the independent schools 9731  
association of the central states, and who is not attending the 9732  
school under a state scholarship program, the student shall not 9733  
be required to take any assessment prescribed under section 9734  
3301.0712 or 3313.619 of the Revised Code. 9735

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 9736  
of this section, for a student who is enrolled in a chartered 9737  
nonpublic school that is not accredited through the independent 9738  
schools association of the central states, regardless of whether 9739  
the student is attending or is not attending the school under a 9740  
state scholarship program, the student shall do one of the 9741  
following: 9742

(i) Take all of the assessments prescribed by division (B)	9743
of section 3301.0712 of the Revised Code;	9744
(ii) Take only the assessment prescribed by division (B)	9745
(1) of section 3301.0712 of the Revised Code, provided that the	9746
student's school publishes the results of that assessment for	9747
each graduating class. The published results of that assessment	9748
shall include the overall composite scores, mean scores, twenty-	9749
fifth percentile scores, and seventy-fifth percentile scores for	9750
each subject area of the assessment.	9751
(iii) Take an alternative assessment approved by the	9752
department under section 3313.619 of the Revised Code.	9753
(b) A student who is excused from taking an assessment	9754
under division (C) of this section or has presented evidence to	9755
the chartered nonpublic school of having satisfied the condition	9756
prescribed by division (A) (1) of section 3313.618 of the Revised	9757
Code to qualify for a high school diploma prior to the date of	9758
the administration of the assessment prescribed under division	9759
(B) (1) of section 3301.0712 of the Revised Code shall not be	9760
required to take that assessment. No governing authority of a	9761
chartered nonpublic school shall prohibit a student who is not	9762
required to take such assessment from taking the assessment.	9763
(4) The assessments prescribed by sections 3301.0712 and	9764
3313.619 of the Revised Code shall not be administered to any	9765
student attending the school, if the school meets all of the	9766
following conditions:	9767
(a) At least ninety-five per cent of the students enrolled	9768
in the school are children with disabilities, as defined under	9769
section 3323.01 of the Revised Code, or have received a	9770
diagnosis by a school district or from a physician, including a	9771

neuropsychologist or psychiatrist, or a psychologist who is 9772  
authorized to practice in this or another state as having a 9773  
condition that impairs academic performance, such as dyslexia, 9774  
dyscalculia, attention deficit hyperactivity disorder, or 9775  
Asperger's syndrome. 9776

(b) The school has solely served a student population 9777  
described in division (L) (4) (a) of this section for at least ten 9778  
years. 9779

(c) The school makes available to the department at least 9780  
five years of records of internal testing conducted by the 9781  
school that affords the department data required for 9782  
accountability purposes, including growth in student achievement 9783  
in reading or mathematics, or both, as measured by nationally 9784  
norm-referenced assessments that have developed appropriate 9785  
standards for students. 9786

Division (L) (4) of this section applies to any student 9787  
attending such school regardless of whether the student receives 9788  
special education or related services and regardless of whether 9789  
the student is attending the school under a state scholarship 9790  
program. 9791

(M) (1) The superintendent of the state school for the 9792  
blind and the superintendent of the state school for the deaf 9793  
shall administer the assessments described by sections 3301.0710 9794  
and 3301.0712 of the Revised Code. Each superintendent shall 9795  
administer the assessments in the same manner as district boards 9796  
are required to do under this section and rules adopted by the 9797  
department ~~of education~~ and in conformity with division (C) (1) 9798  
(a) of this section. 9799

(2) The department ~~of education~~ shall furnish the 9800

assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

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

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

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

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

(3) Any field test question or anchor question

administered under division (O) (2) of this section shall not be 9830  
a public record. Such field test questions and anchor questions 9831  
shall be redacted from any assessments which are released as a 9832  
public record pursuant to division (O) (1) of this section. 9833

(4) This division applies to the assessments prescribed by 9834  
division (A) of section 3301.0710 of the Revised Code. 9835

(a) The first administration of each assessment, as 9836  
specified in former section 3301.0712 of the Revised Code, shall 9837  
be a public record. 9838

(b) For subsequent administrations of each assessment 9839  
prior to the 2011-2012 school year, not less than forty per cent 9840  
of the questions on the assessment that are used to compute a 9841  
student's score shall be a public record. The department shall 9842  
determine which questions will be needed for reuse on a future 9843  
assessment and those questions shall not be public records and 9844  
shall be redacted from the assessment prior to its release as a 9845  
public record. However, for each redacted question, the 9846  
department shall inform each city, local, and exempted village 9847  
school district of the statewide academic standard adopted ~~by~~ 9848  
~~the state board~~ under section 3301.079 of the Revised Code and 9849  
the corresponding benchmark to which the question relates. The 9850  
preceding sentence does not apply to field test questions that 9851  
are redacted under division (O) (3) of this section. 9852

(c) The administrations of each assessment in the 2011- 9853  
2012, 2012-2013, and 2013-2014 school years shall not be a 9854  
public record. 9855

(5) Each assessment prescribed by division (B) (1) of 9856  
section 3301.0710 of the Revised Code shall not be a public 9857  
record. 9858

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

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

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

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

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

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

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

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

Beginning with the assessments administered in the spring 9888  
of the 2017-2018 school year, not less than forty per cent of 9889  
the questions on each assessment that are used to compute a 9890  
student's score shall be a public record. The department shall 9891  
determine which questions will be needed for reuse on a future 9892  
assessment and those questions shall not be public records and 9893  
shall be redacted from the assessment prior to its release as a 9894  
public record. However, for each redacted question, the 9895  
department shall inform each city, local, and exempted village 9896  
school district of the corresponding statewide academic standard 9897  
~~adopted by the state board~~ under section 3301.079 of the Revised 9898  
Code and the corresponding benchmark to which the question 9899  
relates. The department is not required to provide corresponding 9900  
standards and benchmarks to field test questions that are 9901  
redacted under division (O)(3) of this section. 9902

(P) As used in this section: 9903

(1) "Three-year average" means the average of the most 9904  
recent consecutive three school years of data. 9905

(2) "Dropout" means a student who withdraws from school 9906  
before completing course requirements for graduation and who is 9907  
not enrolled in an education program approved by the ~~state board~~ 9908  
~~of education~~ department or an education program outside the 9909  
state. "Dropout" does not include a student who has departed the 9910  
country. 9911

(3) "Graduation rate" means the ratio of students 9912  
receiving a diploma to the number of students who entered ninth 9913  
grade four years earlier. Students who transfer into the 9914  
district are added to the calculation. Students who transfer out 9915  
of the district for reasons other than dropout are subtracted 9916  
from the calculation. If a student who was a dropout in any 9917

previous year returns to the same school district, that student 9918  
shall be entered into the calculation as if the student had 9919  
entered ninth grade four years before the graduation year of the 9920  
graduating class that the student joins. 9921

(4) "State scholarship programs" means the educational 9922  
choice scholarship pilot program established under sections 9923  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 9924  
program established under section 3310.41 of the Revised Code, 9925  
the Jon Peterson special needs scholarship program established 9926  
under sections 3310.51 to 3310.64 of the Revised Code, and the 9927  
pilot project scholarship program established under sections 9928  
3313.974 to 3313.979 of the Revised Code. 9929

(5) "Other public school" means a community school 9930  
established under Chapter 3314., a STEM school established under 9931  
Chapter 3326., or a college-preparatory boarding school 9932  
established under Chapter 3328. of the Revised Code. 9933

**Sec. 3301.0712.** (A) ~~The state board of education, the~~ 9934  
~~superintendent of public instruction, department of education~~ 9935  
and workforce and the chancellor of higher education shall 9936  
develop a system of college and work ready assessments as 9937  
described in division (B) of this section to assess whether each 9938  
student upon graduating from high school is ready to enter 9939  
college or the workforce. Beginning with students who enter the 9940  
ninth grade for the first time on or after July 1, 2014, the 9941  
system shall replace the Ohio graduation tests prescribed in 9942  
division (B)(1) of section 3301.0710 of the Revised Code as a 9943  
measure of student academic performance and one determinant of 9944  
eligibility for a high school diploma in the manner prescribed 9945  
by rule ~~of the state board~~ adopted under division (D) of this 9946  
section. 9947

(B) The college and work ready assessment system shall 9948  
consist of the following: 9949

(1) (a) Except as provided in division (B) (1) (b) of this 9950  
section, nationally standardized assessments that measure 9951  
college and career readiness and are used for college admission. 9952  
The assessments shall be selected jointly by the ~~state~~ 9953  
~~superintendent~~ department and the chancellor, and one of which 9954  
shall be selected by each school district or school to 9955  
administer to its students. The assessments prescribed under 9956  
division (B) (1) of this section shall be administered to all 9957  
eleventh-grade students in the spring of the school year. 9958

(b) Beginning with students who enter the ninth grade for 9959  
the first time on or after ~~the first day of July immediately~~ 9960  
~~following the effective date of this amendment 1, 2022,~~ the 9961  
parent or guardian of a student may elect not to have a 9962  
nationally standardized assessment administered to that student. 9963  
In that event, the student's school district or school shall not 9964  
administer the nationally standardized assessment to that 9965  
student. 9966

(2) (a) Except as provided in division (B) (2) (b) of this 9967  
section, seven end-of-course examinations, one in each of the 9968  
areas of English language arts I, English language arts II, 9969  
science, Algebra I, geometry, American history, and American 9970  
government. The end-of-course examinations shall be selected 9971  
jointly by the ~~state superintendent~~ department and the 9972  
chancellor in consultation with faculty in the appropriate 9973  
subject areas at institutions of higher education of the 9974  
university system of Ohio. Advanced placement examinations and 9975  
international baccalaureate examinations, as prescribed under 9976  
section 3313.6013 of the Revised Code, in the areas of science, 9977

American history, and American government may be used as end-of- 9978  
course examinations in accordance with division (B) (4) (a) (i) of 9979  
this section. Final course grades for courses taken under any 9980  
other advanced standing program, as prescribed under section 9981  
3313.6013 of the Revised Code, in the areas of science, American 9982  
history, and American government may be used in lieu of end-of- 9983  
course examinations in accordance with division (B) (4) (a) (ii) of 9984  
this section. 9985

(b) Beginning with students who enter ninth grade for the 9986  
first time on or after July 1, 2019, five end-of-course 9987  
examinations, one in each areas of English language arts II, 9988  
science, Algebra I, American history, and American government. 9989  
However, only the end-of-course examinations in English language 9990  
arts II and Algebra I shall be required for graduation. 9991

The department ~~of education~~ shall, as necessary to 9992  
implement division (B) (2) (b) of this section, seek a waiver from 9993  
the United States secretary of education for testing 9994  
requirements prescribed under federal law to allow for the use 9995  
and implementation of Algebra I as the primary assessment of 9996  
high school mathematics. If the department does not receive a 9997  
waiver under this division, the end-of-course examinations for 9998  
students described in division (B) (2) (b) of this section also 9999  
shall include an end-of-course examination in the area of 10000  
geometry. However, the geometry end-of-course examination shall 10001  
not be required for graduation. 10002

~~(3) (a) Not later than July 1, 2013, each school district~~ 10003  
~~board of education shall adopt interim end-of-course~~ 10004  
~~examinations that comply with the requirements of divisions (B)~~ 10005  
~~(3) (b) (i) and (ii) of this section to assess mastery of American~~ 10006  
~~history and American government standards adopted under division~~ 10007

~~(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.~~ 10008  
10009  
10010  
10011  
10012  
10013

~~(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.~~ 10014  
10015  
10016

~~(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.~~ 10017  
10018  
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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.~~ 10023  
10024  
10025  
10026

(4) (a) Notwithstanding anything to the contrary in this section, ~~beginning with the 2014-2015 school year,~~ both of the following shall apply: 10027  
10028  
10029

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B) (2) of this section. ~~The state board department~~ shall specify the score levels for each advanced placement 10030  
10031  
10032  
10033  
10034  
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10036

examination and international baccalaureate examination for 10037  
purposes of calculating the minimum cumulative performance score 10038  
that demonstrates the level of academic achievement necessary to 10039  
earn a high school diploma. 10040

(ii) If a student is enrolled in an appropriate course 10041  
under any other advanced standing program, as described in 10042  
section 3313.6013 of the Revised Code, that student shall not be 10043  
required to take the science, American history, or American 10044  
government end-of-course examination, whichever is applicable, 10045  
prescribed under division (B) (2) of this section. Instead, that 10046  
student's final course grade shall be used in lieu of the 10047  
applicable end-of-course examination prescribed under that 10048  
section. ~~The state superintendent department,~~ in consultation 10049  
with the chancellor, shall adopt guidelines for purposes of 10050  
calculating the corresponding final course grades that 10051  
demonstrate the level of academic achievement necessary to earn 10052  
a high school diploma. 10053

Division (B) (4) (a) (ii) of this section shall apply only to 10054  
courses for which students receive transcribed credit, as 10055  
defined in section 3365.01 of the Revised Code. It shall not 10056  
apply to remedial or developmental courses. 10057

(b) No student shall take a substitute examination or 10058  
examination prescribed under division (B) (4) (a) of this section 10059  
in place of the end-of-course examinations in English language 10060  
arts I, English language arts II, Algebra I, or geometry 10061  
prescribed under division (B) (2) of this section. 10062

(c) ~~The state board department shall consider additional~~ 10063  
~~assessments that may be used, beginning with the 2016-2017-~~ 10064  
~~school year,~~ as substitute examinations in lieu of the end-of- 10065  
course examinations prescribed under division (B) (2) of this 10066

section. 10067

(5) The ~~state board~~ department shall do all of the 10068  
following: 10069

(a) Determine and designate at least five ranges of scores 10070  
on each of the end-of-course examinations prescribed under 10071  
division (B) (2) of this section, and substitute examinations 10072  
prescribed under division (B) (4) of this section. Not later than 10073  
sixty days after the designation of ranges of scores, the ~~state~~ 10074  
~~superintendent, or the state superintendent's designee,~~ director 10075  
of education and workforce shall conduct a public presentation 10076  
before the standing committees of the house of representatives 10077  
and the senate that consider primary and secondary education 10078  
legislation regarding the designated range of scores. Each range 10079  
of scores shall be considered to demonstrate a level of 10080  
achievement so that any student attaining a score within such 10081  
range has achieved one of the following: 10082

(i) An advanced level of skill; 10083

(ii) An accomplished level of skill; 10084

(iii) A proficient level of skill; 10085

(iv) A basic level of skill; 10086

(v) A limited level of skill. 10087

(b) Determine a method by which to calculate a cumulative 10088  
performance score based on the results of a student's end-of- 10089  
course examinations or substitute examinations; 10090

(c) Determine the minimum cumulative performance score 10091  
that demonstrates the level of academic achievement necessary to 10092  
earn a high school diploma under division (A) (2) of section 10093  
3313.618 of the Revised Code. However, ~~the state board shall not~~ 10094

<del>determine a no</del> new minimum cumulative performance score <u>shall be</u>	10095
<u>determined</u> after October 17, 2019.	10096
(d) Develop a table of corresponding score equivalents for	10097
the end-of-course examinations and substitute examinations in	10098
order to calculate student performance consistently across the	10099
different examinations.	10100
A score of two on an advanced placement examination or a	10101
score of two or three on an international baccalaureate	10102
examination shall be considered equivalent to a proficient level	10103
of skill as specified under division (B) (5) (a) (iii) of this	10104
section.	10105
(6) (a) A student who meets both of the following	10106
conditions shall not be required to take an end-of-course	10107
examination:	10108
(i) The student received high school credit prior to July	10109
1, 2015, for a course for which the end-of-course examination is	10110
prescribed.	10111
(ii) The examination was not available for administration	10112
prior to July 1, 2015.	10113
Receipt of credit for the course described in division (B)	10114
(6) (a) (i) of this section shall satisfy the requirement to take	10115
the end-of-course examination. A student exempted under division	10116
(B) (6) (a) of this section may take the applicable end-of-course	10117
examination at a later date.	10118
(b) For purposes of determining whether a student who is	10119
exempt from taking an end-of-course examination under division	10120
(B) (6) (a) of this section has attained the cumulative score	10121
prescribed by division (B) (5) (c) of this section, such student	10122
shall select either of the following:	10123

(i) The student is considered to have attained a 10124  
proficient score on the end-of-course examination from which the 10125  
student is exempt; 10126

(ii) The student's final course grade shall be used in 10127  
lieu of a score on the end-of-course examination from which the 10128  
student is exempt. 10129

~~The state superintendent department,~~ in consultation with 10130  
the chancellor, shall adopt guidelines for purposes of 10131  
calculating the corresponding final course grades and the 10132  
minimum cumulative performance score that demonstrates the level 10133  
of academic achievement necessary to earn a high school diploma. 10134

(7) (a) Notwithstanding anything to the contrary in this 10135  
section, ~~the state board~~ department may replace the algebra I 10136  
end-of-course examination prescribed under division (B) (2) of 10137  
this section with an algebra II end-of-course examination, 10138  
beginning with the 2016-2017 school year for students who enter 10139  
ninth grade on or after July 1, 2016. 10140

(b) If ~~the state board~~ department replaces the algebra I 10141  
end-of-course examination with an algebra II end-of-course 10142  
examination as authorized under division (B) (7) (a) of this 10143  
section, both of the following shall apply: 10144

(i) A student who is enrolled in an advanced placement or 10145  
international baccalaureate course in algebra II shall take the 10146  
advanced placement or international baccalaureate examination in 10147  
lieu of the algebra II end-of-course examination. 10148

(ii) A student who is enrolled in an algebra II course 10149  
under any other advanced standing program, as described in 10150  
section 3313.6013 of the Revised Code, shall not be required to 10151  
take the algebra II end-of-course examination. Instead, that 10152

student's final course grade shall be used in lieu of the 10153  
examination. 10154

(c) If a school district or school utilizes an integrated 10155  
approach to mathematics instruction, the district or school may 10156  
do either or both of the following: 10157

(i) Administer an integrated mathematics I end-of-course 10158  
examination in lieu of the prescribed algebra I end-of-course 10159  
examination; 10160

(ii) Administer an integrated mathematics II end-of-course 10161  
examination in lieu of the prescribed geometry end-of-course 10162  
examination. 10163

(8) (a) For students entering the ninth grade for the first 10164  
time on or after July 1, 2014, but prior to July 1, 2015, the 10165  
assessment in the area of science shall be physical science or 10166  
biology. For students entering the ninth grade for the first 10167  
time on or after July 1, 2015, the assessment in the area of 10168  
science shall be biology. 10169

(b) Until July 1, 2019, the department shall make 10170  
available the end-of-course examination in physical science for 10171  
students who entered the ninth grade for the first time on or 10172  
after July 1, 2014, but prior to July 1, 2015, and who wish to 10173  
retake the examination. 10174

(c) ~~Not later than July 1, 2016, the state board~~ The 10175  
department shall adopt rules prescribing the requirements for 10176  
the end-of-course examination in science for students who 10177  
entered the ninth grade for the first time on or after July 1, 10178  
2014, but prior to July 1, 2015, and who have not met the 10179  
requirement prescribed by section 3313.618 of the Revised Code 10180  
by July 1, 2019, due to a student's failure to satisfy division 10181

(A) (2) of section 3313.618 of the Revised Code. 10182

(9) ~~Neither the state board nor the~~ The department of 10183  
~~education~~ shall not develop or administer an end-of-course 10184  
examination in the area of world history. 10185

(10) ~~Not later than March 1, 2020, the~~ The department, in 10186  
consultation with the chancellor and the governor's office of 10187  
workforce transformation, shall determine a competency score for 10188  
both of the Algebra I and English language arts II end-of-course 10189  
examinations for the purpose of graduation eligibility. 10190

(C) ~~The state board~~ department shall convene a group of 10191  
national experts, state experts, and local practitioners to 10192  
provide advice, guidance, and recommendations for the alignment 10193  
of standards and model curricula to the assessments and in the 10194  
design of the end-of-course examinations prescribed by this 10195  
section. 10196

(D) Upon completion of the development of the assessment 10197  
system, ~~the state board~~ department shall adopt rules prescribing 10198  
all of the following: 10199

(1) A timeline and plan for implementation of the 10200  
assessment system, including a phased implementation if the- 10201  
~~state board~~ department determines such a phase-in is warranted; 10202

(2) The date after which a person shall meet the 10203  
requirements of the entire assessment system as a prerequisite 10204  
for a diploma of adult education under section 3313.611 of the 10205  
Revised Code; 10206

(3) Whether and the extent to which a person may be 10207  
excused from an American history end-of-course examination and 10208  
an American government end-of-course examination under division 10209  
(H) of section 3313.61 and division (B) (3) of section 3313.612 10210

of the Revised Code; 10211

(4) The date after which a person who has fulfilled the 10212  
curriculum requirement for a diploma but has not passed one or 10213  
more of the required assessments at the time the person 10214  
fulfilled the curriculum requirement shall meet the requirements 10215  
of the entire assessment system as a prerequisite for a high 10216  
school diploma under division (B) of section 3313.614 of the 10217  
Revised Code; 10218

(5) The extent to which the assessment system applies to 10219  
students enrolled in a dropout recovery and prevention program 10220  
for purposes of division (F) of section 3313.603 and section 10221  
3314.36 of the Revised Code. 10222

~~(E) Not later than forty five days prior to the state- 10223  
board's adoption of a resolution directing the department to 10224  
file the rules prescribed by division (D) of this section in 10225  
final form under section 119.04 of the Revised Code, the 10226  
superintendent of public instruction shall present the 10227  
assessment system developed under this section to the respective 10228  
committees of the house of representatives and senate that 10229  
consider education legislation. 10230~~

~~(F)(1)~~ (E)(1) Any person enrolled in a nonchartered 10231  
nonpublic school or any person who has been excused from 10232  
attendance at school for the purpose of home ~~instruction~~ 10233  
education under section ~~3321.04~~ 3321.042 of the Revised Code may 10234  
choose to participate in the system of assessments administered 10235  
under divisions (B)(1) and (2) of this section. However, no such 10236  
person shall be required to participate in the system of 10237  
assessments. 10238

(2) The department shall adopt rules for the 10239

administration and scoring of any assessments under division ~~(F)~~ 10240  
~~(1)~~ (E) (1) of this section. 10241

~~(G) Not later than December 31, 2014, the state board (F)~~ 10242  
The department shall select at least one nationally recognized 10243  
job skills assessment. Each school district shall administer 10244  
that assessment to those students who opt to take it. ~~The state~~ 10245  
department shall reimburse a school district for the costs of 10246  
administering that assessment. ~~The state board~~ department shall 10247  
establish the minimum score a student must attain on the job 10248  
skills assessment in order to demonstrate a student's workforce 10249  
readiness and employability. The administration of the job 10250  
skills assessment to a student under this division shall not 10251  
exempt a school district from administering the assessments 10252  
prescribed in division (B) of this section to that student. 10253

**Sec. 3301.0713.** The department of education and workforce 10254  
shall establish an education management information system 10255  
advisory council. The council shall make recommendations to the 10256  
~~superintendent of public instruction~~ department to improve the 10257  
operation of the education management information system 10258  
established under section 3301.0714 of the Revised Code and 10259  
shall provide a forum for communication and collaboration 10260  
between the department and parties affected by the collection, 10261  
reporting, and use of the system's data. Members of the council 10262  
shall include department staff and representatives of school 10263  
districts and other entities that regularly interact with data 10264  
from the education management information system. 10265

**Sec. 3301.0714.** (A) The ~~state board~~ department of 10266  
education and workforce shall adopt rules for a statewide 10267  
education management information system. The rules shall require 10268  
the ~~state board~~ department to establish guidelines for the 10269

establishment and maintenance of the system in accordance with 10270  
this section and the rules adopted under this section. The 10271  
guidelines shall include: 10272

(1) Standards identifying and defining the types of data 10273  
in the system in accordance with divisions (B) and (C) of this 10274  
section; 10275

(2) Procedures for annually collecting and reporting the 10276  
data to the ~~state board~~ department in accordance with division 10277  
(D) of this section; 10278

(3) Procedures for annually compiling the data in 10279  
accordance with division (G) of this section; 10280

(4) Procedures for annually reporting the data to the 10281  
public in accordance with division (H) of this section; 10282

(5) Standards to provide strict safeguards to protect the 10283  
confidentiality of personally identifiable student data. 10284

(B) The guidelines adopted under this section shall 10285  
require the data maintained in the education management 10286  
information system to include at least the following: 10287

(1) Student participation and performance data, for each 10288  
grade in each school district as a whole and for each grade in 10289  
each school building in each school district, that includes: 10290

(a) The numbers of students receiving each category of 10291  
instructional service offered by the school district, such as 10292  
regular education instruction, vocational education instruction, 10293  
specialized instruction programs or enrichment instruction that 10294  
is part of the educational curriculum, instruction for gifted 10295  
students, instruction for students with disabilities, and 10296  
remedial instruction. The guidelines shall require instructional 10297

services under this division to be divided into discrete 10298  
categories if an instructional service is limited to a specific 10299  
subject, a specific type of student, or both, such as regular 10300  
instructional services in mathematics, remedial reading 10301  
instructional services, instructional services specifically for 10302  
students gifted in mathematics or some other subject area, or 10303  
instructional services for students with a specific type of 10304  
disability. The categories of instructional services required by 10305  
the guidelines under this division shall be the same as the 10306  
categories of instructional services used in determining cost 10307  
units pursuant to division (C) (3) of this section. 10308

(b) The numbers of students receiving support or 10309  
extracurricular services for each of the support services or 10310  
extracurricular programs offered by the school district, such as 10311  
counseling services, health services, and extracurricular sports 10312  
and fine arts programs. The categories of services required by 10313  
the guidelines under this division shall be the same as the 10314  
categories of services used in determining cost units pursuant 10315  
to division (C) (4) (a) of this section. 10316

(c) Average student grades in each subject in grades nine 10317  
through twelve; 10318

(d) Academic achievement levels as assessed under sections 10319  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 10320

(e) The number of students designated as having a 10321  
disabling condition pursuant to division (C) (1) of section 10322  
3301.0711 of the Revised Code; 10323

(f) The numbers of students reported to the ~~state board~~ 10324  
department pursuant to division (C) (2) of section 3301.0711 of 10325  
the Revised Code; 10326

(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	10327 10328 10329 10330
(h) Expulsion rates;	10331
(i) Suspension rates;	10332
(j) Dropout rates;	10333
(k) Rates of retention in grade;	10334
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with <del>state board of education</del> <u>the director's</u> rules;	10335 10336 10337
(m) Graduation rates, to be calculated in a manner specified by the department <del>of education</del> that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	10338 10339 10340 10341 10342
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	10343 10344 10345 10346 10347 10348 10349 10350 10351
(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B) (4) of this section, districts and schools also shall include an	10352 10353 10354

identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

Division (B) (1) (o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;

(q) The number of students demonstrating competency for graduation using each option described in divisions (B) (1) (a) to (d) of section 3313.618 of the Revised Code;

(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B) (1) (b) of section 3313.618 of the Revised Code;

(s) The number of students enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to

division (C) (3) of this section. The guidelines adopted under 10384  
this section shall require these categories of data to be 10385  
maintained for the school district as a whole and, wherever 10386  
applicable, for each grade in the school district as a whole, 10387  
for each school building as a whole, and for each grade in each 10388  
school building. 10389

(b) The total number of employees and the number of full- 10390  
time equivalent employees providing each category of service 10391  
used pursuant to divisions (C) (4) (a) and (b) of this section, 10392  
and the total numbers of licensed employees and nonlicensed 10393  
employees and the numbers of full-time equivalent licensed 10394  
employees and nonlicensed employees providing each category used 10395  
pursuant to division (C) (4) (c) of this section. The guidelines 10396  
adopted under this section shall require these categories of 10397  
data to be maintained for the school district as a whole and, 10398  
wherever applicable, for each grade in the school district as a 10399  
whole, for each school building as a whole, and for each grade 10400  
in each school building. 10401

(c) The total number of regular classroom teachers 10402  
teaching classes of regular education and the average number of 10403  
pupils enrolled in each such class, in each of grades 10404  
kindergarten through five in the district as a whole and in each 10405  
school building in the school district. 10406

(d) The number of lead teachers employed by each school 10407  
district and each school building. 10408

(3) (a) Student demographic data for each school district, 10409  
including information regarding the gender ratio of the school 10410  
district's pupils, the racial make-up of the school district's 10411  
pupils, the number of English learners in the district, and an 10412  
appropriate measure of the number of the school district's 10413

pupils who reside in economically disadvantaged households. The 10414  
demographic data shall be collected in a manner to allow 10415  
correlation with data collected under division (B) (1) of this 10416  
section. Categories for data collected pursuant to division (B) 10417  
(3) of this section shall conform, where appropriate, to 10418  
standard practices of agencies of the federal government. 10419

(b) With respect to each student entering kindergarten, 10420  
whether the student previously participated in a public 10421  
preschool program, a private preschool program, or a head start 10422  
program, and the number of years the student participated in 10423  
each of these programs. 10424

(4) Any data required to be collected pursuant to federal 10425  
law. 10426

(C) The education management information system shall 10427  
include cost accounting data for each district as a whole and 10428  
for each school building in each school district. The guidelines 10429  
adopted under this section shall require the cost data for each 10430  
school district to be maintained in a system of mutually 10431  
exclusive cost units and shall require all of the costs of each 10432  
school district to be divided among the cost units. The 10433  
guidelines shall require the system of mutually exclusive cost 10434  
units to include at least the following: 10435

(1) Administrative costs for the school district as a 10436  
whole. The guidelines shall require the cost units under this 10437  
division (C) (1) to be designed so that each of them may be 10438  
compiled and reported in terms of average expenditure per pupil 10439  
in enrolled ADM in the school district, as determined pursuant 10440  
to section 3317.03 of the Revised Code. 10441

(2) Administrative costs for each school building in the 10442

school district. The guidelines shall require the cost units 10443  
under this division (C) (2) to be designed so that each of them 10444  
may be compiled and reported in terms of average expenditure per 10445  
full-time equivalent pupil receiving instructional or support 10446  
services in each building. 10447

(3) Instructional services costs for each category of 10448  
instructional service provided directly to students and required 10449  
by guidelines adopted pursuant to division (B) (1) (a) of this 10450  
section. The guidelines shall require the cost units under 10451  
division (C) (3) of this section to be designed so that each of 10452  
them may be compiled and reported in terms of average 10453  
expenditure per pupil receiving the service in the school 10454  
district as a whole and average expenditure per pupil receiving 10455  
the service in each building in the school district and in terms 10456  
of a total cost for each category of service and, as a breakdown 10457  
of the total cost, a cost for each of the following components: 10458

(a) The cost of each instructional services category 10459  
required by guidelines adopted under division (B) (1) (a) of this 10460  
section that is provided directly to students by a classroom 10461  
teacher; 10462

(b) The cost of the instructional support services, such 10463  
as services provided by a speech-language pathologist, classroom 10464  
aide, multimedia aide, or librarian, provided directly to 10465  
students in conjunction with each instructional services 10466  
category; 10467

(c) The cost of the administrative support services 10468  
related to each instructional services category, such as the 10469  
cost of personnel that develop the curriculum for the 10470  
instructional services category and the cost of personnel 10471  
supervising or coordinating the delivery of the instructional 10472

services category. 10473

(4) Support or extracurricular services costs for each 10474  
category of service directly provided to students and required 10475  
by guidelines adopted pursuant to division (B)(1)(b) of this 10476  
section. The guidelines shall require the cost units under 10477  
division (C)(4) of this section to be designed so that each of 10478  
them may be compiled and reported in terms of average 10479  
expenditure per pupil receiving the service in the school 10480  
district as a whole and average expenditure per pupil receiving 10481  
the service in each building in the school district and in terms 10482  
of a total cost for each category of service and, as a breakdown 10483  
of the total cost, a cost for each of the following components: 10484

(a) The cost of each support or extracurricular services 10485  
category required by guidelines adopted under division (B)(1)(b) 10486  
of this section that is provided directly to students by a 10487  
licensed employee, such as services provided by a guidance 10488  
counselor or any services provided by a licensed employee under 10489  
a supplemental contract; 10490

(b) The cost of each such services category provided 10491  
directly to students by a nonlicensed employee, such as 10492  
janitorial services, cafeteria services, or services of a sports 10493  
trainer; 10494

(c) The cost of the administrative services related to 10495  
each services category in division (C)(4)(a) or (b) of this 10496  
section, such as the cost of any licensed or nonlicensed 10497  
employees that develop, supervise, coordinate, or otherwise are 10498  
involved in administering or aiding the delivery of each 10499  
services category. 10500

(D)(1) The guidelines adopted under this section shall 10501

require school districts to collect information about individual 10502  
students, staff members, or both in connection with any data 10503  
required by division (B) or (C) of this section or other 10504  
reporting requirements established in the Revised Code. The 10505  
guidelines may also require school districts to report 10506  
information about individual staff members in connection with 10507  
any data required by division (B) or (C) of this section or 10508  
other reporting requirements established in the Revised Code. 10509  
The guidelines shall not authorize school districts to request 10510  
social security numbers of individual students. The guidelines 10511  
shall prohibit the reporting under this section of a student's 10512  
name, address, and social security number to ~~the state board of~~ 10513  
~~education or the department of education~~. The guidelines shall 10514  
also prohibit the reporting under this section of any personally 10515  
identifiable information about any student, except for the 10516  
purpose of assigning the data verification code required by 10517  
division (D)(2) of this section, to any other person unless such 10518  
person is employed by the school district or the information 10519  
technology center operated under section 3301.075 of the Revised 10520  
Code and is authorized by the district or technology center to 10521  
have access to such information or is employed by an entity with 10522  
which the department contracts for the scoring or the 10523  
development of state assessments. The guidelines may require 10524  
school districts to provide the social security numbers of 10525  
individual staff members and the county of residence for a 10526  
student. Nothing in this section prohibits the ~~state board of~~ 10527  
~~education or department of education~~ from providing a student's 10528  
county of residence to the department of taxation to facilitate 10529  
the distribution of tax revenue. 10530

(2) (a) The guidelines shall provide for each school 10531  
district or community school to assign a data verification code 10532

that is unique on a statewide basis over time to each student 10533  
whose initial Ohio enrollment is in that district or school and 10534  
to report all required individual student data for that student 10535  
utilizing such code. The guidelines shall also provide for 10536  
assigning data verification codes to all students enrolled in 10537  
districts or community schools on the effective date of the 10538  
guidelines established under this section. The assignment of 10539  
data verification codes for other entities, as described in 10540  
division (D) (2) (d) of this section, the use of those codes, and 10541  
the reporting and use of associated individual student data 10542  
shall be coordinated by the department of education and 10543  
workforce in accordance with state and federal law. 10544

School districts shall report individual student data to 10545  
the department through the information technology centers 10546  
utilizing the code. The entities described in division (D) (2) (d) 10547  
of this section shall report individual student data to the 10548  
department in the manner prescribed by the department. 10549

(b) (i) Except as provided in sections 3301.941, 3310.11, 10550  
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 10551  
Code, and in division (D) (2) (b) (ii) of this section, at no time 10552  
shall the ~~state board or the~~ department have access to 10553  
information that would enable any data verification code to be 10554  
matched to personally identifiable student data. 10555

(ii) For the purpose of making per-pupil payments to 10556  
community schools under section 3317.022 of the Revised Code, 10557  
the department shall have access to information that would 10558  
enable any data verification code to be matched to personally 10559  
identifiable student data. 10560

(c) Each school district and community school shall ensure 10561  
that the data verification code is included in the student's 10562

records reported to any subsequent school district, community 10563  
school, or state institution of higher education, as defined in 10564  
section 3345.011 of the Revised Code, in which the student 10565  
enrolls. Any such subsequent district or school shall utilize 10566  
the same identifier in its reporting of data under this section. 10567

(d) The director of any state agency that administers a 10568  
publicly funded program providing services to children who are 10569  
younger than compulsory school age, as defined in section 10570  
3321.01 of the Revised Code, including the directors of health, 10571  
job and family services, mental health and addiction services, 10572  
and developmental disabilities, shall request and receive, 10573  
pursuant to sections 3301.0723 and 5123.0423 of the Revised 10574  
Code, a data verification code for a child who is receiving 10575  
those services. 10576

(E) The guidelines adopted under this section may require 10577  
school districts to collect and report data, information, or 10578  
reports other than that described in divisions (A), (B), and (C) 10579  
of this section for the purpose of complying with other 10580  
reporting requirements established in the Revised Code. The 10581  
other data, information, or reports may be maintained in the 10582  
education management information system but are not required to 10583  
be compiled as part of the profile formats required under 10584  
division (G) of this section or the annual statewide report 10585  
required under division (H) of this section. 10586

(F) ~~Beginning with the school year that begins July 1,~~ 10587  
~~1991, the~~ The board of education of each school district shall 10588  
annually collect and report to the ~~state board department,~~ in 10589  
accordance with the guidelines established by the ~~board~~ 10590  
department, the data required pursuant to this section. A school 10591  
district may collect and report these data notwithstanding 10592

section 2151.357 or 3319.321 of the Revised Code. 10593

(G) The ~~state board~~ department shall, in accordance with 10594  
the procedures it adopts, annually compile the data reported by 10595  
each school district pursuant to division (D) of this section. 10596  
The ~~state board~~ department shall design formats for profiling 10597  
each school district as a whole and each school building within 10598  
each district and shall compile the data in accordance with 10599  
these formats. These profile formats shall: 10600

(1) Include all of the data gathered under this section in 10601  
a manner that facilitates comparison among school districts and 10602  
among school buildings within each school district; 10603

(2) Present the data on academic achievement levels as 10604  
assessed by the testing of student achievement maintained 10605  
pursuant to division (B) (1) (d) of this section. 10606

(H) (1) The ~~state board~~ department shall, in accordance 10607  
with the procedures it adopts, annually prepare a statewide 10608  
report for all school districts and the general public that 10609  
includes the profile of each of the school districts developed 10610  
pursuant to division (G) of this section. Copies of the report 10611  
shall be sent to each school district. 10612

(2) The ~~state board~~ department shall, in accordance with 10613  
the procedures it adopts, annually prepare an individual report 10614  
for each school district and the general public that includes 10615  
the profiles of each of the school buildings in that school 10616  
district developed pursuant to division (G) of this section. 10617  
Copies of the report shall be sent to the superintendent of the 10618  
district and to each member of the district board of education. 10619

(3) Copies of the reports ~~received from the state board~~ 10620  
under prescribed in divisions (H) (1) and (2) of this section 10621

shall be made available to the general public at each school 10622  
district's offices. Each district board of education shall make 10623  
copies of each report available to any person upon request and 10624  
payment of a reasonable fee for the cost of reproducing the 10625  
report. The board shall annually publish in a newspaper of 10626  
general circulation in the school district, at least twice 10627  
during the two weeks prior to the week in which the reports will 10628  
first be available, a notice containing the address where the 10629  
reports are available and the date on which the reports will be 10630  
available. 10631

(I) Any data that is collected or maintained pursuant to 10632  
this section and that identifies an individual pupil is not a 10633  
public record for the purposes of section 149.43 of the Revised 10634  
Code. 10635

(J) As used in this section: 10636

(1) "School district" means any city, local, exempted 10637  
village, or joint vocational school district and, in accordance 10638  
with section 3314.17 of the Revised Code, any community school. 10639  
As used in division (L) of this section, "school district" also 10640  
includes any educational service center or other educational 10641  
entity required to submit data using the system established 10642  
under this section. 10643

(2) "Cost" means any expenditure for operating expenses 10644  
made by a school district excluding any expenditures for debt 10645  
retirement except for payments made to any commercial lending 10646  
institution for any loan approved pursuant to section 3313.483 10647  
of the Revised Code. 10648

(K) Any person who removes data from the information 10649  
system established under this section for the purpose of 10650

releasing it to any person not entitled under law to have access 10651  
to such information is subject to section 2913.42 of the Revised 10652  
Code prohibiting tampering with data. 10653

(L) (1) In accordance with division (L) (2) of this section 10654  
and the rules adopted under division (L) (10) of this section, 10655  
the department ~~of education~~ may sanction any school district 10656  
that reports incomplete or inaccurate data, reports data that 10657  
does not conform to data requirements and descriptions published 10658  
by the department, fails to report data in a timely manner, or 10659  
otherwise does not make a good faith effort to report data as 10660  
required by this section. 10661

(2) If the department decides to sanction a school 10662  
district under this division, the department shall take the 10663  
following sequential actions: 10664

(a) Notify the district in writing that the department has 10665  
determined that data has not been reported as required under 10666  
this section and require the district to review its data 10667  
submission and submit corrected data by a deadline established 10668  
by the department. The department also may require the district 10669  
to develop a corrective action plan, which shall include 10670  
provisions for the district to provide mandatory staff training 10671  
on data reporting procedures. 10672

(b) Withhold up to ten per cent of the total amount of 10673  
state funds due to the district for the current fiscal year and, 10674  
if not previously required under division (L) (2) (a) of this 10675  
section, require the district to develop a corrective action 10676  
plan in accordance with that division; 10677

(c) Withhold an additional amount of up to twenty per cent 10678  
of the total amount of state funds due to the district for the 10679

current fiscal year;	10680
(d) Direct department staff or an outside entity to	10681
investigate the district's data reporting practices and make	10682
recommendations for subsequent actions. The recommendations may	10683
include one or more of the following actions:	10684
(i) Arrange for an audit of the district's data reporting	10685
practices by department staff or an outside entity;	10686
(ii) Conduct a site visit and evaluation of the district;	10687
(iii) Withhold an additional amount of up to thirty per	10688
cent of the total amount of state funds due to the district for	10689
the current fiscal year;	10690
(iv) Continue monitoring the district's data reporting;	10691
(v) Assign department staff to supervise the district's	10692
data management system;	10693
(vi) Conduct an investigation to determine whether to	10694
suspend or revoke the license of any district employee in	10695
accordance with division (N) of this section;	10696
(vii) If the district is issued a report card under	10697
section 3302.03 of the Revised Code, indicate on the report card	10698
that the district has been sanctioned for failing to report data	10699
as required by this section;	10700
(viii) If the district is issued a report card under	10701
section 3302.03 of the Revised Code and incomplete or inaccurate	10702
data submitted by the district likely caused the district to	10703
receive a higher performance rating than it deserved under that	10704
section, issue a revised report card for the district;	10705
(ix) Any other action designed to correct the district's	10706

data reporting problems. 10707

(3) Any time the department takes an action against a 10708  
school district under division (L)(2) of this section, the 10709  
department shall make a report of the circumstances that 10710  
prompted the action. The department shall send a copy of the 10711  
report to the district superintendent or chief administrator and 10712  
maintain a copy of the report in its files. 10713

(4) If any action taken under division (L)(2) of this 10714  
section resolves a school district's data reporting problems to 10715  
the department's satisfaction, the department shall not take any 10716  
further actions described by that division. If the department 10717  
withheld funds from the district under that division, the 10718  
department may release those funds to the district, except that 10719  
if the department withheld funding under division (L)(2)(c) of 10720  
this section, the department shall not release the funds 10721  
withheld under division (L)(2)(b) of this section and, if the 10722  
department withheld funding under division (L)(2)(d) of this 10723  
section, the department shall not release the funds withheld 10724  
under division (L)(2)(b) or (c) of this section. 10725

(5) Notwithstanding anything in this section to the 10726  
contrary, the department may use its own staff or an outside 10727  
entity to conduct an audit of a school district's data reporting 10728  
practices any time the department has reason to believe the 10729  
district has not made a good faith effort to report data as 10730  
required by this section. If any audit conducted by an outside 10731  
entity under division (L)(2)(d)(i) or (5) of this section 10732  
confirms that a district has not made a good faith effort to 10733  
report data as required by this section, the district shall 10734  
reimburse the department for the full cost of the audit. The 10735  
department may withhold state funds due to the district for this 10736

purpose. 10737

(6) Prior to issuing a revised report card for a school 10738  
district under division (L)(2)(d)(viii) of this section, the 10739  
department may hold a hearing to provide the district with an 10740  
opportunity to demonstrate that it made a good faith effort to 10741  
report data as required by this section. The hearing shall be 10742  
conducted by a referee appointed by the department. Based on the 10743  
information provided in the hearing, the referee shall recommend 10744  
whether the department should issue a revised report card for 10745  
the district. If the referee affirms the department's contention 10746  
that the district did not make a good faith effort to report 10747  
data as required by this section, the district shall bear the 10748  
full cost of conducting the hearing and of issuing any revised 10749  
report card. 10750

(7) If the department determines that any inaccurate data 10751  
reported under this section caused a school district to receive 10752  
excess state funds in any fiscal year, the district shall 10753  
reimburse the department an amount equal to the excess funds, in 10754  
accordance with a payment schedule determined by the department. 10755  
The department may withhold state funds due to the district for 10756  
this purpose. 10757

(8) Any school district that has funds withheld under 10758  
division (L)(2) of this section may appeal the withholding in 10759  
accordance with Chapter 119. of the Revised Code. 10760

(9) In all cases of a disagreement between the department 10761  
and a school district regarding the appropriateness of an action 10762  
taken under division (L)(2) of this section, the burden of proof 10763  
shall be on the district to demonstrate that it made a good 10764  
faith effort to report data as required by this section. 10765

(10) The ~~state board~~ director of education and workforce 10766  
shall adopt rules under Chapter 119. of the Revised Code to 10767  
implement division (L) of this section. 10768

(M) No information technology center or school district 10769  
shall acquire, change, or update its student administration 10770  
software package to manage and report data required to be 10771  
reported to the department unless it converts to a student 10772  
software package that is certified by the department. 10773

(N) The state board of education, in accordance with 10774  
sections 3319.31 and 3319.311 of the Revised Code, may suspend 10775  
or revoke a license as defined under division (A) of section 10776  
3319.31 of the Revised Code that has been issued to any school 10777  
district employee found to have willfully reported erroneous, 10778  
inaccurate, or incomplete data to the education management 10779  
information system. 10780

(O) No person shall release or maintain any information 10781  
about any student in violation of this section. Whoever violates 10782  
this division is guilty of a misdemeanor of the fourth degree. 10783

(P) The department shall disaggregate the data collected 10784  
under division (B) (1) (n) of this section according to the race 10785  
and socioeconomic status of the students assessed. 10786

(Q) If the department cannot compile any of the 10787  
information required by division (I) of section 3302.03 of the 10788  
Revised Code based upon the data collected under this section, 10789  
the department shall develop a plan and a reasonable timeline 10790  
for the collection of any data necessary to comply with that 10791  
division. 10792

**Sec. 3301.0715.** (A) Except as required under division (B) 10793  
(1) of section 3313.608 or as specified in division (D) (3) of 10794

section 3301.079 of the Revised Code, the board of education of 10795  
each city, local, and exempted village school district shall 10796  
administer each applicable diagnostic assessment developed and 10797  
provided to the district in accordance with section 3301.079 of 10798  
the Revised Code to the following: 10799

(1) Any student who transfers into the district or to a 10800  
different school within the district if each applicable 10801  
diagnostic assessment was not administered by the district or 10802  
school the student previously attended in the current school 10803  
year, within thirty days after the date of transfer. If the 10804  
district or school into which the student transfers cannot 10805  
determine whether the student has taken any applicable 10806  
diagnostic assessment in the current school year, the district 10807  
or school may administer the diagnostic assessment to the 10808  
student. However, if a student transfers into the district prior 10809  
to the administration of the diagnostic assessments to all 10810  
students under division (B) of this section, the district may 10811  
administer the diagnostic assessments to that student on the 10812  
date or dates determined under that division. 10813

(2) Each kindergarten student, not earlier than the first 10814  
day of July of the school year and not later than the twentieth 10815  
day of instruction of that school year. 10816

For the purpose of division (A) (2) of this section, the 10817  
district shall administer the kindergarten readiness assessment 10818  
provided by the department of education and workforce. In no 10819  
case shall the results of the readiness assessment be used to 10820  
prohibit a student from enrolling in kindergarten. 10821

(3) Each student enrolled in first, second, or third 10822  
grade. 10823

Division (A) of this section does not apply to students 10824  
with significant cognitive disabilities, as defined by the 10825  
~~department of education.~~ 10826

(B) Each district board shall administer each diagnostic 10827  
assessment when the board deems appropriate, provided the 10828  
administration complies with section 3313.608 of the Revised 10829  
Code. However, the board shall administer any diagnostic 10830  
assessment at least once annually to all students in the 10831  
appropriate grade level. A district board may administer any 10832  
diagnostic assessment in the fall and spring of a school year to 10833  
measure the amount of academic growth attributable to the 10834  
instruction received by students during that school year. 10835

(C) A district may use different diagnostic assessments 10836  
from those adopted under division (D) of section 3301.079 of the 10837  
Revised Code in order to satisfy the requirements of division 10838  
(A) (3) of this section if the district meets either of the 10839  
following conditions for the immediately preceding school year: 10840

(1) The district received a grade of "A" or "B" for the 10841  
performance index score under division (C) (1) (b) of section 10842  
3302.03 of the Revised Code or for the value-added progress 10843  
dimension under division (C) (1) (e) of that section. 10844

(2) The district received a performance rating of four 10845  
stars or higher for achievement under division (D) (3) (b) of 10846  
section 3302.03 of the Revised Code or for progress under 10847  
division (D) (3) (c) of that section. 10848

(D) Each district board shall utilize and score any 10849  
diagnostic assessment administered under division (A) of this 10850  
section in accordance with rules established by the department. 10851  
After the administration of any diagnostic assessment, each 10852

district shall provide a student's completed diagnostic 10853  
assessment, the results of such assessment, and any other 10854  
accompanying documents used during the administration of the 10855  
assessment to the parent of that student, and shall include all 10856  
such documents and information in any plan developed for the 10857  
student under division (C) of section 3313.608 of the Revised 10858  
Code. Each district shall submit to the department, in the 10859  
manner the department prescribes, the results of the diagnostic 10860  
assessments administered under this section, regardless of the 10861  
type of assessment used under section 3313.608 of the Revised 10862  
Code. The department may issue reports with respect to the data 10863  
collected. The department may report school and district level 10864  
kindergarten diagnostic assessment data and use diagnostic 10865  
assessment data to calculate the measures prescribed by 10866  
divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of section 3302.03 10867  
of the Revised Code and the data reported under division (D) (2) 10868  
(e) of that section. 10869

(E) Each district board shall provide intervention 10870  
services to students whose diagnostic assessments show that they 10871  
are failing to make satisfactory progress toward attaining the 10872  
academic standards for their grade level. 10873

(F) ~~Beginning in the 2018-2019 school year, any~~ Any 10874  
chartered nonpublic school may elect to administer the 10875  
kindergarten readiness assessment to all kindergarten students 10876  
enrolled in the school. If the school so elects, the chief 10877  
administrator of the school shall notify the ~~superintendent of~~ 10878  
~~public instruction~~ department not later than the thirty-first 10879  
day of March prior to any school year in which the school will 10880  
administer the assessment. The department shall furnish the 10881  
assessment to the school at no cost to the school. In 10882  
administering the assessment, the school shall do all of the 10883

following: 10884

(1) Enter into a written agreement with the department 10885  
specifying that the school will share each participating 10886  
student's assessment data with the department and, that for the 10887  
purpose of reporting the data to the department, each 10888  
participating student will be assigned a data verification code 10889  
as described in division (D) (2) of section 3301.0714 of the 10890  
Revised Code; 10891

(2) Require the assessment to be administered by a teacher 10892  
certified under section 3301.071 of the Revised Code who either 10893  
has completed training on administering the kindergarten 10894  
readiness assessment provided by the department or has been 10895  
trained by another person who has completed such training; 10896

(3) Administer the assessment in the same manner as school 10897  
districts are required to do under this section and the rules 10898  
established under division (D) of this section. 10899

(G) ~~Beginning in the 2019-2020 school year, a~~ A school 10900  
district in which less than eighty per cent of its students 10901  
score at the proficient level or higher on the third-grade 10902  
English language arts assessment prescribed under section 10903  
3301.0710 of the Revised Code shall establish a reading 10904  
improvement plan supported by reading specialists. Prior to 10905  
implementation, the plan shall be approved by the school 10906  
district board of education. 10907

**Sec. 3301.0716.** Notwithstanding division (D) of section 10908  
3301.0714 of the Revised Code, the department of education and 10909  
workforce may have access to personally identifiable information 10910  
about any student under the following circumstances: 10911

(A) An entity with which the department contracts for the 10912

scoring of assessments administered under section 3301.0711 or 10913  
3301.0712 of the Revised Code has notified the department that 10914  
the student's written response to a question on an assessment 10915  
included threats or descriptions of harm to another person or 10916  
the student's self and the information is necessary to enable 10917  
the department to identify the student for purposes of notifying 10918  
the school district or school in which the student is enrolled 10919  
of the potential for harm. 10920

(B) The department requests the information to respond to 10921  
an appeal from a school district or school for verification of 10922  
the accuracy of the student's score on an assessment 10923  
administered under section 3301.0711 or 3301.0712 of the Revised 10924  
Code. 10925

(C) The department requests the information to determine 10926  
whether the student satisfies the alternative conditions for a 10927  
high school diploma prescribed in section 3313.615 of the 10928  
Revised Code. 10929

**Sec. 3301.0717.** In addition to the duties imposed on it by 10930  
law, the ~~state board~~ department of education and workforce shall 10931  
establish and submit to the governor and the general assembly a 10932  
clear and measurable set of goals with specific timetables for 10933  
their achievement. The goals shall be established for programs 10934  
designed to accomplish: 10935

(A) A reduction in rates of retention in grade; 10936

(B) Reductions in the need for remedial courses; 10937

(C) Reductions in the student dropout rate; 10938

(D) Improvements in scores on standardized tests; 10939

(E) Increases in satisfactory completion of high school 10940

achievement tests; 10941

(F) Increases in American college test scores; 10942

(G) Increases in the rate of college entry; 10943

(H) Reductions in the need for remedial courses for first-year college students. 10944  
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In July of each odd-numbered year, ~~the state board of~~ education department shall submit a report on progress made toward these goals to the governor and the general assembly. 10946  
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**Sec. 3301.0718.** ~~The state board~~ department of education and workforce 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. 10949  
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**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. 10959  
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(B) ~~the state board~~ The department of education and workforce shall adopt standards for business education in grades seven through twelve. The standards shall incorporate existing business education standards as appropriate to help guide instruction in the state's schools. The department shall provide the standards, and any revisions of the standards, to all school districts, community schools established under Chapter 3314. of 10963  
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the Revised Code, and STEM schools established under Chapter 10970  
3326. of the Revised Code. Any school district, community school 10971  
or STEM school may utilize the standards. Standards adopted 10972  
under this division shall supplement, and not supersede, 10973  
academic content standards adopted under section 3301.079 of the 10974  
Revised Code. 10975

**Sec. 3301.0720.** ~~The state board~~ department of education 10976  
and workforce shall recommend all of the following to school 10977  
districts in connection with the teaching of secondary school 10978  
sciences: 10979

(A) A suggested curriculum for the teaching of chemistry, 10980  
physics, biology, and whatever additional sciences the ~~state~~ 10981  
~~board~~ department may select; 10982

(B) Lists of minimum supplies and equipment necessary for 10983  
the teaching of each science for which a curriculum is suggested 10984  
under division (A) of this section, with special emphasis on 10985  
recommended safety equipment; 10986

(C) Acquisition and replacement schedules for the supplies 10987  
and equipment listed under division (B) of this section. The 10988  
schedules shall ensure availability of at least minimum 10989  
inventories in every high school. 10990

(D) Suggested safety procedures, including all of the 10991  
following: 10992

(1) Training for students and teachers in the safe 10993  
handling and use of hazardous and potentially hazardous 10994  
materials and equipment; 10995

(2) Methods of safely storing and disposing of hazardous 10996  
and potentially hazardous materials; 10997

(3) Provisions for a biennial assessment of each high school's safety equipment and procedures by someone other than the school personnel directly responsible for them, and recommended procedures for making the results of any assessment available to the public.

**Sec. 3301.0721.** (A) ~~The superintendent of public instruction~~ department of education and workforce shall develop a model curriculum for instruction in college and career readiness and financial literacy. The curriculum shall focus on grades seven through twelve, but ~~the superintendent~~ may include other grade levels. When the model curriculum has been developed, the ~~department of education~~ shall notify all school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code of the content of the curriculum. Any district or school may utilize the model curriculum.

(B) ~~The state board of education~~ director of education and workforce, in collaboration with the director of public safety, shall develop a model curriculum for instruction in grades nine through twelve on proper interactions with peace officers during traffic stops and other in-person encounters with peace officers. In developing the curriculum under division (B) of this section, ~~the state board and the director~~ directors may consult with any interested party, including a volunteer work group convened for the purpose of making recommendations regarding the instruction. Before finalizing any curriculum under division (B) of this section, ~~the state board and the director~~ directors shall provide a reasonable period for public comment. The curriculum shall include both of the following:

(1) Information regarding all of the following:

(a) A person's rights during an interaction with a peace officer;	11028 11029
(b) Proper actions for interacting with a peace officer;	11030
(c) Which individuals are considered peace officers, and their duties and responsibilities;	11031 11032
(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.	11033 11034 11035 11036
(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.	11037 11038 11039 11040
As used in this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code.	11041 11042
<b>Sec. 3301.0723.</b> (A) The independent contractor engaged by the department of education <u>and workforce</u> to create and maintain for school districts and community schools the student data verification codes required by division (D) (2) of section 3301.0714 of the Revised Code, upon request of the director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall assign a data verification code to a child who is receiving such services and shall provide that code to the director. The contractor also shall provide that code to the department of education <u>and workforce</u> .	11043 11044 11045 11046 11047 11048 11049 11050 11051 11052 11053 11054 11055 11056

(B) The director of a state agency that receives a child's data verification code under division (A) of this section shall use that code to submit information for that child to the department of education and workforce in accordance with section 3301.0714 of the Revised Code.

(C) A public school that receives from the independent contractor the data verification code for a child assigned under division (A) of this section shall not request or assign to that child another data verification code under division (D) (2) of section 3301.0714 of the Revised Code. That school and any other public school in which the child subsequently enrolls shall use the data verification code assigned under division (A) of this section to report data relative to that student required under section 3301.0714 of the Revised Code.

**Sec. 3301.0725.** A school district may employ certificated instructional personnel for hours outside of the normal school day for the purpose of providing extended programming. Extended programming, as defined by rule of the ~~state board~~ department of education and workforce, shall be based upon learner needs and, if applicable, business and industry validated standards and competencies and shall enhance student learning opportunities. Extended programming shall be subject to the requirements of sections 3313.6018 and 3313.6019 of the Revised Code.

No rule of the ~~state board~~ department shall require extended programming employment of certificated instructional personnel as a condition of eligibility for funding under any other section of the Revised Code.

**Sec. 3301.0726.** (A) The department of education and workforce shall develop a packet of high school instructional materials on personal financial responsibility, including

instructional materials on the avoidance of credit card abuse, 11087  
and shall distribute that packet to all school districts. The 11088  
board of education of any school district may adopt part or all 11089  
of the materials included in the packet for incorporation into 11090  
the district's curriculum. 11091

(B) The ~~department of education~~ shall include supplemental 11092  
instructional materials on the development of handwriting as a 11093  
universal skill in the English language arts model curriculum 11094  
under division (B) of section 3301.079 of the Revised Code for 11095  
grades kindergarten through five. The instructional materials 11096  
shall be designed to enable students to print letters and words 11097  
legibly by grade three and create readable documents using 11098  
legible cursive handwriting by the end of grade five. The 11099  
instructional materials shall be included in the model 11100  
curriculum not later than ~~the first day of July that next~~ 11101  
~~succeeds the effective date of this amendment~~ July 1, 2019, and, 11102  
thereafter, shall periodically be updated. 11103

**Sec. 3301.0728.** Notwithstanding anything in the Revised 11104  
Code to the contrary, a student may retake any end-of-course 11105  
examination prescribed under division (B) (2) of section 11106  
3301.0712 of the Revised Code during the student's academic 11107  
career at a time designated by the department of education and 11108  
workforce. If, for any reason, a student does not take an end- 11109  
of-course examination on the scheduled administration date, the 11110  
~~department of education~~ shall make available to the student the 11111  
examination for which the student was absent, or a substantially 11112  
similar examination as determined by the department, so that the 11113  
student may take the examination or a substantially similar 11114  
examination at a later time in the student's academic career. 11115  
~~The state board of education~~ department shall adopt rules in 11116  
accordance with Chapter 119. of the Revised Code to implement 11117

the provisions of this section. 11118

**Sec. 3301.0730.** (A) As used in this section: 11119

(1) "Education management information system" means the 11120  
integrated system of statewide data collecting, reporting, and 11121  
compiling for school districts and schools prescribed under 11122  
section 3301.0714 of the Revised Code. 11123

(2) "EMIS guidelines" means any guidance issued by the 11124  
department of education and workforce containing the student, 11125  
staff, and financial information to be collected and reported, 11126  
along with data-element definitions, procedures, and guidelines 11127  
necessary to implement the education management information 11128  
system. 11129

(B) ~~Not later than June 1, 2021, the~~ The department shall 11130  
develop a procedure that permits users of the education 11131  
management information system to review and provide comment on 11132  
new or updated EMIS guidelines. The procedure shall satisfy all 11133  
of the following conditions: 11134

(1) The department shall post a copy of the proposed new 11135  
or updated EMIS guidelines on the department's web site. The 11136  
department shall solicit comment from EMIS users on the proposed 11137  
guidelines for thirty consecutive days. 11138

(2) The department shall respond to comments provided by 11139  
users and may revise the proposed new or updated EMIS guidelines 11140  
based on comments provided by users within thirty consecutive 11141  
days after the comment period closes. 11142

(3) The department shall post the final new or updated 11143  
EMIS guidelines on its web site at the end of the response 11144  
period for thirty consecutive days for a final review by EMIS 11145  
users. The new or updated guidelines shall take effect after 11146

that period ends. 11147

(C) Except as provided in division (D) of this section, if 11148  
the department develops new or updated EMIS guidelines to 11149  
implement a program, initiative, or policy, the department shall 11150  
use the procedures prescribed under division (B) of this 11151  
section. ~~For any such new or updated guidelines proposed to be~~ 11152  
~~effective for the 2021-2022 school year, the department shall~~ 11153  
~~initiate the procedures not later than June 15, 2021. For any~~ 11154  
~~such new or updated guidelines proposed to be effective for a~~ 11155  
~~subsequent school year, the~~ The department shall initiate the 11156  
procedures not later than the fifteenth day of May immediately 11157  
prior to the beginning of ~~that~~ the school year for which the new 11158  
or updated EMIS guidelines will be effective. 11159

(D) On and after June 1, 2021, the department shall use 11160  
the procedure prescribed under division (B) of this section for 11161  
any new or updated EMIS guidelines developed by the department 11162  
for the purposes of implementing any of the following: 11163

(1) A newly enacted state or federal law; 11164

(2) A new or updated federal rule; 11165

(3) A rule ~~or resolution~~ adopted by the ~~state board of~~ 11166  
~~education~~ department. 11167

(E) The department shall not be required to use the 11168  
procedure prescribed under division (B) of this section when 11169  
issuing any of the following: 11170

(1) Updated EMIS guidelines to address issues that are not 11171  
substantive, such as correcting grammatical errors; 11172

(2) Updated EMIS guidelines to address unforeseen 11173  
technical errors; 11174

(3) Supplemental documents regarding EMIS guidelines and the education management information system, including documents that do any of the following:	11175 11176 11177
(a) Clarify the implementation of EMIS guidelines;	11178
(b) Answer questions submitted by users of the education management system;	11179 11180
(c) Provide training regarding the education management information system.	11181 11182
(F) Additionally, the department shall establish both of the following:	11183 11184
(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;	11185 11186 11187 11188 11189
(2) Uniform training programs for all personnel employed by the department to administer the education management information system.	11190 11191 11192
<u>Sec. 3301.0731. The minimum education standards prescribed by the director of education and workforce for nonchartered nonpublic schools under section 3301.07 of the Revised Code shall comply with this section.</u>	11193 11194 11195 11196
<u>(A) A nonchartered nonpublic school that is not seeking a charter from the department of education and workforce because of truly held religious beliefs shall annually certify in a report to the parents of its pupils that the school meets minimum education standards for nonchartered nonpublic schools as described in this section. A copy of the report shall be</u>	11197 11198 11199 11200 11201 11202

filed with the department of education and workforce on or 11203  
before the thirtieth day of September of each year. 11204

(B) A nonchartered nonpublic school shall be open for 11205  
instruction with pupils in attendance for not less than four 11206  
hundred fifty-five hours in the case of pupils in kindergarten 11207  
unless such pupils are provided all-day kindergarten, in which 11208  
case the pupils shall be in attendance for nine hundred ten 11209  
hours; nine hundred ten hours in the case of pupils in grades 11210  
one through six; and one thousand one hours in the case of 11211  
pupils in grades seven through twelve in each school year. 11212

(C) The parents of a child enrolled in a nonchartered 11213  
nonpublic school shall be responsible for reporting their 11214  
child's enrollment or withdrawal from that school to the 11215  
treasurer of the board of education of the city, exempted 11216  
village, or local school district in which the pupil resides. 11217  
Pupil attendance is reported for the purposes of facilitating 11218  
the administration of laws relating to compulsory education and 11219  
the employment of minors. An individual in charge of the 11220  
nonchartered nonpublic school may, as a matter of convenience, 11221  
provide the report to the treasurer on behalf of the parents. 11222

The attendance report shall include the name, age, and 11223  
place of residence of each pupil below eighteen years of age. 11224  
The report shall be made within the first two weeks of the 11225  
beginning of each school year. In the case of pupil withdrawal 11226  
or entrance during the school year, notice shall be given to the 11227  
treasurer of the appropriate board of education within the first 11228  
week of the next school month. 11229

(D) Teachers and administrators at nonchartered nonpublic 11230  
schools shall hold at least a bachelor's degree, or the 11231  
equivalent, from a recognized college or university. 11232

<u>(E) The curriculum of each nonchartered nonpublic school</u>	11233
<u>shall include the study of the following subjects:</u>	11234
<u>(1) Language arts;</u>	11235
<u>(2) Geography, the history of the United States and Ohio,</u>	11236
<u>and national, state, and local government;</u>	11237
<u>(3) Mathematics;</u>	11238
<u>(4) Science;</u>	11239
<u>(5) Health;</u>	11240
<u>(6) Physical education;</u>	11241
<u>(7) The fine arts, including music;</u>	11242
<u>(8) First aid, safety, and fire prevention;</u>	11243
<u>(9) Other subjects as prescribed by the nonchartered</u>	11244
<u>nonpublic school.</u>	11245
<u>(F) Each nonchartered nonpublic school shall follow</u>	11246
<u>regular procedures for promotion from grade to grade for pupils</u>	11247
<u>who have met the school's educational requirements.</u>	11248
<u>(G) Each nonchartered nonpublic school shall comply with</u>	11249
<u>all applicable health, fire, and safety laws.</u>	11250
<u>(H) Pupils attending a nonchartered nonpublic school shall</u>	11251
<u>not be entitled to pupil transportation or auxiliary services. A</u>	11252
<u>nonchartered nonpublic school is not entitled to reimbursement</u>	11253
<u>for administrative costs.</u>	11254
<b>Sec. 3301.10.</b> <del>The superintendent of public instruction</del>	11255
<u>director of education and workforce shall be a member of the</u>	11256
board of trustees of the Ohio history connection, in addition to	11257
the members constituting such board.	11258

**Sec. 3301.11.** The superintendent of public instruction 11259  
shall be the executive and administrative officer of the state 11260  
board of education in its administration of all educational 11261  
matters and functions placed under its management and control. 11262  
~~He~~ The superintendent shall execute, under the direction of the 11263  
state board of education, the educational policies, orders, 11264  
directives, and administrative functions of the board, ~~and shall~~ 11265  
~~direct, under rules and regulations adopted by the board, the~~ 11266  
~~work of all persons employed in the state department of~~ 11267  
~~education.~~ 11268

Upon the request of the state board of education, the 11269  
superintendent of public instruction shall report to the board 11270  
on any matter. 11271

**Sec. 3301.111.** (A) The state board of education is 11272  
responsible for the adoption of requirements for educator 11273  
licensure, licensee disciplinary actions, school district 11274  
territory transfer determinations, and such other powers and 11275  
duties expressly prescribed for the state board under the law, 11276  
including in sections 3301.071, 3301.074, 3301.28, 3302.151, 11277  
3314.40, 3326.24, 3328.19, and Chapters 3311. and 3319. of the 11278  
Revised Code. In exercising any of its powers or duties, 11279  
including adopting rules prescribing license requirements, the 11280  
state board is subject to Chapter 119. of the Revised Code. 11281

(B) The state board shall make recommendations to the 11282  
director of education and workforce regarding priorities for 11283  
primary and secondary education. The state board may request the 11284  
assistance of the department of education and workforce in 11285  
exercising the state board's powers and duties. To the extent 11286  
the director determines such assistance necessary and 11287  
practicable, the department shall provide the requested 11288

assistance. 11289

(C) The state board shall appoint the superintendent of 11290  
public instruction in accordance with Ohio Constitution, Article 11291  
VI, Section 4 and section 3301.08 of the Revised Code. The state 11292  
superintendent shall be the secretary of the state board and its 11293  
executive officer in accordance with sections 3301.09 and 11294  
3301.11 of the Revised Code. The state superintendent may serve 11295  
as an advisor to the director. 11296

(D) The state board shall employ such personnel as it 11297  
determines necessary to carry out its duties and powers. Subject 11298  
to the state board's policies, rules, and regulations, the state 11299  
superintendent shall exercise general supervision of the state 11300  
board's employees, as prescribed in section 3301.11 of the 11301  
Revised Code, and may appoint, fix the salary, and terminate the 11302  
employment of such employees. 11303

(E) The state board is subject to all provisions of law 11304  
pertaining to departments, offices, or institutions established 11305  
for the exercise of any function of the state government, except 11306  
that it is not one of the departments provided for under 11307  
division (A) of section 121.01 of the Revised Code. 11308

(F) The headquarters of the state board shall be at the 11309  
seat of government, where office space suitable and adequate for 11310  
the work of the state board shall be provided by the appropriate 11311  
state agency. There the state board shall meet and transact its 11312  
business, unless the state board chooses to meet elsewhere in 11313  
Ohio as provided by section 3301.04 of the Revised Code. There 11314  
the records of the state board and the records, papers, and 11315  
documents belonging to the state board shall be kept in charge 11316  
of the state superintendent. 11317

**Sec. 3301.12.** (A) ~~The superintendent of public instruction-~~ 11318  
director of education and workforce, in addition to the 11319  
authority otherwise imposed on the ~~superintendent~~ director, 11320  
shall perform the following duties: 11321

(1) ~~The superintendent shall provide~~ Provide technical and 11322  
professional assistance and advice to all school districts in 11323  
reference to all aspects of education, including finance, 11324  
buildings and equipment, administration, organization of school 11325  
districts, curriculum and instruction, transportation of pupils, 11326  
personnel problems, and the interpretation of school laws and 11327  
state regulations. 11328

(2) ~~The superintendent shall prescribe~~ Prescribe and 11329  
require the preparation and filing of such financial and other 11330  
reports from school districts, officers, and employees as are 11331  
necessary or proper. ~~The superintendent~~ director shall prescribe 11332  
and require the installation by school districts of such 11333  
standardized reporting forms and accounting procedures as are 11334  
essential to the businesslike operations of the public schools 11335  
of the state. 11336

(3) ~~The superintendent shall conduct~~ Conduct such studies 11337  
and research projects as are necessary or desirable for the 11338  
improvement of public school education in Ohio, ~~and such as may~~ 11339  
~~be assigned to the superintendent by the state board of~~ 11340  
~~education.~~ Such studies and projects may include analysis of 11341  
data contained in the education management information system 11342  
established under section 3301.0714 of the Revised Code. For any 11343  
study or project that requires the analysis of individual 11344  
student data, the department of education and workforce or any 11345  
entity with which the ~~superintendent~~ director or department 11346  
contracts to conduct the study or project shall maintain the 11347

confidentiality of student data at all times. For this purpose, 11348  
the department or contracting entity shall use the data 11349  
verification code assigned pursuant to division (D) (2) of 11350  
section 3301.0714 of the Revised Code for each student whose 11351  
data is analyzed. Except as otherwise provided in division (D) 11352  
(1) of section 3301.0714 of the Revised Code, at no time shall 11353  
the ~~superintendent~~director, the department, the state board of 11354  
education, or any entity conducting a study or research project 11355  
on the ~~superintendent's~~director's behalf have access to a 11356  
student's name, address, or social security number while 11357  
analyzing individual student data. 11358

(4) ~~The superintendent shall prepare~~ Prepare and submit 11359  
annually ~~to the state board of education~~ a report of the 11360  
activities of the department ~~of education~~ and the status, 11361  
problems, and needs of education in the state ~~of Ohio.~~; 11362

(5) ~~The superintendent shall supervise~~ Supervise all 11363  
agencies over which the ~~board~~ department exercises 11364  
administrative control, including schools for education of 11365  
persons with disabilities. 11366

(6) In accordance with section 3333.048 of the Revised 11367  
Code, the ~~superintendent, director,~~ jointly with the chancellor 11368  
of ~~the Ohio board of regents,~~ higher education, shall establish 11369  
metrics and courses of study for institutions of higher 11370  
education that prepare educators and other school personnel and 11371  
shall provide for inspection of those institutions. 11372

(B) ~~The superintendent of public instruction~~ director may 11373  
annually inspect and analyze the expenditures of each school 11374  
district and make a determination as to the efficiency of each 11375  
district's costs, relative to other school districts in the 11376  
state, for instructional, administrative, and student support 11377

services. The ~~superintendent~~ director shall notify each school 11378  
district as to the nature of, and reasons for, the 11379  
determination. The ~~state board of education~~ director shall adopt 11380  
rules in accordance with Chapter 119. of the Revised Code 11381  
setting forth the procedures and standards for the performance 11382  
of the inspection and analysis. 11383

**Sec. 3301.121.** (A) In addition to the duties and 11384  
responsibilities of the ~~superintendent of public instruction~~ 11385  
director of education and workforce set forth in section 3301.12 11386  
of the Revised Code, the ~~superintendent~~ director, in accordance 11387  
with this section and section 3313.662 of the Revised Code, 11388  
shall conduct an adjudication procedure to determine whether to 11389  
permanently exclude from attending any of the public schools of 11390  
this state any pupil who is the subject of a resolution 11391  
forwarded to the ~~superintendent~~ director by a board of education 11392  
pursuant to division (D) of section 3313.662 of the Revised 11393  
Code. 11394

(B) (1) Except as provided in division (B) (3) of this 11395  
section, within fourteen days after receipt of a resolution 11396  
forwarded by a board of education pursuant to division (D) of 11397  
section 3313.662 of the Revised Code, the ~~superintendent of~~ 11398  
~~public instruction~~ director or the ~~superintendent's~~ director's 11399  
designee shall provide the pupil who is the subject of the 11400  
resolution and that pupil's parent, guardian, or custodian with 11401  
a notice of an opportunity for an adjudication hearing on the 11402  
proposed permanent exclusion of the pupil from attending any of 11403  
the public schools of this state. The notice shall include all 11404  
of the following: 11405

(a) The date, time, and place of the permanent exclusion 11406  
adjudication hearing; 11407

(b) A statement informing the pupil and the pupil's parent, guardian, or custodian that the pupil may attend the adjudication hearing at the date, time, and place set forth in the notice, that the failure of the pupil or the pupil's parent, guardian, or custodian to attend the adjudication hearing will result in a waiver of the pupil's right to present evidence, testimony, and factors in mitigation of the pupil's permanent exclusion at an adjudication hearing on the proposed permanent exclusion, and that the pupil shall be accorded all of the following rights:

(i) The right to testify, to present evidence and the testimony of witnesses, and to confront, cross-examine, and compel the attendance of witnesses;

(ii) The right to a record of the hearing;

(iii) The right to written findings.

(c) A statement informing the pupil and the pupil's parent, guardian, or custodian that the pupil has the right to be represented by counsel at the adjudication hearing.

(d) A statement informing the pupil and the pupil's parent, guardian, or custodian that, if the pupil by failing to attend the hearing waives the pupil's right to present evidence, testimony, and factors in mitigation of the pupil's permanent exclusion at an adjudication hearing on the proposed permanent exclusion, the ~~superintendent~~ director is required to review the information relevant to the permanent exclusion that is available to the ~~superintendent~~ director and is permitted to enter an order requiring the pupil's permanent exclusion from attending any of the public schools of this state at any time within seven days after the conclusion of the adjudication

hearing. 11437

(2) The ~~superintendent~~ director or the ~~superintendent's~~ director's designee shall provide the notice required by division (B) (1) of this section to the pupil and to the pupil's parent, guardian, or custodian by certified mail or personal service. 11438  
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(3) (a) If a pupil who is the subject of a resolution forwarded to the ~~superintendent of public instruction~~ director by a board of education pursuant to section 3313.662 of the Revised Code is in the custody of the department of youth services pursuant to a disposition under any provision of Chapter 2152. of the Revised Code, other than division (A) (1) (a) of section 2152.16 of the Revised Code, at the time the resolution is forwarded, the department shall notify in writing the ~~superintendent of public instruction~~ director and the board of education that forwarded the resolution of that fact. Upon receipt of the notice, the ~~superintendent~~ director shall delay providing the notice required by division (B) (1) of this section and the adjudication of the request for permanent exclusion until the ~~superintendent~~ director receives further notice from the department pursuant to division (B) (3) (b) of this section. 11443  
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(b) At least sixty days before a pupil described in division (B) (3) (a) of this section will be released from institutionalization or institutionalization in a secure facility by the department of youth services, the department shall notify in writing the ~~superintendent of public instruction~~ director and the board of education that forwarded the resolution pursuant to section 3313.662 of the Revised Code of the impending release and shall provide in that notice information regarding the extent of the education the pupil 11458  
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received while in the custody of the department, including 11467  
whether the pupil has obtained a certificate of high school 11468  
equivalence. 11469

If the pupil has not obtained a certificate of high school 11470  
equivalence while in the custody of the department of youth 11471  
services, the ~~superintendent of public instruction~~ director 11472  
shall provide the notice required by division (B) (1) of this 11473  
section and, at least thirty days before the pupil is to be 11474  
released from institutionalization or institutionalization in a 11475  
secure facility, conduct an adjudication procedure to determine 11476  
whether to permanently exclude the pupil from attending the 11477  
public schools of this state in accordance with this section. If 11478  
the pupil has obtained a certificate of high school equivalence 11479  
while in the custody of the department, the ~~superintendent~~ 11480  
director, in the ~~superintendent's~~ director's discretion, may 11481  
conduct the adjudication. 11482

(C) (1) Except as provided in division (B) (3) of this 11483  
section, the date of the adjudication hearing set forth in the 11484  
notice required by division (B) (1) of this section shall be a 11485  
date no less than fourteen days nor more than twenty-one days 11486  
from the date the ~~superintendent~~ director sends the notice by 11487  
certified mail or initiates personal service of the notice. 11488

(2) The ~~superintendent~~ director, for good cause shown on 11489  
the written request of the pupil or the pupil's parent, 11490  
guardian, or custodian, or on the ~~superintendent's~~ director's 11491  
own motion, may grant reasonable continuances of any 11492  
adjudication hearing held under this section but shall not grant 11493  
either party total continuances in excess of ten days. 11494

(3) If a pupil or the pupil's parent, guardian, or 11495  
custodian does not appear at the adjudication hearing on a 11496

proposed permanent exclusion, the ~~superintendent~~ director or the 11497  
referee appointed by the ~~superintendent~~ director shall proceed 11498  
to conduct an adjudication hearing on the proposed permanent 11499  
exclusion on the date for the adjudication hearing that is set 11500  
forth in the notice provided pursuant to division (B) (1) of this 11501  
section or on the date to which the hearing was continued 11502  
pursuant to division (C) (2) of this section. 11503

(D) (1) The ~~superintendent~~ director or a referee appointed 11504  
by the ~~superintendent~~ director may conduct an adjudication 11505  
hearing to determine whether to permanently exclude a pupil in 11506  
one of the following counties: 11507

(a) The county in which the ~~superintendent~~ director holds 11508  
the ~~superintendent's~~ director's office; 11509

(b) Upon the request of the pupil or the pupil's parent, 11510  
guardian, custodian, or attorney, in the county in which the 11511  
board of education that forwarded the resolution requesting the 11512  
permanent exclusion is located if the ~~superintendent~~ director, 11513  
in the ~~superintendent's~~ director's discretion and upon 11514  
consideration of evidence of hardship presented on behalf of the 11515  
requesting pupil, determines that the hearing should be 11516  
conducted in that county. 11517

(2) The ~~superintendent of public instruction~~ director or a 11518  
referee appointed by the ~~superintendent~~ director shall conduct 11519  
an adjudication hearing on a proposed permanent exclusion of a 11520  
pupil. The referee may be an attorney admitted to the practice 11521  
of law in this state but shall not be an attorney that 11522  
represents the board of education that forwarded the resolution 11523  
requesting the permanent exclusion. 11524

(3) The ~~superintendent~~ director or referee who conducts an 11525

adjudication hearing under this section may administer oaths, 11526  
issue subpoenas to compel the attendance of witnesses and 11527  
evidence, and enforce the subpoenas by a contempt proceeding in 11528  
the court of common pleas as provided by law. The ~~superintendent~~ 11529  
director or referee may require the separation of witnesses and 11530  
may bar from the proceedings any person whose presence is not 11531  
essential to the proceedings. 11532

(4) The ~~superintendent of public instruction~~ director 11533  
shall request the department of rehabilitation and correction, 11534  
the sheriff, the department of youth services, or any publicly 11535  
funded out-of-home care entity that has legal custody of a pupil 11536  
who is the subject of an adjudication hearing held pursuant to 11537  
this section to transport the pupil to the place of the 11538  
adjudication hearing at the time and date set for the hearing. 11539  
The department, sheriff, or publicly funded out-of-home care 11540  
entity that receives the request shall provide transportation 11541  
for the pupil who is the subject of the adjudication hearing to 11542  
the place of the hearing at the time and date set for the 11543  
hearing. The department, sheriff, or entity shall pay the cost 11544  
of transporting the pupil to and from the hearing. 11545

(E) (1) An adjudication hearing held pursuant to this 11546  
section shall be adversary in nature, shall be conducted fairly 11547  
and impartially, and may be conducted without the formalities of 11548  
a criminal proceeding. A pupil whose permanent exclusion is 11549  
being adjudicated has the right to be represented by counsel at 11550  
the adjudication hearing. If the pupil has the financial 11551  
capacity to retain counsel, the ~~superintendent~~ director or the 11552  
referee is not required to provide counsel for the pupil. At the 11553  
adjudication hearing, the pupil also has the right to cross- 11554  
examine witnesses against the pupil, to testify, to present 11555  
evidence and the testimony of witnesses on the pupil's behalf, 11556

and to raise factors in mitigation of the pupil's being 11557  
permanently excluded. 11558

(2) In an adjudication hearing held pursuant to this 11559  
section and section 3313.662 of the Revised Code, a 11560  
representative of the school district of the board of education 11561  
that adopted and forwarded the resolution requesting the 11562  
permanent exclusion of the pupil shall present the case for 11563  
permanent exclusion to the ~~superintendent~~ director or the 11564  
referee. The representative of the school district may be an 11565  
attorney admitted to the practice of law in this state. At the 11566  
adjudication hearing, the representative of the school district 11567  
shall present evidence in support of the requested permanent 11568  
exclusion. The ~~superintendent~~ director or the ~~superintendent's~~ 11569  
director's designee shall consider the entire school record of 11570  
the pupil who is the subject of the adjudication and shall 11571  
consider any of the following information that is available: 11572

(a) The academic record of the pupil and a record of any 11573  
extracurricular activities in which the pupil previously was 11574  
involved; 11575

(b) The disciplinary record of the pupil and any available 11576  
records of the pupil's prior behavioral problems other than the 11577  
behavioral problems contained in the disciplinary record; 11578

(c) The social history of the pupil; 11579

(d) The pupil's response to the imposition of prior 11580  
discipline and sanctions imposed for behavioral problems; 11581

(e) Evidence regarding the seriousness of and any 11582  
aggravating factors related to the offense that is the basis of 11583  
the resolution seeking permanent exclusion; 11584

(f) Any mitigating circumstances surrounding the offense 11585

that gave rise to the request for permanent exclusion; 11586

(g) Evidence regarding the probable danger posed to the 11587  
health and safety of other pupils or of school employees by the 11588  
continued presence of the pupil in a public school setting; 11589

(h) Evidence regarding the probable disruption of the 11590  
teaching of any school district's graded course of study by the 11591  
continued presence of the pupil in a public school setting; 11592

(i) Evidence regarding the availability of alternative 11593  
sanctions of a less serious nature than permanent exclusion that 11594  
would enable the pupil to remain in a public school setting 11595  
without posing a significant danger to the health and safety of 11596  
other pupils or of school employees and without posing a threat 11597  
of the disruption of the teaching of any district's graded 11598  
course of study. 11599

(3) In any adjudication hearing conducted pursuant to this 11600  
section and section 3313.662 of the Revised Code, a court order 11601  
that proves the adjudication or conviction that is the basis for 11602  
the resolution of the board of education seeking permanent 11603  
exclusion is sufficient evidence to prove that the pupil 11604  
committed a violation as specified in division (F)(1) of this 11605  
section. 11606

(4) The ~~superintendent~~ director or the referee shall make 11607  
or cause to be made a record of any adjudication hearing 11608  
conducted pursuant to this section. 11609

(5) A referee who conducts an adjudication hearing 11610  
pursuant to this section shall promptly report the referee's 11611  
findings in writing to the ~~superintendent~~ director at the 11612  
conclusion of the adjudication hearing. 11613

(F) If an adjudication hearing is conducted or a 11614

determination is made pursuant to this section and section 11615  
3313.662 of the Revised Code, the ~~superintendent~~ director shall 11616  
review and consider the evidence presented, the entire school 11617  
record of the pupil, and any available information described in 11618  
divisions (E) (2) (a) to (i) of this section and shall not enter 11619  
an order of permanent exclusion unless the ~~superintendent~~ 11620  
director or the ~~superintendent's~~ appointed referee finds, by a 11621  
preponderance of the evidence, both of the following: 11622

(1) That the pupil was convicted of or adjudicated a 11623  
delinquent child for committing a violation listed in division 11624  
(A) of section 3313.662 of the Revised Code and that the 11625  
violation was committed when the child was sixteen years of age 11626  
or older; 11627

(2) That the pupil's continued attendance in the public 11628  
school system may endanger the health and safety of other pupils 11629  
or school employees. 11630

(G) (1) Within seven days after the conclusion of an 11631  
adjudication hearing that is conducted pursuant to this section, 11632  
the ~~superintendent of public instruction~~ director shall enter an 11633  
order in relation to the permanent exclusion of the pupil who is 11634  
the subject of the hearing or determination. 11635

(2) If the ~~superintendent~~ director or a referee makes the 11636  
findings described in divisions (F) (1) and (2) of this section, 11637  
the ~~superintendent~~ director shall issue a written order that 11638  
permanently excludes the pupil from attending any of the public 11639  
schools of this state and immediately shall send a written 11640  
notice of the order to the board of education that forwarded the 11641  
resolution, to the pupil who was the subject of the resolution, 11642  
to that pupil's parent, guardian, or custodian, and to that 11643  
pupil's attorney, that includes all of the following: 11644

- (a) A copy of the order of permanent exclusion; 11645
- (b) A statement informing the pupil and the pupil's 11646  
parent, guardian, or custodian of the pupil's right to appeal 11647  
the order of permanent exclusion pursuant to division (H) of 11648  
this section and of the possible revocation of the permanent 11649  
exclusion pursuant to division (I) of this section if a final 11650  
judicial determination reverses the conviction or adjudication 11651  
that was the basis for the permanent exclusion; 11652
- (c) A statement informing the pupil and the pupil's 11653  
parent, guardian, or custodian of the provisions of divisions 11654  
(F), (G), and (H) of section 3313.662 of the Revised Code. 11655
- (3) If the ~~superintendent~~ director or a referee does not 11656  
make the findings described in divisions (F) (1) and (2) of this 11657  
section, the ~~superintendent~~ director shall issue a written order 11658  
that rejects the resolution of the board of education and 11659  
immediately shall send written notice of that fact to the board 11660  
of education that forwarded the resolution, to the pupil who was 11661  
the subject of the proposed resolution, and to that pupil's 11662  
parent, guardian, or custodian. 11663
- (H) A pupil may appeal an order of permanent exclusion 11664  
made by the ~~superintendent of public instruction~~ director 11665  
pursuant to this section and section 3313.662 of the Revised 11666  
Code to the court of common pleas of the county in which the 11667  
board of education that forwarded the resolution requesting the 11668  
permanent exclusion is located. The appeal shall be conducted in 11669  
accordance with Chapter 2505. of the Revised Code. 11670
- (I) If a final judicial determination reverses the 11671  
conviction or adjudication that is the basis of a permanent 11672  
exclusion ordered under this section, the ~~superintendent of~~ 11673

~~public instruction director~~, upon receipt of a certified copy of 11674  
an order reflecting that final determination from the pupil or 11675  
that pupil's parent, guardian, custodian, or attorney, shall 11676  
revoke the order of permanent exclusion. 11677

(J) As used in this section: 11678

(1) "Permanently exclude" and "permanent exclusion" have 11679  
the same meanings as in section 3313.662 of the Revised Code. 11680

(2) "Out-of-home care" and "legal custody" have the same 11681  
meanings as in section 2151.011 of the Revised Code. 11682

(3) "Certificate of high school equivalence" has the same 11683  
meaning as in section 4109.06 of the Revised Code. 11684

**Sec. 3301.13.** (A) The department of education and 11685  
workforce is hereby created. The department shall be headed by 11686  
the director of education and workforce, who shall be appointed 11687  
by the governor with the advice and consent of the senate. 11688

(B) The department consists of the following divisions: 11689

(1) The division of primary and secondary education, which 11690  
shall be headed by a deputy director appointed by the director 11691  
with the advice and consent of the senate; 11692

(2) The division of career-technical education, which 11693  
shall be headed by a deputy director appointed by the director 11694  
with the advice and consent of the senate. 11695

The director shall appoint an individual with appropriate 11696  
educational, professional, or managerial experience, as 11697  
determined by the director, to be the deputy director of primary 11698  
and secondary education or career-technical education. 11699

(C) All powers and duties regarding primary, secondary, 11700

special, and career-technical education granted to the state 11701  
board, the state superintendent, or the former department of 11702  
education, as prescribed by law in effect prior to the effective 11703  
date of this section, except those prescribed for the state 11704  
board of education as described in section 3301.111 of the 11705  
Revised Code, are transferred to the director of education and 11706  
workforce, who may delegate those duties and powers to the 11707  
division of primary and secondary education or the division of 11708  
career-technical education as the director determines 11709  
appropriate. 11710

(D) The department of education and workforce is subject 11711  
to all provisions of law pertaining to departments, offices, or 11712  
institutions established for the exercise of any function of the 11713  
state government and is subject to Chapter 119. of the Revised 11714  
Code. The headquarters of the department of education and 11715  
workforce is at the seat of government, where office space 11716  
suitable and adequate for the work of the department shall be 11717  
provided by the appropriate state agency. 11718

(E) (1) The director is responsible for administrative 11719  
rules adopted by the department for the implementation of the 11720  
powers and duties of the department. The director's rulemaking 11721  
authority is limited to the director's or department's 11722  
statutorily prescribed powers and duties. 11723

(2) In accordance with section 106.042 of the Revised 11724  
Code, the general assembly, by adopting a concurrent resolution, 11725  
may rescind or invalidate any rule adopted by the director under 11726  
section 111.15 or Chapter 119. of the Revised Code. 11727

(F) Any policy adopted or guidance issued by the director 11728  
or the department that is not expressly authorized or required 11729  
by state or federal statute shall be advisory in nature. Any 11730

such policy or guidance is nonbinding on schools and educators 11731  
and does not have the force and effect of law. 11732

(G) The director shall employ such personnel as the 11733  
director determines necessary to carry out the duties and powers 11734  
of the department of education and workforce. 11735

(H) No individual shall hold the office of director of 11736  
education and workforce, deputy director of primary and 11737  
secondary education, or deputy director of career-technical 11738  
education without being appointed with the advice and consent of 11739  
the senate as described in this section, unless that individual 11740  
is serving as director or deputy director on an interim basis. 11741  
No individual shall serve as director or deputy director on an 11742  
interim basis for more than forty-five days. 11743

(I) The standing committee of the senate that considers 11744  
primary and secondary education legislation shall hold at least 11745  
one in-person hearing on the nomination of an individual to 11746  
serve as director of education and workforce, deputy director of 11747  
primary and secondary education, or deputy director of career- 11748  
technical education before the full senate holds a confirmation 11749  
vote on that nomination. 11750

**Sec. 3301.131.** The department of education and workforce 11751  
shall encourage, seek out, and publicize to the general public 11752  
and the school districts of this state, innovative and exemplary 11753  
school-parent and school-business partnerships. The board of 11754  
education of a district involved in such a partnership shall 11755  
cooperate with the department by providing information about the 11756  
partnership. As used in this section: 11757

(A) "School-parent partnership" means a program that 11758  
actively involves parents of students in the decision-making 11759

process of the school district or individual schools within the 11760  
district; 11761

(B) "School-business partnership" means a program in this 11762  
state in which businesses, labor organizations, associations, 11763  
foundations, or other persons, assist local schools in preparing 11764  
children for employment or higher education, and may include 11765  
programs involving work experience, mentoring, tutoring, 11766  
incentive grants, or the use of corporate facilities and 11767  
equipment. 11768

Sec. 3301.132. Not later than ninety days after the 11769  
effective date of this section, the director of education and 11770  
workforce shall amend or rescind any administrative rules 11771  
regarding home education and nonchartered nonpublic schools as 11772  
necessary to conform with sections 3301.0731 and 3321.042 of the 11773  
Revised Code as enacted by this act. Thereafter, neither the 11774  
director nor the department of education and workforce shall 11775  
prescribe or adopt any additional rules regarding home education 11776  
or nonchartered nonpublic schools. 11777

**Sec. 3301.133.** As used in this section, "form" means any 11778  
report, document, paper, computer software program, or other 11779  
instrument used in the management information system created by 11780  
section 3301.0714 of the Revised Code or used to gather required 11781  
or requested education data under division (I) of section 11782  
3301.07 of the Revised Code or any other provision of state or 11783  
federal statute or rule. 11784

(A) The organization of the department of education and 11785  
workforce shall include an identifiable organizational unit that 11786  
deals with the management of any education data that the 11787  
department gathers, processes, uses, or reports. The- 11788  
~~superintendent of public instruction~~ director of education and 11789

workforce shall assign employees to this unit or employ persons 11790  
for this unit who are trained and experienced in data management 11791  
and the design of forms and who understand the data needs of the 11792  
department ~~of education~~. The ~~superintendent~~ director shall 11793  
provide a sufficient number of such employees for the unit to 11794  
perform its duties in an effective and timely manner. 11795

(B) The unit established pursuant to division (A) of this 11796  
section shall: 11797

(1) Review each new form or modification of any existing 11798  
form that the ~~state board, the superintendent of public~~ 11799  
~~instruction, or the department of education~~ proposes to put into 11800  
use ~~on or after July 1, 1992~~. In conducting the review of any 11801  
form, the unit shall evaluate it utilizing at least the criteria 11802  
specified under division (C) of this section. The unit shall 11803  
report in writing to the ~~superintendent of public instruction~~ 11804  
director whether the form satisfies the criteria specified under 11805  
division (C) of this section, and if not, the reasons why it 11806  
does not. Each report shall include recommendations regarding 11807  
the simplification, consolidation, or elimination of the 11808  
proposed form or any other forms related to the proposed form 11809  
that would enable all the criteria specified under division (C) 11810  
of this section to be met. 11811

(2) Regularly contact and seek to work with other state 11812  
and federal agencies that collect and use education data for the 11813  
purpose of increasing the efficiency and coordination of data 11814  
collection; 11815

(3) Perform any other duties assigned by the- 11816  
~~superintendent of public instruction~~ director. 11817

(C) In conducting the review of any form pursuant to 11818

division (B) (1) of this section, the unit established under 11819  
division (A) of this section shall determine whether the 11820  
following criteria are satisfied: 11821

(1) Each data item on the form does not duplicate data 11822  
already submitted to the ~~state board, superintendent of public~~ 11823  
~~instruction, or~~ department of education. 11824

(2) The form cannot be consolidated with any other form 11825  
required by the ~~state board, superintendent, or~~ department. 11826

(3) The form is required to be submitted no more often 11827  
than necessary and no sooner than reasonably necessary prior to 11828  
the date on which the data reported on the form will be 11829  
initially used. 11830

(4) The stated purpose of the form cannot be met as part 11831  
of any other procedure, such as a verification or certification 11832  
procedure or other reporting procedure. 11833

(5) If the form or any data item on the form is attributed 11834  
to any requirement of state statute, federal statute or rule, or 11835  
any court, the form or data item is limited to the data that the 11836  
statute, rule, or court requires. 11837

(6) If the form or any data item on the form is attributed 11838  
to the requirements of any research or of any process of 11839  
auditing school districts for compliance with any requirement, 11840  
the research is planned or currently taking place or the 11841  
compliance is currently required. 11842

(7) The form is designed in a way that minimizes the cost 11843  
of completing it. 11844

(8) The form includes instructions that clearly explain 11845  
how to complete it, who will use the data reported on it, and 11846

whom to contact with questions about completing the form or the 11847  
use of the data reported on it. 11848

**Sec. 3301.134.** (A) In each fiscal year the department of 11849  
education and workforce, in accordance with appropriations made 11850  
by the general assembly, may issue awards of equal amounts up to 11851  
fifteen thousand dollars to those fifty public schools that are 11852  
determined by the department to have implemented in the 11853  
immediately preceding fiscal year innovative and exemplary 11854  
parental involvement programs that have enhanced parental 11855  
involvement in such schools according to criteria established by 11856  
the department. 11857

(B) The department ~~of education~~ shall collect and retain 11858  
information on the innovative and exemplary parental involvement 11859  
programs of all schools that have received awards under division 11860  
(A) of this section. In each fiscal year the department shall 11861  
publicize to every school district a description of each of the 11862  
innovative and exemplary parental involvement programs of the 11863  
schools that have received awards in the immediately preceding 11864  
fiscal year. 11865

(C) Any school that receives an award under division (A) 11866  
of this section may expend the money on any lawful purpose. 11867

**Sec. 3301.135.** The department of education and workforce 11868  
annually shall compile a list of organizations and companies 11869  
that offer free and reduced cost epinephrine autoinjectors to 11870  
qualifying school districts, other public schools, and chartered 11871  
nonpublic schools. The department shall make this information 11872  
readily available on their web site and send a copy of the list 11873  
by mail or electronically to each school district, other public 11874  
school, and chartered nonpublic school. 11875

As used in this section, "other public school" has the 11876  
same meaning as in section 3301.0711 of the Revised Code. 11877

**Sec. 3301.136.** The department of education and workforce 11878  
shall compile a list of tutoring programs that it considers to 11879  
be of high quality and have the potential to accelerate learning 11880  
for students in the areas of English language arts, mathematics, 11881  
science, and social studies. For this purpose, the department 11882  
shall request the qualifications of public and private entities 11883  
that provide tutoring programs for students. The department 11884  
shall establish a rubric to evaluate the programs and determine 11885  
a minimum score for a tutoring program to be included on the 11886  
department's list. 11887

In compiling the list, the department may designate 11888  
individual tutoring programs as more appropriate for certain 11889  
grade levels, populations of students, or subject areas. 11890

The department may establish multiple application periods 11891  
in any school year for entities to submit their qualifications 11892  
for consideration to be included on the list. However, the 11893  
department shall post the initial list of tutoring programs on 11894  
the department's web site not later than October 1, 2022. No 11895  
school district or school shall be required to use a tutoring 11896  
program on the list. 11897

**Sec. 3301.137.** (A) The director of education and 11898  
workforce, or the director's designee, shall convene a public 11899  
meeting at least once every other month. Employees of the 11900  
department of education and workforce shall conduct a 11901  
presentation at each meeting that addresses any new information 11902  
the department has about any of its significant new or existing 11903  
initiatives, policies, or guidelines; any change to state or 11904  
federal law that affects the department or education 11905

stakeholders, as determined by the director, in this state; and 11906  
any rule the director intends to adopt, amend, or rescind in 11907  
accordance with Chapter 119. and section 3301.138 of the Revised 11908  
Code. 11909

Nothing in division (A) of this section precludes the 11910  
director or the department from using other methods to engage 11911  
with stakeholders. 11912

(B) At the conclusion of a presentation under this 11913  
section, the director, or the director's designee, shall provide 11914  
an opportunity for public discussion on the information provided 11915  
in the presentation. The director, or the director's designee, 11916  
may accept public discussion about other topics as the director, 11917  
or the director's designee, determines appropriate. 11918

(C) The department shall make available via the internet 11919  
an audio recording of each public meeting under this section. 11920  
The director shall make the audio recording available not later 11921  
than five business days after the conclusion of a meeting. 11922

(D) Notwithstanding any provision of the Revised Code to 11923  
the contrary, any nonemergency rule adopted after the effective 11924  
date of this section is void unless the rule is included in a 11925  
presentation conducted in a public meeting under this section 11926  
prior to initiating rulemaking in accordance with Chapter 119. 11927  
of the Revised Code. 11928

**Sec. 3301.138.** (A) As used in this section, "five-year 11929  
review" means a review of a rule in accordance with sections 11930  
106.03 and 119.04 of the Revised Code. 11931

(B) The department of education and workforce shall 11932  
establish a stakeholder outreach process for use when engaging 11933  
in rulemaking in accordance with Chapter 119. of the Revised 11934

Code. Under the process, the department shall establish a method 11935  
under which stakeholders may elect to participate. The process 11936  
also shall require the department to do all of the following: 11937

(1) Before initiating the process to conduct a five-year 11938  
review or to adopt a new rule or amend or rescind an existing 11939  
rule, do all of the following: 11940

(a) Notify stakeholders about the department's intent to 11941  
initiate rulemaking. The department shall include in the notice 11942  
an explanation of the department's rationale for initiating 11943  
rulemaking, which shall include either of the following: 11944

(i) For a five-year review, if the department determines a 11945  
rule does not need to be amended or rescinded, a statement that 11946  
the rule is not being amended or rescinded; 11947

(ii) If the department is adopting a new rule or amending 11948  
or rescinding an existing rule, information explaining the 11949  
rationale for changing the rule including any state or federal 11950  
law changes that make the new rule or rule change necessary. 11951

(b) Provide a link to a web page on the department's web 11952  
site that provides an opportunity to review the current rule, if 11953  
one exists, and submit public comments for a period of time 11954  
established by the department. As part of the public comment 11955  
system, the department shall provide individuals who submit 11956  
comments with the opportunity to also submit information that 11957  
might aid the department in preparing a business impact 11958  
analysis, if one is required. 11959

(c) Consider each comment the department receives during 11960  
the public comment period when drafting the rule. The department 11961  
is not required to respond to submitted comments. 11962

(2) Prior to submitting a proposed rule to the joint 11963

committee on agency rule review, do all of the following: 11964

(a) Post the draft rule and a completed business impact analysis on the department's web site, if one is required; 11965  
11966

(b) Notify stakeholders that the rule draft, and the business impact analysis, if one is required, have been posted on the department's web site. The department shall include in the notice a link to a web page on the department's web site that provides an opportunity to review the draft rule, and the business impact analysis, if one is required, and submit public comments for a period of time established by the department. 11967  
11968  
11969  
11970  
11971  
11972  
11973

(c) Consider each comment the department receives during the public comment period. The department may revise the draft based on the submitted comments. 11974  
11975  
11976

(3) If the department determines further outreach is necessary, hold stakeholder meetings, send questions to stakeholders, or create stakeholder advisory groups. 11977  
11978  
11979

(C) A notice under division (B) of this section is not a public notice, but rather a courtesy for stakeholders. 11980  
11981

(D) Nothing in this section requires the department to send out draft rules to, nor negotiate draft rule language with, stakeholders. 11982  
11983  
11984

**Sec. 3301.14.** ~~Each year the state board of education~~ The 11985  
~~department of education and workforce shall require a~~ an annual 11986  
report of the president, manager, or principal of each seminary, 11987  
academy, parochial, or private school. The report shall be made 11988  
upon forms furnished by the ~~board~~ department and shall contain a 11989  
statement of such facts as it requests. The president, manager, 11990  
or principal shall complete and return such forms within a time 11991  
fixed by the ~~state board of education~~ department. 11992

**Sec. 3301.15.** ~~The state board of education~~ department of education and workforce or its authorized representatives may inspect all institutions under the control of the department of job and family services, the department of mental health and addiction services, the department of developmental disabilities, and the department of rehabilitation and correction which employ teachers, and may make a report on the teaching, discipline, and school equipment in these institutions to the director of job and family services, the director of mental health and addiction services, the director of developmental disabilities, the director of rehabilitation and correction, and the governor.

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

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

The ~~state board~~ director shall revoke the charter of any 12024  
school district or school which fails to meet the standards for 12025  
elementary and high schools as prescribed by the ~~board~~ director. 12026  
The ~~state board~~ director shall also revoke the charter of any 12027  
nonpublic school that does not comply with divisions (K) (1) and 12028  
(L) of section 3301.0711, if applicable, and sections 3301.164 12029  
and 3313.612 of the Revised Code. 12030

In the issuance and revocation of school district or 12031  
school charters, the ~~state board~~ director shall be governed by 12032  
the provisions of Chapter 119. of the Revised Code. 12033

No school district, or individual school operated by a 12034  
school district, shall operate without a charter issued ~~by the~~ 12035  
~~state board~~ under this section. 12036

In case a school district charter is revoked pursuant to 12037  
this section, the state board of education may dissolve the 12038  
school district and transfer its territory to one or more 12039  
adjacent districts. An equitable division of the funds, 12040  
property, and indebtedness of the school district shall be made 12041  
by the state board among the receiving districts. The board of 12042  
education of a receiving district shall accept such territory 12043  
pursuant to the order of the state board. Prior to dissolving 12044  
the school district, the state board shall notify the 12045  
appropriate educational service center governing board and all 12046  
adjacent school district boards of education of its intention to 12047  
do so. Boards so notified may make recommendations to the state 12048  
board regarding the proposed dissolution and subsequent transfer 12049  
of territory. Except as provided in section 3301.161 of the 12050  
Revised Code, the transfer ordered by the state board shall 12051  
become effective on the date specified by the state board, but 12052  
the date shall be at least thirty days following the date of 12053

issuance of the order. 12054

A high school is one of higher grade than an elementary 12055  
school, in which instruction and training are given in 12056  
accordance with sections 3301.07 and 3313.60 of the Revised Code 12057  
and which also offers other subjects of study more advanced than 12058  
those taught in the elementary schools and such other subjects 12059  
as may be approved by the ~~state board of education~~ director. 12060

An elementary school is one in which instruction and 12061  
training are given in accordance with sections 3301.07 and 12062  
3313.60 of the Revised Code and which offers such other subjects 12063  
as may be approved by the ~~state board of education~~ director. In 12064  
districts wherein a junior high school is maintained, the 12065  
elementary schools in that district may be considered to include 12066  
only the work of the first six school years inclusive, plus the 12067  
kindergarten year. 12068

**Sec. 3301.162.** (A) If the governing authority of a 12069  
chartered nonpublic school intends to close the school, the 12070  
governing authority shall notify all of the following of that 12071  
intent prior to closing the school: 12072

(1) The department of education and workforce; 12073

(2) The school district that receives auxiliary services 12074  
funding under division (E) of section 3317.024 of the Revised 12075  
Code on behalf of the students enrolled in the school; 12076

(3) The accrediting association that most recently 12077  
accredited the school for purposes of chartering the school in 12078  
accordance with the rules of the ~~state board of education~~ 12079  
department, if applicable; 12080

(4) If the school has been designated as a STEM school 12081  
equivalent under section 3326.032 of the Revised Code, the STEM 12082

committee established under section 3326.02 of the Revised Code. 12083

The notice shall include the school year and, if possible, 12084  
the actual date the school will close. 12085

(B) The chief administrator of each chartered nonpublic 12086  
school that closes shall deposit the school's records with 12087  
either: 12088

(1) The accrediting association that most recently 12089  
accredited the school for purposes of chartering the school in 12090  
accordance with the rules of the ~~state board~~ department, if 12091  
applicable; 12092

(2) The school district that received auxiliary services 12093  
funding under division (E) of section 3317.024 of the Revised 12094  
Code on behalf of the students enrolled in the school. 12095

The school district that receives the records may charge 12096  
for and receive a one-time reimbursement from auxiliary services 12097  
funding under division (E) of section 3317.024 of the Revised 12098  
Code for costs the district incurred to store the records. 12099

**Sec. 3301.163.** (A) ~~Beginning July 1, 2015, any~~ Any third- 12100  
grade student who attends a chartered nonpublic school with a 12101  
scholarship awarded under either the educational choice 12102  
scholarship pilot program, prescribed in sections 3310.01 to 12103  
3310.17, or the pilot project scholarship program prescribed in 12104  
sections 3313.974 to 3313.979 of the Revised Code, shall be 12105  
subject to the third-grade reading guarantee retention 12106  
provisions under division (A) (2) of section 3313.608 of the 12107  
Revised Code, including the exemptions prescribed by that 12108  
division. For purposes of determining if a child with a 12109  
disability is exempt from retention under this section, an 12110  
individual services plan created for the child that has been 12111

reviewed by either the student's school district of residence or 12112  
the school district in which the chartered nonpublic school is 12113  
located and that specifies that the student is not subject to 12114  
retention shall be considered in the same manner as an 12115  
individualized education program or plan under section 504 of 12116  
the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, 12117  
as amended, as prescribed by division (A)(2) of section 3313.608 12118  
of the Revised Code. 12119

As used in this section, "child with a disability" and 12120  
"school district of residence" have the same meanings as in 12121  
section 3323.01 of the Revised Code. 12122

(B)(1) Each chartered nonpublic school that enrolls 12123  
students in any of grades kindergarten through three and that 12124  
accepts students under the educational choice scholarship pilot 12125  
program or the pilot project scholarship program shall adopt 12126  
policies and procedures for the annual assessment of the reading 12127  
skills of those students. Each school may use the diagnostic 12128  
assessment to measure reading ability for the appropriate grade 12129  
level prescribed in division (D) of section 3301.079 of the 12130  
Revised Code. If the school uses such assessments, the 12131  
department of education and workforce shall furnish them to the 12132  
chartered nonpublic school. 12133

(2) For each student identified as having reading skills 12134  
below grade level, the school shall do both of the following: 12135

(a) Provide to the student's parent or guardian, in 12136  
writing, all of the following: 12137

(i) Notification that the student has been identified as 12138  
having a substantial deficiency in reading; 12139

(ii) Notification that if the student attains a score in 12140

the range designated under division (A) (3) of section 3301.0710 12141  
of the Revised Code on the assessment prescribed under that 12142  
section to measure skill in English language arts expected at 12143  
the end of third grade, the student shall be retained unless the 12144  
student is exempt under division (A) (1) of section 3313.608 of 12145  
the Revised Code. 12146

(b) Provide intensive reading instruction services, as 12147  
determined appropriate by the school, to each student identified 12148  
under this section. 12149

(C) Each chartered nonpublic school subject to this 12150  
section annually shall report to the department the number of 12151  
students identified as reading at grade level and the number of 12152  
students identified as reading below grade level. 12153

**Sec. 3301.18.** The department of education and workforce 12154  
shall: 12155

(A) Administer grants under section 3301.19 of the Revised 12156  
Code in support of voluntary desegregation within school 12157  
districts; 12158

(B) Provide technical assistance to school districts 12159  
developing voluntary plans for desegregation or plans to reduce 12160  
or eliminate racial isolation; 12161

(C) Develop desegregation plans as required by court order 12162  
and provide technical assistance to school districts required to 12163  
develop plans under court order; 12164

(D) Report to the general assembly annually on 12165  
expenditures made by the state to reduce or eliminate racial 12166  
isolation and enumerate anticipated expenses for desegregation 12167  
resulting from court action or action taken by the federal 12168  
government. 12169

**Sec. 3301.19.** The department of education and workforce 12170  
shall administer a program to support school boards that 12171  
voluntarily adopt and implement plans of student transfers to 12172  
desegregate schools within their districts. To be eligible for 12173  
such support, both of the following must apply: 12174

(A) The district must have a minority enrollment of 12175  
between twenty-five and seventy-five per cent, according to the 12176  
most recent racial and ethnic census of the district prepared by 12177  
the department; 12178

(B) The school board must adopt and submit to the 12179  
department, not later than the first day of October, a plan for 12180  
reducing racial isolation through the transfer of not fewer than 12181  
fifty students in the district. The plan must provide for any or 12182  
all of the following: 12183

(1) The transfer of minority students from a school with 12184  
greater than the average minority composition of the district to 12185  
a school with less than the average minority composition of the 12186  
district; 12187

(2) The transfer of majority students from a school with 12188  
less than the average minority composition of the district to a 12189  
school with more than the average minority composition of the 12190  
district; 12191

(3) The transfer of minority or majority students to 12192  
designated schools if the transfers cause the racial composition 12193  
of the designated schools to more closely approximate the 12194  
student racial composition of the entire district taken as a 12195  
whole. 12196

The department ~~of education~~ shall pay the school district 12197  
an amount equal to four hundred dollars per student transferred, 12198

except that if all payments required to be made under this 12199  
section during the fiscal year exceed the appropriation for the 12200  
purpose, the payment to each school district shall be 12201  
proportionately reduced. The school board may spend the amount 12202  
received only on activities other than transportation that 12203  
support the reduction of racial isolation. In the case of a 12204  
transfer from a school that is being permanently closed or that 12205  
results from a permanent change in the boundary of a school 12206  
attendance zone, payment shall be made only for the initial year 12207  
the transfer is made. In the case of any other kind of transfer, 12208  
payment shall be made for each fiscal year the transfer occurs. 12209

**Sec. 3301.22.** ~~The state board of education department of~~ 12210  
~~education and workforce~~ shall develop a model policy to prohibit 12211  
harassment, intimidation, or bullying in order to assist school 12212  
districts in developing their own policies under section 12213  
3313.666 of the Revised Code. ~~The board shall issue the model-~~ 12214  
~~policy within six months after the effective date of this-~~ 12215  
~~section.~~ 12216

**Sec. 3301.221.** (A) As used in this section and section 12217  
3313.60 of the Revised Code, "evidence-based" means a program or 12218  
practice that does either of the following: 12219

(1) Demonstrates a rationale based on high-quality 12220  
research findings or positive evaluation that such a program or 12221  
practice is likely to improve relevant outcomes and includes 12222  
ongoing efforts to examine the effects of the program or 12223  
practice; 12224

(2) Has a statistically significant effect on relevant 12225  
outcomes based on: 12226

(a) Strong evidence from at least one well-designed and 12227

well-implemented experimental study;	12228
(b) Moderate evidence from at least one well-designed and	12229
well-implemented quasi-experimental study; or	12230
(c) Promising evidence from at least one well-designed and	12231
well-implemented correlation study with statistical controls for	12232
selection bias.	12233
(B) The department of education <u>and workforce</u> , in	12234
consultation with the department of public safety and the	12235
department of mental health and addiction services, shall	12236
maintain a list of approved training programs, to be posted on	12237
the department of <del>education's</del> <u>education and workforce's</u> web	12238
site, for instruction in suicide awareness and prevention and	12239
violence prevention as prescribed under division (A) (5) (h) of	12240
section 3313.60 and division (D) of section 3319.073 of the	12241
Revised Code. The list of approved training programs shall	12242
include at least one option that is free or of no cost to	12243
schools. The approved training programs shall be evidence-based	12244
and include the following:	12245
(1) How to instruct school personnel to identify the signs	12246
and symptoms of depression, suicide, and self-harm in students;	12247
(2) How to instruct students to identify the signs and	12248
symptoms of depression, suicide, and self-harm in their peers;	12249
(3) How to identify appropriate mental health services	12250
within schools and within larger communities, and when and how	12251
to refer youth and their families to those services;	12252
(4) How to teach students about mental health and	12253
depression, warning signs of suicide, and the importance of and	12254
processes for seeking help on behalf of self and peers and	12255
reporting of these behaviors;	12256

(5) How to identify observable warning signs and signals of individuals who may be a threat to themselves or others;	12257 12258
(6) The importance of taking threats seriously and seeking help;	12259 12260
(7) How students can report dangerous, violent, threatening, harmful, or potentially harmful activity, including the use of the district's chosen anonymous reporting program.	12261 12262 12263
(C) The department of <u>education and workforce</u> , in consultation with the department of mental health and addiction services, shall maintain a list of approved training programs, to be posted on the department of <del>education's</del> <u>education and workforce's</u> web site, for instruction in social inclusion as prescribed by division (A) (5) (j) of section 3313.60 of the Revised Code. The list of approved training programs shall include at least one option that is free or of no cost to schools. The approved training programs shall be evidence-based and include the following:	12264 12265 12266 12267 12268 12269 12270 12271 12272 12273
(1) What social isolation is and how to identify it in others;	12274 12275
(2) What social inclusion is and the importance of establishing connections with peers;	12276 12277
(3) When and how to seek help for peers who may be socially isolated;	12278 12279
(4) How to utilize strategies for more social inclusion in classrooms and the school community.	12280 12281
<b>Sec. 3301.23.</b> (A) <del>Not later than thirty days after the effective date of this section, the</del> <u>The</u> department of <u>education and workforce</u> , in consultation with the chancellor of higher	12282 12283 12284

education, shall establish a committee to develop a state plan 12285  
for computer science education for the purposes of primary and 12286  
secondary education. 12287

(B) When developing the plan, the committee established 12288  
under this section shall consider the following: 12289

(1) Best practices and challenges associated with the 12290  
implementation of primary and secondary computer science 12291  
curriculum in this state; 12292

(2) Demographic data for students who receive instruction 12293  
in computer science; 12294

(3) Benchmarks to create a sustainable supply of teachers 12295  
certified to provide instruction in computer science; 12296

(4) Best practices to form public and private partnerships 12297  
for funding, mentoring, and internships for teachers providing 12298  
instruction in computer science; 12299

(5) Requiring all students to complete a computer science 12300  
course prior to high school graduation; 12301

(6) Establishing a work-based learning pilot program that 12302  
includes high schools, universities, and local industry and 12303  
permits the department and the chancellor to develop pathways to 12304  
align computer science education in the state with the state's 12305  
workforce needs; 12306

(7) Any other topic determined appropriate by the 12307  
committee. 12308

(C) The committee established under this section shall 12309  
consist of all of the following: 12310

(1) ~~The superintendent of public instruction~~ director of 12311

<u>education and workforce</u> , or designee;	12312
(2) The chancellor, or designee;	12313
(3) Representatives of computer science education	12314
stakeholders appointed by the <del>state superintendent</del> <u>director</u> , in	12315
consultation with the chancellor. Computer science education	12316
stakeholders represented on the committee shall include all of	12317
the following:	12318
(a) Career-technical education;	12319
(b) Teachers;	12320
(c) Institutions of higher education;	12321
(d) Businesses;	12322
(e) State and national computer science organizations.	12323
(D) Within the plan, the committee established under this	12324
section shall include all of the following:	12325
(1) An examination of the challenges that prevent school	12326
districts from offering computer science courses;	12327
(2) A requirement that the department <del>of education</del> collect	12328
any data regarding computer science courses offered by school	12329
districts and school buildings operated by school districts,	12330
including the names of the courses and whether the courses were	12331
developed using the standards and model curriculum adopted under	12332
division (A) (4) of section 3301.079 of the Revised Code, and	12333
post the collected data on its web site.	12334
(3) A requirement that the committee determine the best	12335
ways to compile data on computer science courses, teachers, and	12336
undergraduate students studying computer science in	12337
universities.	12338

(4) Any findings the committee determines appropriate 12339  
based on its consideration of the topics described in division 12340  
(B) of this section. 12341

(E) The committee shall complete the plan not later than 12342  
~~one year after the effective date of this section~~ September 30, 12343  
2022, and the department shall post the completed plan in a 12344  
prominent location on its web site. 12345

**Sec. 3301.27.** The department of education and workforce 12346  
shall conduct research on the factors that improve education 12347  
effectiveness in school districts and for this purpose may 12348  
require school districts to administer tests in addition to 12349  
those otherwise required by law, such as the national assessment 12350  
of education progress. The department shall make the results of 12351  
any research conducted under this section available to all 12352  
school districts. 12353

**Sec. 3301.28.** (A) As used in this section: 12354

(1) "Coordinating service center" means the educational 12355  
service center of central Ohio or its successor organization. 12356

(2) "Public school" means a school building operated by a 12357  
school district or other public school, as defined in section 12358  
3301.0711 of the Revised Code, or a building operated by an 12359  
educational service center. 12360

(B) The ~~superintendent of public instruction~~ department of 12361  
education and workforce shall establish a program to provide 12362  
tutoring and remedial education services in reading and English 12363  
language arts, mathematics, science, and social studies to 12364  
students at public and chartered nonpublic schools that elect to 12365  
participate in the program. Tutors shall not be considered 12366  
employees of the public or chartered nonpublic school in which 12367

they provide tutoring services. Rather, the tutors shall be 12368  
either employed or engaged as a volunteer by the coordinating 12369  
service center. The coordinating service center shall be 12370  
responsible for compensating each individual it employs as a 12371  
tutor using funds transferred from the school at which the 12372  
individual works as a tutor. The coordinating service center may 12373  
coordinate placement of tutors with the sixteen regional 12374  
educational service centers, selected under division (C) (4) of 12375  
this section, and other service centers as determined necessary 12376  
by the coordinating service center. 12377

Individuals who wish to participate in the program as 12378  
tutors shall submit an application to the coordinating service 12379  
center. ~~Not later than sixty days after the effective date of~~ 12380  
~~this section, the~~ The coordinating service center shall 12381  
establish application procedures for individuals who wish to 12382  
participate in the program as tutors. 12383

To be eligible to participate as a tutor under the 12384  
program, an individual shall be either of the following: 12385

(1) A retired teacher or substitute teacher, regardless of 12386  
whether the teacher holds a valid educator license, certificate, 12387  
or permit issued under Chapter 3319. or section 3301.071 of the 12388  
Revised Code, provided that the teacher has not had an educator 12389  
license, certificate, or permit denied, suspended, or revoked by 12390  
the state board of education under section 3319.31 of the 12391  
Revised Code or entered into a consent agreement pursuant to 12392  
division (E) of section 3319.311 of the Revised Code; 12393

(2) An individual, not described in division (A) (1) of 12394  
this section, who is determined to be eligible by the 12395  
coordinating service center in accordance with standards 12396  
established by the ~~state superintendent~~ department. 12397

(C) ~~The state superintendent department~~, with assistance 12398  
from participating educational service centers, and in 12399  
consultation with public and chartered nonpublic schools, shall 12400  
administer and implement the program as follows: 12401

(1) ~~Not later than sixty days after the effective date of~~ 12402  
~~this section, the state superintendent~~ The department shall 12403  
establish standards for determining the eligibility of tutors 12404  
under division (B) (2) of this section. 12405

(2) ~~Not later than sixty days after the effective date of~~ 12406  
~~this section, the~~ The coordinating service center, in 12407  
consultation with the ~~state superintendent department~~, shall 12408  
create a training course for tutors described in division (B) of 12409  
this section who do not hold valid educator licenses, 12410  
certificates, or permits issued under Chapter 3319. or section 12411  
3301.071 of the Revised Code. The coordinating service center 12412  
and ~~state superintendent department~~ may establish additional 12413  
training requirements for tutors who provide tutoring services 12414  
to students with special needs or students with an 12415  
individualized education program, as that term is defined in 12416  
section 3323.01 of the Revised Code. In addition, the 12417  
coordinating service center and ~~state superintendent department~~ 12418  
may continue to provide training to tutors after their placement 12419  
in schools. 12420

(3) The department ~~of education~~ shall serve as the fiscal 12421  
agent for the program. The department shall provide for 12422  
administrative and implementation costs, costs of developing the 12423  
training course described in division (C) (2) of this section, 12424  
and provide technical assistance at the request of the 12425  
coordinating service center. 12426

The department shall not compensate tutors under the 12427

program. 12428

The ~~department~~ state board shall not charge any 12429  
registration fee to individuals who wish to participate in the 12430  
program as tutors. 12431

(4) Educational service centers from each educational 12432  
regional service system described in section 3312.02 of the 12433  
Revised Code may select one educational service center to 12434  
administer the training program for their region in conjunction 12435  
with the coordinating service center. The educational service 12436  
center selected for each region may cooperate with individual 12437  
educational service centers to implement the training program. 12438

(5) Each educational service center may coordinate the 12439  
placement of tutors at the participating public and chartered 12440  
nonpublic schools within its service territory. 12441

(6) The coordinating service center shall require an 12442  
individual employed or engaged as a volunteer as a tutor under 12443  
this section to apply for and receive a registration from the 12444  
department. 12445

As a condition of registration under this section, an 12446  
individual shall be subject to a criminal records check as 12447  
prescribed by section 3319.39 or 3319.391 of the Revised Code, 12448  
as appropriate. The individual shall request the criminal 12449  
records check through the coordinating service center and shall 12450  
submit the criminal records check to the ~~department of education~~ 12451  
state board in a manner determined by the ~~department~~ state 12452  
board. The ~~department~~ state board shall use the information 12453  
submitted to enroll the individual in the retained applicant 12454  
fingerprint database, established under section 109.5721 of the 12455  
Revised Code, in the same manner as any teacher licensed under 12456

sections 3319.22 to 3319.31 of the Revised Code. 12457

If the ~~department~~-state board receives notification of the 12458  
arrest or conviction of an individual registered under division 12459  
(C) (6) of this section, the ~~department~~-state board shall 12460  
promptly notify the coordinating service center and may take any 12461  
action authorized under sections 3319.31 and 3319.311 of the 12462  
Revised Code that the department considers appropriate. The 12463  
~~department~~-state board shall not accept the application of any 12464  
individual under this section if the ~~department~~-state board 12465  
learns that the individual has pleaded guilty to, has been found 12466  
guilty by a jury or court of, or has been convicted of any of 12467  
the offenses listed in division (C) of section 3319.31 of the 12468  
Revised Code. 12469

The department shall reimburse the coordinating service 12470  
center for both of the following: 12471

(a) Any costs incurred by the coordinating service center 12472  
when assisting with the registration of tutors with the 12473  
department; 12474

(b) The cost of the criminal records check required under 12475  
this section. 12476

(7) Participation by public and chartered nonpublic 12477  
schools is voluntary. Public and chartered nonpublic schools 12478  
that wish to participate in the tutoring and remedial education 12479  
program shall notify the coordinating service center of their 12480  
intention to do so. 12481

Each participating school shall have the ultimate 12482  
authority over how best to incorporate tutors into the school 12483  
setting, but such determinations shall be made in cooperation 12484  
with the educational service center. Program activities may take 12485

place before, during, or after school as well as during breaks 12486  
from school such as weekends, holidays, or summer vacation. 12487  
Program activities may take place on an online platform or in 12488  
person, including on school premises, at community-based youth 12489  
development organizations, or in another public location the 12490  
school's governing body and educational service center determine 12491  
to be appropriate. 12492

A participating school shall provide necessary materials, 12493  
space, and equipment for tutors placed in the school. A 12494  
participating school shall transfer funds to the coordinating 12495  
service center to assist the service center in making payments 12496  
to tutors placed in the school and paying the cost of other 12497  
benefits for the tutors. ~~The state superintendent department,~~ in 12498  
consultation with the chancellor of higher education, shall 12499  
create a list of benefits which a participant may receive. 12500

Participating schools shall use their own funds to pay 12501  
costs incurred from participating in the program. 12502

(D) Upon the completion of each of the 2022-2023, 2023- 12503  
2024, and 2024-2025 school years, the department shall conduct a 12504  
review of the program's effectiveness in providing tutoring and 12505  
remedial education to students. Based on each of those reviews, 12506  
the department shall issue a report of its findings. The report 12507  
also shall include the number of participating public and 12508  
chartered nonpublic schools, tutors, and students, as well as 12509  
whether tutoring in a particular school was provided on an 12510  
online platform or in-person. The department may request and 12511  
collect data from public or chartered nonpublic schools and from 12512  
educational service centers for the report. The department 12513  
shall, in accordance with section 101.68 of the Revised Code, 12514  
submit those reports to the general assembly, as follows: 12515

(1) The report for the 2022-2023 school year shall be submitted not later than September 30, 2023.	12516 12517
(2) The report for the 2023-2024 school year shall be submitted not later than September 30, 2024.	12518 12519
(3) The report for the 2024-2025 school year shall be submitted not later than September 30, 2025.	12520 12521
(E) Nothing in this section shall be construed as prohibiting a public or chartered nonpublic school from contracting or partnering with another entity to provide tutoring services to the school's students.	12522 12523 12524 12525
<b>Sec. 3301.30.</b> The department of education <u>and workforce</u> shall:	12526 12527
(A) Actively encourage, assist, and support boards of education in applying for moneys for programs for pre-school children of migrant agricultural laborers under Title I of the "Elementary and Secondary Education Act of 1965," 79 Stat. 27, 20 U.S.C.A. 236, as amended;	12528 12529 12530 12531 12532
(B) Establish an official relationship with the Texas education agency and the Florida department of education to cooperate and exchange information with those states concerning education for children of migrant <del>agricultural</del> <u>agricultural</u> laborers, and coordinate its activities and services for such children with those states and any other states that provide education for such children;	12533 12534 12535 12536 12537 12538 12539
(C) Take all necessary steps to compensate for the lack of continuity in instructional curriculum experienced by children of migrant agricultural laborers as a result of their parents' occupation by assuring that:	12540 12541 12542 12543

(1) Coordinated interstate and intrastate programs are 12544  
provided at all levels, including coordinated programs leading 12545  
to credit accrual; 12546

(2) Parents are given information about the availability 12547  
of interstate and intrastate programs. 12548

(D) Take a more active role in encouraging boards of 12549  
education to offer, in accordance with section 3313.641 of the 12550  
Revised Code, alternative evening and tutorial programs for 12551  
children of migrant agricultural laborers and their families 12552  
during late spring, summer, and early fall. 12553

**Sec. 3301.311.** (A) As used in this section, ~~"preschool:~~ 12554

(1) "Department of education" or "department" means the 12555  
former department of education as it existed prior to the 12556  
effective date of this amendment for all actions required under 12557  
this section prior to that date, and means the department of 12558  
education and workforce for all actions required under this 12559  
section on or after to that date. 12560

(2) "Preschool program" has the same meaning as in section 12561  
3301.52 of the Revised Code. 12562

(B) Subject to divisions (C) and (D) of this section, - 12563  
beginning in fiscal year 2006, no preschool program, and no 12564  
early childhood education program or early learning program as 12565  
defined by the department of education shall receive any funds 12566  
from the state unless fifty per cent of the staff members 12567  
employed by that program as teachers are working toward an 12568  
associate degree of a type approved by the department. 12569

(C) (1) Subject to division (C) (2) of this section, - 12570  
beginning in fiscal year 2010, no preschool program, and no 12571  
early childhood education program or early learning program as 12572

defined by the department, existing prior to fiscal year 2007, 12573  
shall receive any funds from the state unless every staff member 12574  
employed by that program as a teacher has attained an associate 12575  
degree of a type approved by the department. 12576

(2) Beginning in fiscal year 2011, no preschool program, 12577  
and no early childhood education program or early learning 12578  
program as defined by the department, existing prior to fiscal 12579  
year 2007, shall receive any funds from the state unless fifty 12580  
per cent of the staff members employed by the program as 12581  
teachers have attained a bachelor's degree of a type approved by 12582  
the department. 12583

(D) (1) Subject to division (D) (2) of this section,— 12584  
beginning in fiscal year 2012, no preschool program, and no 12585  
early childhood education program or early learning program as 12586  
defined by the department, established during or after fiscal 12587  
year 2007, shall receive any funds from the state unless every 12588  
staff member employed by that program as a teacher has attained 12589  
an associate degree of a type approved by the department. 12590

(2) Beginning in fiscal year 2013, no preschool program, 12591  
and no early childhood education program or early learning 12592  
program as defined by the department, established during or 12593  
after fiscal year 2007, shall receive any funds from the state 12594  
unless fifty per cent of the staff members employed by the 12595  
program as teachers have attained a bachelor's degree of a type 12596  
approved by the department. 12597

**Sec. 3301.40.** (A) As used in this section, "adult 12598  
education" has the meaning as established under the "adult 12599  
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as 12600  
amended. 12601

(B) ~~Beginning July 1, 1996, the~~ The department of 12602  
education and workforce may distribute state funds to 12603  
organizations that ~~quality qualify~~ for federal funds under the 12604  
"Adult Education Act," 102 Stat. 302 (1988), 20 1201 to 1213d, 12605  
as amended. The funds shall be used by qualifying organizations 12606  
to provide adult education services. State funds distributed 12607  
pursuant to this section shall be distributed in accordance with 12608  
the rules adopted ~~by the state board of education pursuant to~~ 12609  
under division (C) of this section. 12610

Each organization that receives funds under this section 12611  
shall file program performance reports with the department. ~~The~~ 12612  
~~reports shall be filed at times required by state board of~~ 12613  
~~education rule and contain assessments~~ shall include the 12614  
following: 12615

(1) Assessments of individual students as they enter, 12616  
progress through, and exit the adult education program; ~~records~~ 12617

(2) Records regarding individual student program 12618  
participation time; ~~reports~~ 12619

(3) Reports of individual student retention rates; ~~and any~~ 12620

(4) Any other information required by rule. 12621

(C) ~~The state board of education~~ department shall adopt 12622  
rules for the distribution of funds under this section. The 12623  
rules shall include the following: 12624

(1) Requirements for program performance reports. 12625

(2) Indicators of adult education program quality, 12626  
including indicators of learner achievement, program 12627  
environment, program planning, curriculum and instruction, staff 12628  
development, support services, and recruitment and retention. 12629

(3) A formula for the distribution of funds under this section. The formula shall include as a factor an organization's quantifiable success in meeting the indicators of program quality established pursuant to division (C) (2) of this section.

(4) Standards and procedures for reducing or discontinuing funding to organizations that fail to meet the requirements of this section.

(5) Any other requirements or standards considered appropriate by the board.

**Sec. 3301.45.** (A) Not later than the thirtieth day of September of each year, the department of education and workforce shall distribute to all public high schools the information provided by the director of job and family services on the online education and career planning tool developed under section 6301.15 of the Revised Code.

(B) Annually, the ~~department of education~~ shall survey high school administrators and guidance counselors regarding their use of the online planning tool and provide the results of the survey to the director of job and family services to support future refinements and improvements to the online planning tool.

As used in this section, "public high school" means a school that serves students in any of grades nine through twelve and is operated by a school district or a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

**Sec. 3301.49.** Pursuant to paragraph A of Article III of the educational compact enacted in section 3301.48 of the

Revised Code, there shall be seven members to the educational 12659  
commission of the states who shall serve from this state, one of 12660  
such members shall be the governor; one member shall be a member 12661  
of the senate appointed by the president; one member shall be a 12662  
member of the house of representatives appointed by the speaker 12663  
of the house of representatives; and four members shall be 12664  
appointed by and serve at the pleasure of the governor. Two of 12665  
the members appointed by the governor shall be professional 12666  
educators associated with either public or private educational 12667  
systems and may be an officer of the state, any college or 12668  
university in the state or any officer or administrator of any 12669  
public school district. Two of the members appointed by the 12670  
governor shall be ~~laymen~~ laypersons. 12671

The state shall pay the actual expenses of members of the 12672  
Ohio commission while attending to any business of the 12673  
commission. The governor shall appoint a ~~chairman~~ chairperson of 12674  
the Ohio members of the educational commission of the states and 12675  
such membership shall meet on the call of its ~~chairman~~ 12676  
chairperson or at the request of a majority of its members. In 12677  
any event, the membership shall meet not less often than three 12678  
times annually. The membership may consider any and all matters 12679  
relating to recommendations of the educational commission of the 12680  
states and the activities of the members in representing this 12681  
state thereon. 12682

Pursuant to paragraph (I) of Article III of the compact 12683  
the educational commission of the states shall file a copy of 12684  
its bylaws and any amendment thereto with the ~~superintendent of~~ 12685  
public instruction director of education and workforce. 12686

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of 12687  
the Revised Code: 12688

(A) "Preschool program" means either of the following:	12689
(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.	12690 12691 12692
(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.	12693 12694 12695
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	12696 12697
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	12698 12699 12700
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.	12701 12702 12703
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	12704 12705 12706 12707
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	12708 12709 12710
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	12711 12712 12713 12714
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B) (7) of section 5104.02 of	12715 12716

the Revised Code or chartered by the ~~state board of education~~ 12717  
department of education and workforce for any combination of 12718  
grades one through twelve, regardless of whether it also offers 12719  
kindergarten. 12720

(I) "School child program" means a child care program for 12721  
only school children that is operated by a school district board 12722  
of education, county board of developmental disabilities, 12723  
community school, or eligible nonpublic school. 12724

(J) "School child" means a child who is enrolled in or is 12725  
eligible to be enrolled in a grade of kindergarten or above but 12726  
is less than fifteen years old. 12727

(K) "School child program staff member" means an employee 12728  
whose primary responsibility is the care, teaching, or 12729  
supervision of children in a school child program. 12730

(L) "Child care" means administering to the needs of 12731  
infants, toddlers, preschool children, and school children 12732  
outside of school hours by persons other than their parents or 12733  
guardians, custodians, or relatives by blood, marriage, or 12734  
adoption for any part of the twenty-four-hour day in a place or 12735  
residence other than a child's own home. 12736

(M) "Child day-care center" and "publicly funded child 12737  
care" have the same meanings as in section 5104.01 of the 12738  
Revised Code. 12739

(N) "Community school" means either of the following: 12740

(1) A community school established under Chapter 3314. of 12741  
the Revised Code that is sponsored by an entity that is rated 12742  
"exemplary" under section 3314.016 of the Revised Code. 12743

(2) A community school established under Chapter 3314. of 12744

the Revised Code that has received, on its most recent report card, either of the following: 12745  
12746

(a) If the school offers any of grade levels four through twelve, either of the following: 12747  
12748

(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; 12749  
12750  
12751  
12752

(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. 12753  
12754  
12755  
12756

(b) If the school does not offer a grade level higher than three, either of the following: 12757  
12758

(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; 12759  
12760  
12761

(ii) A performance rating of three stars or higher for early literacy under division (D) (3) (e) of that section. 12762  
12763

**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 12764  
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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;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided ~~in-service~~ in-service 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;

(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; 12803

(5) Requirements that children participating in preschool 12804  
programs have been immunized to the extent considered 12805  
appropriate by the ~~state board~~ director of education and 12806  
workforce to prevent the spread of communicable disease; 12807

(6) Requirements that the parents of preschool children 12808  
complete the emergency medical authorization form specified in 12809  
section 3313.712 of the Revised Code. 12810

(B) ~~The state board of education~~ director of education and 12811  
workforce, in consultation with the director of job and family 12812  
services, shall ensure that the rules adopted ~~by the state board~~ 12813  
under sections 3301.52 to 3301.58 of the Revised Code are 12814  
consistent with and meet or exceed the requirements of Chapter 12815  
5104. of the Revised Code with regard to child day-care centers 12816  
that serve preschool children. ~~The state board and the director~~ 12817  
~~of job and family services~~ directors shall review all such rules 12818  
at least once every five years. 12819

(C) ~~The state board of education~~ director of education and 12820  
workforce, in consultation with the director of job and family 12821  
services, shall adopt rules for school child programs that are 12822  
consistent with and meet or exceed the requirements of the rules 12823  
adopted for child day-care centers that serve school-age 12824  
children under Chapter 5104. of the Revised Code. 12825

**Sec. 3301.54.** (A) (1) Each preschool program shall be 12826  
directed and supervised by a director, a head teacher, an 12827  
elementary principal, or a site administrator who is on site and 12828  
responsible for supervision of the program. Except as otherwise 12829  
provided in division (A) (2) or (3) of this section, this person 12830  
shall hold a valid educator license designated as appropriate 12831

for teaching or being an administrator in a preschool setting 12832  
issued pursuant to section 3319.22 of the Revised Code and have 12833  
completed at least four courses in child development or early 12834  
childhood education from an accredited college, university, or 12835  
technical college. 12836

(2) If the person was employed prior to July 1, 1988, by a 12837  
school district board of education or an eligible nonpublic 12838  
school to direct a preschool program, the person shall be 12839  
considered to meet the requirements of this section if the 12840  
person holds a valid kindergarten-primary certificate described 12841  
under former division (A) of section 3319.22 of the Revised Code 12842  
as it existed on January 1, 1996. 12843

(3) If the person is employed to direct a preschool 12844  
program operated by an eligible, nontax-supported, nonpublic 12845  
school, the person shall be considered to meet the requirements 12846  
of this section if the person holds a valid teaching certificate 12847  
issued in accordance with section 3301.071 of the Revised Code. 12848

(B) Each preschool staff member shall be at least eighteen 12849  
years of age and have a high school diploma or a certificate of 12850  
high school equivalency issued by the department of education\_ 12851  
and workforce or a primary-secondary education or higher 12852  
education agency of another state, except that a staff member 12853  
may be less than eighteen years of age if the staff member is a 12854  
graduate of a two-year vocational child-care training program 12855  
approved by the ~~state board of education~~ department, or is a 12856  
student enrolled in the second year of such a program that leads 12857  
to high school graduation, provided that the student performs 12858  
duties in the preschool program under the continuous supervision 12859  
of an experienced preschool staff member and receives periodic 12860  
supervision from the vocational child-care training program 12861

teacher-coordinator in the student's high school. 12862

A preschool staff member shall annually complete fifteen 12863  
hours of ~~in-service~~ in-service training in child development or 12864  
early childhood education, child abuse recognition and 12865  
prevention, and first aid, and in the prevention, recognition, 12866  
and management of communicable diseases, until a total of forty- 12867  
five hours has been completed, unless the staff member holds an 12868  
associate or higher degree in child development or early 12869  
childhood education from an accredited college, university, or 12870  
technical college, or any type of educator license designated as 12871  
appropriate for teaching in an associate teaching position in a 12872  
preschool setting issued by the state board of education 12873  
pursuant to section 3319.22 of the Revised Code. 12874

**Sec. 3301.541.** (A) (1) The director, head teacher, 12875  
elementary principal, or site administrator of a preschool 12876  
program shall request the superintendent of the bureau of 12877  
criminal identification and investigation to conduct a criminal 12878  
records check with respect to any applicant who has applied to 12879  
the preschool program for employment as a person responsible for 12880  
the care, custody, or control of a child. If the applicant does 12881  
not present proof that the applicant has been a resident of this 12882  
state for the five-year period immediately prior to the date 12883  
upon which the criminal records check is requested or does not 12884  
provide evidence that within that five-year period the 12885  
superintendent has requested information about the applicant 12886  
from the federal bureau of investigation in a criminal records 12887  
check, the director, head teacher, or elementary principal shall 12888  
request that the superintendent obtain information from the 12889  
federal bureau of investigation as a part of the criminal 12890  
records check for the applicant. If the applicant presents proof 12891  
that the applicant has been a resident of this state for that 12892

five-year period, the director, head teacher, or elementary principal may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

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

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

(B) (1) Except as provided in rules adopted by the 12924  
department of education and workforce in accordance with 12925  
division (E) of this section, no preschool program shall employ 12926  
a person as a person responsible for the care, custody, or 12927  
control of a child if the person previously has been convicted 12928  
of or pleaded guilty to any of the following: 12929

(a) A violation of section 2903.01, 2903.02, 2903.03, 12930  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12931  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 12932  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 12933  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 12934  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 12935  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 12936  
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 12937  
section 2905.04 of the Revised Code as it existed prior to July 12938  
1, 1996, a violation of section 2919.23 of the Revised Code that 12939  
would have been a violation of section 2905.04 of the Revised 12940  
Code as it existed prior to July 1, 1996, had the violation 12941  
occurred prior to that date, a violation of section 2925.11 of 12942  
the Revised Code that is not a minor drug possession offense, or 12943  
felonious sexual penetration in violation of former section 12944  
2907.12 of the Revised Code; 12945

(b) A violation of an existing or former law of this 12946  
state, any other state, or the United States that is 12947  
substantially equivalent to any of the offenses or violations 12948  
described in division (B) (1) (a) of this section. 12949

(2) A preschool program may employ an applicant 12950  
conditionally until the criminal records check required by this 12951  
section is completed and the preschool program receives the 12952  
results of the criminal records check. If the results of the 12953

criminal records check indicate that, pursuant to division (B) 12954  
(1) of this section, the applicant does not qualify for 12955  
employment, the preschool program shall release the applicant 12956  
from employment. 12957

(C) (1) Each preschool program shall pay to the bureau of 12958  
criminal identification and investigation the fee prescribed 12959  
pursuant to division (C) (3) of section 109.572 of the Revised 12960  
Code for each criminal records check conducted in accordance 12961  
with that section upon the request pursuant to division (A) (1) 12962  
of this section of the director, head teacher, elementary 12963  
principal, or site administrator of the preschool program. 12964

(2) A preschool program may charge an applicant a fee for 12965  
the costs it incurs in obtaining a criminal records check under 12966  
this section. A fee charged under this division shall not exceed 12967  
the amount of fees the preschool program pays under division (C) 12968  
(1) of this section. If a fee is charged under this division, 12969  
the preschool program shall notify the applicant at the time of 12970  
the applicant's initial application for employment of the amount 12971  
of the fee and that, unless the fee is paid, the applicant will 12972  
not be considered for employment. 12973

(D) The report of any criminal records check conducted by 12974  
the bureau of criminal identification and investigation in 12975  
accordance with section 109.572 of the Revised Code and pursuant 12976  
to a request under division (A) (1) of this section is not a 12977  
public record for the purposes of section 149.43 of the Revised 12978  
Code and shall not be made available to any person other than 12979  
the applicant who is the subject of the criminal records check 12980  
or the applicant's representative, the preschool program 12981  
requesting the criminal records check or its representative, and 12982  
any court, hearing officer, or other necessary individual in a 12983

case dealing with the denial of employment to the applicant. 12984

(E) The department of education and workforce shall adopt 12985  
rules pursuant to Chapter 119. of the Revised Code to implement 12986  
this section, including rules specifying circumstances under 12987  
which a preschool program may hire a person who has been 12988  
convicted of an offense listed in division (B)(1) of this 12989  
section but who meets standards in regard to rehabilitation set 12990  
by the department. 12991

(F) Any person required by division (A)(1) of this section 12992  
to request a criminal records check shall inform each person, at 12993  
the time of the person's initial application for employment, 12994  
that the person is required to provide a set of impressions of 12995  
the person's fingerprints and that a criminal records check is 12996  
required to be conducted and satisfactorily completed in 12997  
accordance with section 109.572 of the Revised Code if the 12998  
person comes under final consideration for appointment or 12999  
employment as a precondition to employment for that position. 13000

(G) As used in this section: 13001

(1) "Applicant" means a person who is under final 13002  
consideration for appointment or employment in a position with a 13003  
preschool program as a person responsible for the care, custody, 13004  
or control of a child, except that "applicant" does not include 13005  
a person already employed by a board of education, community 13006  
school, or chartered nonpublic school in a position of care, 13007  
custody, or control of a child who is under consideration for a 13008  
different position with such board or school. 13009

(2) "Criminal records check" has the same meaning as in 13010  
section 109.572 of the Revised Code. 13011

(3) "Minor drug possession offense" has the same meaning 13012

as in section 2925.01 of the Revised Code. 13013

(H) If the board of education of a local school district 13014  
adopts a resolution requesting the assistance of the educational 13015  
service center in which the local district has territory in 13016  
conducting criminal records checks of substitute teachers under 13017  
this section, the appointing or hiring officer of such 13018  
educational service center governing board shall serve for 13019  
purposes of this section as the appointing or hiring officer of 13020  
the local board in the case of hiring substitute teachers for 13021  
employment in the local district. 13022

**Sec. 3301.55.** (A) A school district, county board of 13023  
developmental disabilities, community school, or eligible 13024  
nonpublic school operating a preschool program shall house the 13025  
program in buildings that meet the following requirements: 13026

(1) The building is operated by the district, county board 13027  
of developmental disabilities, community school, or eligible 13028  
nonpublic school and has been approved by the division of 13029  
industrial compliance in the department of commerce or a 13030  
certified municipal, township, or county building department for 13031  
the purpose of operating a program for preschool children. Any 13032  
such structure shall be constructed, equipped, repaired, 13033  
altered, and maintained in accordance with applicable provisions 13034  
of Chapters 3781. and 3791. and with rules adopted by the board 13035  
of building standards under Chapter 3781. of the Revised Code 13036  
for the safety and sanitation of structures erected for this 13037  
purpose. 13038

(2) The building is in compliance with fire and safety 13039  
laws and regulations as evidenced by reports of annual school 13040  
fire and safety inspections as conducted by appropriate local 13041  
authorities. 13042

(3) The school is in compliance with rules established by 13043  
~~the state board~~ department of education and workforce regarding 13044  
school food services. 13045

(4) The facility includes not less than thirty-five square 13046  
feet of indoor space for each child in the program. Safe play 13047  
space, including both indoor and outdoor play space, totaling 13048  
not less than sixty square feet for each child using the space 13049  
at any one time, shall be regularly available and scheduled for 13050  
use. 13051

(5) First aid facilities and space for temporary placement 13052  
or isolation of injured or ill children are provided. 13053

(B) Each school district, county board of developmental 13054  
disabilities, community school, or eligible nonpublic school 13055  
that operates, or proposes to operate, a preschool program shall 13056  
submit to the department a building plan including all 13057  
information specified by ~~the state board of education to the~~ 13058  
~~board~~ department not later than the first day of September of 13059  
the school year in which the program is to be initiated. The- 13060  
~~board~~ department shall determine whether the buildings meet the 13061  
requirements of this section and section 3301.53 of the Revised 13062  
Code, ~~and notify the superintendent of its determination~~. If the 13063  
~~board~~ department determines, on the basis of the building plan 13064  
or any other information, that the buildings do not meet those 13065  
requirements, it shall ~~cause inspect~~ the buildings ~~to be~~ 13066  
~~inspected by the department of education~~. The department shall 13067  
~~make submit~~ a report to the ~~superintendent~~ director of education 13068  
and workforce specifying any aspects of the building that are 13069  
not in compliance with the requirements of this section and 13070  
section 3301.53 of the Revised Code and the time period that 13071  
will be allowed the district, county board of developmental 13072

disabilities, or school to meet the requirements. 13073

**Sec. 3301.56.** (A) The director, head teacher, elementary 13074  
principal, or site administrator who is on site and responsible 13075  
for supervision of each preschool program shall be responsible 13076  
for the following: 13077

(1) Ensuring that the health and safety of the children 13078  
are safeguarded by an organized program of school health 13079  
services designed to identify child health problems and to 13080  
coordinate school and community health resources for children, 13081  
as evidenced by but not limited to: 13082

(a) Requiring immunization and compliance with emergency 13083  
medical authorization requirements in accordance with rules 13084  
adopted by the ~~state board~~ department of education and workforce 13085  
under section 3301.53 of the Revised Code; 13086

(b) Providing procedures for emergency situations, 13087  
including fire drills, rapid dismissals, tornado drills, and 13088  
school safety drills in accordance with section 3737.73 of the 13089  
Revised Code, and keeping records of such drills or dismissals; 13090

(c) Posting emergency procedures in preschool rooms and 13091  
making them available to school personnel, children, and 13092  
parents; 13093

(d) Posting emergency numbers by each telephone; 13094

(e) Supervising grounds, play areas, and other facilities 13095  
when scheduled for use by children; 13096

(f) Providing first-aid facilities and materials. 13097

(2) Maintaining cumulative records for each child; 13098

(3) Supervising each child's admission, placement, and 13099

withdrawal according to established procedures;	13100
(4) Preparing at least once annually for each group of	13101
children in the program a roster of names and telephone numbers	13102
of parents, guardians, and custodians of children in the group	13103
and, on request, furnishing the roster for each group to the	13104
parents, guardians, and custodians of children in that group.	13105
The director may prepare a similar roster of all children in the	13106
program and, on request, make it available to the parents,	13107
guardians, and custodians, of children in the program. The	13108
director shall not include in either roster the name or	13109
telephone number of any parent, guardian, or custodian who	13110
requests that the parent's, guardian's, or custodian's name or	13111
number not be included, and shall not furnish any roster to any	13112
person other than a parent, guardian, or custodian of a child in	13113
the program.	13114
(5) Ensuring that clerical and custodial services are	13115
provided for the program;	13116
(6) Supervising the instructional program and the daily	13117
operation of the program;	13118
(7) Supervising and evaluating preschool staff members	13119
according to a planned sequence of observations and evaluation	13120
conferences, and supervising nonteaching employees.	13121
(B) (1) In each program the maximum number of children per	13122
preschool staff member and the maximum group size by age	13123
category of children shall be as follows:	13124
	13125

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: 13141

(a) At least one preschool staff member is present in the 13142  
room; 13143

(b) Sufficient preschool staff members are present on the 13144  
preschool program premises to comply with division (B)(1) of 13145  
this section; 13146

(c) Naptime preparations have been completed and the 13147  
children are resting or napping. 13148

(4) Any accredited program that uses the Montessori method 13149  
endorsed by the American Montessori society or the association 13150  
Montessori internationale as its primary method of instruction 13151  
and is licensed as a preschool program under section 3301.58 of 13152  
the Revised Code may combine preschool children of ages three to 13153  
five years old with children enrolled in kindergarten. 13154  
Notwithstanding anything to the contrary in division (B)(2) of 13155  
this section, when such age groups are combined, the maximum 13156  
number of children per preschool staff member shall be twelve 13157  
and the maximum group size shall be twenty-four children. 13158

(C) In each building in which a preschool program is 13159  
operated there shall be on the premises, and readily available 13160  
at all times, at least one employee who has completed a course 13161  
in first aid and in the prevention, recognition, and management 13162  
of communicable diseases which is approved by the state 13163  
department of health, and an employee who has completed a course 13164  
in child abuse recognition and prevention. 13165

(D) Any parent, guardian, or custodian of a child enrolled 13166  
in a preschool program shall be permitted unlimited access to 13167  
the school during its hours of operation to contact the 13168  
parent's, guardian's, or custodian's child, evaluate the care 13169

provided by the program, or evaluate the premises, or for other 13170  
purposes approved by the director. Upon entering the premises, 13171  
the parent, guardian, or custodian shall report to the school 13172  
office. 13173

**Sec. 3301.57.** (A) For the purpose of improving programs, 13174  
facilities, and implementation of the standards promulgated ~~by~~ 13175  
~~the state board of education~~ under section 3301.53 of the 13176  
Revised Code, the ~~state~~ department of education and workforce 13177  
shall provide consultation and technical assistance to school 13178  
districts, county boards of developmental disabilities, 13179  
community schools, and eligible nonpublic schools operating 13180  
preschool programs or school child programs, and ~~inservice~~ in- 13181  
service training to preschool staff members, school child 13182  
program staff members, and nonteaching employees. 13183

(B) The department and the school district board of 13184  
education, county board of developmental disabilities, community 13185  
school, or eligible nonpublic school shall jointly monitor each 13186  
preschool program and each school child program. 13187

If the program receives any grant or other funding from 13188  
the state or federal government, the department annually shall 13189  
monitor all reports on attendance, financial support, and 13190  
expenditures according to provisions for use of the funds. 13191

(C) The department ~~of education~~, at least once during 13192  
every twelve-month period of operation of a preschool program or 13193  
a licensed school child program, shall inspect the program and 13194  
provide a written inspection report to the superintendent of the 13195  
school district, county board of developmental disabilities, 13196  
community school, or eligible nonpublic school. The department 13197  
may inspect any program more than once, as considered necessary 13198  
by the department, during any twelve-month period of operation. 13199

All inspections may be unannounced. No person shall interfere 13200  
with any inspection conducted pursuant to this division or to 13201  
the rules adopted pursuant to sections 3301.52 to 3301.59 of the 13202  
Revised Code. 13203

Upon receipt of any complaint that a preschool program or 13204  
a licensed school child program is out of compliance with the 13205  
requirements in sections 3301.52 to 3301.59 of the Revised Code 13206  
or the rules adopted under those sections, the department shall 13207  
investigate and may inspect the program. 13208

(D) If a preschool program or a licensed school child 13209  
program is determined to be out of compliance with the 13210  
requirements of sections 3301.52 to 3301.59 of the Revised Code 13211  
or the rules adopted under those sections, the department ~~of~~ 13212  
~~education~~ shall notify the appropriate superintendent, county 13213  
board of developmental disabilities, community school, or 13214  
eligible nonpublic school in writing regarding the nature of the 13215  
violation, what must be done to correct the violation, and by 13216  
what date the correction must be made. If the correction is not 13217  
made by the date established by the department, it may commence 13218  
action under Chapter 119. of the Revised Code to close the 13219  
program or to revoke the license of the program. If a program 13220  
does not comply with an order to cease operation issued in 13221  
accordance with Chapter 119. of the Revised Code, the department 13222  
shall notify the attorney general, the prosecuting attorney of 13223  
the county in which the program is located, or the city 13224  
attorney, village solicitor, or other chief legal officer of the 13225  
municipal corporation in which the program is located that the 13226  
program is operating in violation of sections 3301.52 to 3301.59 13227  
of the Revised Code or the rules adopted under those sections 13228  
and in violation of an order to cease operation issued in 13229  
accordance with Chapter 119. of the Revised Code. Upon receipt 13230

of the notification, the attorney general, prosecuting attorney, 13231  
city attorney, village solicitor, or other chief legal officer 13232  
shall file a complaint in the court of common pleas of the 13233  
county in which the program is located requesting the court to 13234  
issue an order enjoining the program from operating. The court 13235  
shall grant the requested injunctive relief upon a showing that 13236  
the program named in the complaint is operating in violation of 13237  
sections 3301.52 to 3301.59 of the Revised Code or the rules 13238  
adopted under those sections and in violation of an order to 13239  
cease operation issued in accordance with Chapter 119. of the 13240  
Revised Code. 13241

(E) The department ~~of education~~ shall prepare an annual 13242  
report on inspections conducted under this section. The report 13243  
shall include the number of inspections conducted, the number 13244  
and types of violations found, and the steps taken to address 13245  
the violations. The department shall file the report with the 13246  
governor, the president and minority leader of the senate, and 13247  
the speaker and minority leader of the house of representatives 13248  
on or before the first day of January of each year, ~~beginning in~~ 13249  
~~1999~~. 13250

**Sec. 3301.58.** (A) The department of education and 13251  
workforce is responsible for the licensing of preschool programs 13252  
and school child programs and for the enforcement of sections 13253  
3301.52 to 3301.59 of the Revised Code and of any rules adopted 13254  
under those sections. No school district board of education, 13255  
county board of developmental disabilities, community school, or 13256  
eligible nonpublic school shall operate, establish, manage, 13257  
conduct, or maintain a preschool program without a license 13258  
issued under this section. A school district board of education, 13259  
county board of developmental disabilities, community school, or 13260  
eligible nonpublic school may obtain a license under this 13261

section for a school child program. The school district board of 13262  
education, county board of developmental disabilities, community 13263  
school, or eligible nonpublic school shall post the license for 13264  
each preschool program and licensed school child program it 13265  
operates, establishes, manages, conducts, or maintains in a 13266  
conspicuous place in the preschool program or licensed school 13267  
child program that is accessible to parents, custodians, or 13268  
guardians and employees and staff members of the program at all 13269  
times when the program is in operation. 13270

(B) Any school district board of education, county board 13271  
of developmental disabilities, community school, or eligible 13272  
nonpublic school that desires to operate, establish, manage, 13273  
conduct, or maintain a preschool program shall apply to the 13274  
~~department of education~~ for a license on a form that the 13275  
department shall prescribe by rule. Any school district board of 13276  
education, county board of developmental disabilities, community 13277  
school, or eligible nonpublic school that desires to obtain a 13278  
license for a school child program shall apply to the department 13279  
for a license on a form that the department shall prescribe by 13280  
rule. The department shall provide at no charge to each 13281  
applicant for a license under this section a copy of the 13282  
requirements under sections 3301.52 to 3301.59 of the Revised 13283  
Code and any rules adopted under those sections. The department 13284  
may establish application fees by rule adopted under Chapter 13285  
119. of the Revised Code, and all applicants for a license shall 13286  
pay any fee established by the department at the time of making 13287  
an application for a license. All fees collected pursuant to 13288  
this section shall be paid into the state treasury to the credit 13289  
of the general revenue fund. 13290

(C) Upon the filing of an application for a license, the 13291  
~~department of education~~ shall investigate and inspect the 13292

preschool program or school child program to determine the 13293  
license capacity for each age category of children of the 13294  
program and to determine whether the program complies with 13295  
sections 3301.52 to 3301.59 of the Revised Code and any rules 13296  
adopted under those sections. When, after investigation and 13297  
inspection, the department-of-education is satisfied that 13298  
sections 3301.52 to 3301.59 of the Revised Code and any rules 13299  
adopted under those sections are complied with by the applicant, 13300  
the department-of-education shall issue the program a 13301  
provisional license as soon as practicable in the form and 13302  
manner prescribed by the rules of the department. The 13303  
provisional license shall be valid for one year from the date of 13304  
issuance unless revoked. 13305

(D) The department-of-education shall investigate and 13306  
inspect a preschool program or school child program that has 13307  
been issued a provisional license at least once during operation 13308  
under the provisional license. If, after the investigation and 13309  
inspection, the department-of-education determines that the 13310  
requirements of sections 3301.52 to 3301.59 of the Revised Code 13311  
and any rules adopted under those sections are met by the 13312  
provisional licensee, the department-of-education shall issue 13313  
the program a license. The license shall remain valid unless 13314  
revoked or the program ceases operations. 13315

(E) The department-of-education annually shall investigate 13316  
and inspect each preschool program or school child program 13317  
licensed under division (D) of this section to determine if the 13318  
requirements of sections 3301.52 to 3301.59 of the Revised Code 13319  
and any rules adopted under those sections are met by the 13320  
program, and shall notify the program of the results. 13321

(F) The license or provisional license shall state the 13322

name of the school district board of education, county board of 13323  
developmental disabilities, community school, or eligible 13324  
nonpublic school that operates the preschool program or school 13325  
child program and the license capacity of the program. 13326

(G) The department ~~of education~~ may revoke the license of 13327  
any preschool program or school child program that is not in 13328  
compliance with the requirements of sections 3301.52 to 3301.59 13329  
of the Revised Code and any rules adopted under those sections. 13330

(H) If the department ~~of education~~ revokes a license, the 13331  
department shall not issue a license to the program within two 13332  
years from the date of the revocation. All actions of the 13333  
department with respect to licensing preschool programs and 13334  
school child programs shall be in accordance with Chapter 119. 13335  
of the Revised Code. 13336

**Sec. 3301.59.** ~~(A)~~ No school child program may receive any 13337  
state or federal funds specifically allocated for school child 13338  
programs unless the school child program is licensed by the 13339  
department of education and workforce pursuant to sections 13340  
3301.52 to 3301.59 of the Revised Code or by the department of 13341  
job and family services pursuant to Chapter 5104. of the Revised 13342  
Code. 13343

~~(B) If an eligible nonpublic school is operating,~~ 13344  
~~managing, conducting, or maintaining a preschool program or~~ 13345  
~~school child program on July 22, 1991, and if the eligible~~ 13346  
~~nonpublic school previously obtained a license for the program~~ 13347  
~~from the department of job and family services pursuant to~~ 13348  
~~Chapter 5104. of the Revised Code, the eligible nonpublic school~~ 13349  
~~shall do one of the following:~~ 13350

~~(1) On or before the expiration date of the license, apply~~ 13351

~~pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a renewal of the license;~~ 13352  
13353

~~(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;~~ 13354  
13355  
13356

~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 13357  
13358

~~(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.~~ 13359  
13360  
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~~(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:~~ 13364  
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13370

~~(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;~~ 13371  
13372  
13373

~~(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;~~ 13374  
13375  
13376

~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 13377  
13378

~~(4) If the program is a school child program, not accept~~ 13379

~~any state or federal funds specifically allocated for school- 13380  
child programs and not accept any state or federal funds for 13381  
publicly funded child care pursuant to Chapter 5104. of the 13382  
Revised Code. 13383~~

~~(D) (1) If an eligible nonpublic school that operates, 13384  
manages, conducts, or maintains a preschool program or a school- 13385  
child program elects pursuant to division (B) (1) of this section- 13386  
to renew a license for the program that was issued by the 13387  
department of job and family services or elects pursuant to 13388  
division (C) (1) of this section to apply to the department of 13389  
job and family services for a license for the program, that 13390  
preschool program or school child program is subject to Chapter- 13391  
5104. of the Revised Code and to licensure under that chapter- 13392  
until the eligible nonpublic school ceases to operate, manage, 13393  
conduct, or maintain the program. 13394~~

~~(2) If an eligible nonpublic school that operates, 13395  
manages, conducts, or maintains a preschool program or a school- 13396  
child program elects pursuant to division (B) (2) or (C) (2) of- 13397  
this section to apply to the department of education for a 13398  
license for the program, that preschool program or school child- 13399  
program is subject to sections 3301.52 to 3301.59 of the Revised- 13400  
Code and to licensure under those sections until the eligible- 13401  
nonpublic school ceases to operate, manage, conduct, or maintain 13402  
the program. 13403~~

~~(E) Not later than July 22, 1992, the departments of job 13404  
and family services and education shall each prepare a list of 13405  
the preschool programs and school child programs that are 13406  
licensed by the respective departments. 13407~~

**Sec. 3301.61.** (A) The state council on educational 13408  
opportunity for military children is hereby established within 13409

the department of education and workforce. The council shall 13410  
consist of the following members: 13411

(1) The ~~superintendent of public instruction~~ director of 13412  
education and workforce or the ~~superintendent's~~ director's 13413  
designee; 13414

(2) The director of veterans services or the director's 13415  
designee; 13416

(3) The superintendent of a school district that has a 13417  
high concentration of children of military families, appointed 13418  
by the governor; 13419

(4) A representative of a military installation located in 13420  
this state, appointed by the governor; 13421

(5) A representative of the governor's office, appointed 13422  
by the governor; 13423

(6) Four members of the general assembly, appointed as 13424  
follows: 13425

(a) One member of the house of representatives appointed 13426  
by the speaker of the house of representatives; 13427

(b) One member of the house of representatives appointed 13428  
by the minority leader of the house of representatives; 13429

(c) One member of the senate appointed by the president of 13430  
the senate; 13431

(d) One member of the senate appointed by the minority 13432  
leader of the senate. 13433

(7) The compact commissioner appointed under section 13434  
3301.62 of the Revised Code; 13435

(8) The military family education liaison appointed under 13436

section 3301.63 of the Revised Code; 13437

(9) Other members appointed in the manner prescribed by 13438  
and seated at the discretion of the voting members of the 13439  
council. 13440

The members of the council shall serve at the pleasure of 13441  
their appointing authorities. Vacancies shall be filled in the 13442  
manner of the initial appointments. 13443

The members appointed under divisions (A) (6) to (9) of 13444  
this section shall be nonvoting members of the council. 13445

The members of the council shall serve without 13446  
compensation. 13447

(B) The council shall oversee and provide coordination for 13448  
the state's participation in and compliance with the interstate 13449  
compact on educational opportunity for military children, as 13450  
ratified by section 3301.60 of the Revised Code. 13451

(C) The department of education and workforce shall 13452  
provide staff support for the council. 13453

(D) Sections 101.82 to 101.87 of the Revised Code do not 13454  
apply to the council. 13455

(E) As used in this section, "children of military 13456  
families" and "military installation" have the same meanings as 13457  
in Article II of the interstate compact on educational 13458  
opportunity for military children. 13459

**Sec. 3301.62.** The governor shall appoint a compact 13460  
commissioner who shall be responsible for administering the 13461  
state's participation in the interstate compact on educational 13462  
opportunity for military children, as ratified by section 13463  
3301.60 of the Revised Code. The compact commissioner shall be a 13464

state officer within the department of education and workforce 13465  
and shall serve at the pleasure of the governor. 13466

**Sec. 3301.63.** The state council on educational opportunity 13467  
for military children, established under section 3301.61 of the 13468  
Revised Code, shall appoint a military family education liaison 13469  
to assist families and the state in implementing the interstate 13470  
compact on educational opportunity for military children, as 13471  
ratified by section 3301.60 of the Revised Code. The department 13472  
of education and workforce shall provide staff support for the 13473  
military family education liaison. 13474

**Sec. 3301.64.** The annual assessment charged to the state 13475  
for participating in the interstate compact on educational 13476  
opportunity for military children shall be divided equally 13477  
between the department of education and workforce and the 13478  
department of veterans services. 13479

**Sec. 3301.68.** (A) The department of education and 13480  
workforce shall establish a consolidated school mandate report 13481  
for school districts. The report shall be distributed and 13482  
monitored by the department. Each district or school shall 13483  
complete and file the report not later than the thirtieth day of 13484  
November each year. The report shall require each district or 13485  
school to denote "yes" to indicate compliance or "no" to 13486  
indicate noncompliance with the items prescribed under division 13487  
(B) of this section, and to provide any other information that 13488  
the department requests regarding those items. If a district or 13489  
school denotes "no" on any item, it shall provide, within thirty 13490  
days, to its board of education a written explanation for why 13491  
that item was not completed and a written plan of action for 13492  
accurately and efficiently addressing the problem. 13493

(B) The report shall contain the following items: 13494

(1) Training on the use of physical restraint or seclusion on students pursuant to section 3319.46 of the Revised Code;	13495 13496
(2) Training on harassment, intimidation, or bullying pursuant to sections 3313.666, 3313.667, and 3319.073 of the Revised Code;	13497 13498 13499
(3) Training on the use of cardiopulmonary resuscitation and an automated external defibrillator under sections 3313.60, 3313.6023, 3313.717, and 3314.16 of the Revised Code;	13500 13501 13502
(4) The reporting of a district's or school's compliance with nutritional standards prescribed under section 3313.814 of the Revised Code;	13503 13504 13505
(5) Screening of pupils for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders pursuant to section 3313.673 of the Revised Code;	13506 13507 13508 13509
(6) Compliance with intradistrict and interdistrict open enrollment provisions in sections 3313.97 and 3313.98 of the Revised Code.	13510 13511 13512
(C) Except as provided in division (D) of section 3313.814 of the Revised Code, the department shall not require a separate report for any of the items listed in division (B) of this section.	13513 13514 13515 13516
<b>Sec. 3301.70.</b> (A) The <del>state board</del> <u>department</u> of education <u>and workforce</u> is the designated state agency responsible for the coordination and administration of sections 110 to 118 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 12401 to 12431, as amended. With the assistance of the Ohio commission on service and volunteerism created in section 121.40 of the Revised Code, the <del>state board</del>	13517 13518 13519 13520 13521 13522 13523

department shall coordinate with other state agencies to apply 13524  
for funding under the act when appropriate. 13525

(B) With the assistance of the Ohio commission on service 13526  
and volunteerism, the ~~state board of education~~ department shall 13527  
develop a plan to assist school districts in the implementation 13528  
of section 3313.605 of the Revised Code and other community 13529  
service activities of school districts. The ~~state board~~ 13530  
department shall encourage the development of school district 13531  
programs meeting the requirements for funding under the National 13532  
and Community Service Act of 1990. The plan shall include the 13533  
investigation of funding from all available sources for school 13534  
community service education programs, including funds available 13535  
under the National and Community Service Act of 1990, and the 13536  
provision of technical assistance to school districts for the 13537  
implementation of community service education programs. The plan 13538  
shall also provide for technical assistance to be given to 13539  
school boards to assist in obtaining funds for community service 13540  
education programs from any source. 13541

(C) With the assistance of the Ohio commission on service 13542  
and volunteerism, the ~~state board of education~~ department shall 13543  
do all of the following: 13544

(1) Disseminate information about school district 13545  
community service education programs to other school districts 13546  
and to statewide organizations involved with or promoting 13547  
volunteerism; 13548

(2) Recruit additional school districts to develop 13549  
community service education programs; 13550

(3) Identify or develop model community service programs, 13551  
teacher training courses, and community service curricula and 13552

teaching materials for possible use by school districts in their 13553  
programs. 13554

**Sec. 3301.80.** (A) The department of education and 13555  
workforce shall award a certificate of high school equivalence 13556  
to each person who achieves the equivalent of a high school 13557  
education, as measured by scores obtained on a high school 13558  
equivalency test approved by the department pursuant to division 13559  
(B) of this section. Each certificate awarded under this section 13560  
shall be signed by the ~~superintendent of public instruction and~~ 13561  
~~the president of the state board~~ director of education and 13562  
workforce. 13563

Notwithstanding anything to the contrary in the Revised 13564  
Code, a person who seeks to obtain a certificate of high school 13565  
equivalence shall be subject to the requirements of section 13566  
3301.81 of the Revised Code. 13567

(B) The department shall approve at least two nationally 13568  
recognized high school equivalency tests for the purpose of 13569  
awarding certificates of high school equivalence under this 13570  
section. For each test approved pursuant to division (B) of this 13571  
section, the department shall ensure that the scores required 13572  
for passage are equivalent to the scores required for passage on 13573  
the other approved equivalency tests. 13574

(C) All of the following shall be considered the 13575  
equivalent of a certificate of high school equivalence awarded 13576  
by the department under this section: 13577

(1) A high school equivalence diploma or a certificate of 13578  
high school equivalence awarded by the state board of education 13579  
prior to ~~the effective date of this section~~ September 14, 2016; 13580

(2) A certificate of high school equivalence issued prior 13581

to January 1, 1994, attesting to the achievement of the 13582  
equivalent of a high school education as measured by scores 13583  
obtained on tests of general educational development; 13584

(3) A statement issued by a primary-secondary education or 13585  
higher education agency of another state that indicates that its 13586  
holder has achieved the equivalent of a high school education as 13587  
measured by scores obtained on a similar nationally recognized 13588  
high school equivalency test. 13589

(D) ~~The state board department,~~ in consultation with the 13590  
chancellor of higher education, shall adopt rules to administer 13591  
this section and section 3301.81 of the Revised Code. 13592

**Sec. 3301.81.** (A) A person who meets all of the following 13593  
criteria shall be permitted to take a high school equivalency 13594  
test approved by the department of education and workforce 13595  
pursuant to division (B) of section 3301.80 of the Revised Code: 13596

(1) The person is at least eighteen years of age. 13597

(2) The person is officially withdrawn from school. 13598

(3) The person has not received a high school diploma or 13599  
honors diploma awarded under section 3313.61, 3313.611, 13600  
3313.612, or 3325.08 of the Revised Code. 13601

(B) A person who is at least sixteen years of age but less 13602  
than eighteen years of age may apply to the department to take 13603  
an approved equivalency test, so long as the person meets all of 13604  
the following criteria: 13605

(1) The person has not received a high school diploma or 13606  
honors diploma awarded under section 3313.61, 3313.611, 13607  
3313.612, or 3325.08 of the Revised Code. 13608

(2) The person is officially withdrawn from school. 13609

(3) The person submits, along with the application, 13610  
written approval from the person's parent or guardian or a court 13611  
official. 13612

(C) For the purpose of calculating graduation rates for 13613  
the school district and building report cards under section 13614  
3302.03 of the Revised Code, the department shall count any 13615  
person who officially withdraws from school to take an approved 13616  
equivalency test under this section as a dropout from the 13617  
district or school in which the person was last enrolled. 13618

(D) If a person takes an approved equivalency test and 13619  
fails to attain the scores required to earn a certificate of 13620  
high school equivalence, as defined in section 5107.40 of the 13621  
Revised Code, on the entire battery of tests, that person shall 13622  
be required to retake only the specific test on which the person 13623  
did not attain a passing score in order to earn a certificate of 13624  
high school equivalence. If a person retakes a specific test, 13625  
that person shall be responsible only for the cost of that test 13626  
and not for the cost of the entire battery of tests, unless that 13627  
person is retaking the entire battery. 13628

**Sec. 3301.923.** The department of education and workforce 13629  
shall establish a clearinghouse of best practices that schools 13630  
may use to promote student health. The department shall update 13631  
the clearinghouse as necessary. 13632

**Sec. 3301.94.** ~~Upon approval of the state board of~~ 13633  
~~education, the superintendent of public instruction and the~~ 13634  
~~chancellor of the Ohio board of regents~~ The department of 13635  
education and workforce and the chancellor of higher education 13636  
may enter into a memorandum of understanding under which the 13637  
department ~~of education~~, on behalf of the chancellor, will 13638  
receive and maintain copies of data records containing student 13639

information reported to the chancellor for the purpose of 13640  
combining those records with the data reported to the education 13641  
management information system, established under section 13642  
3301.0714 of the Revised Code, to establish an education data 13643  
repository that may be used to conduct longitudinal research and 13644  
evaluation. The memorandum of understanding shall specify the 13645  
following: 13646

(A) That, prior to establishing the repository, the 13647  
~~superintendent~~ department and chancellor shall develop a 13648  
strategic plan for the repository that outlines the goals to be 13649  
achieved from its implementation and use. A copy of the 13650  
strategic plan shall be provided to the governor, the president 13651  
of the senate, and the speaker of the house of representatives; 13652

(B) That the chancellor shall submit all student data to 13653  
be included in the repository to the independent contractor 13654  
engaged by the department to create and maintain the student 13655  
data verification codes required by division (D)(2) of section 13656  
3301.0714 of the Revised Code. For each student included in the 13657  
data submitted by the chancellor, the independent contractor 13658  
shall determine whether a data verification code has been 13659  
assigned to that student. In the case of a student to whom a 13660  
data verification code has been assigned, the independent 13661  
contractor shall add the code to the student's data record and 13662  
remove from the data record any information that would enable 13663  
the data verification code to be matched to personally 13664  
identifiable student data. In the case of a student to whom a 13665  
data verification code has not been assigned, the independent 13666  
contractor shall assign a data verification code to the student, 13667  
add the data verification code to the student's data record, and 13668  
remove from the data record any information that would enable 13669  
the data verification code to be matched to personally 13670

identifiable student data. After making the modifications 13671  
described in this division, the independent contractor shall 13672  
transmit the data to the department and the chancellor. 13673

(C) That the ~~superintendent~~ department and the chancellor 13674  
jointly shall develop procedures for the maintenance of the data 13675  
in the repository and shall designate the types of research that 13676  
may be conducted using that data. Permitted uses of the data 13677  
shall include, but are not limited to, the following: 13678

(1) Assisting the department, ~~superintendent, or state~~ 13679  
~~board~~ in performing audit and evaluation functions concerning 13680  
preschool, elementary, and secondary education as required or 13681  
authorized by any provision of law, including division (C) of 13682  
section 3301.07 and sections 3301.12, 3301.16, 3301.53, 3301.57, 13683  
3301.58, and 3302.03 of the Revised Code; 13684

(2) Assisting the department and the chancellor in 13685  
performing audit and evaluation functions concerning higher 13686  
education as required or authorized by any provision of law, 13687  
including sections 3333.04, 3333.041, 3333.047, 3333.122, 13688  
3333.123, 3333.16, 3333.161, 3333.374, 3333.72, and 3333.82 of 13689  
the Revised Code. 13690

(D) That the ~~superintendent~~ department and the chancellor, 13691  
from time to time, jointly may enter into written agreements 13692  
with entities for the use of data in the repository to conduct 13693  
research and analysis designed to evaluate the effectiveness of 13694  
programs or services, to measure progress against specific 13695  
strategic planning goals, or for any other purpose permitted by 13696  
law that the ~~superintendent~~ department and chancellor consider 13697  
necessary for the performance of their duties under the Revised 13698  
Code. The agreements may permit the disclosure of personally 13699  
identifiable student information to the entity named in the 13700

agreement, provided that disclosure complies with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and regulations promulgated under that act prescribing requirements for such agreements. ~~The superintendent shall notify the state board of each agreement entered into under this division.~~

(E) That the data in the repository submitted by the department shall remain under the direct control of the department and that the data in the repository submitted by the chancellor shall remain under the direct control of the chancellor;

(F) That the data in the repository shall be managed in a manner that complies with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended;

(G) That all costs related to the initial establishment and ongoing maintenance of the repository shall be paid from funds received from state incentive grants awarded under division (A), Title XIV, section 14006 of the American Recovery and Reinvestment Act of 2009, other federal grant programs, or existing appropriations of the department or chancellor that are designated for a purpose consistent with this section;

(H) That the department annually shall report to ~~the state board~~ and the chancellor all requests for access to or use of the data in the repository and all costs related to the initial establishment and ongoing maintenance of the repository.

**Sec. 3301.941.** As used in this section, "early childhood program" means any publicly funded program providing services to children younger than compulsory school age, as defined in section 3321.01 of the Revised Code.

Student level data records collected and maintained for 13730  
purposes of administering early childhood programs shall be 13731  
assigned a unique student data verification code in accordance 13732  
with division (D) (2) of section 3301.0714 of the Revised Code 13733  
and shall be included in the combined data repository authorized 13734  
by section 3301.94 of the Revised Code. The department of 13735  
education and workforce may require certain personally 13736  
identifiable student data, including student names, to be 13737  
reported to the department for purposes of administering early 13738  
childhood programs but not be included in the combined data 13739  
repository. The department and each school or center providing 13740  
services through an early childhood program that receives a 13741  
student level data record, a data verification code, or other 13742  
personally identifiable information shall not release that 13743  
record, code, or other information to any person except as 13744  
provided by section 3319.321 of the Revised Code or the "Family 13745  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 13746  
U.S.C. 1232g. Any document relative to an early childhood 13747  
program that the department holds in its files that contains a 13748  
student's name, data verification code, or other personally 13749  
identifiable information shall not be a public record under 13750  
section 149.43 of the Revised Code. 13751

Any state agency that administers an early childhood 13752  
program may use student data contained in the combined data 13753  
repository to conduct research and analysis designed to evaluate 13754  
the effectiveness of and investments in that program, in 13755  
compliance with the Family Educational Rights and Privacy Act 13756  
and regulations promulgated under that act. 13757

**Sec. 3301.948.** Notwithstanding anything in the Revised 13758  
Code to the contrary, the department of education and workforce, 13759  
any school district, any school, or any third party under 13760

contract with the state, a school district, or a school shall 13761  
not provide student names and addresses to any multi-state 13762  
consortium that offers summative assessments. 13763

**Sec. 3302.01.** As used in this chapter: 13764

(A) "Performance index score" means the average of the 13765  
totals derived from calculations, for each subject area, of the 13766  
weighted proportion of untested students and students scoring at 13767  
each level of skill described in division (A)(2) of section 13768  
3301.0710 of the Revised Code on the state achievement 13769  
assessments, as follows: 13770

(1) For the assessments prescribed by division (A)(1) of 13771  
section 3301.0710 of the Revised Code, the average for each of 13772  
the subject areas of English language arts, mathematics, and 13773  
science. 13774

(2) For the assessments prescribed by division (B)(1) of 13775  
section 3301.0710 and division (B)(2) of section 3301.0712 of 13776  
the Revised Code, the average for each of the subject areas of 13777  
English language arts, mathematics, science, American history, 13778  
and American government. The average also shall include any 13779  
substitute examinations approved under division (B)(4) of 13780  
section 3301.0712 of the Revised Code in the subject areas of 13781  
science, American history, and American government. 13782

The department of education and workforce shall assign 13783  
weights such that students who do not take an assessment receive 13784  
a weight of zero and students who take an assessment receive 13785  
progressively larger weights dependent upon the level of skill 13786  
attained on the assessment. The department shall assign 13787  
additional weights to students who have been permitted to pass 13788  
over a subject in accordance with a student acceleration policy 13789

adopted under section 3324.10 of the Revised Code. If such a student attains the proficient score prescribed under division (A) (2) (c) of section 3301.0710 of the Revised Code or higher on an assessment, the department shall assign the student the weight prescribed for the next higher scoring level. If such a student attains the advanced score, prescribed under division (A) (2) (a) of section 3301.0710 of the Revised Code, on an assessment, the department shall assign to the student an additional proportional weight, ~~as approved by the state board.~~ For each school year that such a student's score is included in the performance index score and the student attains the proficient score on an assessment, that additional weight shall be assigned to the student on a subject-by-subject basis.

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

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

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

(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. 13819  
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(C) "No Child Left Behind Act of 2001" includes the 13821  
statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 13822  
waivers, or both thereto, rules and regulations promulgated 13823  
pursuant to those statutes, guidance documents, and any other 13824  
policy directives regarding implementation of that act issued by 13825  
the United States department of education. 13826

(D) "Adequate yearly progress" means a measure of annual 13827  
academic performance as calculated in accordance with the "No 13828  
Child Left Behind Act of 2001." 13829

(E) "Supplemental educational services" means additional 13830  
academic assistance, such as tutoring, remediation, or other 13831  
educational enrichment activities, that is conducted outside of 13832  
the regular school day by a provider approved by the department 13833  
in accordance with the "No Child Left Behind Act of 2001." 13834

(F) "Value-added progress dimension" means a measure of 13835  
academic gain for a student or group of students over a specific 13836  
period of time that is calculated by applying a statistical 13837  
methodology to individual student achievement data derived from 13838  
the achievement assessments prescribed by section 3301.0710 of 13839  
the Revised Code. The "value-added progress dimension" shall be 13840  
developed and implemented in accordance with section 3302.021 of 13841  
the Revised Code. 13842

(G) (1) "Four-year adjusted cohort graduation rate" means 13843  
the number of students who graduate in four years or less with a 13844  
regular high school diploma divided by the number of students 13845  
who form the adjusted cohort for the graduating class. 13846

(2) "Five-year adjusted cohort graduation rate" means the 13847

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. 13848  
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(H) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 13851  
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(I) "Annual measurable objectives" means a measure of student progress determined in accordance with an agreement between the department of education and workforce and the United States department of education. 13853  
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(J) "Community school" means a community school established under Chapter 3314. of the Revised Code. 13857  
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(K) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 13859  
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(L) "Entitled to attend school in the district" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code. 13862  
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**Sec. 3302.02.** (A) Not later than one year after the adoption of rules under division (D) of section 3301.0712 of the Revised Code and at least every sixth year thereafter, ~~upon recommendations of the superintendent of public instruction, the state board~~ department of education and workforce shall establish all of the following: 13865  
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(1) A set of performance indicators that considered as a unit will be used as one of the performance categories for the report cards required by section 3302.03 of the Revised Code. In establishing these indicators, the ~~superintendent~~ department shall consider inclusion of student performance on assessments prescribed under section 3301.0710 or 3301.0712 of the Revised 13871  
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Code, rates of student improvement on such assessments, the 13877  
breadth of coursework available within the district, and other 13878  
indicators of student success. 13879

Beginning with the report card issued under section 13880  
3302.03 of the Revised Code for the 2021-2022 school year, the 13881  
performance indicators prescribed under division (A)(1) of this 13882  
section regarding student performance on state assessments shall 13883  
not require a school district or building to attain a 13884  
proficiency percentage to meet an indicator. Rather, the 13885  
performance indicators only shall report proficiency 13886  
percentages, trends, and comparisons. 13887

(2) A performance indicator that reflects the level of 13888  
identification and services provided to, and the performance of, 13889  
students identified as gifted under Chapter 3324. of the Revised 13890  
Code. The indicator shall be prescribed by rules adopted under 13891  
Chapter 119. of the Revised Code by the ~~state board~~ department. 13892  
The ~~state board~~ department shall consult with the gifted 13893  
advisory council regarding all rules adopted under this section. 13894  
Consultation with the state gifted advisory council shall occur 13895  
not less than every three years. 13896

The gifted performance indicator shall include: 13897

(a) The performance of students on state assessments, as 13898  
measured by a performance index score, disaggregated for 13899  
students identified as gifted; 13900

(b) Value-added growth measure under section 3302.021 of 13901  
the Revised Code, disaggregated for students identified as 13902  
gifted; 13903

(c) The level of identification as measured by the 13904  
percentage of students in each grade level identified as gifted 13905

and disaggregated by traditionally underrepresented and 13906  
economically disadvantaged students; 13907

(d) The level of services provided to students as measured 13908  
by the percentage of students provided services in each grade 13909  
level and disaggregated by traditionally underrepresented and 13910  
economically disadvantaged students. 13911

(3) A performance indicator that measures chronic 13912  
absenteeism, as determined by the department ~~of education~~, in a 13913  
school district or school building. 13914

Beginning with the report card issued under section 13915  
3302.03 of the Revised Code for the 2021-2022 school year, the 13916  
performance indicators prescribed in divisions (A) (2) and (3) of 13917  
this section shall not be part of the performance indicator unit 13918  
under division (A) (1) of this section. 13919

(B) For the 2013-2014 school year, except as otherwise 13920  
provided in this section, for any indicator based on the 13921  
percentage of students attaining a proficient score on the 13922  
assessments prescribed by divisions (A) and (B) (1) of section 13923  
3301.0710 of the Revised Code, a school district or building 13924  
shall be considered to have met the indicator if at least eighty 13925  
per cent of the tested students attain a score of proficient or 13926  
higher on the assessment. A school district or building shall be 13927  
considered to have met the indicator for the assessments 13928  
prescribed by division (B) (1) of section 3301.0710 of the 13929  
Revised Code and only as administered to eleventh grade 13930  
students, if at least eighty-five per cent of the tested 13931  
students attain a score of proficient or higher on the 13932  
assessment. 13933

The ~~state board~~ department shall adopt rules, under 13934

Chapter 119. of the Revised Code, to establish proficiency 13935  
percentages to meet each indicator that is based on a state 13936  
assessment, prescribed under section 3301.0710 or 3301.0712 of 13937  
the Revised Code, for the 2014-2015, 2015-2016, 2016-2017, 2017- 13938  
2018, 2018-2019, 2019-2020, and 2020-2021 school years by the 13939  
following dates: 13940

(1) Not later than December 31, 2015, for the 2014-2015 13941  
school year; 13942

(2) Not later than July 1, 2016, for the 2015-2016 school 13943  
year; 13944

(3) Not later than July 1, 2017, for the 2016-2017, 2017- 13945  
2018, 2018-2019, 2019-2020, and 2020-2021 school years. 13946

**Sec. 3302.021.** (A) ~~Not earlier than July 1, 2005, and not~~ 13947  
~~later than July 1, 2007, the~~ The department of education and 13948  
workforce shall implement a value-added progress dimension for 13949  
school districts and buildings and shall incorporate the value- 13950  
added progress dimension into the report cards and performance 13951  
ratings issued for districts and buildings under section 3302.03 13952  
of the Revised Code. 13953

The ~~state board of education department~~ shall adopt rules, 13954  
pursuant to Chapter 119. of the Revised Code, for the 13955  
implementation of the value-added progress dimension. The rules 13956  
adopted under this division shall specify both of the following: 13957

(1) A scale for describing the levels of academic progress 13958  
in reading and mathematics relative to a standard year of 13959  
academic growth in those subjects for each of grades three 13960  
through eight; 13961

(2) That the department shall maintain the confidentiality 13962  
of individual student test scores and individual student reports 13963

in accordance with sections 3301.0711, 3301.0714, and 3319.321 13964  
of the Revised Code and federal law. The department may require 13965  
school districts to use a unique identifier for each student for 13966  
this purpose. Individual student test scores and individual 13967  
student reports shall be made available only to a student's 13968  
classroom teacher and other appropriate educational personnel 13969  
and to the student's parent or guardian. 13970

(B) The department shall explore the feasibility of using 13971  
the value-added gain index and effect size to improve 13972  
differentiation and interpretation of the measure. If the 13973  
department determines that it is feasible, ~~the state board~~ it 13974  
may update the rules adopted under division (A) of this section 13975  
to implement the use of gain index and effect size. If rules are 13976  
adopted under division (A) of this section that use the gain 13977  
index and effect size, any prior method used to calculate letter 13978  
grades or performance ratings under section 3302.03 of the 13979  
Revised Code shall no longer apply. Rather, ~~the state board~~ 13980  
department shall update its rules to determine how letter grades 13981  
or performance ratings for each level of performance are 13982  
calculated under section 3302.03 of the Revised Code using gain 13983  
index and effect size. 13984

(C) The department shall use a system designed for 13985  
collecting necessary data, calculating the value-added progress 13986  
dimension, analyzing data, and generating reports, which system 13987  
has been used previously by a nonprofit organization led by the 13988  
Ohio business community for at least one year in the operation 13989  
of a pilot program in cooperation with school districts to 13990  
collect and report student achievement data via electronic means 13991  
and to provide information to the districts regarding the 13992  
academic performance of individual students, grade levels, 13993  
school buildings, and the districts as a whole. 13994

(D) The department shall not pay more than two dollars per student for data analysis and reporting to implement the value-added progress dimension in the same manner and with the same services as under the pilot program described by division (B) of this section. However, nothing in this section shall preclude the department or any school district from entering into a contract for the provision of more services at a higher fee per student. Any data analysis conducted under this section by an entity under contract with the department shall be completed in accordance with timelines established by the ~~superintendent of public instruction~~director of education and workforce. 13995  
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(E) The department shall share any aggregate student data and any calculation, analysis, or report utilizing aggregate student data that is generated under this section with the chancellor of the ~~Ohio board of regents~~higher education. The department shall not share individual student test scores and individual student reports with the chancellor. 14006  
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**Sec. 3302.03.** Not later than the thirty-first day of July of each year, the department of education and workforce shall submit preliminary report card data for overall academic performance and for each separate performance measure for each school district, and each school building, in accordance with this section. 14012  
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Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department shall assign a letter grade or performance rating for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The ~~state board of education~~department shall adopt rules 14018  
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pursuant to Chapter 119. of the Revised Code to implement this 14025  
section. The ~~state board's~~ department's rules shall establish 14026  
performance criteria for each letter grade or performance rating 14027  
and prescribe a method by which the department assigns each 14028  
letter grade or performance rating. For a school building to 14029  
which any of the performance measures do not apply, due to grade 14030  
levels served by the building, the department shall designate 14031  
the performance measures that are applicable to the building and 14032  
that must be calculated separately and used to calculate the 14033  
building's overall grade or performance rating. The department 14034  
shall issue annual report cards reflecting the performance of 14035  
each school district, each building within each district, and 14036  
for the state as a whole using the performance measures and 14037  
letter grade or performance rating system described in this 14038  
section. The department shall include on the report card for 14039  
each district and each building within each district the most 14040  
recent two-year trend data in student achievement for each 14041  
subject and each grade. 14042

(A) (1) For the 2012-2013 school year, the department shall 14043  
issue grades as described in division (F) of this section for 14044  
each of the following performance measures: 14045

(a) Annual measurable objectives; 14046

(b) Performance index score for a school district or 14047  
building. Grades shall be awarded as a percentage of the total 14048  
possible points on the performance index system as adopted by 14049  
the ~~state board~~ department. In adopting benchmarks for assigning 14050  
letter grades under division (A) (1) (b) of this section, the 14051  
~~state board~~ department shall designate ninety per cent or higher 14052  
for an "A," at least seventy per cent but not more than eighty 14053  
per cent for a "C," and less than fifty per cent for an "F." 14054

(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 3302.02 of the  
Revised Code and the percentage of applicable performance  
indicators that have been achieved. In adopting benchmarks for  
assigning letter grades under division (A)(1)(c) of this  
section, the ~~state board~~ department shall designate ninety per  
cent or higher for an "A."

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

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

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

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

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

(iii) A score that is less than or equal to one standard  
error of measure below the mean score but greater than two  
standard errors of measure below the mean score shall be

designated as a "C." 14084

(iv) A score that is less than or equal to two standard 14085  
errors of measure below the mean score but is greater than three 14086  
standard errors of measure below the mean score shall be 14087  
designated as a "D." 14088

(v) A score that is less than or equal to three standard 14089  
errors of measure below the mean score shall be designated as an 14090  
"F." 14091

Whenever the value-added progress dimension is used as a 14092  
graded performance measure in this division and divisions (B) 14093  
and (C) of this section, whether as an overall measure or as a 14094  
measure of separate subgroups, the grades for the measure shall 14095  
be calculated in the same manner as prescribed in division (A) 14096  
(1)(e) of this section. 14097

(f) The value-added progress dimension score for a school 14098  
district or building disaggregated for each of the following 14099  
subgroups: students identified as gifted, students with 14100  
disabilities, and students whose performance places them in the 14101  
lowest quintile for achievement on a statewide basis. Each 14102  
subgroup shall be a separate graded measure. 14103

(2) ~~Not later than April 30, 2013, the state board of~~ 14104  
~~education~~ The department shall adopt a resolution describing the 14105  
performance measures, benchmarks, and grading system for the 14106  
2012-2013 school year and, ~~not later than June 30, 2013,~~ shall 14107  
adopt rules in accordance with Chapter 119. of the Revised Code 14108  
that prescribe the methods by which the performance measures 14109  
under division (A)(1) of this section shall be assessed and 14110  
assigned a letter grade, including performance benchmarks for 14111  
each letter grade. 14112

At least forty-five days prior to the ~~state board's~~ 14113  
department's adoption of rules to prescribe the methods by which 14114  
the performance measures under division (A) (1) of this section 14115  
shall be assessed and assigned a letter grade, the department 14116  
shall conduct a public presentation before the standing 14117  
committees of the house of representatives and the senate that 14118  
consider education legislation describing such methods, 14119  
including performance benchmarks. 14120

(3) There shall not be an overall letter grade for a 14121  
school district or building for the 2012-2013 school year. 14122

(B) (1) For the 2013-2014 school year, the department shall 14123  
issue grades as described in division (F) of this section for 14124  
each of the following performance measures: 14125

(a) Annual measurable objectives; 14126

(b) Performance index score for a school district or 14127  
building. Grades shall be awarded as a percentage of the total 14128  
possible points on the performance index system as created by 14129  
the department. In adopting benchmarks for assigning letter 14130  
grades under division (B) (1) (b) of this section, the ~~state board~~ 14131  
department shall designate ninety per cent or higher for an "A," 14132  
at least seventy per cent but not more than eighty per cent for 14133  
a "C," and less than fifty per cent for an "F." 14134

(c) The extent to which the school district or building 14135  
meets each of the applicable performance indicators established 14136  
by the ~~state board~~ department under section 3302.03 of the 14137  
Revised Code and the percentage of applicable performance 14138  
indicators that have been achieved. In adopting benchmarks for 14139  
assigning letter grades under division (B) (1) (c) of this 14140  
section, the ~~state board~~ department shall designate ninety per 14141

cent or higher for an "A." 14142

(d) The four- and five-year adjusted cohort graduation 14143  
rates; 14144

(e) The overall score under the value-added progress 14145  
dimension of a school district or building, for which the 14146  
department shall use up to three years of value-added data as 14147  
available. 14148

(f) The value-added progress dimension score for a school 14149  
district or building disaggregated for each of the following 14150  
subgroups: students identified as gifted in superior cognitive 14151  
ability and specific academic ability fields under Chapter 3324. 14152  
of the Revised Code, students with disabilities, and students 14153  
whose performance places them in the lowest quintile for 14154  
achievement on a statewide basis. Each subgroup shall be a 14155  
separate graded measure. 14156

(g) Whether a school district or building is making 14157  
progress in improving literacy in grades kindergarten through 14158  
three, as determined using a method prescribed by the ~~state-~~ 14159  
~~board~~department. The ~~state board~~ department shall adopt rules to 14160  
prescribe benchmarks and standards for assigning grades to 14161  
districts and buildings for purposes of division (B) (1) (g) of 14162  
this section. In adopting benchmarks for assigning letter grades 14163  
under divisions (B) (1) (g) and (C) (1) (g) of this section, the 14164  
~~state board~~ department shall determine progress made based on 14165  
the reduction in the total percentage of students scoring below 14166  
grade level, or below proficient, compared from year to year on 14167  
the reading and writing diagnostic assessments administered 14168  
under section 3301.0715 of the Revised Code and the third grade 14169  
English language arts assessment under section 3301.0710 of the 14170  
Revised Code, as applicable. The ~~state board~~ department shall 14171

designate for a "C" grade a value that is not lower than the 14172  
statewide average value for this measure. No grade shall be 14173  
issued under divisions (B) (1) (g) and (C) (1) (g) of this section 14174  
for a district or building in which less than five per cent of 14175  
students have scored below grade level on the diagnostic 14176  
assessment administered to students in kindergarten under 14177  
division (B) (1) of section 3313.608 of the Revised Code. 14178

(h) For a high mobility school district or building, an 14179  
additional value-added progress dimension score. For this 14180  
measure, the department shall use value-added data from the most 14181  
recent school year available and shall use assessment scores for 14182  
only those students to whom the district or building has 14183  
administered the assessments prescribed by section 3301.0710 of 14184  
the Revised Code for each of the two most recent consecutive 14185  
school years. 14186

As used in this division, "high mobility school district 14187  
or building" means a school district or building where at least 14188  
twenty-five per cent of its total enrollment is made up of 14189  
students who have attended that school district or building for 14190  
less than one year. 14191

(2) In addition to the graded measures in division (B) (1) 14192  
of this section, the department shall include on a school 14193  
district's or building's report card all of the following 14194  
without an assigned letter grade: 14195

(a) The percentage of students enrolled in a district or 14196  
building participating in advanced placement classes and the 14197  
percentage of those students who received a score of three or 14198  
better on advanced placement examinations; 14199

(b) The number of a district's or building's students who 14200

have earned at least three college credits through dual 14201  
enrollment or advanced standing programs, such as the post- 14202  
secondary enrollment options program under Chapter 3365. of the 14203  
Revised Code and state-approved career-technical courses offered 14204  
through dual enrollment or statewide articulation, that appear 14205  
on a student's transcript or other official document, either of 14206  
which is issued by the institution of higher education from 14207  
which the student earned the college credit. The credits earned 14208  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 14209  
this section shall not include any that are remedial or 14210  
developmental and shall include those that count toward the 14211  
curriculum requirements established for completion of a degree. 14212

(c) The percentage of students enrolled in a district or 14213  
building who have taken a national standardized test used for 14214  
college admission determinations and the percentage of those 14215  
students who are determined to be remediation-free in accordance 14216  
with standards adopted under division (F) of section 3345.061 of 14217  
the Revised Code; 14218

(d) The percentage of the district's or the building's 14219  
students who receive industry-recognized credentials as approved 14220  
under section 3313.6113 of the Revised Code. 14221

(e) The percentage of students enrolled in a district or 14222  
building who are participating in an international baccalaureate 14223  
program and the percentage of those students who receive a score 14224  
of four or better on the international baccalaureate 14225  
examinations. 14226

(f) The percentage of the district's or building's 14227  
students who receive an honors diploma under division (B) of 14228  
section 3313.61 of the Revised Code. 14229

(3) ~~Not later than December 31, 2013, the state board~~The 14230  
department shall adopt rules in accordance with Chapter 119. of 14231  
the Revised Code that prescribe the methods by which the 14232  
performance measures under divisions (B) (1) (f) and (B) (1) (g) of 14233  
this section will be assessed and assigned a letter grade, 14234  
including performance benchmarks for each grade. 14235

At least forty-five days prior to the ~~state board's~~ 14236  
department's adoption of rules to prescribe the methods by which 14237  
the performance measures under division (B) (1) of this section 14238  
shall be assessed and assigned a letter grade, the department 14239  
shall conduct a public presentation before the standing 14240  
committees of the house of representatives and the senate that 14241  
consider education legislation describing such methods, 14242  
including performance benchmarks. 14243

(4) There shall not be an overall letter grade for a 14244  
school district or building for the 2013-2014, 2014-2015, 2015- 14245  
2016, and 2016-2017 school years. 14246

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 14247  
2018-2019, 2019-2020, and 2020-2021 school years, the department 14248  
shall issue grades as described in division (F) of this section 14249  
for each of the performance measures prescribed in division (C) 14250  
(1) of this section. The graded measures are as follows: 14251

(a) Annual measurable objectives. For the 2017-2018 school 14252  
year, the department shall not include any subgroup data in the 14253  
annual measurable objectives that includes data from fewer than 14254  
twenty-five students. For the 2018-2019 school year, the 14255  
department shall not include any subgroup data in the annual 14256  
measurable objectives that includes data from fewer than twenty 14257  
students. Beginning with the 2019-2020 school year, the 14258  
department shall not include any subgroup data in the annual 14259

measurable objectives that includes data from fewer than fifteen students. 14260  
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(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." 14262  
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(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 assigning letter grades under division (C) (1) (c) of this section, the ~~state board~~ department shall designate ninety per cent or higher for an "A." 14270  
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(d) The four- and five-year adjusted cohort graduation rates; 14278  
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(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the ~~state board~~ department, of a school district or building, for which the department shall use up to three years of value-added data as available. 14280  
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In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C) (1) (e) of this section, the ~~state board~~ department shall prohibit the assigning of a grade of "A" for that measure unless 14285  
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the district's or building's grade assigned for value-added 14289  
progress dimension for all subgroups under division (C) (1) (f) of 14290  
this section is a "C" or higher. 14291

For the metric prescribed by division (C) (1) (e) of this 14292  
section, the ~~state board~~ department may adopt a student academic 14293  
progress measure to be used instead of the value-added progress 14294  
dimension. If the ~~state board~~ department adopts such a measure, 14295  
it also shall prescribe a method for assigning letter grades for 14296  
the new measure that is comparable to the method prescribed in 14297  
division (A) (1) (e) of this section. 14298

(f) The value-added progress dimension score of a school 14299  
district or building disaggregated for each of the following 14300  
subgroups: students identified as gifted in superior cognitive 14301  
ability and specific academic ability fields under Chapter 3324. 14302  
of the Revised Code, students with disabilities, and students 14303  
whose performance places them in the lowest quintile for 14304  
achievement on a statewide basis, as determined by a method 14305  
prescribed by the ~~state board~~ department. Each subgroup shall be 14306  
a separate graded measure. 14307

The ~~state board~~ department may adopt student academic 14308  
progress measures to be used instead of the value-added progress 14309  
dimension. If the ~~state board~~ department adopts such measures, 14310  
it also shall prescribe a method for assigning letter grades for 14311  
the new measures that is comparable to the method prescribed in 14312  
division (A) (1) (e) of this section. 14313

(g) Whether a school district or building is making 14314  
progress in improving literacy in grades kindergarten through 14315  
three, as determined using a method prescribed by the ~~state~~ 14316  
~~board~~ department. The ~~state board~~ department shall adopt rules to 14317  
prescribe benchmarks and standards for assigning grades to a 14318

district or building for purposes of division (C) (1) (g) of this 14319  
section. The ~~state board~~ department shall designate for a "C" 14320  
grade a value that is not lower than the statewide average value 14321  
for this measure. No grade shall be issued under division (C) (1) 14322  
(g) of this section for a district or building in which less 14323  
than five per cent of students have scored below grade level on 14324  
the kindergarten diagnostic assessment under division (B) (1) of 14325  
section 3313.608 of the Revised Code. 14326

(h) For a high mobility school district or building, an 14327  
additional value-added progress dimension score. For this 14328  
measure, the department shall use value-added data from the most 14329  
recent school year available and shall use assessment scores for 14330  
only those students to whom the district or building has 14331  
administered the assessments prescribed by section 3301.0710 of 14332  
the Revised Code for each of the two most recent consecutive 14333  
school years. 14334

As used in this division, "high mobility school district 14335  
or building" means a school district or building where at least 14336  
twenty-five per cent of its total enrollment is made up of 14337  
students who have attended that school district or building for 14338  
less than one year. 14339

(2) In addition to the graded measures in division (C) (1) 14340  
of this section, the department shall include on a school 14341  
district's or building's report card all of the following 14342  
without an assigned letter grade: 14343

(a) The percentage of students enrolled in a district or 14344  
building who have taken a national standardized test used for 14345  
college admission determinations and the percentage of those 14346  
students who are determined to be remediation-free in accordance 14347  
with the standards adopted under division (F) of section 14348

3345.061 of the Revised Code;	14349
(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;	14350 14351 14352 14353
(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.	14354 14355 14356 14357 14358 14359 14360 14361 14362 14363 14364 14365
(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;	14366 14367 14368
(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;	14369 14370 14371
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	14372 14373 14374 14375 14376
(g) The results of the college and career-ready	14377

assessments administered under division (B) (1) of section 14378  
3301.0712 of the Revised Code; 14379

(h) Whether the school district or building has 14380  
implemented a positive behavior intervention and supports 14381  
framework in compliance with the requirements of section 3319.46 14382  
of the Revised Code, notated as a "yes" or "no" answer. 14383

(3) The ~~state board~~ department shall adopt rules pursuant 14384  
to Chapter 119. of the Revised Code that establish a method to 14385  
assign an overall grade for a school district or school building 14386  
for the 2017-2018 school year and each school year thereafter. 14387  
The rules shall group the performance measures in divisions (C) 14388  
(1) and (2) of this section into the following components: 14389

(a) Gap closing, which shall include the performance 14390  
measure in division (C) (1) (a) of this section; 14391

(b) Achievement, which shall include the performance 14392  
measures in divisions (C) (1) (b) and (c) of this section; 14393

(c) Progress, which shall include the performance measures 14394  
in divisions (C) (1) (e) and (f) of this section; 14395

(d) Graduation, which shall include the performance 14396  
measure in division (C) (1) (d) of this section; 14397

(e) Kindergarten through third-grade literacy, which shall 14398  
include the performance measure in division (C) (1) (g) of this 14399  
section; 14400

(f) Prepared for success, which shall include the 14401  
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 14402  
and (f) of this section. The ~~state board~~ department shall 14403  
develop a method to determine a grade for the component in 14404  
division (C) (3) (f) of this section using the performance 14405

measures in divisions (C) (2) (a), (b), (c), (d), (e), and (f) of 14406  
this section. When available, the ~~state board department~~ may 14407  
incorporate the performance measure under division (C) (2) (g) of 14408  
this section into the component under division (C) (3) (f) of this 14409  
section. When determining the overall grade for the prepared for 14410  
success component prescribed by division (C) (3) (f) of this 14411  
section, no individual student shall be counted in more than one 14412  
performance measure. However, if a student qualifies for more 14413  
than one performance measure in the component, the ~~state board-~~ 14414  
~~department~~ may, in its method to determine a grade for the 14415  
component, specify an additional weight for such a student that 14416  
is not greater than or equal to 1.0. In determining the overall 14417  
score under division (C) (3) (f) of this section, the ~~state board-~~ 14418  
~~department~~ shall ensure that the pool of students included in 14419  
the performance measures aggregated under that division are all 14420  
of the students included in the four- and five-year adjusted 14421  
graduation cohort. 14422

In the rules adopted under division (C) (3) of this 14423  
section, the ~~state board department~~ shall adopt a method for 14424  
determining a grade for each component in divisions (C) (3) (a) to 14425  
(f) of this section. The ~~state board department~~ also shall 14426  
establish a method to assign an overall grade of "A," "B," "C," 14427  
"D," or "F" using the grades assigned for each component. The 14428  
method the ~~state board department~~ adopts for assigning an 14429  
overall grade shall give equal weight to the components in 14430  
divisions (C) (3) (b) and (c) of this section. 14431

At least forty-five days prior to the ~~state board's-~~ 14432  
~~department's~~ adoption of rules to prescribe the methods for 14433  
calculating the overall grade for the report card, as required 14434  
by this division, the department shall conduct a public 14435  
presentation before the standing committees of the house of 14436

representatives and the senate that consider education 14437  
legislation describing the format for the report card, weights 14438  
that will be assigned to the components of the overall grade, 14439  
and the method for calculating the overall grade. 14440

(D) For the 2021-2022 school year and each school year 14441  
thereafter, all of the following apply: 14442

(1) The department shall include on a school district's or 14443  
building's report card all of the following performance measures 14444  
without an assigned performance rating: 14445

(a) Whether the district or building meets the gifted 14446  
performance indicator under division (A) (2) of section 3302.02 14447  
of the Revised Code and the extent to which the district or 14448  
building meets gifted indicator performance benchmarks; 14449

(b) The extent to which the district or building meets the 14450  
chronic absenteeism indicator under division (A) (3) of section 14451  
3302.02 of the Revised Code; 14452

(c) Performance index score percentage for a district or 14453  
building, which shall be calculated by dividing the district's 14454  
or building's performance index score according to the 14455  
performance index system created by the department by the 14456  
maximum performance index score for a district or building. The 14457  
maximum performance index score shall be as follows: 14458

(i) For a building, the average of the highest two per 14459  
cent of performance index scores achieved by a building for the 14460  
school year for which a report card is issued; 14461

(ii) For a district, the average of the highest two per 14462  
cent of performance index scores achieved by a district for the 14463  
school year for which a report card is issued. 14464

(d) The overall score under the value-added progress dimension of a district or building, for which the department shall use three consecutive years of value-added data. In using three years of value-added data to calculate the measure prescribed under division (D)(1)(d) of this section, the department shall assign a weight of fifty per cent to the most recent year's data and a weight of twenty-five per cent to the data of each of the other years. However, if three consecutive years of value-added data is not available, the department shall use prior years of value-added data to calculate the measure, as follows:

(i) If two consecutive years of value-added data is not available, the department shall use one year of value-added data to calculate the measure.

(ii) If two consecutive years of value-added data is available, the department shall use two consecutive years of value-added data to calculate the measure. In using two years of value-added data to calculate the measure, the department shall assign a weight of sixty-seven per cent to the most recent year's data and a weight of thirty-three per cent to the data of the other year.

(e) The four-year adjusted cohort graduation rate.

(f) The five-year adjusted cohort graduation rate.

(g) The percentage of students in the district or building who score proficient or higher on the reading segment of the third grade English language arts assessment under section 3301.0710 of the Revised Code.

To the extent possible, the department shall include the results of the summer administration of the third grade reading

assessment under section 3301.0710 of the Revised Code in the 14494  
performance measures prescribed under divisions (D) (1) (g) and 14495  
(h) of this section. 14496

(h) Whether a district or building is making progress in 14497  
improving literacy in grades kindergarten through three, as 14498  
determined using a method prescribed by the department. The 14499  
method shall determine progress made based on the reduction in 14500  
the total percentage of students scoring below grade level, or 14501  
below proficient, compared from year to year on the reading 14502  
segments of the diagnostic assessments administered under 14503  
section 3301.0715 of the Revised Code, including the 14504  
kindergarten readiness assessment, and the third grade English 14505  
language arts assessment under section 3301.0710 of the Revised 14506  
Code, as applicable. The method shall not include a deduction 14507  
for students who did not pass the third grade English language 14508  
arts assessment under section 3301.0710 of the Revised Code and 14509  
were not on a reading improvement and monitoring plan. 14510

The performance measure prescribed under division (D) (1) 14511  
(h) of this section shall not be included on the report card of 14512  
a district or building in which less than ten per cent of 14513  
students have scored below grade level on the diagnostic 14514  
assessment administered to students in kindergarten under 14515  
division (B) (1) of section 3313.608 of the Revised Code. 14516

(i) The percentage of students in a district or building 14517  
who are promoted to the fourth grade and not subject to 14518  
retention under division (A) (2) of section 3313.608 of the 14519  
Revised Code; 14520

(j) A post-secondary readiness measure. This measure shall 14521  
be calculated by dividing the number of students included in the 14522  
four-year adjusted graduation rate cohort who demonstrate post- 14523

secondary readiness by the total number of students included in 14524  
the denominator of the four-year adjusted graduation rate 14525  
cohort. Demonstration of post-secondary readiness shall include 14526  
a student doing any of the following: 14527

(i) Attaining a remediation-free score, in accordance with 14528  
standards adopted under division (F) of section 3345.061 of the 14529  
Revised Code, on a nationally standardized assessment prescribed 14530  
under division (B) (1) of section 3301.0712 of the Revised Code; 14531

(ii) Attaining required scores on three or more advanced 14532  
placement or international baccalaureate examinations. The 14533  
required score for an advanced placement examination shall be a 14534  
three or better. The required score for an international 14535  
baccalaureate examination shall be a four or better. A student 14536  
may satisfy this condition with any combination of advanced 14537  
placement or international baccalaureate examinations. 14538

(iii) Earning at least twelve college credits through 14539  
advanced standing programs, such as the college credit plus 14540  
program under Chapter 3365. of the Revised Code, an early 14541  
college high school program under section 3313.6013 of the 14542  
Revised Code, and state-approved career-technical courses 14543  
offered through dual enrollment or statewide articulation, that 14544  
appear on a student's college transcript issued by the 14545  
institution of higher education from which the student earned 14546  
the college credit. Earned credits reported under division (D) 14547  
(1) (j) (iii) of this section shall include credits that count 14548  
toward the curriculum requirements established for completion of 14549  
a degree, but shall not include any remedial or developmental 14550  
credits. 14551

(iv) Meeting the additional criteria for an honors diploma 14552  
under division (B) of section 3313.61 of the Revised Code; 14553

(v) Earning an industry-recognized credential or license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license approved under section 3313.6113 of the Revised Code;	14554 14555 14556 14557
(vi) Satisfying any of the following conditions:	14558
(I) Completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field;	14559 14560 14561
(II) Completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen career field;	14562 14563 14564
(III) Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older.	14565 14566 14567
(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;	14568 14569 14570
(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:	14571 14572 14573 14574
(I) Approved by the business advisory council established under section 3313.82 of the Revised Code that represents the student's district; or	14575 14576 14577
(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.	14578 14579
(ix) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in	14580 14581

section 5910.01 of the Revised Code.	14582
A student who satisfies more than one of the conditions	14583
prescribed under this division shall be counted as one student	14584
for the purposes of calculating the measure prescribed under	14585
division (D) (1) (j) of this section.	14586
(2) In addition to the performance measures under division	14587
(D) (1) of this section, the department shall report on a	14588
district's or building's report card all of the following data	14589
without an assigned performance rating:	14590
(a) The applicable performance indicators established by	14591
the <del>state board</del> <u>department</u> under division (A) (1) of section	14592
3302.02 of the Revised Code;	14593
(b) The overall score under the value-added progress	14594
dimension of a district or building for the most recent school	14595
year;	14596
(c) A composite of the overall scores under the value-	14597
added progress dimension of a district or building for the	14598
previous three school years or, if only two years of value-added	14599
data are available, for the previous two years;	14600
(d) The percentage of students included in the four- and	14601
five-year adjusted cohort graduation rates of a district or	14602
building who did not receive a high school diploma under section	14603
3313.61 or 3325.08 of the Revised Code. To the extent possible,	14604
the department shall disaggregate that data according to the	14605
following categories:	14606
(i) Students who are still enrolled in the district or	14607
building and receiving general education services;	14608
(ii) Students with an individualized education program, as	14609

defined in section 3323.01 of the Revised Code, who satisfied 14610  
the conditions for a high school diploma under section 3313.61 14611  
or 3325.08 of the Revised Code, but opted not to receive a 14612  
diploma and are still receiving education services; 14613

(iii) Students with an individualized education program 14614  
who have not yet satisfied conditions for a high school diploma 14615  
under section 3313.61 or 3325.08 of the Revised Code and who are 14616  
still receiving education services; 14617

(iv) Students who are no longer enrolled in any district 14618  
or building; 14619

(v) Students who, upon enrollment in the district or 14620  
building for the first time, had completed fewer units of high 14621  
school instruction required under section 3313.603 of the 14622  
Revised Code than other students in the four- or five-year 14623  
adjusted cohort graduation rate. 14624

The department may disaggregate the data prescribed under 14625  
division (D) (2) (d) of this section according to other categories 14626  
that the department determines are appropriate. 14627

(e) The results of the kindergarten diagnostic assessment 14628  
prescribed under division (D) of section 3301.079 of the Revised 14629  
Code; 14630

(f) Post-graduate outcomes for students who were enrolled 14631  
in a district or building and received a high school diploma 14632  
under section 3313.61 or 3325.08 of the Revised Code in the 14633  
school year prior to the school year for which the report card 14634  
is issued, including the percentage of students who: 14635

(i) Enrolled in a post-secondary educational institution. 14636  
To the extent possible, the department shall disaggregate that 14637  
data according to whether the student enrolled in a four-year 14638

institution of higher education, a two-year institution of 14639  
higher education, an Ohio technical center that provides adult 14640  
technical education services and is recognized by the chancellor 14641  
of higher education, or another type of post-secondary 14642  
educational institution. 14643

(ii) Entered an apprenticeship program registered with the 14644  
apprenticeship council established under Chapter 4139. of the 14645  
Revised Code. The department may include other job training 14646  
programs with similar rigor and outcomes. 14647

(iii) Attained gainful employment, as determined by the 14648  
department; 14649

(iv) Enlisted in a branch of the armed forces of the 14650  
United States, as defined in section 5910.01 of the Revised 14651  
Code. 14652

(g) Whether the school district or building has 14653  
implemented a positive behavior intervention and supports 14654  
framework in compliance with the requirements of section 3319.46 14655  
of the Revised Code, notated with a "yes" or "no"; 14656

(h) The number and percentage of high school seniors in 14657  
each school year who completed the free application for federal 14658  
student aid; 14659

(i) Beginning with the report card issued under this 14660  
section for the 2022-2023 school year, a student opportunity 14661  
profile measure that reports data regarding the opportunities 14662  
provided to students by a district or building. To the extent 14663  
possible, and when appropriate, the data shall be disaggregated 14664  
by grade level and subgroup. The measure also shall include data 14665  
regarding the statewide average, the average for similar school 14666  
districts, and, for a building, the average for the district in 14667

which the building is located. The measure shall include all of	14668
the following data for the district or building:	14669
(i) The average ratio of teachers of record to students in	14670
each grade level in a district or building;	14671
(ii) The average ratio of school counselors to students in	14672
a district or building;	14673
(iii) The average ratio of nurses to students in a	14674
district or building;	14675
(iv) The average ratio of licensed librarians and library	14676
media specialists to students in a district or building;	14677
(v) The average ratio of social workers to students in a	14678
district or building;	14679
(vi) The average ratio of mental health professionals to	14680
students in a district or building;	14681
(vii) The average ratio of paraprofessionals to students	14682
in a district or building;	14683
(viii) The percentage of teachers with fewer than three	14684
years of experience teaching in any school;	14685
(ix) The percentage of principals with fewer than three	14686
years of experience as a principal in any school;	14687
(x) The percentage of teachers who are not teaching in the	14688
subject or field for which they are certified or licensed;	14689
(xi) The percentage of kindergarten students who are	14690
enrolled in all-day kindergarten, as defined in section 3321.05	14691
of the Revised Code;	14692
(xii) The percentage of students enrolled in a performing	14693
or visual arts course;	14694

(xiii) The percentage of students enrolled in a physical education or wellness course;	14695
	14696
(xiv) The percentage of students enrolled in a world language course;	14697
	14698
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	14699
	14700
(xvi) The percentage of students participating in one or more cocurricular activities;	14701
	14702
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	14703
	14704
	14705
	14706
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	14707
	14708
	14709
	14710
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	14711
	14712
	14713
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	14714
	14715
	14716
	14717
(xxi) The percentage of students who are transported by a school bus each school day;	14718
	14719
(xxii) The ratio of portable technology devices that students may take home to the number of students.	14720
	14721

The department shall include only opportunity measures at 14722  
the building level for which data for buildings is available, as 14723  
determined by a school district. 14724

(j) (i) The percentage of students included in the four- 14725  
and five-year adjusted cohort graduation rates of the district 14726  
or building who completed all of grades nine through twelve 14727  
while enrolled in the district or building; 14728

(ii) The four-year adjusted cohort graduation rate for 14729  
only those students who were continuously enrolled in the same 14730  
district or building for grades nine through twelve. 14731

(k) The percentage of students in the district or building 14732  
to whom both of the following apply: 14733

(i) The students are promoted to fourth grade and not 14734  
subject to retention under division (A) (2) of section 3313.608 14735  
of the Revised Code. 14736

(ii) The students completed all of the grade levels 14737  
offered prior to the fourth grade in the district or building. 14738

(3) Except as provided in division (D) (3) (f) of this 14739  
section, the department shall use the ~~state board's~~ method 14740  
prescribed under rules adopted under division (D) (4) of this 14741  
section to assign performance ratings of "one star," "two 14742  
stars," "three stars," "four stars," or "five stars," as 14743  
described in division (F) of this section, for a district or 14744  
building for the individual components prescribed under division 14745  
(D) (3) of this section. The department also shall assign an 14746  
overall performance rating for a district or building in 14747  
accordance with division (D) (3) (g) of this section. The method 14748  
shall use the performance measures prescribed under division (D) 14749  
(1) of this section to calculate performance ratings for 14750

components. The method may report data under division (D) (2) of 14751  
this section with corresponding components, but shall not use 14752  
the data to calculate performance ratings for that component. 14753  
The performance measures and reported data shall be grouped 14754  
together into components as follows: 14755

(a) Gap closing. In addition to other criteria determined 14756  
appropriate by the department, performance ratings for the gap 14757  
closing component shall reflect whether each of the following 14758  
performance measures are met or not met: 14759

(i) The gifted performance indicator as described in 14760  
division (D) (1) (a) of this section; 14761

(ii) The chronic absenteeism indicator as described in 14762  
division (D) (1) (b) of this section; 14763

(iii) For English learners, an English language 14764  
proficiency improvement indicator established by the department; 14765

(iv) The subgroup graduation targets; 14766

(v) The subgroup achievement targets in both mathematics 14767  
and English language arts; 14768

(vi) The subgroup progress targets in both mathematics and 14769  
English language arts. 14770

Achievement and progress targets under division (D) (3) (a) 14771  
of this section shall be calculated individually, and districts 14772  
and buildings shall receive a status of met or not met on each 14773  
measure. The department shall not require a subgroup of a 14774  
district or building to meet both the achievement and progress 14775  
targets at the same time to receive a status of met. 14776

The department shall not include any subgroup data in this 14777  
measure that includes data from fewer than fifteen students. Any 14778

penalty for failing to meet the required assessment 14779  
participation rate must be partially in proportion to how close 14780  
the district or building was to meeting the rate requirement. 14781

(b) Achievement, which shall include the performance 14782  
measure in division (D) (1) (c) of this section and the reported 14783  
data in division (D) (2) (a) of this section. Performance ratings 14784  
for the achievement component shall be awarded as a percentage 14785  
of the maximum performance index score described in division (D) 14786  
(1) (c) of this section. 14787

(c) Progress, which shall include the performance measure 14788  
in division (D) (1) (d) of this section and the reported data in 14789  
divisions (D) (2) (b) and (c) of this section; 14790

(d) Graduation, which shall include the performance 14791  
measures in divisions (D) (1) (e) and (f) of this section and the 14792  
reported data in divisions (D) (2) (d) and (j) of this section. 14793  
The four-year adjusted cohort graduation rate shall be assigned 14794  
a weight of sixty per cent and the five-year adjusted cohort 14795  
graduation rate shall be assigned a weight of forty per cent; 14796

(e) Early literacy, which shall include the performance 14797  
measures in divisions (D) (1) (g), (h), and (i) of this section 14798  
and the reported data in divisions (D) (2) (e) and (k) of this 14799  
section. 14800

If the measure prescribed under division (D) (1) (h) of this 14801  
section is included in a report card, performance ratings for 14802  
the early literacy component shall give a weight of forty per 14803  
cent to the measure prescribed under division (D) (1) (g) of this 14804  
section, a weight of thirty-five per cent to the measure 14805  
prescribed under division (D) (1) (i) of this section, and a 14806  
weight of twenty-five per cent to the measure prescribed under 14807

division (D) (1) (h) of this section. 14808

If the measure prescribed under division (D) (1) (h) of this 14809  
section is not included in a report card of a district or 14810  
building, performance ratings for the early literacy component 14811  
shall give a weight of sixty per cent to the measure prescribed 14812  
under division (D) (1) (g) of this section and a weight of forty 14813  
per cent to the measure prescribed under division (D) (1) (i) of 14814  
this section. 14815

(f) College, career, workforce, and military readiness, 14816  
which shall include the performance measure in division (D) (1) 14817  
(j) of this section and the reported data in division (D) (2) (f) 14818  
of this section. 14819

For the 2021-2022, 2022-2023, and 2023-2024 school years, 14820  
the department only shall report the data for, and not assign a 14821  
performance rating to, the college, career, workforce, and 14822  
military readiness component. The reported data shall include 14823  
the percentage of students who demonstrate post-secondary 14824  
readiness using any of the options described in division (D) (1) 14825  
(j) of this section. 14826

The department shall analyze the data included in the 14827  
performance measure prescribed in division (D) (1) (j) of this 14828  
section for the 2021-2022, 2022-2023, and 2023-2024 school 14829  
years. Using that data, the department shall develop and propose 14830  
rules for a method to assign a performance rating to the 14831  
college, career, workforce, and military readiness component 14832  
based on that measure. The method to assign a performance rating 14833  
shall not include a tiered structure or per student bonuses. The 14834  
rules shall specify that a district or building shall not 14835  
receive lower than a performance rating of three stars for the 14836  
component if the district's or building's performance on the 14837

component meets or exceeds a level of improvement set by the 14838  
department. Notwithstanding division (D) (4) (b) of this section, 14839  
more than half of the total districts and buildings may earn a 14840  
performance rating of three stars on this component to account 14841  
for the districts and buildings that earned a performance rating 14842  
of three stars because they met or exceeded the level of 14843  
improvement set by the department. 14844

The department shall submit the rules to the joint 14845  
committee on agency rule review. The committee shall conduct at 14846  
least one public hearing on the proposed rules and approve or 14847  
disapprove the rules. If the committee approves the rules, the 14848  
~~state board~~ department shall adopt the rules in accordance with 14849  
Chapter 119. of the Revised Code. If the rules are adopted, the 14850  
department shall assign a performance rating to the college, 14851  
career, workforce, and military readiness component under the 14852  
rules beginning with the 2024-2025 school year, and for each 14853  
school year thereafter. If the committee disapproves the rules, 14854  
the component shall be included in the report card only as 14855  
reported data for the 2024-2025 school year, and each school 14856  
year thereafter. 14857

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 14858  
this section, beginning with the 2022-2023 school year, under 14859  
the ~~state board's~~ method prescribed under rules adopted in 14860  
division (D) (4) of this section, the department shall use the 14861  
performance ratings assigned for the components prescribed in 14862  
divisions (D) (3) (a) to (e) of this section to determine and 14863  
assign an overall performance rating of "one star," "one and 14864  
one-half stars," "two stars," "two and one-half stars," "three 14865  
stars," "three and one-half stars," "four stars," "four and one- 14866  
half stars," or "five stars" for a district or building. The 14867  
method shall give equal weight to the components in divisions 14868

(D) (3) (b) and (c) of this section. The method shall give equal 14869  
weight to the components in divisions (D) (3) (a), (d), and (e) of 14870  
this section. The individual weights of each of the components 14871  
prescribed in divisions (D) (3) (a), (d), and (e) of this section 14872  
shall be equal to one-half of the weight given to the component 14873  
prescribed in division (D) (3) (b) of this section. 14874

(ii) If the joint committee on agency rule review approves 14875  
the department's rules regarding the college, career, workforce, 14876  
and military readiness component as described in division (D) (3) 14877  
(f) of this section, for the 2024-2025 school year, and each 14878  
school year thereafter, the ~~state board's~~ department's method 14879  
shall use the components in divisions (D) (3) (a), (b), (c), (d), 14880  
(e), and (f) of this section to calculate the overall 14881  
performance rating. The method shall give equal weight to the 14882  
components in divisions (D) (3) (b) and (c) of this section. The 14883  
method shall give equal weight to the components prescribed in 14884  
divisions (D) (3) (a), (d), (e), and (f) of this section. The 14885  
individual weights of each of the components prescribed in 14886  
divisions (D) (3) (a), (d), (e), and (f) of this section shall be 14887  
equal to one-half the weight given to the component prescribed 14888  
in division (D) (3) (b) of this section. 14889

If the joint committee on agency rule review disapproves 14890  
the department's rules regarding the college, career, workforce, 14891  
and military readiness component as described in division (D) (3) 14892  
(f) of this section, division (D) (3) (g) (ii) of this section does 14893  
not apply. 14894

(4) (a) The ~~state board~~ department shall adopt rules in 14895  
accordance with Chapter 119. of the Revised Code to establish 14896  
the performance criteria, benchmarks, and rating system 14897  
necessary to implement divisions (D) and (F) of this section, 14898

including the method for the department to assign performance ratings under division (D) (3) of this section. 14899  
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(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 same performance rating in any component or overall performance rating. 14901  
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(c) The ~~state board~~ department shall adopt the rules prescribed by division (D) (4) of this section not later than March 31, 2022. However, the department shall notify districts and buildings of the changes to the report card prescribed in law not later than one week after the effective date of this amendment September 30, 2021. 14913  
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(d) Prior to adopting or updating rules under division (D) (4) of this section, the ~~president~~ director of the state board of education and workforce and the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation describing the format for the report card and the performance criteria, benchmarks, and rating system, including the method to assign performance ratings under division (D) (3) of this section. 14919  
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(E) ~~On or after July 1, 2015, the state board~~ The 14928

department may develop a measure of student academic progress 14929  
for high school students using only data from assessments in 14930  
English language arts and mathematics. If the ~~state board~~ 14931  
department develops this measure, each school district and 14932  
applicable school building shall be assigned a separate letter 14933  
grade for it not sooner than the 2017-2018 school year. The 14934  
district's or building's grade for that measure shall not be 14935  
included in determining the district's or building's overall 14936  
letter grade. 14937

(F) (1) The letter grades assigned to a school district or 14938  
building under this section shall be as follows: 14939

(a) "A" for a district or school making excellent 14940  
progress; 14941

(b) "B" for a district or school making above average 14942  
progress; 14943

(c) "C" for a district or school making average progress; 14944

(d) "D" for a district or school making below average 14945  
progress; 14946

(e) "F" for a district or school failing to meet minimum 14947  
progress. 14948

(2) For the overall performance rating under division (D) 14949

(3) of this section, the department shall include a descriptor 14950  
for each performance rating as follows: 14951

(a) "Significantly exceeds state standards" for a 14952  
performance rating of five stars; 14953

(b) "Exceeds state standards" for a performance rating of 14954  
four stars or four and one-half stars; 14955

(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;	14956 14957
(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars;	14958 14959
(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars.	14960 14961
(3) For performance ratings for each component under divisions (D) (3) (a) to (f) of this section, the <del>state board</del> <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 comparisons to other school districts and buildings if appropriate, and any other information determined by the <del>state board</del> <u>department</u> . The descriptions shall be not longer than twenty-five words in length when possible. In addition to such descriptions, the <del>state board</del> <u>department</u> shall include the descriptors in division (F) (2) of this section for component performance ratings.	14962 14963 14964 14965 14966 14967 14968 14969 14970 14971 14972 14973
(4) Each report card issued under this section shall include all of the following:	14974 14975
(a) A graphic that depicts the performance ratings of a district or school on a color scale. The color associated with a performance rating of three stars shall be green and the color associated with a performance rating of one star shall be red.	14976 14977 14978 14979
(b) An arrow graphic that shows data trends for performance ratings for school districts or buildings. The <del>state board</del> <u>department</u> shall determine the data to be used for this graphic, which shall include at least the three most recent years of data.	14980 14981 14982 14983 14984

(c) A description regarding the weights that are assigned to each component and used to determine an overall performance rating, as prescribed under division (D) (3) (g) of this section, which shall be included in the presentation of the overall performance rating on each report card.	14985 14986 14987 14988 14989
(G) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	14990 14991 14992
(1) Performance of students by grade-level;	14993
(2) Performance of students by race and ethnic group;	14994
(3) Performance of students by gender;	14995
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	14996 14997
(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;	14998 14999 15000
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	15001 15002
(7) Performance of students grouped by those who are economically disadvantaged;	15003 15004
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	15005 15006 15007
(9) Performance of students grouped by those who are classified as English learners;	15008 15009
(10) Performance of students grouped by those who have disabilities;	15010 15011

(11) Performance of students grouped by those who are 15012  
classified as migrants; 15013

(12) Performance of students grouped by those who are 15014  
identified as gifted in superior cognitive ability and the 15015  
specific academic ability fields of reading and math pursuant to 15016  
Chapter 3324. of the Revised Code. In disaggregating specific 15017  
academic ability fields for gifted students, the department 15018  
shall use data for those students with specific academic ability 15019  
in math and reading. If any other academic field is assessed, 15020  
the department shall also include data for students with 15021  
specific academic ability in that field as well. 15022

(13) Performance of students grouped by those who perform 15023  
in the lowest quintile for achievement on a statewide basis, as 15024  
determined by a method prescribed by the ~~state board~~department. 15025

The department may disaggregate data on student 15026  
performance according to other categories that the department 15027  
determines are appropriate. To the extent possible, the 15028  
department shall disaggregate data on student performance 15029  
according to any combinations of two or more of the categories 15030  
listed in divisions (G) (1) to (13) of this section that it deems 15031  
relevant. 15032

In reporting data pursuant to division (G) of this 15033  
section, the department shall not include in the report cards 15034  
any data statistical in nature that is statistically unreliable 15035  
or that could result in the identification of individual 15036  
students. For this purpose, the department shall not report 15037  
student performance data for any group identified in division 15038  
(G) of this section that contains less than ten students. If the 15039  
department does not report student performance data for a group 15040  
because it contains less than ten students, the department shall 15041

indicate on the report card that is why data was not reported. 15042

(H) The department may include with the report cards any 15043  
additional education and fiscal performance data it deems 15044  
valuable. 15045

(I) The department shall include on each report card a 15046  
list of additional information collected by the department that 15047  
is available regarding the district or building for which the 15048  
report card is issued. When available, such additional 15049  
information shall include student mobility data disaggregated by 15050  
race and socioeconomic status, college enrollment data, and the 15051  
reports prepared under section 3302.031 of the Revised Code. 15052

The department shall maintain a site on the world wide 15053  
web. The report card shall include the address of the site and 15054  
shall specify that such additional information is available to 15055  
the public at that site. The department shall also provide a 15056  
copy of each item on the list to the superintendent of each 15057  
school district. The district superintendent shall provide a 15058  
copy of any item on the list to anyone who requests it. 15059

(J) (1) (a) Except as provided in division (J) (1) (b) of this 15060  
section, for any district that sponsors a conversion community 15061  
school under Chapter 3314. of the Revised Code, the department 15062  
shall combine data regarding the academic performance of 15063  
students enrolled in the community school with comparable data 15064  
from the schools of the district for the purpose of determining 15065  
the performance of the district as a whole on the report card 15066  
issued for the district under this section or section 3302.033 15067  
of the Revised Code. 15068

(b) The department shall not combine data from any 15069  
conversion community school that a district sponsors if a 15070

majority of the students enrolled in the conversion community 15071  
school are enrolled in a dropout prevention and recovery program 15072  
that is operated by the school, as described in division (A) (4) 15073  
(a) of section 3314.35 of the Revised Code. The department shall 15074  
include as an addendum to the district's report card the ratings 15075  
and performance measures that are required under section 15076  
3314.017 of the Revised Code for any community school to which 15077  
division (J) (1) (b) of this section applies. This addendum shall 15078  
include, at a minimum, the data specified in divisions (C) (1) 15079  
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 15080

(2) Any district that leases a building to a community 15081  
school located in the district or that enters into an agreement 15082  
with a community school located in the district whereby the 15083  
district and the school endorse each other's programs may elect 15084  
to have data regarding the academic performance of students 15085  
enrolled in the community school combined with comparable data 15086  
from the schools of the district for the purpose of determining 15087  
the performance of the district as a whole on the district 15088  
report card. Any district that so elects shall annually file a 15089  
copy of the lease or agreement with the department. 15090

(3) Any municipal school district, as defined in section 15091  
3311.71 of the Revised Code, that sponsors a community school 15092  
located within the district's territory, or that enters into an 15093  
agreement with a community school located within the district's 15094  
territory whereby the district and the community school endorse 15095  
each other's programs, may exercise either or both of the 15096  
following elections: 15097

(a) To have data regarding the academic performance of 15098  
students enrolled in that community school combined with 15099  
comparable data from the schools of the district for the purpose 15100

of determining the performance of the district as a whole on the 15101  
district's report card; 15102

(b) To have the number of students attending that 15103  
community school noted separately on the district's report card. 15104

The election authorized under division (J) (3) (a) of this 15105  
section is subject to approval by the governing authority of the 15106  
community school. 15107

Any municipal school district that exercises an election 15108  
to combine or include data under division (J) (3) of this 15109  
section, by the first day of October of each year, shall file 15110  
with the department documentation indicating eligibility for 15111  
that election, as required by the department. 15112

(K) The department shall include on each report card the 15113  
percentage of teachers in the district or building who are 15114  
properly certified or licensed teachers, as defined in section 15115  
3319.074 of the Revised Code, and a comparison of that 15116  
percentage with the percentages of such teachers in similar 15117  
districts and buildings. 15118

(L) (1) In calculating English language arts, mathematics, 15119  
science, American history, or American government assessment 15120  
passage rates used to determine school district or building 15121  
performance under this section, the department shall include all 15122  
students taking an assessment with accommodation or to whom an 15123  
alternate assessment is administered pursuant to division (C) (1) 15124  
or (3) of section 3301.0711 of the Revised Code and all students 15125  
who take substitute examinations approved under division (B) (4) 15126  
of section 3301.0712 of the Revised Code in the subject areas of 15127  
science, American history and American government. 15128

(2) In calculating performance index scores, rates of 15129

achievement on the performance indicators established by the 15130  
~~state board department~~ under section 3302.02 of the Revised 15131  
Code, and annual measurable objectives for determining adequate 15132  
yearly progress for school districts and buildings under this 15133  
section, the department shall do all of the following: 15134

(a) Include for each district or building only those 15135  
students who are included in the ADM certified for the first 15136  
full school week of October and are continuously enrolled in the 15137  
district or building through the time of the spring 15138  
administration of any assessment prescribed by division (A) (1) 15139  
or (B) (1) of section 3301.0710 or division (B) of section 15140  
3301.0712 of the Revised Code that is administered to the 15141  
student's grade level; 15142

(b) Include cumulative totals from both the fall and 15143  
spring administrations of the third grade English language arts 15144  
achievement assessment and, to the extent possible, the summer 15145  
administration of that assessment; 15146

(c) Except as required by the No Child Left Behind Act of 15147  
2001, exclude for each district or building any English learner 15148  
who has been enrolled in United States schools for less than one 15149  
full school year. 15150

(M) Beginning with the 2015-2016 school year and at least 15151  
once every three years thereafter, the ~~state board of education-~~ 15152  
~~department~~ shall review and may adjust the benchmarks for 15153  
assigning letter grades or performance ratings to the 15154  
performance measures and components prescribed under divisions 15155  
(C) (3), (D), and (E) of this section. 15156

**Sec. 3302.031.** In addition to the report cards required 15157  
under section 3302.03 of the Revised Code, the department of 15158

education and workforce shall annually prepare the following 15159  
reports for each school district and make a copy of each report 15160  
available to the superintendent of each district: 15161

(A) A funding and expenditure accountability report which 15162  
shall consist of the amount of state aid payments the school 15163  
district will receive during the fiscal year under Chapter 3317. 15164  
of the Revised Code and any other fiscal data the department 15165  
determines is necessary to inform the public about the financial 15166  
status of the district; 15167

(B) A school safety and discipline report which shall 15168  
consist of statistical information regarding student safety and 15169  
discipline in each school building, including the number of 15170  
suspensions and expulsions disaggregated according to race and 15171  
gender; 15172

(C) A student equity report which shall consist of at 15173  
least a description of the status of teacher qualifications, 15174  
library and media resources, textbooks, classroom materials and 15175  
supplies, and technology resources for each district. To the 15176  
extent possible, the information included in the report required 15177  
under this division shall be disaggregated according to grade 15178  
level, race, gender, disability, and scores attained on 15179  
assessments required under sections 3301.0710 and 3301.0712 of 15180  
the Revised Code. 15181

(D) A school enrollment report which shall consist of 15182  
information about the composition of classes within each 15183  
district by grade and subject disaggregated according to race, 15184  
gender, and scores attained on assessments required under 15185  
sections 3301.0710 and 3301.0712 of the Revised Code; 15186

(E) A student retention report which shall consist of the 15187

number of students retained in their respective grade levels in 15188  
the district disaggregated by grade level, subject area, race, 15189  
gender, and disability; 15190

(F) A school district performance report which shall 15191  
describe for the district and each building within the district 15192  
the extent to which the district or building meets each of the 15193  
applicable performance indicators established under section 15194  
3302.02 of the Revised Code, the number of performance 15195  
indicators that have been achieved, and the performance index 15196  
score. In calculating the rates of achievement on the 15197  
performance indicators and the performance index scores for each 15198  
report, the department shall exclude all students with 15199  
disabilities. 15200

**Sec. 3302.032.** (A) ~~Not later than December 31, 2011, the~~ 15201  
~~state board~~ The department of education and workforce shall 15202  
establish a measure of the following: 15203

(1) Student success in meeting the benchmarks contained in 15204  
the physical education standards adopted under division (A) (3) 15205  
of section 3301.079 of the Revised Code; 15206

(2) Compliance with the requirements for local wellness 15207  
policies prescribed by section 204 of the "Child Nutrition and 15208  
WIC Reauthorization Act of 2004," 42 U.S.C. 1751 note; 15209

(3) Whether a school district or building has elected to 15210  
administer the screenings authorized by sections 3313.674, 15211  
3314.15, and 3326.26 of the Revised Code; 15212

(4) Whether a school district or building is participating 15213  
in the physical activity pilot program administered under 15214  
section 3313.6016 of the Revised Code. 15215

(B) The measure shall be included on the school district 15216

and building report cards issued under section 3302.03 of the Revised Code, beginning with the report cards issued for the 2012-2013 school year, but it shall not be a factor in the performance ratings issued under that section.

(C) The department ~~of education~~ may accept, receive, and expend gifts, devises, or bequests of money for the purpose of establishing the measure required by this section.

**Sec. 3302.033.** The ~~state board~~ department of education and workforce, in consultation with the chancellor of ~~the Ohio board of regents~~ higher education, any office within the office of the governor concerning workforce development, the Ohio association of career and technical education, the Ohio association of city career-technical schools, and the Ohio association of career-technical superintendents, shall approve a report card for joint vocational school districts and for other career-technical planning districts that are not joint vocational school districts, which may contain disaggregated data for each joint vocational school district, if applicable. The ~~state board~~ department shall submit details of the approved report card to the governor, the speaker of the house of representatives, the president of the senate, and the chairpersons of the standing committees of the house of representatives and the senate principally responsible for education policy. The department ~~of education~~ annually shall issue a report card for each joint vocational school district and other career-technical planning districts that are not joint vocational school districts, beginning with report cards for the 2012-2013 school year to be published not later than September 1, 2013.

As used in this section, "career-technical planning district" means a school district or group of school districts

designated by the department as being responsible for the 15247  
planning for and provision of career-technical education 15248  
services to students within the district or group. 15249

**Sec. 3302.034.** (A) ~~Not later than December 31, 2013, the~~ 15250  
~~state board~~ The department of education and workforce shall 15251  
adopt and specify measures in addition to those included on the 15252  
report card issued under section 3302.03 of the Revised Code. 15253  
The measures adopted under this section shall be reported 15254  
separately, as specified under division (B) of this section, for 15255  
each school district, each building in a district, each 15256  
community school established under Chapter 3314., each STEM 15257  
school established under Chapter 3326., and each college- 15258  
preparatory boarding school established under Chapter 3328. of 15259  
the Revised Code. The measures shall include at least the 15260  
following: 15261

(1) Data for students who have passed over a grade or 15262  
subject area under an acceleration policy prescribed under 15263  
section 3324.10 of the Revised Code; 15264

(2) The number of students who are economically 15265  
disadvantaged as determined by the department ~~of education~~; 15266

(3) The number of lead teachers employed by each district 15267  
and each building once the data is available through the 15268  
education management information system established under 15269  
section 3301.0714 of the Revised Code; 15270

(4) The amount of students screened and identified as 15271  
gifted under Chapter 3324. of the Revised Code; 15272

(5) Postgraduate student outcome data as described under 15273  
division (E) (2) (d) (ii) of section 3314.017 of the Revised Code; 15274

(6) Availability of courses in fine arts; 15275

(7) Participation with other school districts to provide career-technical education services to students.	15276
	15277
(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.	15278
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<b>Sec. 3302.035.</b> (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 community, STEM, or college-preparatory boarding school:	15281
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(1) The value-added progress dimension score disaggregated for that subgroup, as determined by the department;	15290
	15291
(2) The performance index score for that subgroup, as defined under division (A) of section 3302.01 of the Revised Code;	15292
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	15294
(3) The four- and five-year adjusted cohort graduation rates, as defined under divisions (G)(1) and (2) of section 3302.01 of the Revised Code, for that subgroup.	15295
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(B) The department shall make each report completed pursuant to division (A) of this section available on its web site for comparison purposes.	15298
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	15300
<b>Sec. 3302.036.</b> (A) Notwithstanding anything in the Revised Code to the contrary, the department of education <u>and workforce</u> shall not assign an overall letter grade under division (C)(3) of section 3302.03 of the Revised Code for any school district	15301
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or building for the 2014-2015, 2015-2016, or 2016-2017 school 15305  
years, may, at the discretion of the ~~state board of education~~ 15306  
department, not assign an individual grade to any component 15307  
prescribed under division (C) (3) of section 3302.03 of the 15308  
Revised Code, and shall not rank school districts, community 15309  
schools established under Chapter 3314. of the Revised Code, or 15310  
STEM schools established under Chapter 3326. of the Revised Code 15311  
under section 3302.21 of the Revised Code for those school 15312  
years. The report card ratings issued for the 2014-2015, 2015- 15313  
2016, or 2016-2017 school years shall not be considered in 15314  
determining whether a school district or a school is subject to 15315  
sanctions or penalties. However, the report card ratings of any 15316  
previous or subsequent years shall be considered in determining 15317  
whether a school district or building is subject to sanctions or 15318  
penalties. Accordingly, the report card ratings for the 2014- 15319  
2015, 2015-2016, or 2016-2017 school years shall have no effect 15320  
in determining sanctions or penalties, but shall not create a 15321  
new starting point for determinations that are based on ratings 15322  
over multiple years. 15323

(B) The provisions from which a district or school is 15324  
exempt under division (A) of this section shall be the 15325  
following: 15326

(1) Any restructuring provisions established under this 15327  
chapter, except as required under the "No Child Left Behind Act 15328  
of 2001"; 15329

(2) Provisions for the Columbus city school pilot project 15330  
under section 3302.042 of the Revised Code; 15331

(3) Provisions for academic distress commissions under 15332  
former section 3302.10 of the Revised Code as it existed prior 15333  
to October 15, 2015. The provisions of this section do not apply 15334

to academic distress commissions under the version of that 15335  
section as it exists on or after October 15, 2015. 15336

(4) Provisions prescribing new buildings where students 15337  
are eligible for the educational choice scholarships under 15338  
section 3310.03 of the Revised Code; 15339

(5) Provisions defining "challenged school districts" in 15340  
which new start-up community schools were required to be 15341  
located, as prescribed in section 3314.02 of the Revised Code as 15342  
it existed prior to ~~the effective date of this amendment~~ 15343  
September 30, 2021; 15344

(6) Provisions prescribing community school closure 15345  
requirements under section 3314.35 or 3314.351 of the Revised 15346  
Code. 15347

(C) Notwithstanding anything in the Revised Code to the 15348  
contrary and except as provided in Section 3 of H.B. 7 of the 15349  
131st general assembly, no school district, community school, or 15350  
STEM school shall utilize at any time during a student's 15351  
academic career a student's score on any assessment administered 15352  
under division (A) of section 3301.0710 or division (B) (2) of 15353  
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 15354  
2016, or 2016-2017 school years as a factor in any decision to 15355  
promote or to deny the student promotion to a higher grade level 15356  
or in any decision to grant course credit. No individual student 15357  
score reports on such assessments administered in the 2014-2015, 15358  
2015-2016, or 2016-2017 school years shall be released, except 15359  
to a student's school district or school or to the student or 15360  
the student's parent or guardian. 15361

**Sec. 3302.037.** (A) Not more than thirty days after the 15362  
department of education and workforce issues report cards under 15363

section 3302.03 of the Revised Code, each school district and 15364  
school building shall do the following: 15365

(1) Notify parents that the report card has been released 15366  
and how parents can access the report card. Notification may 15367  
include mailed letters, emails, newsletters, or any other 15368  
proactive notification method used by districts and buildings to 15369  
contact parents. 15370

(2) Include a link to the report card on the district's or 15371  
school's web site. 15372

(B) Each superintendent of a school district shall present 15373  
the results of the district's report card to the school district 15374  
board of education not later than thirty days after the report 15375  
cards are issued under section 3302.03 of the Revised Code. 15376

**Sec. 3302.038.** Not later than December 31, 2024, the 15377  
department of education and workforce shall issue a report 15378  
regarding the effectiveness of the state report cards issued 15379  
under section 3302.03 of the Revised Code. In preparing the 15380  
report, the department shall study the data included in the 15381  
state report cards issued for the 2021-2022, 2022-2023, and 15382  
2023-2024 school years. Based on that study, the department 15383  
shall include in the report any recommendations for changes or 15384  
improvements to the state report card. 15385

The department shall submit the report to the speaker of 15386  
the house of representatives, the president of the senate, and 15387  
the chairpersons of the standing committees of the house of 15388  
representatives and the senate that consider education 15389  
legislation. 15390

**Sec. 3302.039.** (A) The state report card review committee 15391  
is hereby established on July 1, 2023. 15392

(B) The committee established under this section shall	15393
consist of the following members:	15394
(1) Two members of the house of representatives, both of	15395
whom shall not be members of the same political party, appointed	15396
by the speaker of the house of representatives. The minority	15397
leader of the house of representatives may recommend to the	15398
speaker of the house of representatives a member of the minority	15399
leader's political party to serve on the committee.	15400
(2) Two members of the senate, both of whom shall not be	15401
members of the same political party, appointed by the president	15402
of the senate. The minority leader of the senate may recommend	15403
to the president of the senate a member of the minority leader's	15404
political party to serve on the committee.	15405
(3) The <del>superintendent</del> <u>director</u> of <del>public</del>	15406
<del>instruction</del> <u>education and workforce</u> , or the <del>state</del>	15407
<del>superintendent's</del> <u>director's</u> designee;	15408
(4) The following members appointed by the <del>state</del>	15409
<del>superintendent</del> <u>director</u> :	15410
(a) A classroom teacher who provides instruction in an	15411
elementary school;	15412
(b) A classroom teacher who provides instruction in a high	15413
school;	15414
(c) An individual with experience in providing services to	15415
students identified as gifted in superior cognitive ability and	15416
specific academic ability fields under Chapter 3324. of the	15417
Revised Code;	15418
(d) An individual with experience in providing special	15419
education or related services to children with disabilities	15420

under Chapter 3323. of the Revised Code;	15421
(e) An individual representing a chartered nonpublic school;	15422 15423
(f) A representative of the business community;	15424
(g) The parent of a child enrolled in any of grades kindergarten through twelve;	15425 15426
(h) A representative of community schools established under Chapter 3314. of the Revised Code;	15427 15428
(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 section represent urban, suburban, and rural school districts.	15429 15430 15431 15432
(5) The member of the house of representatives appointed under division (B) (1) of this section, who is of the majority party, and the member of the senate appointed under division (B) (2) of this section, who is of the majority party, shall serve as co-chairpersons of the committee.	15433 15434 15435 15436 15437
(C) The committee established under this section shall conduct a study of the state report cards issued under section 3302.03 of the Revised Code for the 2022-2023 school year and prior school years. Based on that study, the committee shall make recommendations for improvements, corrections, and clarifications to the state report card.	15438 15439 15440 15441 15442 15443
Not later than June 30, 2024, the chairpersons of the committee shall submit a report of its findings to the <del>state board of education</del> <u>director</u> and the chairpersons of the standing committees of the house of representatives and the senate that consider primary and secondary education legislation.	15444 15445 15446 15447 15448

~~Sec. 3302.04. As used in divisions (A), (C), and (D) of this section, for the 2014-2015 school year, and for each school year thereafter, when a provision refers to a school district or school building in a state of academic emergency, it shall mean a district or building rated "F"; when a provision refers to a school district or school building under an academic watch, it shall mean a district or building rated "D"; and when a provision refers to a school district or school building in need of continuous improvement, it shall mean a district or building rated "C" as those letter grade ratings for overall performance are assigned under division (C) (3) of section 3302.03 of the Revised Code, as it exists on or after March 22, 2013.~~

(A) The department of education and workforce shall establish a system of intensive, ongoing support for the improvement of school districts and school buildings. In accordance with the model of differentiated accountability described in section 3302.041 of the Revised Code, the system shall give priority to ~~the following:~~

~~(1) For any school year prior to the 2012-2013 school year, districts and buildings that have been declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code;~~

~~(2) For the 2012-2013 school year, and for each school year thereafter,~~ districts and buildings in the manner prescribed by any agreement currently in force between the department of education and workforce and the United States department of education. The department of education and workforce shall endeavor to include schools and buildings that receive grades or performance ratings under section 3302.03 of the Revised Code that the department considers to be low

performing. 15479

The system shall include services provided to districts 15480  
and buildings through regional service providers, such as 15481  
educational service centers. The system may include the 15482  
appointment of an improvement coordinator for any of the lowest 15483  
performing districts, as determined by the department of 15484  
education and workforce, to coordinate the district's academic 15485  
improvement efforts and to build support among the community for 15486  
those efforts. 15487

~~(B) This division does not apply to any school district 15488  
after June 30, 2008. 15489~~

~~When a school district has been notified by the department 15490  
pursuant to section 3302.03 of the Revised Code that the 15491  
district or a building within the district has failed to make 15492  
adequate yearly progress for two consecutive school years, the 15493  
district shall develop a three year continuous improvement plan 15494  
for the district or building containing each of the following: 15495~~

~~(1) An analysis of the reasons for the failure of the 15496  
district or building to meet any of the applicable performance 15497  
indicators established under section 3302.02 of the Revised Code 15498  
that it did not meet and an analysis of the reasons for its 15499  
failure to make adequate yearly progress; 15500~~

~~(2) Specific strategies that the district or building will 15501  
use to address the problems in academic achievement identified 15502  
in division (B) (1) of this section; 15503~~

~~(3) Identification of the resources that the district will 15504  
allocate toward improving the academic achievement of the 15505  
district or building; 15506~~

~~(4) A description of any progress that the district or 15507~~

~~building made in the preceding year toward improving its~~ 15508  
~~academic achievement;—~~ 15509

~~(5) An analysis of how the district is utilizing the~~ 15510  
~~professional development standards adopted by the state board~~ 15511  
~~pursuant to section 3319.61 of the Revised Code;—~~ 15512

~~(6) Strategies that the district or building will use to~~ 15513  
~~improve the cultural competency, as defined pursuant to section~~ 15514  
~~3319.61 of the Revised Code, of teachers and other educators.—~~ 15515

~~No three year continuous improvement plan shall be~~ 15516  
~~developed or adopted pursuant to this division unless at least~~ 15517  
~~one public hearing is held within the affected school district~~ 15518  
~~or building concerning the final draft of the plan. Notice of~~ 15519  
~~the hearing shall be given two weeks prior to the hearing by~~ 15520  
~~publication in one newspaper of general circulation within the~~ 15521  
~~territory of the affected school district or building. Copies of~~ 15522  
~~the plan shall be made available to the public.—~~ 15523

~~(C) (1) For any school year prior to the school year that~~ 15524  
~~begins on July 1, 2012, when a school district or building has~~ 15525  
~~been notified by the department pursuant to section 3302.03 of~~ 15526  
~~the Revised Code that the district or building is under an~~ 15527  
~~academic watch or in a state of academic emergency, the district~~ 15528  
~~or building shall be subject to any rules establishing~~ 15529  
~~intervention in academic watch or emergency school districts or~~ 15530  
~~buildings.—~~ 15531

~~(2) For the 2012-2013 school year, and for each school~~ 15532  
~~year thereafter, a A district or building that meets the~~ 15533  
~~conditions for intervention prescribed by the agreement~~ 15534  
~~described in division ~~(A) (2)~~ (A) of this section shall be~~ 15535  
~~subject to any rules establishing such intervention.~~ 15536

~~(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.~~ 15537  
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~~(2) For the 2012-2013 school year, and for each school year thereafter, the~~ 15542  
(C) The department of education and 15543  
workforce may initiate a site evaluation of a building or school 15544  
district that meets the conditions for a site evaluation 15545  
prescribed by the agreement described in division ~~(A) (2)~~ (A) of 15546  
this section. 15547

~~(3) Division (D) (3) of this section does not apply to any school district after June 30, 2008.~~ 15548  
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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.~~ 15550  
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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~~ 15564  
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<del>include, but not be limited to, the following:—</del>	15567
<del>(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;—</del>	15568
<del>(b) Determining pupil-teacher ratios;—</del>	15569
<del>(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;—</del>	15570
<del>(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;—</del>	15571
<del>(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;—</del>	15572
<del>(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.—</del>	15573
<del>(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.</del>	15574
<del>(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:</del>	15575
<del>(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</del>	15576
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being taken by the district or building to improve the academic 15595  
performance of the building and any progress achieved toward 15596  
that goal in the immediately preceding school year. 15597

(b) If the building receives funds under Title I, Part A 15598  
of the "Elementary and Secondary Education Act of 1965," 20 15599  
U.S.C. 6311 to 6339, from the district, in accordance with 15600  
section 3313.97 of the Revised Code, offer all students enrolled 15601  
in the building the opportunity to enroll in an alternative 15602  
building within the district that is not in school improvement 15603  
status as defined by the "No Child Left Behind Act of 2001." 15604  
Notwithstanding Chapter 3327. of the Revised Code, the district 15605  
shall spend an amount equal to twenty per cent of the funds it 15606  
receives under Title I, Part A of the "Elementary and Secondary 15607  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 15608  
transportation for students who enroll in alternative buildings 15609  
under this division, unless the district can satisfy all demand 15610  
for transportation with a lesser amount. If an amount equal to 15611  
twenty per cent of the funds the district receives under Title 15612  
I, Part A of the "Elementary and Secondary Education Act of 15613  
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 15614  
demand for transportation, the district shall grant priority 15615  
over all other students to the lowest achieving students among 15616  
the subgroup described in division (B)(3) of section 3302.01 of 15617  
the Revised Code in providing transportation. Any district that 15618  
does not receive funds under Title I, Part A of the "Elementary 15619  
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 15620  
shall not be required to provide transportation to any student 15621  
who enrolls in an alternative building under this division. 15622

(2) For any school building that fails to make adequate 15623  
yearly progress for three consecutive school years, the district 15624  
shall do both of the following: 15625

(a) If the building receives funds under Title I, Part A 15626  
of the "Elementary and Secondary Education Act of 1965," 20 15627  
U.S.C. 6311 to 6339, from the district, in accordance with 15628  
section 3313.97 of the Revised Code, provide all students 15629  
enrolled in the building the opportunity to enroll in an 15630  
alternative building within the district that is not in school 15631  
improvement status as defined by the "No Child Left Behind Act 15632  
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 15633  
district shall provide transportation for students who enroll in 15634  
alternative buildings under this division to the extent required 15635  
under division ~~(E) (2)~~ (D) (2) of this section. 15636

(b) If the building receives funds under Title I, Part A 15637  
of the "Elementary and Secondary Education Act of 1965," 20 15638  
U.S.C. 6311 to 6339, from the district, offer supplemental 15639  
educational services to students who are enrolled in the 15640  
building and who are in the subgroup described in division (B) 15641  
(3) of section 3302.01 of the Revised Code. 15642

The district shall spend a combined total of an amount 15643  
equal to twenty per cent of the funds it receives under Title I, 15644  
Part A of the "Elementary and Secondary Education Act of 1965," 15645  
20 U.S.C. 6311 to 6339, to provide transportation for students 15646  
who enroll in alternative buildings under division ~~(E) (1) (b)~~ (D) 15647  
(1) (b) or ~~(E) (2) (a)~~ (D) (2) (a) of this section and to pay the 15648  
costs of the supplemental educational services provided to 15649  
students under division ~~(E) (2) (b)~~ (D) (2) (b) of this section, 15650  
unless the district can satisfy all demand for transportation 15651  
and pay the costs of supplemental educational services for those 15652  
students who request them with a lesser amount. In allocating 15653  
funds between the requirements of divisions ~~(E) (1) (b)~~ (D) (1) (b) 15654  
and ~~(E) (2) (a)~~ (D) (2) (a) and (b) of this section, the district 15655  
shall spend at least an amount equal to five per cent of the 15656

funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under division ~~(E) (1) (b)~~ (D) (1) (b) or ~~(E) (2) (a)~~ (D) (2) (a) of this section, unless the district can satisfy all demand for transportation with a lesser amount, and at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the supplemental educational services provided to students under division ~~(E) (2) (b)~~ (D) (2) (b) of this section, unless the district can pay the costs of such services for all students requesting them with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation under divisions ~~(E) (1) (b)~~ (D) (1) (b) and ~~(E) (2) (a)~~ (D) (2) (a) of this section and to pay the costs of all of the supplemental educational services provided to students under division ~~(E) (2) (b)~~ (D) (2) (b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division (B) (3) of section 3302.01 of the Revised Code.

Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under division ~~(E) (2) (a)~~ (D) (2) (a) of this section or to pay the costs of supplemental educational services provided

to any student under division ~~(E)(2)(b)~~ (D)(2)(b) of this 15688  
section. 15689

No student who enrolls in an alternative building under 15690  
division ~~(E)(2)(a)~~ (D)(2)(a) of this section shall be eligible 15691  
for supplemental educational services under division ~~(E)(2)(b)~~ 15692  
(D)(2)(b) of this section. 15693

(3) For any school building that fails to make adequate 15694  
yearly progress for four consecutive school years, the district 15695  
shall continue to comply with division ~~(E)(2)~~ (D)(2) of this 15696  
section and shall implement at least one of the following 15697  
options with respect to the building: 15698

(a) Institute a new curriculum that is consistent with the 15699  
statewide academic standards adopted pursuant to division (A) of 15700  
section 3301.079 of the Revised Code; 15701

(b) Decrease the degree of authority the building has to 15702  
manage its internal operations; 15703

(c) Appoint an outside expert to make recommendations for 15704  
improving the academic performance of the building. The district 15705  
may request the department to establish a state intervention 15706  
team for this purpose pursuant to division ~~(G)~~ (E) of this 15707  
section. 15708

(d) Extend the length of the school day or year; 15709

(e) Replace the building principal or other key personnel; 15710

(f) Reorganize the administrative structure of the 15711  
building. 15712

(4) For any school building that fails to make adequate 15713  
yearly progress for five consecutive school years, the district 15714  
shall continue to comply with division ~~(E)(2)~~ (D)(2) of this 15715

section and shall develop a plan during the next succeeding 15716  
school year to improve the academic performance of the building, 15717  
which shall include at least one of the following options: 15718

(a) Reopen the school as a community school under Chapter 15719  
3314. of the Revised Code; 15720

(b) Replace personnel; 15721

(c) Contract with a nonprofit or for-profit entity to 15722  
operate the building; 15723

(d) Turn operation of the building over to the department; 15724

(e) Other significant restructuring of the building's 15725  
governance. 15726

(5) For any school building that fails to make adequate 15727  
yearly progress for six consecutive school years, the district 15728  
shall continue to comply with division ~~(E) (2)~~ (D) (2) of this 15729  
section and shall implement the plan developed pursuant to 15730  
division ~~(E) (4)~~ (D) (4) of this section. 15731

(6) A district shall continue to comply with division ~~(E)~~ 15732  
~~(1) (b)~~ (D) (1) (b) or ~~(E) (2)~~ (D) (2) of this section, whichever was 15733  
most recently applicable, with respect to any building formerly 15734  
subject to one of those divisions until the building makes 15735  
adequate yearly progress for two consecutive school years. 15736

~~(F) This division applies only to school districts that~~ 15737  
~~have been identified for improvement by the department pursuant~~ 15738  
~~to the "No Child Left Behind Act of 2001." It does not apply to~~ 15739  
~~any such district after June 30, 2008.~~ 15740

~~(1) If a school district has been identified for~~ 15741  
~~improvement for one school year, the district shall provide a~~ 15742  
~~written description of the continuous improvement plan developed~~ 15743

~~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.~~ 15744  
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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 by the district pursuant to division (B) or (F) (1) of this section.~~ 15751  
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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:~~ 15756  
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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;~~ 15760  
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~~(b) Direct the district to replace key district personnel;~~ 15763

~~(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;~~ 15764  
15765  
15766

~~(d) Establish alternative forms of governance for individual school buildings within the district;~~ 15767  
15768

~~(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.~~ 15769  
15770

~~The department shall conduct individual audits of a~~ 15771

~~sampling of districts subject to this division to determine  
compliance with the corrective actions taken by the department.~~ 15772  
15773

~~(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.~~ 15774  
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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  
division (F) (3) of this section with respect to the district,  
provided that the corrective action the department takes is  
different from the corrective action previously taken under  
division (F) (3) of this section with respect to the district.~~ 15779  
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~~(G)~~ (E) The department may establish a state intervention  
team to evaluate all aspects of a school district or building,  
including management, curriculum, instructional methods,  
resource allocation, and scheduling. Any such intervention team  
shall be appointed by the department and shall include teachers  
and administrators recognized as outstanding in their fields.  
The intervention team shall make recommendations regarding  
methods for improving the performance of the district or  
building. 15786  
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The department shall not approve a district's request for  
an intervention team under division ~~(E) (3)~~ (D) (3) of this  
section if the department cannot adequately fund the work of the  
team, unless the district agrees to pay for the expenses of the  
team. 15795  
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~~(H)~~ (F) The department shall conduct individual audits of 15800

a sampling of community schools established under Chapter 3314. 15801  
of the Revised Code to determine compliance with this section. 15802

~~(I)~~ (G) A school district in which the pilot project 15803  
scholarship program is operating under sections 3313.974 to 15804  
3313.979 of the Revised Code shall report the use of funding for 15805  
tutorial assistance grants under that program in the district's 15806  
three-year continuous improvement plan under this section in a 15807  
manner approved by the department. 15808

~~(J)~~ (H) ~~The state board department of education and~~ 15809  
workforce shall adopt rules for implementing this section. 15810

**Sec. 3302.041.** Beginning July 1, 2008, and contingent upon 15811  
continued approval by the United States department of education, 15812  
each school district that has been identified for improvement, 15813  
or that contains a school building that has been identified for 15814  
improvement, shall implement all corrective actions required by 15815  
the model of differentiated accountability developed by the Ohio 15816  
department of education and workforce and approved by the United 15817  
States department of education. In any school year in which a 15818  
district is subject to this division, the Ohio department of 15819  
education and workforce shall notify the district, prior to the 15820  
district's opening date, of the corrective actions it is 15821  
required to implement in that school year. 15822

**Sec. 3302.042.** (A) This section shall operate as a pilot 15823  
project that applies to any school that has been ranked 15824  
according to performance index score under section 3302.21 of 15825  
the Revised Code in the lowest five per cent of all public 15826  
school buildings statewide for three or more consecutive school 15827  
years and is operated by the Columbus city school district. The 15828  
pilot project shall commence once the department of education\_ 15829  
and workforce establishes implementation guidelines for the 15830

pilot project in consultation with the Columbus city school district. 15831  
15832

(B) Except as provided in division (D), (E), or (F) of this section, if the parents or guardians of at least fifty per cent of the students enrolled in a school to which this section applies, or if the parents or guardians of at least fifty per cent of the total number of students enrolled in that school and the schools of lower grade levels whose students typically matriculate into that school, by the thirty-first day of December of any school year in which the school is subject to this section, sign and file with the school district treasurer a petition requesting the district board of education to implement one of the following reforms in the school, and if the validity and sufficiency of the petition is certified in accordance with division (C) of this section, the board shall implement the requested reform in the next school year: 15833  
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(1) Reopen the school as a community school under Chapter 3314. of the Revised Code; 15847  
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(2) Replace at least seventy per cent of the school's personnel who are related to the school's poor academic performance or, at the request of the petitioners, retain not more than thirty per cent of the personnel; 15849  
15850  
15851  
15852

(3) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school; 15853  
15854  
15855

(4) Turn operation of the school over to the department; 15856

(5) Any other major restructuring of the school that makes fundamental reforms in the school's staffing or governance. 15857  
15858

(C) Not later than thirty days after receipt of a petition 15859

under division (B) of this section, the district treasurer shall 15860  
verify the validity and sufficiency of the signatures on the 15861  
petition and certify to the district board whether the petition 15862  
contains the necessary number of valid signatures to require the 15863  
board to implement the reform requested by the petitioners. If 15864  
the treasurer certifies to the district board that the petition 15865  
does not contain the necessary number of valid signatures, any 15866  
person who signed the petition may file an appeal with the 15867  
county auditor within ten days after the certification. Not 15868  
later than thirty days after the filing of an appeal, the county 15869  
auditor shall conduct an independent verification of the 15870  
validity and sufficiency of the signatures on the petition and 15871  
certify to the district board whether the petition contains the 15872  
necessary number of valid signatures to require the board to 15873  
implement the requested reform. If the treasurer or county 15874  
auditor certifies that the petition contains the necessary 15875  
number of valid signatures, the district board shall notify the 15876  
~~superintendent of public instruction and the state board of~~ 15877  
~~education department~~ of the certification. 15878

(D) The district board shall not implement the reform 15879  
requested by the petitioners in any of the following 15880  
circumstances: 15881

(1) The district board has determined that the request is 15882  
for reasons other than improving student academic achievement or 15883  
student safety. 15884

(2) The ~~state superintendent department~~ has determined 15885  
that implementation of the requested reform would not comply 15886  
with the model of differentiated accountability described in 15887  
section 3302.041 of the Revised Code. 15888

(3) The petitioners have requested the district board to 15889

implement the reform described in division (B) (4) of this 15890  
section and the department has not agreed to take over the 15891  
school's operation. 15892

(4) When all of the following have occurred: 15893

(a) After a public hearing on the matter, the district 15894  
board issued a written statement explaining the reasons that it 15895  
is unable to implement the requested reform and agreeing to 15896  
implement one of the other reforms described in division (B) of 15897  
this section. 15898

(b) The district board submitted its written statement to 15899  
the ~~state superintendent and the state board~~ department along 15900  
with evidence showing how the alternative reform the district 15901  
board has agreed to implement will enable the school to improve 15902  
its academic performance. 15903

(c) ~~Both the state superintendent and the state board have~~ 15904  
The department has approved implementation of the alternative 15905  
reform. 15906

(E) If the provisions of this section conflict in any way 15907  
with the requirements of federal law, federal law shall prevail 15908  
over the provisions of this section. 15909

(F) If a school is restructured under this section, 15910  
section 3302.10 or 3302.12 of the Revised Code, or federal law, 15911  
the school shall not be required to restructure again under 15912  
state law for three consecutive years after the implementation 15913  
of that prior restructuring. 15914

(G) Beginning not later than six months after the first 15915  
petition under this section has been resolved, the department ~~of~~ 15916  
~~education~~ shall annually evaluate the pilot program and submit a 15917  
report to the general assembly under section 101.68 of the 15918

Revised Code. Such reports shall contain its recommendations to 15919  
the general assembly with respect to the continuation of the 15920  
pilot program, its expansion to other school districts, or the 15921  
enactment of further legislation establishing the program 15922  
statewide under permanent law. 15923

**Sec. 3302.043.** (A) As used in this section, "eligible 15924  
district" means a city school district to which both of the 15925  
following apply: 15926

(1) The district has persistently low performance ratings, 15927  
as determined by the department of education and workforce, 15928  
under section 3302.03 of the Revised Code. 15929

(2) The district is not subject to an academic distress 15930  
commission under section 3302.10 of the Revised Code. 15931

(B) The department shall establish the career promise 15932  
academy summer demonstration pilot program. Under the pilot 15933  
program, which shall operate in the 2021-2022 and 2022-2023 15934  
school years, the department shall solicit proposals from 15935  
eligible districts to establish and operate a career promise 15936  
academy during the summer to provide students entering ninth 15937  
grade with intensive literacy instruction, internship or 15938  
mentoring experiences, and instruction regarding academic 15939  
preparedness skills, life skills, and financial literacy. The 15940  
department shall approve one proposal based on the criteria 15941  
prescribed under division (C) of this section. The department 15942  
shall award a grant to the eligible district with an approved 15943  
proposal. 15944

(C) The department shall adopt criteria under which to 15945  
approve a proposal for a career promise academy, which shall 15946  
include all of the following: 15947

(1) A requirement that the career promise academy operate	15948
as follows:	15949
(a) For four consecutive weeks in the summer of 2021;	15950
(b) For five consecutive weeks in the summer of 2022.	15951
(2) A requirement that not more than seventy-five students	15952
participate in the career promise academy in one summer;	15953
(3) A requirement for the eligible district to submit to	15954
the department, in a form and manner prescribed by the	15955
department, any data that the department and district jointly	15956
determine is necessary to evaluate the pilot program;	15957
(4) A method to determine student eligibility to	15958
participate in the career promise academy. The method shall	15959
identify students entering ninth grade who are at risk of not	15960
qualifying for a high school diploma based on the student's	15961
scores on the English language arts and mathematics assessments	15962
prescribed under division (A) (1) (f) of section 3301.0710 of the	15963
Revised Code and other academic or social-emotional factors.	15964
(5) A description of the instruction and internship or	15965
mentoring experiences that participating students will receive;	15966
(6) An agreement with the district's business advisory	15967
council established under section 3313.82 of the Revised Code	15968
and other organizations or businesses to identify or provide	15969
internship and mentoring experiences to participating students;	15970
(7) An agreement with at least one institution of higher	15971
education to identify and engage with prospective teachers to	15972
serve as mentors and academic coaches to participating students.	15973
(D) The department shall adopt guidelines and procedures	15974
to operate the pilot program established under this section.	15975

**Sec. 3302.05.** The ~~state board~~ department of education and workforce shall adopt rules freeing school districts from specified state mandates if one of the following applies:

(A) For the 2011-2012 school year, the school district was declared to be excellent under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013, and had above expected growth in the overall value-added measure.

(B) For the 2012-2013 school year, the school district received a grade of "A" for the number of performance indicators 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. 16005  
16006

**Sec. 3302.06.** (A) Any school of a city, exempted village, 16007  
or local school district may apply to the district board of 16008  
education to be designated as an innovation school. Each 16009  
application shall include an innovation plan that contains the 16010  
following: 16011

(1) A statement of the school's mission and an explanation 16012  
of how the designation would enhance the school's ability to 16013  
fulfill its mission; 16014

(2) A description of the innovations the school would 16015  
implement; 16016

(3) An explanation of how implementation of the 16017  
innovations described in division (A) (2) of this section would 16018  
affect the school's programs and policies, including any of the 16019  
following that apply: 16020

(a) The school's educational program; 16021

(b) The length of the school day and the school year; 16022

(c) The school's student promotion policy; 16023

(d) The school's plan for the assessment of students; 16024

(e) The school's budget; 16025

(f) The school's staffing levels. 16026

(4) A description of the improvements in student academic 16027  
performance that the school expects to achieve by implementing 16028  
the innovations described in division (A) (2) of this section; 16029

(5) An estimate of the cost savings and increased 16030  
efficiencies, if any, that the school expects to achieve by 16031

implementing the innovations described in division (A) (2) of 16032  
this section; 16033

(6) A description of any laws in Title XXXIII of the 16034  
Revised Code, rules adopted by the ~~state board~~ department of 16035  
education and workforce, or requirements enacted by the district 16036  
board that would need to be waived to implement the innovations 16037  
described in division (A) (2) of this section; 16038

(7) A description of any provisions of a collective 16039  
bargaining agreement covering personnel of the school that would 16040  
need to be waived to implement the innovations described in 16041  
division (A) (2) of this section; 16042

(8) Evidence that a majority of the administrators 16043  
assigned to the school and a majority of the teachers assigned 16044  
to the school consent to seeking the designation and a statement 16045  
of the level of support for seeking the designation demonstrated 16046  
by other staff working in the school, students enrolled in the 16047  
school and their parents, and members of the community in which 16048  
the school is located. 16049

(B) Two or more schools of the district may apply to the 16050  
district board to be designated as an innovation school zone, if 16051  
the schools share common interests based on factors such as 16052  
geographical proximity or similar educational programs or if the 16053  
schools serve the same classes of students as they advance to 16054  
higher grade levels. Each application shall include an 16055  
innovation plan that contains the information prescribed by 16056  
divisions (A) (1) to (8) of this section for each participating 16057  
school and the following additional information: 16058

(1) A description of how innovations in the participating 16059  
schools would be integrated to achieve results that would be 16060

less likely to be achieved by each participating school alone; 16061

(2) An estimate of any economies of scale that would be 16062  
realized by implementing innovations jointly. 16063

**Sec. 3302.062.** (A) If a school district board of education 16064  
approves an application under division (B) (1) of section 16065  
3302.061 of the Revised Code or designates an innovation school 16066  
or innovation school zone under division (D) of that section, 16067  
the district board shall apply to the ~~state board~~ department of 16068  
education and workforce for designation as a school district of 16069  
innovation by submitting to the ~~state board~~ department the 16070  
innovation plan included in the approved application or created 16071  
by the district board. 16072

Within sixty days after receipt of the application, the 16073  
~~state board~~ department shall designate the district as a school 16074  
district of innovation, unless the ~~state board~~ department 16075  
determines that the submitted innovation plan is not financially 16076  
feasible or will likely result in decreased academic 16077  
achievement. If the ~~state board~~ department so determines, it 16078  
shall provide a written explanation of the basis for its 16079  
determination to the district board. If the district is not 16080  
designated as a school district of innovation, the district 16081  
board shall not implement the innovation plan. However, the 16082  
district board may reapply for designation as a school district 16083  
of innovation at any time. 16084

(B) A district board may request the ~~state board~~ 16085  
department to make a preliminary review of an innovation plan 16086  
prior to the district board's formal application for designation 16087  
as a school district of innovation. In that case, the ~~state~~ 16088  
~~board~~ department shall review the innovation plan and, within 16089  
sixty days after the request, recommend to the district board 16090

any changes or additions that the ~~state board department~~ 16091  
believes will improve the plan, which may include further 16092  
innovations or measures to increase the likelihood that the 16093  
innovations will result in higher academic achievement. The 16094  
district board may revise the innovation plan prior to making 16095  
formal application for designation as a school district of 16096  
innovation. 16097

**Sec. 3302.063.** (A) Except as provided in division (B) of 16098  
this section, upon designation of a school district of 16099  
innovation under section 3302.062 of the Revised Code, the ~~state-~~ 16100  
~~board department~~ of education and workforce shall waive any laws 16101  
in Title XXXVIII of the Revised Code or rules adopted by the 16102  
~~state board department~~ that are specified in the innovation plan 16103  
submitted by the district board of education as needing to be 16104  
waived to implement the plan. The waiver shall apply only to the 16105  
school or schools participating in the innovation plan and shall 16106  
not apply to the district as a whole, unless each of the 16107  
district's schools is a participating school. The waiver shall 16108  
cease to apply to a school if the school's designation as an 16109  
innovation school is revoked or the innovation school zone in 16110  
which the school participates has its designation revoked under 16111  
section 3302.065 of the Revised Code, or if the school is 16112  
removed from an innovation school zone under that section or 16113  
section 3302.064 of the Revised Code. 16114

(B) The ~~state board department~~ shall not waive any law or 16115  
rule regarding the following: 16116

(1) Funding for school districts under Chapter 3317. of 16117  
the Revised Code; 16118

(2) The requirements of Chapters 3323. and 3324. of the 16119  
Revised Code for the provision of services to students with 16120

disabilities and gifted students;	16121
(3) Requirements related to the provision of career-technical education that are necessary to comply with federal law or maintenance of effort provisions;	16122 16123 16124
(4) Administration of the assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;	16125 16126 16127
(5) Requirements related to the issuance of report cards and the assignment of performance ratings under section 3302.03 of the Revised Code;	16128 16129 16130
(6) Implementation of the model of differentiated accountability under section 3302.041 of the Revised Code;	16131 16132
(7) Requirements for the reporting of data to the department of education <u>and workforce</u> ;	16133 16134
(8) Criminal records checks of school employees;	16135
(9) The requirements of Chapters 3307. and 3309. regarding the retirement systems for teachers and school employees.	16136 16137
(C) If a district board's revisions to an innovation plan under section 3302.066 of the Revised Code require a waiver of additional laws or <del>state board</del> <u>department</u> rules, the <del>state board</del> <u>department</u> shall grant a waiver from those laws or rules upon evidence that administrators and teachers have consented to the revisions as required by that section.	16138 16139 16140 16141 16142 16143
<b>Sec. 3302.066.</b> A school district board of education may revise an innovation plan approved or created under section 3302.061 of the Revised Code, in collaboration with the school or schools participating in the plan, to further improve student academic performance. The revisions may include identifying	16144 16145 16146 16147 16148

additional laws in Title XXXIII of the Revised Code, rules 16149  
adopted by the ~~state board~~ department of education and 16150  
workforce, requirements enacted by the district board, or 16151  
provisions of a collective bargaining agreement that need to be 16152  
waived. Any revisions to an innovation plan shall require the 16153  
consent, in each school participating in the plan, of a majority 16154  
of the administrators assigned to that school and a majority of 16155  
the teachers assigned to that school. 16156

**Sec. 3302.068.** Not later than the first day of July each 16157  
year, the department of education and workforce shall issue, and 16158  
post on its web site, a report on school districts of 16159  
innovation. The report shall include the following information: 16160

(A) The number of districts designated as school districts 16161  
of innovation in the preceding school year and the total number 16162  
of school districts of innovation statewide; 16163

(B) The number of innovation schools in each school 16164  
district of innovation and the number of district students 16165  
served by the schools, expressed as a total number and as a 16166  
percentage of the district's total student population; 16167

(C) The number of innovation school zones in each school 16168  
district of innovation, the number of schools participating in 16169  
each zone, and the number of district students served by the 16170  
participating schools, expressed as a total number and as a 16171  
percentage of the district's total student population; 16172

(D) An overview of the innovations implemented in 16173  
innovation schools and innovation school zones; 16174

(E) Data on the academic performance of the students 16175  
enrolled in an innovation school or an innovation school zone in 16176  
each school district of innovation, including a comparison of 16177

the students' academic performance before and after the 16178  
district's designation as a school district of innovation; 16179

(F) Recommendations for legislative changes based on the 16180  
innovations implemented or to enhance the ability of schools and 16181  
districts to implement innovations. 16182

**Sec. 3302.07.** (A) The board of education of any school 16183  
district, the governing board of any educational service center, 16184  
or the administrative authority of any chartered nonpublic 16185  
school may submit to the ~~state board~~ department of education and 16186  
workforce an application proposing an innovative education pilot 16187  
program the implementation of which requires exemptions from 16188  
specific statutory provisions or rules. If a district or service 16189  
center board employs teachers under a collective bargaining 16190  
agreement adopted pursuant to Chapter 4117. of the Revised Code, 16191  
any application submitted under this division shall include the 16192  
written consent of the teachers' employee representative 16193  
designated under division (B) of section 4117.04 of the Revised 16194  
Code. The exemptions requested in the application shall be 16195  
limited to any requirement of Title XXXIII of the Revised Code 16196  
or of any rule of the ~~state board~~ department adopted pursuant to 16197  
that title except that the application may not propose an 16198  
exemption from any requirement of or rule adopted pursuant to 16199  
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 16200  
3323. of the Revised Code. Furthermore, an exemption from any 16201  
operating standard adopted under division (B) (2) or (D) of 16202  
section 3301.07 of the Revised Code shall be granted only 16203  
pursuant to a waiver granted by the ~~superintendent of public~~ 16204  
~~instruction~~ director of education and workforce under division 16205  
(O) of that section. 16206

(B) The ~~state board of education~~ department shall accept 16207

any application submitted in accordance with division (A) of 16208  
this section. The ~~superintendent of public instruction~~ director 16209  
shall approve or disapprove the application in accordance with 16210  
standards for approval, which shall be adopted by the ~~state~~ 16211  
~~board~~ department. 16212

(C) The ~~superintendent of public instruction~~ director 16213  
shall exempt each district or service center board or chartered 16214  
nonpublic school administrative authority with an application 16215  
approved under division (B) of this section for a specified 16216  
period from the statutory provisions or rules specified in the 16217  
approved application. The period of exemption shall not exceed 16218  
the period during which the pilot program proposed in the 16219  
application is being implemented and a reasonable period to 16220  
allow for evaluation of the effectiveness of the program. 16221

**Sec. 3302.09.** (A) Whenever the United States department of 16222  
education makes changes in its policies or rules regarding 16223  
implementation of the No Child Left Behind Act of 2001, the Ohio 16224  
department of education and workforce shall submit a written 16225  
description of those changes to each member of the standing 16226  
committees on education of the senate and house of 16227  
representatives. 16228

(B) If the Ohio department of education and workforce 16229  
plans to change any of its policies or procedures regarding the 16230  
state's implementation of the No Child Left Behind Act of 2001 16231  
based on changes in federal polices or rules described in 16232  
division (A) of this section, the Ohio department of education\_ 16233  
and workforce shall submit to each member of the standing 16234  
committees a written outline of the existing Ohio policy 16235  
regarding that implementation and a written description of the 16236  
changes it proposes to make. 16237

(C) ~~On and after July 1, 2005, the~~ The Ohio department of education and workforce shall not make any change proposed under division (B) of this section unless the general assembly has adopted a concurrent resolution approving the proposed change.

**Sec. 3302.10.** (A) ~~The superintendent of public instruction-~~ department of education and workforce shall establish an academic distress commission for any school district that meets one of the following conditions:

(1) The district has for three consecutive years received either of the following:

(a) An overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code;

(b) An overall performance rating of less than two stars under division (D) (3) of section 3302.03 of the Revised Code.

(2) An academic distress commission established for the district under former section 3302.10 of the Revised Code was still in existence on October 15, 2015, and has been in existence for at least four years.

(B) (1) The academic distress commission shall consist of five members as follows:

(a) Three members appointed by the ~~state-~~ superintendent director of education and workforce, one of whom is a resident in the county in which a majority of the district's territory is located;

(b) One member appointed by the president of the district board of education, who shall be a teacher employed by the district;

(c) One member appointed by the mayor of the municipality

in which a majority of the district's territory is located or, 16266  
if no such municipality exists, by the mayor of a municipality 16267  
selected by the ~~state superintendent~~ director of education and 16268  
workforce in which the district has territory. 16269

Appointments to the commission shall be made within thirty 16270  
days after the district is notified that it is subject to this 16271  
section. Members of the commission shall serve at the pleasure 16272  
of their appointing authority. The ~~state superintendent~~ director 16273  
shall designate a chairperson for the commission from among the 16274  
members appointed by the ~~state superintendent~~ director. The 16275  
chairperson shall call and conduct meetings, set meeting 16276  
agendas, and serve as a liaison between the commission and the 16277  
chief executive officer appointed under division (C) (1) of this 16278  
section. 16279

(2) In the case of a school district that meets the 16280  
condition in division (A) (2) of this section, the academic 16281  
distress commission established for the district under former 16282  
section 3302.10 of the Revised Code shall be abolished and a new 16283  
academic distress commission shall be appointed for the district 16284  
pursuant to division (B) (1) of this section. 16285

(C) (1) Within sixty days after the ~~state superintendent~~ 16286  
director has designated a chairperson for the academic distress 16287  
commission, the commission shall appoint a chief executive 16288  
officer for the district, who shall be paid by the department of 16289  
education and workforce and shall serve at the pleasure of the 16290  
commission. The individual appointed as chief executive officer 16291  
shall have high-level management experience in the public or 16292  
private sector. The chief executive officer shall exercise 16293  
complete operational, managerial, and instructional control of 16294  
the district, which shall include, but shall not be limited to, 16295

the following powers and duties, but the chief executive officer	16296
may delegate, in writing, specific powers or duties to the	16297
district board or district superintendent:	16298
(a) Replacing school administrators and central office	16299
staff;	16300
(b) Assigning employees to schools and approving	16301
transfers;	16302
(c) Hiring new employees;	16303
(d) Defining employee responsibilities and job	16304
descriptions;	16305
(e) Establishing employee compensation;	16306
(f) Allocating teacher class loads;	16307
(g) Conducting employee evaluations;	16308
(h) Making reductions in staff under section 3319.17,	16309
3319.171, or 3319.172 of the Revised Code;	16310
(i) Setting the school calendar;	16311
(j) Creating a budget for the district;	16312
(k) Contracting for services for the district;	16313
(l) Modifying policies and procedures established by the	16314
district board;	16315
(m) Establishing grade configurations of schools;	16316
(n) Determining the school curriculum;	16317
(o) Selecting instructional materials and assessments;	16318
(p) Setting class sizes;	16319

(q) Providing for staff professional development. 16320

(2) If an improvement coordinator was previously appointed 16321  
for the district pursuant to division (A) of section 3302.04 of 16322  
the Revised Code, that position shall be terminated. However, 16323  
nothing in this section shall prohibit the chief executive 16324  
officer from employing the same individual or other staff to 16325  
perform duties or functions previously performed by the 16326  
improvement coordinator. 16327

(D) The academic distress commission, in consultation with 16328  
the ~~state superintendent~~ director of education and workforce and 16329  
the chief executive officer, shall be responsible for expanding 16330  
high-quality school choice options in the district. The 16331  
commission, in consultation with the ~~state~~ 16332  
~~superintendent~~ director, may create an entity to act as a high- 16333  
quality school accelerator for schools not operated by the 16334  
district. The accelerator shall promote high-quality schools in 16335  
the district, lead improvement efforts for underperforming 16336  
schools, recruit high-quality sponsors for community schools, 16337  
attract new high-quality schools to the district, and increase 16338  
the overall capacity of schools to deliver a high-quality 16339  
education for students. Any accelerator shall be an independent 16340  
entity and the chief executive officer shall have no authority 16341  
over the accelerator. 16342

(E) (1) Within thirty days after the chief executive 16343  
officer is appointed, the chief executive officer shall convene 16344  
a group of community stakeholders. The purpose of the group 16345  
shall be to develop expectations for academic improvement in the 16346  
district and to assist the district in building relationships 16347  
with organizations in the community that can provide needed 16348  
services to students. Members of the group shall include, but 16349

shall not be limited to, educators, civic and business leaders, 16350  
and representatives of institutions of higher education and 16351  
government service agencies. Within ninety days after the chief 16352  
executive officer is appointed, the chief executive officer also 16353  
shall convene a smaller group of community stakeholders for each 16354  
school operated by the district to develop expectations for 16355  
academic improvement in that school. The group convened for each 16356  
school shall have teachers employed in the school and parents of 16357  
students enrolled in the school among its members. 16358

(2) The chief executive officer shall create a plan to 16359  
improve the district's academic performance. In creating the 16360  
plan, the chief executive officer shall consult with the groups 16361  
convened under division (E)(1) of this section. The chief 16362  
executive officer also shall consider the availability of 16363  
funding to ensure sustainability of the plan. The plan shall 16364  
establish clear, measurable performance goals for the district 16365  
and for each school operated by the district. The performance 16366  
goals shall include, but not be limited to, the performance 16367  
measures prescribed for report cards issued under section 16368  
3302.03 of the Revised Code. Within ninety days after the chief 16369  
executive officer is appointed, the chief executive officer 16370  
shall submit the plan to the academic distress commission for 16371  
approval. Within thirty days after the submission of the plan, 16372  
the commission shall approve the plan or suggest modifications 16373  
to the plan that will render it acceptable. If the commission 16374  
suggests modifications, the chief executive officer may revise 16375  
the plan before resubmitting it to the commission. The chief 16376  
executive officer shall resubmit the plan, whether revised or 16377  
not, within fifteen days after the commission suggests 16378  
modifications. The commission shall approve the plan within 16379  
thirty days after the plan is resubmitted. Upon approval of the 16380

plan by the commission, the chief executive officer shall 16381  
implement the plan. 16382

(F) Notwithstanding any provision to the contrary in 16383  
Chapter 4117. of the Revised Code, if the district board has 16384  
entered into, modified, renewed, or extended a collective 16385  
bargaining agreement on or after October 15, 2015, that contains 16386  
provisions relinquishing one or more of the rights or 16387  
responsibilities listed in division (C) of section 4117.08 of 16388  
the Revised Code, those provisions are not enforceable and the 16389  
chief executive officer and the district board shall resume 16390  
holding those rights or responsibilities as if the district 16391  
board had not relinquished them in that agreement until such 16392  
time as both the academic distress commission ceases to exist 16393  
and the district board agrees to relinquish those rights or 16394  
responsibilities in a new collective bargaining agreement. For 16395  
purposes of this section, "collective bargaining agreement" 16396  
shall include any labor contract or agreement in effect with any 16397  
applicable bargaining representative. The chief executive 16398  
officer and the district board are not required to bargain on 16399  
subjects reserved to the management and direction of the school 16400  
district, including, but not limited to, the rights or 16401  
responsibilities listed in division (C) of section 4117.08 of 16402  
the Revised Code. The way in which these subjects and these 16403  
rights or responsibilities may affect the wages, hours, terms 16404  
and conditions of employment, or the continuation, modification, 16405  
or deletion of an existing provision of a collective bargaining 16406  
agreement is not subject to collective bargaining or effects 16407  
bargaining under Chapter 4117. of the Revised Code. The 16408  
provisions of this paragraph apply to a collective bargaining 16409  
agreement entered into, modified, renewed, or extended on or 16410  
after October 15, 2015, and those provisions are deemed to be 16411

part of that agreement regardless of whether the district 16412  
satisfied the conditions prescribed in division (A) of this 16413  
section at the time the district entered into that agreement. If 16414  
the district board relinquished one or more of the rights or 16415  
responsibilities listed in division (C) of section 4117.08 of 16416  
the Revised Code in a collective bargaining agreement entered 16417  
into prior to October 15, 2015, and had resumed holding those 16418  
rights or responsibilities pursuant to division (K) of former 16419  
section 3302.10 of the Revised Code, as it existed prior to that 16420  
date, the district board shall continue to hold those rights or 16421  
responsibilities until such time as both the new academic 16422  
distress commission appointed under this section ceases to exist 16423  
upon completion of the transition period specified in division 16424  
(N) (1) of this section and the district board agrees to 16425  
relinquish those rights or responsibilities in a new collective 16426  
bargaining agreement. 16427

(G) In each school year that the district is subject to 16428  
this section, the following shall apply: 16429

(1) The chief executive officer shall implement the 16430  
improvement plan approved under division (E) (2) of this section 16431  
and shall review the plan annually to determine if changes are 16432  
needed. The chief executive officer may modify the plan upon the 16433  
approval of the modifications by the academic distress 16434  
commission. 16435

(2) The chief executive officer may implement innovative 16436  
education programs to do any of the following: 16437

(a) Address the physical and mental well-being of students 16438  
and their families; 16439

(b) Provide mentoring; 16440

- (c) Provide job resources; 16441
  - (d) Disseminate higher education information; 16442
  - (e) Offer recreational or cultural activities; 16443
  - (f) Provide any other services that will contribute to a 16444  
successful learning environment. 16445
- The chief executive officer shall establish a separate 16446  
fund to support innovative education programs and shall deposit 16447  
any moneys appropriated by the general assembly for the purposes 16448  
of division (G) (2) of this section in the fund. The chief 16449  
executive officer shall have sole authority to disburse moneys 16450  
from the fund until the district is no longer subject to this 16451  
section. All disbursements shall support the improvement plan 16452  
approved under division (E) (2) of this section. 16453
- (3) If the district is not a school district in which the 16454  
pilot project scholarship program is operating under sections 16455  
3313.974 to 3313.979 of the Revised Code, each student who is 16456  
entitled to attend school in the district under section 3313.64 16457  
or 3313.65 of the Revised Code and is enrolled in a school 16458  
operated by the district or in a community school, or will be 16459  
both enrolling in any of grades kindergarten through twelve in 16460  
this state for the first time and at least five years of age by 16461  
the first day of January of the following school year, shall be 16462  
eligible to participate in the educational choice scholarship 16463  
pilot program established under sections 3310.01 to 3310.17 of 16464  
the Revised Code and an application for the student may be 16465  
submitted during the next application period. 16466
- (4) Notwithstanding anything to the contrary in the 16467  
Revised Code, the chief executive officer may limit, suspend, or 16468  
alter any contract with an administrator that is entered into, 16469

modified, renewed, or extended by the district board on or after 16470  
October 15, 2015, provided that the chief executive officer 16471  
shall not reduce any salary or base hourly rate of pay unless 16472  
such salary or base hourly rate reductions are part of a uniform 16473  
plan affecting all district employees and shall not reduce any 16474  
insurance benefits unless such insurance benefit reductions are 16475  
also applicable generally to other employees of the district. 16476

(5) The chief executive officer shall represent the 16477  
district board during any negotiations to modify, renew, or 16478  
extend a collective bargaining agreement entered into by the 16479  
board under Chapter 4117. of the Revised Code. 16480

(H) If the report card for the district has been issued 16481  
under section 3302.03 of the Revised Code for the first school 16482  
year that the district is subject to this section and the 16483  
district does not meet the qualification in division (N) (1) of 16484  
this section, the following shall apply: 16485

(1) The chief executive officer may reconstitute any 16486  
school operated by the district. The chief executive officer 16487  
shall present to the academic distress commission a plan that 16488  
lists each school designated for reconstitution and explains how 16489  
the chief executive officer plans to reconstitute the school. 16490  
The chief executive officer may take any of the following 16491  
actions to reconstitute a school: 16492

(a) Change the mission of the school or the focus of its 16493  
curriculum; 16494

(b) Replace the school's principal and/or administrative 16495  
staff; 16496

(c) Replace a majority of the school's staff, including 16497  
teaching and nonteaching employees; 16498

(d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school.

(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code;

(f) Permanently close the school.

If the chief executive officer plans to reconstitute a school under division (H) (1) (e) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan.

(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer, in consultation with the chairperson of the academic distress commission, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after October 15, 2015, for the purpose of renegotiating its terms. The chief executive officer shall have the sole discretion to designate any provisions of a collective bargaining agreement as subject to reopening by providing written notice to the bargaining representative. Any provisions designated for reopening by the chief executive officer shall be subject to collective bargaining as set forth in Chapter 4117. of the Revised Code. Any changes to the provisions subject to reopening shall take effect on the following first day of July or another date agreed to by the parties. The chief executive officer may reopen a

collective bargaining agreement under division (H) (2) of this 16529  
section as necessary to reconstitute a school under division (H) 16530  
(1) of this section. 16531

(I) If the report card for the district has been issued 16532  
under section 3302.03 of the Revised Code for the second school 16533  
year that the district is subject to this section and the 16534  
district does not meet the qualification in division (N) (1) of 16535  
this section, the following shall apply: 16536

(1) The chief executive officer may exercise any of the 16537  
powers authorized under division (H) of this section. 16538

(2) Notwithstanding any provision to the contrary in 16539  
Chapter 4117. of the Revised Code, the chief executive officer 16540  
may limit, suspend, or alter any provision of a collective 16541  
bargaining agreement entered into, modified, renewed, or 16542  
extended on or after October 15, 2015, provided that the chief 16543  
executive officer shall not reduce any base hourly rate of pay 16544  
and shall not reduce any insurance benefits. The decision to 16545  
limit, suspend, or alter any provision of a collective 16546  
bargaining agreement under this division is not subject to 16547  
bargaining under Chapter 4117. of the Revised Code; however, the 16548  
chief executive officer shall have the discretion to engage in 16549  
effects bargaining on the way any such decision may affect 16550  
wages, hours, or terms and conditions of employment. The chief 16551  
executive officer may limit, suspend, or alter a provision of a 16552  
collective bargaining agreement under division (I) (2) of this 16553  
section as necessary to reconstitute a school under division (H) 16554  
(1) of this section. 16555

(J) If the report card for the district has been issued 16556  
under section 3302.03 of the Revised Code for the third school 16557  
year that the district is subject to this section and the 16558

district does not meet the qualification in division (N) (1) of 16559  
this section, the following shall apply: 16560

(1) The chief executive officer may exercise any of the 16561  
powers authorized under division (H) or (I) of this section. 16562

(2) The chief executive officer may continue in effect a 16563  
limitation, suspension, or alteration of a provision of a 16564  
collective bargaining agreement issued under division (I) (2) of 16565  
this section. Any such continuation shall be subject to the 16566  
requirements and restrictions of that division. 16567

(K) If the report card for the district has been issued 16568  
under section 3302.03 of the Revised Code for the fourth school 16569  
year that the district is subject to this section and the 16570  
district does not meet the qualification in division (N) (1) of 16571  
this section, the following shall apply: 16572

(1) The chief executive officer may exercise any of the 16573  
powers authorized under division (H), (I), or (J) of this 16574  
section. 16575

(2) A new board of education shall be appointed for the 16576  
district in accordance with section 3302.11 of the Revised Code. 16577  
However, the chief executive officer shall retain complete 16578  
operational, managerial, and instructional control of the 16579  
district until the chief executive officer relinquishes that 16580  
control to the district board under division (N) (1) of this 16581  
section. 16582

(L) If the report card for the district has been issued 16583  
under section 3302.03 of the Revised Code for the fifth school 16584  
year, or any subsequent school year, that the district is 16585  
subject to this section and the district does not meet the 16586  
qualification in division (N) (1) of this section, the chief 16587

executive officer may exercise any of the powers authorized 16588  
under division (H), (I), (J), or (K) (1) of this section. 16589

(M) If division (I), (J), (K), or (L) of this section 16590  
applies to a district, community schools, STEM schools, 16591  
chartered nonpublic schools, and other school districts that 16592  
enroll students residing in the district and meet academic 16593  
accountability standards shall be eligible to be paid an 16594  
academic performance bonus in each fiscal year for which the 16595  
general assembly appropriates funds for that purpose. The 16596  
academic performance bonus is intended to give students residing 16597  
in the district access to a high-quality education by 16598  
encouraging high-quality schools to enroll those students. 16599

(N) (1) When a district subject to this section receives 16600  
either an overall grade of "C" or higher under division (C) (3) 16601  
of section 3302.03 of the Revised Code or an overall performance 16602  
rating of three stars or higher under division (D) (3) of section 16603  
3302.03 of the Revised Code, the district shall begin its 16604  
transition out of being subject to this section. Except as 16605  
provided in division (N) (2) of this section, the transition 16606  
period shall last until the district has received either an 16607  
overall grade higher than "F" under division (C) (3) of section 16608  
3302.03 of the Revised Code or an overall performance rating of 16609  
two stars or higher under division (D) (3) of section 3302.03 of 16610  
the Revised Code for two consecutive school years after the 16611  
transition period begins. The overall grade of "C" or higher or 16612  
overall performance rating of three stars or higher that qualify 16613  
the district to begin the transition period shall not count as 16614  
one of the two consecutive school years. During the transition 16615  
period, the conditions described in divisions (F) to (L) of this 16616  
section for the school year prior to the school year in which 16617  
the transition period begins shall continue to apply and the 16618

chief executive officer shall work closely with the district 16619  
board and district superintendent to increase their ability to 16620  
resume control of the district and sustain the district's 16621  
academic improvement over time. Upon completion of the 16622  
transition period, the chief executive officer shall relinquish 16623  
all operational, managerial, and instructional control of the 16624  
district to the district board and district superintendent and 16625  
the academic distress commission shall cease to exist. 16626

(2) If the district receives either an overall grade of 16627  
"F" under division (C) (3) of section 3302.03 of the Revised Code 16628  
or an overall performance rating of less than two stars under 16629  
division (D) (3) of section 3302.03 of the Revised Code at any 16630  
time during the transition period, the transition period shall 16631  
end and the district shall be fully subject to this section 16632  
again. The district shall resume being fully subject to this 16633  
section at the point it began its transition out of being 16634  
subject to this section and the division in divisions (H) to (L) 16635  
of this section that would have applied to the district had the 16636  
district not qualified to begin its transition under division 16637  
(N) (1) of this section shall apply to the district. 16638

(O) If at any time there are no longer any schools 16639  
operated by the district due to reconstitution or other closure 16640  
of the district's schools under this section, the academic 16641  
distress commission shall cease to exist and the chief executive 16642  
officer shall cease to exercise any powers with respect to the 16643  
district. 16644

(P) Beginning on October 15, 2015, each collective 16645  
bargaining agreement entered into by a school district board of 16646  
education under Chapter 4117. of the Revised Code shall 16647  
incorporate the provisions of this section. 16648

(Q) The chief executive officer, the members of the academic distress commission, the ~~state superintendent~~director of education and workforce, and any person authorized to act on behalf of or assist them shall not be personally liable or subject to any suit, judgment, or claim for damages resulting from the exercise of or failure to exercise the powers, duties, and functions granted to them in regard to their functioning under this section, but the chief executive officer, commission, ~~state superintendent~~director, and such other persons shall be subject to mandamus proceedings to compel performance of their duties under this section.

(R) The ~~state superintendent~~ department of education and workforce shall not exempt any district from this section by approving an application for an innovative education pilot program submitted by the district under section 3302.07 of the Revised Code.

**Sec. 3302.103.** (A) This section applies to any school district that meets one of the following conditions:

(1) An academic distress commission was established for the district in 2013 ~~by the superintendent of public instruction~~ under former section 3302.10 of the Revised Code, as it existed prior to October 15, 2015, and a new academic distress commission was established for the district ~~by the state superintendent~~ under division (A) (2) of section 3302.10 of the Revised Code.

(2) An academic distress commission was established for the district in 2010 ~~by the state superintendent~~ under former section 3302.10 of the Revised Code, as it existed prior to October 15, 2015, and a new academic distress commission was established for the district under division (A) (2) of section

3302.10 of the Revised Code. 16679

(3) An academic distress commission was established for 16680  
the district ~~by the state superintendent~~ in 2018 under division 16681  
(A) (1) of section 3302.10 of the Revised Code. 16682

(B) The auditor of state shall complete a performance 16683  
audit of a school district to which this section applies one 16684  
time during the three-year period of the plan implemented under 16685  
division (D) (2) of this section and submit the results of the 16686  
audit to the board of education of the school district and the 16687  
academic distress commission established for the district. The 16688  
performance audit shall be conducted in the same manner as 16689  
prescribed by section 3316.042 of the Revised Code. 16690

(C) Notwithstanding anything to the contrary in the 16691  
Revised Code, ~~not later than ninety days after the effective~~ 16692  
~~date of this section,~~ the district board of a school district to 16693  
which this section applies, in consultation with the appropriate 16694  
stakeholders, the academic distress commission, and the chief 16695  
executive officer appointed by that commission under section 16696  
3302.10 of the Revised Code, shall develop and submit an 16697  
academic improvement plan for the district to the ~~state~~ 16698  
~~superintendent~~ department of education and workforce. 16699

The plan developed under division (C) of this section 16700  
shall operate for a period of three school years and shall 16701  
include annual and overall academic improvement benchmarks for 16702  
the district and strategies for achieving those benchmarks. 16703

(D) (1) The ~~state superintendent~~ department shall review 16704  
the plan submitted under division (C) of this section. Not later 16705  
than thirty days after receiving the plan for review, the ~~state~~ 16706  
~~superintendent~~ department shall approve the plan or suggest 16707

modifications to the plan. If the ~~state superintendent~~ 16708  
department suggests modifications, the district board shall 16709  
revise the plan and resubmit it within fifteen days after 16710  
receiving the suggested modifications. The ~~state superintendent~~ 16711  
department shall review and approve the plan within thirty days 16712  
after receiving it. 16713

(2) Upon approval of the plan by the ~~state~~ 16714  
~~superintendent~~department, the district board may begin to 16715  
prepare to implement the plan, which shall be in effect from 16716  
July 1, 2022, to June 30, 2025. The district's academic distress 16717  
commission and chief executive officer shall work with the 16718  
district in preparing to implement the plan. 16719

(3) If the district board determines it necessary, it may 16720  
submit a request to the ~~state superintendent~~ department to 16721  
modify the improvement plan during the period of time specified 16722  
in division (D) (2) of this section. The improvement plan shall 16723  
not be modified without the ~~state superintendent's~~ department's 16724  
approval. 16725

(E) During the school years that the district is 16726  
implementing the plan approved by the ~~state~~ 16727  
~~superintendent~~department, the following apply: 16728

(1) The district shall not be subject to section 3302.10 16729  
of the Revised Code. 16730

(2) The district board shall reassume all powers granted 16731  
to it under the Revised Code. 16732

(3) The district's academic distress commission shall 16733  
continue to exist and provide assistance to the district but 16734  
shall not have any operational or managerial control of the 16735  
district. 16736

(4) The chief executive officer appointed by the academic distress commission shall relinquish all operational, managerial, and instructional control of the district and be removed from that position.

The district board may employ as district superintendent the individual who previously served as chief executive officer. If the district board enters into a contract for district superintendent with that individual while the district is implementing the improvement plan, the department of education shall continue compensating the individual under the terms of the individual's chief executive officer contract until the district meets either of the conditions prescribed in division (F) (1) (b) or (F) (2) of this section. In either event, the district board shall begin compensating the individual under the terms of the district board's employment contract with the individual for district superintendent.

(5) The district board shall provide annual reports to the ~~state board of education~~ department on the district's progress toward achieving the academic benchmarks established in the district's improvement plan.

(F) At the end of three school years under the plan, the district shall be evaluated by the ~~state board~~ department based on the academic improvement benchmarks established in the plan.

(1) (a) If the district improves but does not meet at least a majority of the academic improvement benchmarks established in the improvement plan, the district board may apply to the ~~state superintendent~~ department for an extension of one school year to continue implementing the plan, pending approval by the ~~state superintendent~~ department. If the district does not meet at least a majority of the established benchmarks at the end of the

extension, the district again may apply to the ~~state~~ 16767  
~~superintendent~~ department for an extension of one school year to 16768  
continue implementing the plan. The district shall not apply for 16769  
an extension more than twice. 16770

(b) If the district does not meet at least a majority of 16771  
the academic improvement benchmarks at the end of five school 16772  
years under the plan or if the ~~state superintendent~~ department 16773  
does not approve a district's application for an extension 16774  
submitted under division (F)(1)(a) of this section, the district 16775  
shall be subject to section 3302.10 of the Revised Code. The 16776  
academic distress commission shall appoint a new chief executive 16777  
officer for the district as prescribed in division (C) of that 16778  
section, and the chief executive officer shall reassume the 16779  
powers that were being exercised under that section prior to 16780  
July 1, 2022. 16781

(2) If the district meets at least a majority of the 16782  
academic improvement benchmarks established in its improvement 16783  
plan at the end of the initial evaluation or, if applicable, 16784  
after an extension granted by the ~~state superintendent~~ 16785  
department under division (F)(1)(a) of this section, the 16786  
academic distress commission shall be dissolved, and the 16787  
district board shall continue exercising all powers granted to 16788  
it under the Revised Code. 16789

**Sec. 3302.11.** (A) This section applies to any school 16790  
district that becomes subject to division (K) of section 3302.10 16791  
of the Revised Code, as it exists on and after ~~the effective~~ 16792  
~~date of this section~~ October 15, 2015. 16793

(B) As used in this section, "mayor" means the mayor of 16794  
the municipality in which a majority of the territory of a 16795  
school district to which this section applies is located or, if 16796

no such municipality exist, the mayor of a municipality selected 16797  
by the ~~superintendent of public instruction~~ director of 16798  
education and workforce in which the district has territory. 16799

(C) On the first day of January following the date on 16800  
which this section first applies to a school district, the mayor 16801  
shall appoint a new five-member board of education for the 16802  
district from a slate of candidates nominated by the nominating 16803  
panel established under division (D) (1) of this section. 16804

(D) (1) Not later than thirty days after the date on which 16805  
this section first applies to a school district, the 16806  
~~superintendent of public instruction~~ director shall convene a 16807  
nominating panel to nominate candidates for appointment to the 16808  
district board of education. The panel shall consist of the 16809  
following members: 16810

(a) Two persons appointed by the mayor, one of whom shall 16811  
be a representative of the business community or an institution 16812  
of higher education located in the district; 16813

(b) One principal employed by the district, who shall be 16814  
selected by a vote of the district's principals conducted by the 16815  
~~state superintendent~~ director; 16816

(c) One teacher appointed by the bargaining representative 16817  
for teachers employed by the district; 16818

(d) One parent of a student enrolled in the district 16819  
appointed by the parent-teacher association, or a similar 16820  
organization selected by the ~~state superintendent~~ director; 16821

(e) The chairperson of the academic distress commission 16822  
established for the district under section 3302.10 of the 16823  
Revised Code and the chief executive officer appointed under 16824  
division (C) (1) of that section, until such time as the 16825

commission ceases to exist. 16826

(2) The ~~state superintendent~~ director shall be a nonvoting 16827  
member of the panel and shall serve as chairperson of the panel 16828  
for the first two years of the panel's existence. After that 16829  
time, the panel shall select one of its members as chairperson. 16830  
The panel shall meet as necessary to make nominations at the 16831  
call of the chairperson. All members of the panel shall serve at 16832  
the pleasure of their appointing authority. A vacancy on the 16833  
panel shall be filled in the same manner as the initial 16834  
appointment. 16835

(E) Not later than thirty days after the nominating panel 16836  
is convened, the panel shall nominate a slate of at least ten 16837  
candidates for possible appointment to the district board of 16838  
education. All candidates shall be residents of the school 16839  
district and shall hold no elected public office. At least two 16840  
of the candidates shall reside outside of the municipal 16841  
corporation served by the mayor, if that municipal corporation 16842  
does not contain all of the district's territory. 16843

(F) Not later than thirty days after receiving the slate 16844  
of candidates, the mayor shall select five members from the 16845  
slate for appointment to the district board of education. 16846  
Initial members of the board shall take office on the first day 16847  
of January following their appointment and their terms shall 16848  
expire on the thirtieth day of June following the referendum 16849  
election required by division (G) (1) of this section. 16850

(G) (1) At the general election held in the first even- 16851  
numbered year occurring at least three years after the date on 16852  
which the academic distress commission established for the 16853  
district ceases to exist pursuant to division (N) (1) of section 16854  
3302.10 of the Revised Code, a referendum election shall be held 16855

to determine if the mayor shall continue to appoint the district board of education. Not later than ninety days before the general election, the board of education shall notify the board of elections of each county containing territory of the district of the referendum election. At the general election, the following question shall be submitted to the electors of the district:

"Shall the mayor of... (here insert the name of the applicable municipal corporation) continue to appoint the members of the board of education of the... (here insert the name of the school district to which this section applies)?"

The board of elections of the county in which the majority of the district's territory is located shall make all necessary arrangements for the submission of the question to the electors, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers, provided that in any such election in which only part of the electors of a precinct are qualified to vote, the board of elections may assign voters in such part to an adjoining precinct. Such an assignment may be made to an adjoining precinct in another county with the consent and approval of the board of elections of such other county. Notice of the election shall be published in a newspaper of general circulation in the district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the question on which the election is being held. The ballot shall be in the form prescribed by the secretary of state. Costs of submitting the

question to the electors shall be charged to the district in 16887  
accordance with section 3501.17 of the Revised Code. 16888

(2) If a majority of the electors voting on the question 16889  
proposed in division (G)(1) of this section approve the 16890  
question, the mayor shall appoint a new board of education on 16891  
the immediately following first day of July from a slate of 16892  
candidates nominated by the nominating panel in the same manner 16893  
as the initial board was appointed pursuant to divisions (E) and 16894  
(F) of this section. Three of the members of the new board shall 16895  
be appointed to four-year terms and two of the members shall be 16896  
appointed to two-year terms, each term beginning on the first 16897  
day of July. Thereafter, the mayor shall appoint members to 16898  
four-year terms in the same manner prescribed in divisions (E) 16899  
and (F) of this section. Whenever the nominating panel is 16900  
required to nominate a slate of candidates, the panel shall 16901  
nominate at least twice the number of candidates as members to 16902  
be appointed to the board at that time, including two candidates 16903  
who reside outside of the municipal corporation served by the 16904  
mayor, if that municipal corporation does not contain all of the 16905  
district's territory. Nothing in this division shall preclude 16906  
the nominating panel from nominating as a candidate a person who 16907  
was a member of the board prior to the referendum election or 16908  
shall preclude the mayor from appointing such a person to the 16909  
new board. 16910

(3) If a majority of the electors voting on the question 16911  
proposed in division (G)(1) of this section disapprove the 16912  
question, a new board of education shall be elected at the next 16913  
regular election occurring in November of an odd-numbered year. 16914  
The board shall have the same number of members as the board in 16915  
place prior to the board appointed under this section. At such 16916  
election, one-half of the total number of members rounded up to 16917

the next whole number shall be elected for terms of four years 16918  
and the remaining members shall be elected for terms of two 16919  
years. Thereafter, their successors shall be elected in the same 16920  
manner and for the same terms as provided in the Revised Code 16921  
for members of boards of education. All members of the board of 16922  
education appointed under this section shall continue to serve 16923  
after the end of the terms to which they were appointed until 16924  
their successors are qualified and assume office in accordance 16925  
with section 3313.09 of the Revised Code. 16926

(H) All of the following shall apply to a board of 16927  
education appointed under division (F) or (G) (2) of this 16928  
section: 16929

(1) At any given time, at least two of the board members 16930  
shall have significant expertise in education, finance, or 16931  
business management and at least one member shall reside outside 16932  
of the municipal corporation served by the mayor, if that 16933  
municipal corporation does not contain all of the district's 16934  
territory. 16935

(2) The members of the board shall designate one of its 16936  
members as the chairperson of the board. The chairperson shall 16937  
have all the rights, authority, and duties conferred upon the 16938  
president of a board of education by the Revised Code. 16939

(3) The mayor may remove any member of the board with the 16940  
advice and consent of the nominating panel. 16941

**Sec. 3302.12.** (A) (1) Except as provided in divisions (C) 16942  
and (D) of this section, this section applies to a school 16943  
building that is ranked according to performance index score 16944  
under section 3302.21 of the Revised Code in the lowest five per 16945  
cent of public school buildings statewide for three consecutive 16946

years and that meets any combination of the following for three consecutive years: 16947  
16948

(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; 16949  
16950  
16951

(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; 16952  
16953  
16954

(c) The school building has received an overall grade of "F" under section 3302.03 of the Revised Code; 16955  
16956

(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; 16957  
16958  
16959

(e) The school building has received an overall performance rating of less than two stars under section 3302.03 of the Revised Code. 16960  
16961  
16962

(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: 16963  
16964  
16965  
16966  
16967

(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; 16968  
16969  
16970  
16971

(b) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school; 16972  
16973  
16974

(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.

(d) Reopen the school as a conversion community school under Chapter 3314. of the Revised Code.

(B) If an action taken by the board under division (A) (2) of this section causes the district to no longer maintain all grades kindergarten through twelve, as required by section 3311.29 of the Revised Code, the board shall enter into a contract with another school district pursuant to section 3327.04 of the Revised Code for enrollment of students in the schools of that other district to the extent necessary to comply with the requirement of section 3311.29 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, if the board enters into and maintains a contract under section 3327.04 of the Revised Code, the district shall not be considered to have failed to comply with the requirement of section 3311.29 of the Revised Code. If, however, the district board fails to or is unable to enter into or maintain such a contract, the ~~state board~~ department of education and workforce shall take all necessary actions to dissolve the district as provided in division (A) of section 3311.29 of the Revised Code.

(C) If a particular school is required to restructure under this section and a petition with respect to that same

school has been filed and verified under divisions (B) and (C) 17005  
of section 3302.042 of the Revised Code, the provisions of that 17006  
section and the petition filed and verified under it shall 17007  
prevail over the provisions of this section and the school shall 17008  
be restructured under that section. However, if division (D)(1), 17009  
(2), or (3) of section 3302.042 of the Revised Code also applies 17010  
to the school, the school shall be subject to restructuring 17011  
under this section and not section 3302.042 of the Revised Code. 17012

If the provisions of this section conflict in any way with 17013  
the requirements of federal law, federal law shall prevail over 17014  
the provisions of this section. 17015

(D) If a school is restructured under this section, 17016  
section 3302.042 or 3302.10 of the Revised Code, or federal law, 17017  
the school shall not be required to restructure again under 17018  
state law for three consecutive years after the implementation 17019  
of that prior restructuring. 17020

**Sec. 3302.13.** (A) This section applies to any school 17021  
district or community school that meets both of the following 17022  
criteria, as reported on the past two consecutive report cards 17023  
issued for that district or school under section 3302.03 of the 17024  
Revised Code: 17025

(1) The district or school received either of the 17026  
following: 17027

(a) A grade of "D" or "F" on the kindergarten through 17028  
third-grade literacy progress measure under division (C) (3) (e) 17029  
of section 3302.03 of the Revised Code; 17030

(b) A performance rating of less than three stars for 17031  
early literacy under division (D) (3) (e) of section 3302.03 of 17032  
the Revised Code. 17033

(2) Fifty-one per cent or less of the district's students  
who took the third grade English language arts assessment  
prescribed under section 3301.0710 of the Revised Code for that  
school year attained at least a proficient score on that  
assessment.

(B) By ~~December 31, 2016, and by the thirty-first day of~~  
~~each December thereafter of each year,~~ any school district or  
community school that meets the criteria set forth in division  
(A) of this section shall submit to the department of education\_  
and workforce a school or district reading achievement  
improvement plan, which shall include all requirements  
prescribed by the ~~state board of education department~~ pursuant  
to division (C) of this section.

(C) ~~Not later than December 31, 2014, the state board~~ The  
department shall adopt rules in accordance with Chapter 119. of  
the Revised Code prescribing the content of and deadlines for  
the reading achievement improvement plans required under  
division (B) of this section. The rules shall prescribe that  
each plan include, at a minimum, an analysis of relevant student  
performance data, measurable student performance goals,  
strategies to meet specific student needs, a staffing and  
professional development plan, and instructional strategies for  
improving literacy.

(D) Any school district or community school to which this  
section applies shall no longer be required to submit an  
improvement plan pursuant to division (B) of this section when  
that district or school meets either of the following criteria,  
as reported on the most recent report card issued for that  
district or school under section 3302.03 of the Revised Code:

(1) The district or school received either of the

following: 17064

(a) A grade of "C" or higher on the kindergarten through 17065  
third-grade literacy progress measure under division (C) (3) (e) 17066  
of section 3302.03 of the Revised Code; 17067

(b) A performance rating of three stars or higher for 17068  
early literacy under division (D) (3) (e) of section 3302.03 of 17069  
the Revised Code. 17070

(2) Not less than fifty-one per cent of the district's 17071  
students who took the third grade English language arts 17072  
assessment prescribed under section 3301.0710 of the Revised 17073  
Code for that school year attained at least a proficient score 17074  
on that assessment. 17075

(E) The department ~~of education~~ shall post in a prominent 17076  
location on its web site all plans submitted pursuant to this 17077  
section. 17078

**Sec. 3302.14.** The department of education and workforce 17079  
annually shall collect, analyze, and publish data regarding 17080  
reading achievement in schools and progress in assisting all 17081  
students to become proficient readers. Beginning on January 31, 17082  
2015, and on the thirty-first day of each January thereafter, 17083  
the department shall report these findings, in accordance with 17084  
section 101.68 of the Revised Code, to the governor, and the 17085  
general assembly, ~~and the state board of education~~. The report 17086  
shall include, but not be limited to, both of the following: 17087

(A) The progress of all students that were on a reading 17088  
intervention plan at any time during grades kindergarten through 17089  
four while enrolled in the state's public school system. 17090

(B) The progress of school districts and community schools 17091  
that are currently operating under a reading achievement 17092

improvement plan pursuant to section 3302.13 of the Revised Code, as data is made available. 17093  
17094

**Sec. 3302.15.** (A) Notwithstanding anything to the contrary in Chapter 3301. or 3302. of the Revised Code, the board of education of a school district, governing authority of a community school established under Chapter 3314. of the Revised Code, or governing body of a STEM school established under Chapter 3326. of the Revised Code may submit to the ~~superintendent of public instruction~~department of education and workforce, during the 2015-2016 school year, a request for a waiver for up to five school years from administering the state achievement assessments required under sections 3301.0710 and 3301.0712 of the Revised Code and related requirements specified under division (B)(2) of this section. A district or school that obtains a waiver under this section shall use the alternative assessment system, as proposed by the district or school and as approved by the ~~state superintendent~~department, in place of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code. 17095  
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(B)(1) A request for a waiver under this section shall contain the following: 17112  
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(a) A timeline to develop and implement an alternative assessment system for the district or school; 17114  
17115

(b) An overview of the proposed innovative educational programs or strategies to be offered by the district or school; 17116  
17117

(c) An overview of the proposed alternative assessment system; 17118  
17119

(d) An overview of planning details that have been implemented or proposed and any documented support from 17120  
17121

educational networks, established educational consultants, state 17122  
institutions of higher education as defined under section 17123  
3345.011 of the Revised Code, and employers or workforce 17124  
development partners; 17125

(e) An overview of the capacity to implement the 17126  
alternative assessments, conduct the evaluation of teachers with 17127  
alternative assessments, and the reporting of student 17128  
achievement data with alternative assessments for the purpose of 17129  
the report card ratings prescribed under section 3302.03 of the 17130  
Revised Code, all of which shall include any prior success in 17131  
implementing innovative educational programs or strategies, 17132  
teaching practices, or assessment practices; 17133

(f) An acknowledgement by the district or school of 17134  
federal funding that may be impacted by obtaining a waiver. 17135

(2) The request for a waiver shall indicate the extent to 17136  
which exemptions from state or federal requirements regarding 17137  
the administration of the assessments required under sections 17138  
3301.0710 and 3301.0712 of the Revised Code are sought. Such 17139  
items from which a district or school may be exempt are as 17140  
follows: 17141

(a) The required administration of state assessments under 17142  
sections 3301.0710 and 3301.0712 of the Revised Code; 17143

(b) The evaluation of teachers and administrators under 17144  
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 17145  
of the Revised Code; 17146

(c) The reporting of student achievement data for the 17147  
purpose of the report card ratings prescribed under section 17148  
3302.03 of the Revised Code. 17149

(C) Each request for a waiver shall include the signature 17150

of all of the following: 17151

(1) The superintendent of the school district or the 17152  
equivalent for a community school or STEM school; 17153

(2) The president of the district board or the equivalent 17154  
for a community school or STEM school; 17155

(3) The presiding officer of the labor organization 17156  
representing the district's or school's teachers, if any; 17157

(4) If the district's or school's teachers are not 17158  
represented by a labor organization, the principal and a 17159  
majority of the administrators and teachers of the district or 17160  
school. 17161

(D) Upon receipt of a request for a waiver, the ~~state-~~ 17162  
~~superintendent-~~department shall approve or deny the waiver or 17163  
may request additional information from the district or school. 17164  
The ~~state superintendent-~~department shall not grant waivers to 17165  
more than a total of ten districts, community schools, or STEM 17166  
schools, based on requests for a waiver received during the 17167  
2015-2016 school year. A waiver granted to a district or school 17168  
shall be contingent on an ongoing review and evaluation by the 17169  
~~state superintendent-~~department of the program for which the 17170  
waiver was granted. 17171

(E) (1) For the purpose of this section, the department ~~of-~~ 17172  
~~education~~ shall seek a waiver from the testing requirements 17173  
prescribed under the "No Child Left Behind Act of 2001," if 17174  
necessary to implement this section. 17175

(2) The department shall create a mechanism for the 17176  
comparison of the alternative assessments prescribed under 17177  
division (B) of this section and the assessments required under 17178  
sections 3301.0710 and 3301.0712 of the Revised Code as it 17179

relates to the evaluation of teachers and student achievement 17180  
data for the purpose of state report card ratings. 17181

(F) For purposes of this section, "innovative educational 17182  
program or strategy" means a program or strategy using a new 17183  
idea or method aimed at increasing student engagement and 17184  
preparing students to be college or career ready. 17185

**Sec. 3302.151.** (A) Notwithstanding anything to the 17186  
contrary in the Revised Code, a school district that qualifies 17187  
under division (D) of this section shall be exempt from all of 17188  
the following: 17189

(1) The teacher qualification requirements under the 17190  
third-grade reading guarantee, as prescribed under divisions (B) 17191  
(3) (c) and (H) of section 3313.608 of the Revised Code. This 17192  
exemption does not relieve a teacher from holding a valid Ohio 17193  
license in a subject area and grade level determined appropriate 17194  
by the board of education of that district. 17195

(2) The mentoring component of the Ohio teacher residency 17196  
program established under division (A) (1) of section 3319.223 of 17197  
the Revised Code, so long as the district utilizes a local 17198  
approach to train and support new teachers; 17199

(3) Any provision of the Revised Code or rule or standard 17200  
of the ~~state board~~ department of education and workforce 17201  
prescribing a minimum or maximum class size; 17202

(4) Any provision of the Revised Code or rule or standard 17203  
of the ~~state board~~ department requiring teachers to be licensed 17204  
specifically in the grade level in which they are teaching, 17205  
except unless otherwise prescribed by federal law. This 17206  
exemption does not apply to special education teachers. Nor does 17207  
this exemption relieve a teacher from holding a valid Ohio 17208

license in the subject area in which that teacher is teaching 17209  
and at least some grade level determined appropriate by the 17210  
district board. 17211

(B) (1) Notwithstanding anything to the contrary in the 17212  
Revised Code, including sections 3319.30 and 3319.36 of the 17213  
Revised Code, the superintendent of a school district that 17214  
qualifies under division (D) of this section may employ an 17215  
individual who is not licensed as required by sections 3319.22 17216  
to 3319.30 of the Revised Code, but who is otherwise qualified 17217  
based on experience, to teach classes in the district, so long 17218  
as the board of education of the school district approves the 17219  
individual's employment and provides mentoring and professional 17220  
development opportunities to that individual, as determined 17221  
necessary by the board. 17222

(2) As a condition of employment under this section, an 17223  
individual shall be subject to a criminal records check as 17224  
prescribed by section 3319.391 of the Revised Code. In the 17225  
manner prescribed by the ~~department~~ state board of education, 17226  
the individual shall submit the criminal records check to the 17227  
~~department~~ state board and shall register with the ~~department~~ 17228  
state board during the period in which the individual is 17229  
employed by the district. The ~~department~~ state board shall use 17230  
the information submitted to enroll the individual in the 17231  
retained applicant fingerprint database, established under 17232  
section 109.5721 of the Revised Code, in the same manner as any 17233  
teacher licensed under sections 3319.22 to 3319.31 of the 17234  
Revised Code. 17235

(3) An individual employed pursuant to this division is 17236  
subject to Chapter 3307. of the Revised Code. 17237

If the ~~department~~ state board receives notification of the 17238

arrest or conviction of an individual employed under division 17239  
(B) of this section, the ~~department~~state board shall promptly 17240  
notify the employing district and may take any action authorized 17241  
under sections 3319.31 and 3319.311 of the Revised Code that it 17242  
considers appropriate. No district shall employ any individual 17243  
under division (B) of this section if the district learns that 17244  
the individual has plead guilty to, has been found guilty by a 17245  
jury or court of, or has been convicted of any of the offenses 17246  
listed in division (C) of section 3319.31 of the Revised Code. 17247

(C) Notwithstanding anything to the contrary in the 17248  
Revised Code, noncompliance with any of the requirements listed 17249  
in divisions (A) or (B) of this section shall not disqualify a 17250  
school district that qualifies under division (D) of this 17251  
section from receiving funds under Chapter 3317. of the Revised 17252  
Code. 17253

(D) In order for a city, local, or exempted village school 17254  
district to qualify for the exemptions described in this 17255  
section, the school district shall meet all of the following 17256  
benchmarks on the most recent report card issued for that 17257  
district under section 3302.03 of the Revised Code: 17258

(1) The district received at least eighty-five per cent of 17259  
the total possible points for the performance index score 17260  
calculated under division (C) (1) (b) or (D) (1) (c) of that 17261  
section; 17262

(2) The district received a grade of an "A" for 17263  
performance indicators met under division (C) (1) (c) of that 17264  
section. However, division (D) (2) of this section shall not 17265  
apply for the 2021-2022 school year or any school year 17266  
thereafter. 17267

(3) The district has a four-year adjusted cohort graduation rate of at least ninety-three per cent and a five-year adjusted cohort graduation rate of at least ninety-five per cent, as calculated under division (C) (1) (d) or divisions (D) (1) (e) and (D) (1) (f) of that section. 17268  
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(E) A school district that meets the requirements prescribed by division (D) of this section shall be qualified for the exemptions prescribed by this section for three school years, beginning with the school year in which the qualifying report card is issued. 17273  
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(F) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code. 17278  
17279

**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. 17280  
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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. 17285  
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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: 17289  
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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 17295  
17296

sites and using tools to ensure effective communication with	17297
individuals with disabilities;	17298
(2) Schedule the meeting for an evening or weekend time;	17299
(3) Provide interpretation services and written materials	17300
in all languages spoken by five per cent or more of the students	17301
enrolled in the school;	17302
(4) Provide child care services for parents attending the	17303
meeting;	17304
(5) Provide parents, students, teachers, nonteaching	17305
employees, and community members with the opportunity to speak	17306
at the meeting;	17307
(6) Comply with section 149.43 of the Revised Code.	17308
In preparing for the public information hearing, the board	17309
or governing authority shall ensure that information about the	17310
hearing is broadly distributed throughout the community.	17311
The board or governing authority may enter into an	17312
agreement with any civic engagement organizations, community	17313
organizations, or employee organizations to support the	17314
implementation of the community learning center process.	17315
The board or governing authority shall conduct a follow-up	17316
hearing at least once annually until action is further taken	17317
under the section with respect to the school building or until	17318
the conditions described in division (A) of this section no	17319
longer apply to the school building.	17320
(C) Not sooner than forty-five days after the first public	17321
information hearing, the board or governing authority shall	17322
conduct an election, by paper ballot, to initiate the process to	17323
become a community learning center. Only parents or guardians of	17324

students enrolled in the school and students enrolled in a 17325  
different school operated by a joint vocational school district 17326  
but are otherwise entitled to attend the school, and teachers 17327  
and nonteaching employees who are assigned to the school may 17328  
vote in the election. 17329

The board or governing authority shall distribute the 17330  
ballots by mail and shall make copies available at the school 17331  
and on the web site of the school. The board or governing 17332  
authority also may distribute the ballots by directly giving 17333  
ballots to teachers and nonteaching employees and sending home 17334  
ballots with every student enrolled in the school building. 17335

(D) The board or governing authority shall initiate the 17336  
transition of the building to a community learning center if the 17337  
results of the election held under division (C) of this section 17338  
are as follows: 17339

(1) At least fifty per cent of parents and guardians of 17340  
students enrolled in the eligible school building and students 17341  
enrolled in a different building operated by a joint vocational 17342  
school district but who are entitled to attend the school cast 17343  
ballots by a date set by the board or governing authority, and 17344  
of those ballots at least sixty-seven per cent are in favor of 17345  
initiating the process; and 17346

(2) At least fifty per cent of teachers and nonteaching 17347  
employees who are assigned to the school cast ballots by a date 17348  
set by the board or governing authority, and of those ballots at 17349  
least sixty-seven per cent are in favor of initiating the 17350  
process. 17351

(E) If a community learning center process is initiated 17352  
under this section, the board or governing authority shall 17353

create a school action team under section 3302.18 of the Revised Code. Within four months upon selection, the school action team shall conduct and complete, in consultation with community partners, a performance audit of the school and review, with parental input, the needs of the school with regard to restructuring under section 3302.10, 3302.12, or 3302.042 of the Revised Code, or federal law.

The school action team shall provide quarterly updates of its work in a public hearing that complies with the same specifications prescribed in division (B) of this section.

(F) Upon completion of the audit and review, the school action team shall present its findings at a public hearing that complies with the same specifications prescribed in division (B) of this section. After the school action team presents its findings at the public hearing, it shall create a community learning center improvement plan that designates appropriate interventions, which may be based on the recommendations developed by the department under division (H)(1)(b) of this section.

If there is a federally mandated school improvement planning process, the team shall coordinate its work with that plan.

The school action team shall approve the plan by a majority vote.

(G) Upon approval of the plan by the school action team, the team shall submit the community learning center improvement plan to the same individuals described in division (C) of this section. Ballots shall be distributed and an election shall be conducted in the same manner as indicated under that division.

The school action team shall submit the plan to the district board of education or community school governing authority, if the results of the election under division (G) of this section are as follows:

(1) At least thirty per cent of parents and guardians of students enrolled in the eligible school building and students enrolled in a different building operated by a joint vocational school district but who are entitled to attend the school cast ballots by a date set by the board or governing authority, and of those ballots at least fifty per cent are in favor of initiating the process; and

(2) At least thirty per cent of teachers and nonteaching employees who are assigned to the school cast ballots by a date set by the board or governing authority, and of those ballots at least fifty per cent are in favor of initiating the process.

The board or governing authority shall evaluate the plan and determine whether to adopt it. The board or governing authority shall adopt the plan in full or adopt portions of the plan. If the board or governing authority does not adopt the plan in full, it shall provide a written explanation of why portions of the plan were rejected.

(H) (1) The department shall do all of the following with respect to this section:

(a) Adopt rules regarding the elections required under this section;

(b) Develop appropriate interventions for a community learning center improvement plan that may be used by a school action team under division (F) of this section;

(c) Publish a menu of programs and services that may be

offered by community learning centers. The information shall be 17412  
posted on the department's web site. To compile this information 17413  
the department shall solicit input from resource coordinators of 17414  
existing community learning centers†. 17415

(d) Provide information regarding implementation of 17416  
comprehensive community-based programs and supportive services 17417  
including the community learning center model to school 17418  
buildings meeting any of the following conditions: 17419

(i) The building is in improvement status as defined by 17420  
the "No Child Left Behind Act of 2001" or under an agreement 17421  
between the Ohio department of education and workforce and the 17422  
United States secretary of education. 17423

(ii) The building is a secondary school that is among the 17424  
lowest achieving fifteen per cent of secondary schools 17425  
statewide, as determined by the department. 17426

(iii) The building is a secondary school with a graduation 17427  
rate of sixty per cent or lower for three or more consecutive 17428  
years. 17429

(iv) The building is a school that the department 17430  
determines is persistently low-performing. 17431

(2) The department may do the following with respect to 17432  
this section: 17433

(a) Provide assistance, facilitation, and training to 17434  
school action teams in the conducting of the audit required 17435  
under this section; 17436

(b) Provide opportunities for members of school action 17437  
teams from different schools to share school improvement 17438  
strategies with parents, teachers, and other relevant 17439

stakeholders in higher performing schools; 17440

(c) Provide financial support in a school action team's 17441  
planning process and create a grant program to assist in the 17442  
implementation of a qualified community learning center plan. 17443

(I) Notwithstanding any provision to the contrary in 17444  
Chapter 4117. of the Revised Code, the requirements of this 17445  
section prevail over any conflicting provisions of a collective 17446  
bargaining agreement entered into on or after ~~the effective date~~ 17447  
~~of this section~~ October 15, 2015. However, the board or 17448  
governing authority and the teachers' labor organization may 17449  
negotiate additional factors to be considered in the adoption of 17450  
a community learning center plan. 17451

**Sec. 3302.20.** (A) The department of education and 17452  
workforce shall develop standards for determining, from the 17453  
existing data reported in accordance with sections 3301.0714 and 17454  
3314.17 of the Revised Code, the amount of annual operating 17455  
expenditures for classroom instructional purposes and for 17456  
nonclassroom purposes for each city, exempted village, local, 17457  
and joint vocational school district, each community school 17458  
established under Chapter 3314. that is not an internet- or 17459  
computer-based community school, each internet- or computer- 17460  
based community school, and each STEM school established under 17461  
Chapter 3326. of the Revised Code. ~~The department shall present~~ 17462  
~~those standards to the state board of education for~~ 17463  
~~consideration.~~ In developing the standards, the department shall 17464  
adapt existing standards used by professional organizations, 17465  
research organizations, and other state governments. The 17466  
department also shall align the expenditure categories required 17467  
for reporting under the standards with the categories that are 17468  
required for reporting to the United States department of 17469

education under federal law. 17470

~~The state board shall consider the proposed standards and 17471  
adopt a final set of standards not later than December 31, 2012. 17472  
School districts, community schools, and STEM schools shall 17473  
begin reporting data in accordance with the standards on June 17474  
30, 2013. 17475~~

(B) (1) The department shall categorize all city, exempted 17476  
village, and local school districts into not less than three nor 17477  
more than five groups based primarily on average daily student 17478  
enrollment as reported on the most recent report card issued for 17479  
each district under section 3302.03 of the Revised Code. 17480

(2) The department shall categorize all joint vocational 17481  
school districts into not less than three nor more than five 17482  
groups based primarily on enrolled ADM as that term is defined 17483  
in section 3317.02 of the Revised Code rounded to the nearest 17484  
whole number. 17485

(3) The department shall categorize all community schools 17486  
that are not internet- or computer-based community schools into 17487  
not less than three nor more than five groups based primarily on 17488  
average daily student enrollment as reported on the most recent 17489  
report card issued for each community school under sections 17490  
3302.03 and 3314.012 of the Revised Code or, in the case of a 17491  
school to which section 3314.017 of the Revised Code applies, on 17492  
the total number of students reported under divisions (B) (1) and 17493  
(2) of section 3314.08 of the Revised Code. 17494

(4) The department shall categorize all internet- or 17495  
computer-based community schools into a single category. 17496

(5) The department shall categorize all STEM schools into 17497  
a single category. 17498

(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:	17499 17500 17501 17502
(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;	17503 17504 17505
(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;	17506 17507 17508
(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;	17509 17510 17511
(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:	17512 17513 17514
(a) From highest to lowest percentage spent for classroom instructional purposes;	17515 17516
(b) From lowest to highest percentage spent for noninstructional purposes.	17517 17518
(5) The total operating expenditures per pupil for each district, community school, and STEM school;	17519 17520
(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.	17521 17522
(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:	17523 17524 17525

(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is: 17526  
17527  
17528

(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; 17529  
17530  
17531

(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores. 17532  
17533  
17534

(2) Within each category of joint vocational school districts, the department shall denote each district that is: 17535  
17536

(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils; 17537  
17538  
17539

(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code. 17540  
17541  
17542

(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is: 17543  
17544  
17545

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils; 17546  
17547  
17548

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 17549  
17550  
17551  
17552

(4) Within the category of internet- or computer-based 17553

community schools, the department shall denote each school that 17554  
is: 17555

(a) Among the twenty per cent of all such community 17556  
schools statewide with the lowest total operating expenditure 17557  
per equivalent pupils; 17558

(b) Among the twenty per cent of all such community 17559  
schools statewide with the highest performance index scores, 17560  
excluding such community schools to which section 3314.017 of 17561  
the Revised Code applies. 17562

(5) Within the category of STEM schools, the department 17563  
shall denote each school that is: 17564

(a) Among the twenty per cent of all STEM schools 17565  
statewide with the lowest total operating expenditure per 17566  
equivalent pupils; 17567

(b) Among the twenty per cent of all STEM schools 17568  
statewide with the highest performance index scores. 17569

For purposes of divisions (D) (3) (b) and (4) (b) of this 17570  
section, the display shall note that, in accordance with section 17571  
3314.017 of the Revised Code, a performance index score is not 17572  
reported for some community schools that serve primarily 17573  
students enrolled in dropout prevention and recovery programs. 17574

(E) The department shall post in a prominent location on 17575  
its web site the information prescribed by divisions (C) and (D) 17576  
of this section. The department also shall include on each 17577  
district's, community school's, and STEM school's annual report 17578  
card issued under section 3302.03 or 3314.017 of the Revised 17579  
Code the respective information computed for the district or 17580  
school under divisions (C) (1) and (4) of this section, the 17581  
statewide information computed under division (C) (2) of this 17582

section, and the information computed for the district's or 17583  
school's category under division (C)(3) of this section. 17584

(F) As used in this section: 17585

(1) "Internet- or computer-based community school" has the 17586  
same meaning as in section 3314.02 of the Revised Code. 17587

(2) A school district's, community school's, or STEM 17588  
school's performance index score rank is its performance index 17589  
score rank as computed under section 3302.21 of the Revised 17590  
Code. 17591

(3) "Expenditure per equivalent pupils" has the same 17592  
meaning as in section 3302.26 of the Revised Code. 17593

**Sec. 3302.21.** (A) The department of education and 17594  
workforce shall develop a system to rank order all city, 17595  
exempted village, and local school districts, community schools 17596  
established under Chapter 3314. of the Revised Code except those 17597  
community schools to which section 3314.017 of the Revised Code 17598  
applies, and STEM schools established under Chapter 3326. of the 17599  
Revised Code according to the following measures: 17600

(1) Performance index score for each school district, 17601  
community school, and STEM school and for each separate building 17602  
of a district, community school, or STEM school. For districts, 17603  
schools, or buildings to which the performance index score does 17604  
not apply, the ~~superintendent of public instruction~~ department 17605  
may develop another measure of student academic performance 17606  
based on similar data and performance measures if appropriate 17607  
and use that measure to include those buildings in the ranking 17608  
so that districts, schools, and buildings may be reliably 17609  
compared to each other. 17610

(2) Student performance growth from year to year, using 17611

the value-added progress dimension, if applicable, and other 17612  
measures of student performance growth designated by the 17613  
~~superintendent of public instruction department~~ for subjects and 17614  
grades not covered by the value-added progress dimension or the 17615  
alternative student academic progress measure if adopted under 17616  
division (C) (1) (e) of section 3302.03 of the Revised Code; 17617

(3) Current operating expenditure per equivalent pupils as 17618  
defined in section 3302.26 of the Revised Code; 17619

(4) Of total current operating expenditures, percentage 17620  
spent for classroom instruction as determined under standards 17621  
adopted by the state board under section 3302.20 of the Revised 17622  
Code; 17623

(5) Performance of, and opportunities provided to, 17624  
students identified as gifted using value-added progress 17625  
dimensions, if applicable, and other relevant measures as 17626  
designated by the ~~superintendent of public~~ 17627  
~~instruction department~~. 17628

The department shall rank each district, each community 17629  
school except a community school to which section 3314.017 of 17630  
the Revised Code applies, and each STEM school annually in 17631  
accordance with the system developed under this section. 17632

(B) In addition to the reports required by sections 17633  
3302.03 and 3302.031 of the Revised Code, not later than the 17634  
first day of September each year, the department shall issue a 17635  
report for each city, exempted village, and local school 17636  
district, each community school except a community school to 17637  
which section 3314.017 of the Revised Code applies, and each 17638  
STEM school indicating the district's or school's rank on each 17639  
measure described in divisions (A) (1) to (4) of this section, 17640

including each separate building's rank among all public school 17641  
buildings according to performance index score under division 17642  
(A) (1) of this section. 17643

**Sec. 3302.22.** (A) The governor's effective and efficient 17644  
schools recognition program is hereby created. Each year, the 17645  
governor shall recognize, in a manner deemed appropriate by the 17646  
governor, the top ten per cent of all public schools in this 17647  
state, including city, exempted village, and local school 17648  
districts, joint vocational school districts, community schools 17649  
established under Chapter 3314., and STEM schools established 17650  
under Chapter 3326. of the Revised Code. 17651

(B) The top ten per cent of schools shall be determined by 17652  
the department of education and workforce according to standards 17653  
established by the department, in consultation with the 17654  
governor's office of 21st century education. The standards for 17655  
recognition for each type of school may vary depending upon the 17656  
unique characteristics of that type of school. The standards 17657  
shall include, but need not be limited to, both of the 17658  
following, provided that sufficient data is available for each 17659  
school: 17660

(1) Student performance, as determined by factors that may 17661  
include, but not be limited to, performance indicators under 17662  
section 3302.02 of the Revised Code, report cards issued under 17663  
section 3302.03 of the Revised Code, performance index score 17664  
rankings under section 3302.21 of the Revised Code, and any 17665  
other statewide or national assessment or student performance 17666  
recognition program the department selects; 17667

(2) Fiscal performance, which may include cost-effective 17668  
measures taken by the school. 17669

(C) If applicable, the standards under divisions (B) (1) 17670  
and (2) of this section may be applied at the school building or 17671  
district level, depending upon the quality and availability of 17672  
data. 17673

**Sec. 3302.25.** (A) In accordance with standards prescribed 17674  
by the ~~state board~~department of education and workforce for 17675  
categorization of school district expenditures adopted under 17676  
division (A) of section 3302.20 of the Revised Code, the 17677  
~~department of education~~ annually shall determine all of the 17678  
following for the previous fiscal year: 17679

(1) For each school district, the ratio of the district's 17680  
operating expenditures for classroom instructional purposes 17681  
compared to its operating expenditures for nonclassroom 17682  
purposes; 17683

(2) For each school district, the per pupil amount of the 17684  
district's expenditures for classroom instructional purposes; 17685

(3) For each school district, the per pupil amount of the 17686  
district's operating expenditures for nonclassroom purposes; 17687

(4) For each school district, the percentage of the 17688  
district's operating expenditures attributable to school 17689  
district funds; 17690

(5) The statewide average among all school districts for 17691  
each of the items described in divisions (A) (1) to (4) of this 17692  
section. 17693

(B) The department annually shall submit a report to each 17694  
school district indicating the district's information for each 17695  
of the items described in divisions (A) (1) to (4) of this 17696  
section and the statewide averages described in division (A) (5) 17697  
of this section. 17698

(C) Each school district, upon receipt of the report 17699  
prescribed by division (B) of this section, shall publish the 17700  
information contained in that report in a prominent location on 17701  
the district's web site and publish the report in another 17702  
fashion so that it is available to all parents of students 17703  
enrolled in the district and to taxpayers of the district. 17704

**Sec. 3302.26.** (A) As used in this section: 17705

(1) "Expenditure per equivalent pupils" is the total 17706  
operating expenditures of a school district divided by the 17707  
measure of equivalent pupils. 17708

(2) "Measure of equivalent pupils" is the total number of 17709  
students in a school district adjusted for the relative 17710  
differences in costs associated with the unique characteristics 17711  
and needs of each category of pupil. 17712

(B) The department of education and workforce shall create 17713  
a performance management section on the department's public web 17714  
site. The performance management section shall include 17715  
information on academic and financial performance metrics for 17716  
each school district to assist schools and districts in 17717  
providing an effective and efficient delivery of educational 17718  
services. The section shall be located in a prominent location 17719  
on the department's public web site. The section shall include, 17720  
but not be limited to, all of the following: 17721

(1) A graph that illustrates the relationship between a 17722  
district's academic performance, as measured by the performance 17723  
index score, and its expenditure per equivalent pupils as 17724  
compared to similar districts; 17725

(2) Each district's total operating expenditures per 17726  
pupil; 17727

(3) Statistics of academic and financial performance 17728  
measures for each district to allow for a comparison and 17729  
benchmarking between districts. 17730

(C) The department may contract with an independent 17731  
organization to develop and host the performance management 17732  
section of its web site. 17733

**Sec. 3302.41.** As used in this section, "blended learning" 17734  
has the same meaning as in section 3301.079 of the Revised Code. 17735

(A) Any local, city, exempted village, or joint vocational 17736  
school district, community school established under Chapter 17737  
3314. of the Revised Code, STEM school established under Chapter 17738  
3326. of the Revised Code, college-preparatory boarding school 17739  
established under Chapter 3328. of the Revised Code, or 17740  
chartered nonpublic school may operate all or part of a school 17741  
using a blended learning model. If a school is operated using a 17742  
blended learning model or is to cease operating using a blended 17743  
learning model, the superintendent of the school or district or 17744  
director of the school shall notify the department of education\_ 17745  
and workforce of that fact not later than the first day of July 17746  
of the school year for which the change is effective. If any 17747  
school district school, community school, or STEM school is 17748  
already operated using a blended learning model on September 24, 17749  
2012, the superintendent of the school or district may notify 17750  
the department within ninety days after September 24, 2012, of 17751  
that fact and request that the school be classified as a blended 17752  
learning school. 17753

(B) The ~~state board of education~~ department shall revise 17754  
any operating standards for school districts and chartered 17755  
nonpublic schools adopted under section 3301.07 of the Revised 17756  
Code to include standards for the operation of blended learning 17757

under this section. The blended learning operation standards	17758
shall provide for all of the following:	17759
(1) Student-to-teacher ratios whereby no school or	17760
classroom is required to have more than one teacher for every	17761
one hundred twenty-five students in blended learning classrooms;	17762
(2) The extent to which the school is or is not obligated	17763
to provide students with access to digital learning tools;	17764
(3) The ability of all students, at any grade level, to	17765
earn credits or advance grade levels upon demonstrating mastery	17766
of knowledge or skills through competency-based learning models.	17767
Credits or grade level advancement shall not be based on a	17768
minimum number of days or hours in a classroom.	17769
(4) Notwithstanding anything to the contrary in section	17770
3313.48 of the Revised Code, a requirement that the school have	17771
an annual instructional calendar of not less than nine hundred	17772
ten hours;	17773
(5) Adequate provisions for: the licensing of teachers,	17774
administrators, and other professional personnel and their	17775
assignment according to training and qualifications; efficient	17776
and effective instructional materials and equipment, including	17777
library facilities; the proper organization, administration, and	17778
supervision of each school, including regulations for preparing	17779
all necessary records and reports and the preparation of a	17780
statement of policies and objectives for each school; buildings,	17781
grounds, and health and sanitary facilities and services;	17782
admission of pupils, and such requirements for their promotion	17783
from grade to grade as will ensure that they are capable and	17784
prepared for the level of study to which they are certified;	17785
requirements for graduation; and such other factors as the board	17786

finds necessary. 17787

(C) An internet- or computer-based community school, as 17788  
defined in section 3314.02 of the Revised Code, is not a blended 17789  
learning school authorized under this section. Nor does this 17790  
section affect any provisions for the operation of and payments 17791  
to an internet- or computer-based community school prescribed in 17792  
Chapter 3314. of the Revised Code. 17793

**Sec. 3302.42.** As used in this section, "online learning" 17794  
has the same meaning as in section 3301.079 of the Revised Code. 17795

(A) Any local, city, exempted village, or joint vocational 17796  
school district, with approval of the ~~superintendent of public~~ 17797  
~~instruction~~department of education and workforce, may operate a 17798  
school using an online learning model. If a school is operated 17799  
using an online learning model or is to cease operating using an 17800  
online learning model, the superintendent of the district shall 17801  
notify the department ~~of education~~ of that fact not later than 17802  
the first day of July of the school year for which the change is 17803  
effective. If any school district school is currently operated 17804  
using an online learning model ~~on the effective date of this~~ 17805  
~~section~~ September 30, 2021, the superintendent of the district 17806  
shall notify the department ~~within sixty days after the~~ 17807  
~~effective date of this section~~ by November 29, 2021, of that 17808  
fact and request that the school be classified as an online 17809  
learning school. 17810

(1) Districts shall assign all students engaged in online 17811  
learning to a single school which the department shall designate 17812  
as a district online school. 17813

(2) Districts shall provide all students engaged in online 17814  
learning a computer, at no cost, for instructional use. 17815

Districts shall provide a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use. 17816  
17817  
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(3) Districts shall provide all students engaged in online learning access to the internet, at no cost, for instructional use. 17820  
17821  
17822

(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. 17823  
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(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. 17828  
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(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: 17834  
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17836  
17837  
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17839

(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; 17840  
17841  
17842

(2) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery 17843  
17844

of knowledge or skills through competency-based learning models. 17845  
Credits or grade level advancement shall not be based on a 17846  
minimum number of days or hours in a classroom. 17847

(3) Notwithstanding anything to the contrary in section 17848  
3313.48 of the Revised Code, a requirement that schools 17849  
operating using an online learning model have an annual 17850  
instructional calendar of not less than nine hundred ten hours. 17851

(a) For funding purposes, the department shall reduce the 17852  
full-time equivalence proportionally for any student in an 17853  
online learning school who participates in less than nine 17854  
hundred ten hours per school year. The department shall reduce 17855  
state funding for students assigned to an online learning school 17856  
operated by a district commensurate with such adjustments to 17857  
enrollment. 17858

(b) The department shall develop a review process and make 17859  
all adjustments of state funding to districts to reflect any 17860  
participation of students in online learning schools for less 17861  
than the equivalent of a full school year. 17862

(4) Adequate provisions for: the licensing of teachers, 17863  
administrators, and other professional personnel and their 17864  
assignment according to training and qualifications; efficient 17865  
and effective instructional materials and equipment, including 17866  
library facilities; the proper organization, administration, and 17867  
supervision of each school, including regulations for preparing 17868  
all necessary records and reports and the preparation of a 17869  
statement of policies and objectives for each school; buildings, 17870  
grounds, and health and sanitary facilities and services; 17871  
admission of pupils, and such requirements for their promotion 17872  
from grade to grade as will ensure that they are capable and 17873  
prepared for the level of study to which they are certified; 17874

requirements for graduation; and such other factors as the board 17875  
finds necessary. 17876

(C) This section does not affect any provisions for the 17877  
operation of and payments to an internet- or computer-based 17878  
community school prescribed in Chapter 3314. of the Revised 17879  
Code. 17880

**Sec. 3303.02.** (A) The act of congress entitled, "An act to 17881  
provide for the promotion of vocational education; to provide 17882  
for cooperation with the states in the promotion of such 17883  
education in agriculture and the trades and industries; to 17884  
provide for cooperation with the states in the preparation of 17885  
teachers of vocational subjects; and to appropriate money and 17886  
regulate its expenditure," is hereby accepted. The ~~state board-~~ 17887  
department of education and workforce has authority to accept 17888  
supplementary acts for vocational education which are enacted by 17889  
congress after September 16, 1957. 17890

(B) The ~~state board of education-~~department shall be the 17891  
sole state agency for administration of programs for which 17892  
federal funds are received pursuant to acts accepted under this 17893  
section. This division does not apply to programs for which 17894  
federal funds are received pursuant to the "Job Training 17895  
Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C. 1501. 17896

(C) The ~~state board-~~department shall secure the written 17897  
approval of the governor prior to submission of any state plan 17898  
or application prepared by ~~the board or-~~ the department ~~of-~~ 17899  
~~education-~~ to obtain federal funds under any acts accepted under 17900  
this section. 17901

**Sec. 3303.04.** The ~~state board-~~department of education and 17902  
workforce may cooperate with the United States department of 17903

education in the administration of the act of congress referred 17904  
to in section 3303.02 of the Revised Code and of any legislation 17905  
pursuant thereto enacted by the state, and in the administration 17906  
of the funds provided by the federal government and by the state 17907  
under sections 3303.02 to 3303.06 of the Revised Code, for the 17908  
improvement of agricultural, business, distributive, trade and 17909  
industrial and home economics subjects, and vocational guidance. 17910  
The ~~board~~ department of education and workforce may appoint such 17911  
directors, supervisors, and other assistants as are necessary to 17912  
carry out such sections, ~~such appointments to be made upon~~ 17913  
~~nomination by the superintendent of public instruction.~~ The 17914  
salaries and traveling expenses of such directors, supervisors, 17915  
and assistants, and such other expenses as are necessary, shall 17916  
be paid upon the approval of the ~~board~~ department of education 17917  
and workforce. The ~~board~~ department of education and workforce 17918  
may formulate plans for the promotion of vocational education in 17919  
such subjects as an essential and integral part of the public 17920  
school system of education; and provide for the preparation of 17921  
teachers of such subjects, and expend federal and state funds 17922  
appropriated under sections 3303.02 to 3303.06 of the Revised 17923  
Code, for any purposes approved by the United States department 17924  
of education. It may make studies and investigations relating to 17925  
prevocational and vocational education in such subjects; promote 17926  
and aid in the establishment by local communities of schools, 17927  
departments, and classes, giving training in such subjects; 17928  
cooperate with local communities in the maintenance of such 17929  
schools, departments, and classes; establish standards for the 17930  
teachers, supervisors, and directors of such subjects; and 17931  
cooperate in the maintenance of schools, departments, or classes 17932  
supported and controlled by the public for the preparation of 17933  
teachers, supervisors, and directors of such subjects. 17934

**Sec. 3303.05.** Any school, department, or class giving 17935  
instruction in agricultural, commercial, industrial, trade, and 17936  
home economics subjects approved by the ~~state board~~ department  
of education and workforce and any school or college so 17937  
approved, training teachers of such subjects, which receives the 17938  
benefit of federal moneys is entitled also to receive for the 17939  
salaries of teachers of said subjects an allotment of state 17940  
money equal in amount to the amount of federal money which it 17941  
receives for the same year. 17942  
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**Sec. 3303.06.** The treasurer of state is hereby designated 17944  
as the custodian of all federal funds received for vocational 17945  
education. All money so received or appropriated by the state 17946  
for the purposes contemplated in the act of congress referred to 17947  
in sections 3303.02 to 3303.06 of the Revised Code, or in acts 17948  
supplementary thereto, shall be disbursed upon the order of the 17949  
~~state board~~ department of education and workforce. 17950

**Sec. 3303.20.** The ~~superintendent of public instruction~~ 17951  
director of education and workforce shall appoint a supervisor 17952  
of agricultural education within the department of education and  
workforce. The supervisor shall be responsible for administering 17953  
and disseminating to school districts information about 17954  
agricultural education. The supervisor also may serve as the 17955  
chair of the board of trustees of the Ohio FFA association, and 17956  
may assist with the association's programs and activities in a 17957  
manner that enables the association to maintain its state 17958  
charter and to meet applicable requirements of the United States 17959  
department of education and the national FFA organization. This 17960  
assistance may include the provision of department personnel, 17961  
services, and facilities. 17962  
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The department shall maintain an appropriate number of 17964

full-time employees focusing on agricultural education. The 17965  
department shall employ at least three program consultants who 17966  
shall be available to provide assistance to school districts on 17967  
a regional basis throughout the state. At least one consultant 17968  
may coordinate local activities of the student organization 17969  
known as the future farmers of America. Department employees may 17970  
not receive compensation from the Ohio FFA association, but the 17971  
department may be reimbursed by the association for reasonable 17972  
expenses related to assistance provided under this section. 17973

**Sec. 3304.12.** (A) There is hereby created a state 17974  
rehabilitation services council to be known as the opportunities 17975  
for Ohioans with disabilities council. The opportunities for 17976  
Ohioans with disabilities agency shall provide administrative 17977  
support to the council. The council shall consist of the 17978  
following members: 17979

(1) An individual who represents a parent training and 17980  
information center established in accordance with the federal 17981  
"Individuals with Disabilities Education Act," 20 U.S.C. 1400; 17982

(2) A full-time employee of a client assistance program 17983  
described in 34 C.F.R. 370.1; 17984

(3) A vocational counselor who has knowledge of and 17985  
experience with vocational rehabilitation services; 17986

(4) An individual who represents community rehabilitation 17987  
program service providers; 17988

(5) Four individuals each representing business, industry, 17989  
or labor interests; 17990

(6) An individual who represents an organization that 17991  
advocates on behalf of individuals with physical, cognitive, 17992  
sensory, or mental disabilities; 17993

(7) An individual who represents individuals with disabilities who are unable to represent or have difficulty representing themselves;	17994 17995 17996
(8) An individual who has applied for or received vocational rehabilitation services;	17997 17998
(9) An individual who represents institutions of secondary or higher education;	17999 18000
(10) An individual from the governor's executive workforce board established by section 6301.04 of the Revised Code;	18001 18002
(11) An individual from the department of education <u>and workforce</u> with knowledge of and experience with the "Individuals with Disabilities Education Act";	18003 18004 18005
(12) An individual who represents the Ohio statewide independent living council.	18006 18007
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.	18008 18009 18010
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.	18011 18012 18013 18014 18015
(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 <del>the effective date of this section</del> <u>June 1, 2018</u> . 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	18016 18017 18018 18019 18020 18021

years. 18022

(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. 18023  
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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: 18028  
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(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. 18036  
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(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. 18042  
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(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. 18045  
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<b>Sec. 3307.01.</b> As used in this chapter:	18051
(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 is employed and paid.	18052 18053 18054 18055 18056 18057 18058
(B)(1) "Teacher" means all of the following:	18059
(a) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3311.77 or 3319.08 of the Revised Code in a position for which the person is required to have a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;	18060 18061 18062 18063 18064 18065
(b) Except as provided in division (B)(2)(b) or (c) of this section, any person employed as a teacher or faculty member in a community school or a science, technology, engineering, and mathematics school pursuant to Chapter 3314. or 3326. of the Revised Code;	18066 18067 18068 18069 18070
(c) Any person having a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the <del>state board</del> <u>department of education and workforce</u> , under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;	18071 18072 18073 18074 18075 18076 18077 18078 18079

(d) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo;

(e) The educational employees of the department of education and workforce, as determined by the ~~state~~ superintendent of public instruction director of education and workforce;

(f) Any person having a registration issued pursuant to section 3301.28 of the Revised Code and employed as a tutor by the coordinating service center as defined in that section.

In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

(2) "Teacher" does not include any of the following:

(a) Any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code;

(b) Any person employed by a community school operator, as defined in section 3314.02 of the Revised Code, if on or before February 1, 2016, the school's operator was withholding and paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) for persons employed in the school as teachers, unless the person had contributing service in a community school in the state within one year prior to the later of February 1, 2016, or the date on which the operator for the first time

withholds and pays employee and employer taxes pursuant to 26	18109
U.S.C. 3101(a) and 3111(a) for that person;	18110
(c) Any person who would otherwise be a teacher under	18111
division (B) (2) (b) of this section who terminates employment	18112
with a community school operator and has no contributing service	18113
in a community school in the state for a period of at least one	18114
year from the date of termination of employment.	18115
(C) "Member" means any person included in the membership	18116
of the state teachers retirement system, which shall consist of	18117
all teachers and contributors as defined in divisions (B) and	18118
(D) of this section and all disability benefit recipients, as	18119
defined in section 3307.50 of the Revised Code. However, for	18120
purposes of this chapter, the following persons shall not be	18121
considered members:	18122
(1) A student, intern, or resident who is not a member	18123
while employed part-time by a school, college, or university at	18124
which the student, intern, or resident is regularly attending	18125
classes;	18126
(2) A person denied membership pursuant to section 3307.24	18127
of the Revised Code;	18128
(3) An other system retirant, as defined in section	18129
3307.35 of the Revised Code, or a superannuate;	18130
(4) An individual employed in a program established	18131
pursuant to the "Job Training Partnership Act," 96 Stat. 1322	18132
(1982), 29 U.S.C.A. 1501;	18133
(5) The surviving spouse of a member or retirant if the	18134
surviving spouse's only connection to the retirement system is	18135
an account in an STRS defined contribution plan.	18136

(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund, except that "contributor" does not mean a member or retirant's surviving spouse with an account in an STRS defined contribution plan. 18137  
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(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter. 18142  
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(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year. 18145  
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(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920. 18150  
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(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter. 18154  
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(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter. 18158  
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(J) "Actuary" means an actuarial professional contracted with or employed by the state teachers retirement board, who shall be either of the following: 18163  
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(1) A member of the American academy of actuaries;	18166
(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.	18167 18168
(K) "Fiduciary" means a person who does any of the following:	18169 18170
(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;	18171 18172 18173
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	18174 18175
(3) Has any discretionary authority or responsibility in the administration of the system.	18176 18177
(L) (1) (a) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.	18178 18179 18180 18181 18182 18183 18184 18185 18186 18187
(b) Except as provided in division (L) (1) (c) of this section, "compensation" includes amounts paid by an employer as a retroactive payment of earnings, damages, or back pay pursuant to a court order, court-adopted settlement agreement, or other settlement agreement if the retirement system receives both of the following:	18188 18189 18190 18191 18192 18193

(i) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the state teachers retirement board, for each year or portion of a year for which amounts are paid under the order or agreement;	18194 18195 18196 18197 18198
(ii) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the board, for each year or portion of a year not subject to division (L) (1) (b) (i) of this section for which the board determines the teacher was improperly paid, regardless of the teacher's ability to recover on such amounts improperly paid.	18199 18200 18201 18202 18203 18204 18205
(c) If any portion of an amount paid by an employer as a retroactive payment of earnings, damages, or back pay is for an amount, benefit, or payment described in division (L) (2) of this section, that portion of the amount is not compensation under this section.	18206 18207 18208 18209 18210
(2) Compensation does not include any of the following:	18211
(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;	18212 18213 18214 18215
(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;	18216 18217 18218
(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter or Chapter 145. or 3309. of the Revised Code are paid;	18219 18220 18221 18222

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;	18223 18224 18225 18226 18227
(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	18228 18229 18230 18231 18232 18233
(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L) (2) of this section;	18234 18235 18236
(g) Payments by the employer for services not actually rendered;	18237 18238
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:	18239 18240 18241
(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	18242 18243 18244 18245 18246 18247 18248
(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under	18249 18250 18251

section 3319.22 of the Revised Code that is paid in accordance 18252  
with uniform criteria applicable to all members employed by the 18253  
board in positions requiring the licenses; 18254

(iii) A retroactive increase paid to a member employed by 18255  
a school district board of education as a superintendent that is 18256  
also paid as described in division (L) (2) (h) (i) of this section; 18257

(iv) A retroactive increase paid to a member employed by 18258  
an employer other than a school district board of education in 18259  
accordance with uniform criteria applicable to all members 18260  
employed by the employer. 18261

(i) Payments made to or on behalf of a teacher that are in 18262  
excess of the annual compensation that may be taken into account 18263  
by the retirement system under division (a) (17) of section 401 18264  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 18265  
U.S.C.A. 401(a) (17), as amended. For a teacher who first 18266  
establishes membership before July 1, 1996, the annual 18267  
compensation that may be taken into account by the retirement 18268  
system shall be determined under division (d) (3) of section 18269  
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 18270  
L. No. 103-66, 107 Stat. 472. 18271

(j) Payments made under division (B), (C), or (E) of 18272  
section 5923.05 of the Revised Code, Section 4 of Substitute 18273  
Senate Bill No. 3 of the 119th general assembly, Section 3 of 18274  
Amended Substitute Senate Bill No. 164 of the 124th general 18275  
assembly, or Amended Substitute House Bill No. 405 of the 124th 18276  
general assembly; 18277

(k) Anything of value received by the teacher that is 18278  
based on or attributable to retirement or an agreement to 18279  
retire. 18280

(3) The retirement board shall determine both of the following:	18281 18282
(a) Whether particular forms of earnings are included in any of the categories enumerated in this division;	18283 18284
(b) Whether any form of earnings not enumerated in this division is to be included in compensation.	18285 18286
Decisions of the board made under this division shall be final.	18287 18288
(M) "Superannuate" means both of the following:	18289
(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code;	18290 18291 18292
(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code.	18293 18294 18295 18296 18297
For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit.	18298 18299 18300 18301 18302
(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code.	18303 18304
(O) "STRS defined contribution plan" means the plans established under section 3307.81 of the Revised Code and includes the STRS combined plan under that section.	18305 18306 18307

(P) "Faculty" means the teaching staff of a university, 18308  
college, or school, including any academic administrators. 18309

**Sec. 3307.05.** The state teachers retirement board shall 18310  
consist of the following members: 18311

(A) The ~~superintendent of public instruction~~ director of 18312  
education and workforce or a designee of the ~~superintendent~~ 18313  
director who has the following qualifications: 18314

(1) The designee is a resident of this state. 18315

(2) Within the three years immediately preceding the 18316  
appointment, the designee has not been employed by the public 18317  
employees retirement system, police and fire pension fund, state 18318  
teachers retirement system, school employees retirement system, 18319  
or state highway patrol retirement system or by any person, 18320  
partnership, or corporation that has provided to one of those 18321  
retirement systems services of a financial or investment nature, 18322  
including the management, analysis, supervision, or investment 18323  
of assets. 18324

(3) The designee has direct experience in the management, 18325  
analysis, supervision, or investment of assets. 18326

(B) One member, known as the treasurer of state's 18327  
investment designee, who shall be appointed by the treasurer of 18328  
state for a term of four years and have the following 18329  
qualifications: 18330

(1) The member is a resident of this state. 18331

(2) Within the three years immediately preceding the 18332  
appointment, the member has not been employed by the public 18333  
employees retirement system, police and fire pension fund, state 18334  
teachers retirement system, school employees retirement system, 18335

or state highway patrol retirement system or by any person, 18336  
partnership, or corporation that has provided to one of those 18337  
retirement systems services of a financial or investment nature, 18338  
including management, analysis, supervision, or investment of 18339  
assets. 18340

(3) The member has direct experience in the management, 18341  
analysis, supervision, or investment of assets. 18342

(4) The member is not currently employed by the state or a 18343  
political subdivision of the state. 18344

(C) Two members, known as the investment expert members, 18345  
who shall be appointed for four-year terms. One investment 18346  
expert member shall be appointed by the governor, and one 18347  
investment expert member shall be jointly appointed by the 18348  
speaker of the house of representatives and the president of the 18349  
senate. Each investment expert member shall have the following 18350  
qualifications: 18351

(1) Each member shall be a resident of this state. 18352

(2) Within the three years immediately preceding the 18353  
appointment, each member shall not have been employed by the 18354  
public employees retirement system, police and fire pension 18355  
fund, state teachers retirement system, school employees 18356  
retirement system, or state highway patrol retirement system or 18357  
by any person, partnership, or corporation that has provided to 18358  
one of those retirement systems services of a financial or 18359  
investment nature, including the management, analysis, 18360  
supervision, or investment of assets. 18361

(3) Each member shall have direct experience in the 18362  
management, analysis, supervision, or investment of assets. 18363

Any investment expert member appointed to fill a vacancy 18364

occurring prior to the expiration of the term for which the 18365  
member's predecessor was appointed shall hold office until the 18366  
end of such term. The member shall continue in office subsequent 18367  
to the expiration date of the member's term until the member's 18368  
successor takes office, or until a period of sixty days has 18369  
elapsed, whichever occurs first. 18370

(D) Five members, known as contributing members, who shall 18371  
be members of the state teachers retirement system; 18372

(E) Two former members of the system, known as retired 18373  
teacher members, who shall be superannuates who are not 18374  
otherwise employed in positions requiring them to make 18375  
contributions to the system. 18376

**Sec. 3307.31.** (A) Payments by boards of education and 18377  
governing authorities of community schools to the state teachers 18378  
retirement system, as provided in sections 3307.29 and 3307.291 18379  
of the Revised Code, shall be made from the amount allocated 18380  
under Chapter 3317. of the Revised Code prior to its 18381  
distribution to the individual school districts or community 18382  
schools. The amount due from each school district or community 18383  
school shall be certified by the secretary of the system to the 18384  
~~superintendent of public instruction~~ department of education and 18385  
workforce monthly, or at such times as may be determined by the 18386  
state teachers retirement board. 18387

The ~~superintendent~~ department shall deduct, from the 18388  
amount allocated to each district or community school under 18389  
Chapter 3317. of the Revised Code, the entire amounts due to the 18390  
system from such district or school upon the certification to 18391  
the ~~superintendent~~ department by the secretary thereof. 18392

The ~~superintendent~~ department shall certify to the 18393

director of budget and management the amounts thus due the 18394  
system for payment. 18395

(B) Payments to the state teachers retirement system by a 18396  
science, technology, engineering, and mathematics school shall 18397  
be deducted from the amount allocated under section 3317.022 of 18398  
the Revised Code and shall be made in the same manner as 18399  
payments by boards of education under this section. 18400

**Sec. 3309.011.** "Employee" as defined in division (B) of 18401  
section 3309.01 of the Revised Code, does not include any of the 18402  
following: 18403

(A) Any person having a license or registration issued 18404  
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 18405  
employed in a public school in this state in an educational 18406  
position, as determined by the ~~state board~~ department of 18407  
education and workforce, under programs provided for by federal 18408  
acts or regulations and financed in whole or in part from 18409  
federal funds, but for which no licensure requirements for the 18410  
position can be made under the provisions of such federal acts 18411  
or regulations; 18412

(B) Any person who participates in an alternative 18413  
retirement plan established under Chapter 3305. of the Revised 18414  
Code; 18415

(C) Any person who elects to transfer from the school 18416  
employees retirement system to the public employees retirement 18417  
system under section 3309.312 of the Revised Code; 18418

(D) Any person whose full-time employment by the 18419  
university of Akron as a state university law enforcement 18420  
officer pursuant to section 3345.04 of the Revised Code 18421  
commences on or after September 16, 1998; 18422

(E) Any person described in division (B) of section 18423  
3309.013 of the Revised Code; 18424

(F) Any person described in division (D) of section 18425  
145.011 of the Revised Code; 18426

(G) Any person described in division (B) (1) (b) of section 18427  
3307.01 of the Revised Code. 18428

**Sec. 3309.48.** Any employee who left the service of an 18429  
employer after attaining age sixty-five or over and such 18430  
employer had failed or refused to deduct and transmit to the 18431  
school employees retirement system the employee contributions as 18432  
required by section 3309.47 of the Revised Code during any year 18433  
for which membership was compulsory as determined by the school 18434  
employees retirement board, shall be granted service credit 18435  
without cost, which shall be considered as total service credit 18436  
for the purposes of meeting the qualifications for service 18437  
retirement provided by the law in effect on and retroactive to 18438  
the first eligible retirement date following the date such 18439  
employment terminated, but shall not be paid until formal 18440  
application for such allowance on a form provided by the 18441  
retirement board is received in the office of the retirement 18442  
system. The total service credit granted under this section 18443  
shall not exceed ten years for any such employee. 18444

The liability incurred by the retirement board because of 18445  
the service credit granted under this section shall be 18446  
determined by the retirement board, the cost of which shall be 18447  
equal to an amount that is determined by applying the combined 18448  
employee and employer rates of contribution against the 18449  
compensation of such employee at the rates of contribution and 18450  
maximum salary provisions in effect during such employment for 18451  
each year for which credit is granted, together with interest at 18452

the rate to be credited accumulated contributions at retirement, 18453  
compounded annually from the first day of the month payment was 18454  
due the retirement system to and including the month of deposit, 18455  
the total amount of which shall be collected from the employer. 18456  
Such amounts shall be certified by the retirement board to the 18457  
~~superintendent of public instruction, who~~ department of 18458  
education and workforce, which shall deduct the amount due the 18459  
system from any funds due the affected school district under 18460  
Chapter 3317. of the Revised Code. The ~~superintendent~~ department 18461  
shall certify to the director of budget and management the 18462  
amount due the system for payment. The total amount paid shall 18463  
be deposited into the employers' trust fund, and shall not be 18464  
considered as accumulated contributions of the employee in the 18465  
event of the employee's death or withdrawal of funds. 18466

**Sec. 3309.491.** (A) An actuary employed by the school 18467  
employees retirement board shall annually determine the minimum 18468  
annual compensation amount for each member that will be needed 18469  
to fund the cost of providing future health care benefits under 18470  
section 3309.69 of the Revised Code. The amount determined by 18471  
the actuary under this division shall be approved by the board 18472  
and shall be known as the "minimum compensation amount." 18473

(B) (1) The secretary of the school employees retirement 18474  
board shall annually determine for each employer the "employer 18475  
minimum compensation contribution." 18476

Subject to division (B) (2) of this section, the amount 18477  
determined shall be the lesser of the following: 18478

(a) An amount equal to two per cent of the compensation of 18479  
all members employed by the employer during the prior year; 18480

(b) The total of the amounts determined as follows for 18481

each member whose compensation for the prior year was less than 18482  
the minimum compensation amount: 18483

(i) Subtract the member's compensation for the prior year 18484  
from the minimum compensation amount; 18485

(ii) Multiply the remainder obtained under division (B) (1) 18486  
(b) (i) of this section by one, or if the member earned less than 18487  
a year's service credit for the prior year, by the same fraction 18488  
as the fraction of a year's service credit credited to the 18489  
member under section 3309.30 of the Revised Code; 18490

(iii) Multiply the product obtained under division (B) (1) 18491  
(b) (ii) of this section by the employer contribution rate in 18492  
effect for the year the service credit was earned. 18493

(2) If the total of the employer minimum contribution 18494  
amounts determined under division (B) (1) of this section exceeds 18495  
one and one-half per cent of the compensation of all members 18496  
employed by employers required to pay the employer minimum 18497  
compensation contribution, the school employees retirement board 18498  
shall reduce the amount determined for each employer so that the 18499  
total amount determined does not exceed one and one-half per 18500  
cent of the compensation of all members employed by employers 18501  
required to pay the employer minimum compensation contribution. 18502  
Any reduction shall be applied to each employer in the same 18503  
proportion as the employer's minimum compensation contribution 18504  
bears to the total employer minimum compensation contribution. 18505

(C) The secretary shall annually certify to each employer 18506  
the employer minimum compensation contribution determined under 18507  
division (B) of this section. In addition to the employer 18508  
contribution required by section 3309.49 of the Revised Code, 18509  
each employer shall pay annually to the employers' trust fund 18510

the amount certified to the employer under this division. 18511

(D) Annually by the first day of August, the secretary 18512  
shall submit to the ~~superintendent of public instruction~~ 18513  
department of education and workforce a list of the payments 18514  
made by each employer under this section during the preceding 18515  
fiscal year. 18516

**Sec. 3309.51.** (A) Each employer shall pay into the 18517  
employers' trust fund, monthly or at such times as the school 18518  
employees retirement board requires, an amount certified by the 18519  
school employees retirement board, which shall be as required by 18520  
Chapter 3309. of the Revised Code. 18521

Payments by school district boards of education to the 18522  
employers' trust fund of the school employees retirement system 18523  
may be made from the amounts allocated under Chapter 3317. of 18524  
the Revised Code prior to their distribution to the individual 18525  
school districts. The amount due from each school district may 18526  
be certified by the secretary of the system to the 18527  
~~superintendent of public instruction~~ department of education and 18528  
workforce monthly, or at such times as is determined by the 18529  
school employees retirement board. 18530

Payments by governing authorities of community schools to 18531  
the employers' trust fund of the school employees retirement 18532  
system shall be made from the amounts allocated under section 18533  
3317.022 of the Revised Code prior to their distribution to the 18534  
individual community schools. The amount due from each community 18535  
school shall be certified by the secretary of the system to the 18536  
~~superintendent of public instruction~~ department monthly, or at 18537  
such times as determined by the school employees retirement 18538  
board. 18539

Payments by a science, technology, engineering, and 18540  
mathematics school to the employers' trust fund of the school 18541  
employees retirement system shall be made from the amounts 18542  
allocated under section 3317.022 of the Revised Code prior to 18543  
their distribution to the school. The amount due from a science, 18544  
technology, engineering, and mathematics school shall be 18545  
certified by the secretary of the school employees retirement 18546  
system to the ~~superintendent of public instruction~~ department 18547  
monthly, or at such times as determined by the school employees 18548  
retirement board. 18549

(B) The ~~superintendent~~ department shall deduct from the 18550  
amount allocated to each community school, to each school 18551  
district, or to each science, technology, engineering, and 18552  
mathematics school under Chapter 3317. of the Revised Code the 18553  
entire amounts due to the school employees retirement system 18554  
from such school or school district upon the certification to 18555  
the ~~superintendent~~ department by the secretary thereof. 18556

(C) Where an employer fails or has failed or refuses to 18557  
make payments to the employers' trust fund, as provided for 18558  
under Chapter 3309. of the Revised Code, or fails to pay any 18559  
penalty imposed under section 3309.571 of the Revised Code the 18560  
secretary of the school employees retirement system may certify 18561  
to the ~~state superintendent of public instruction~~ department, 18562  
monthly or at such times as is determined by the school 18563  
employees retirement board, the amount due from such employer, 18564  
and the ~~superintendent~~ department shall deduct from the amount 18565  
allocated to the employer under Chapter 3317. of the Revised 18566  
Code, the entire amounts due to the system from the employer 18567  
upon the certification to the ~~superintendent~~ department by the 18568  
secretary of the school employees retirement system. 18569

(D) The ~~superintendent~~department shall certify to the 18570  
director of budget and management the amounts thus due the 18571  
system for payment. 18572

**Sec. 3310.01.** As used in sections 3310.01 to 3310.17 of 18573  
the Revised Code: 18574

(A) "Chartered nonpublic school" means a nonpublic school 18575  
that holds a valid charter issued by the ~~state board~~director of 18576  
education and workforce under section 3301.16 of the Revised 18577  
Code and meets the standards established for such schools in 18578  
rules adopted by the ~~state board~~director. 18579

(B) An "eligible student" is a student who satisfies the 18580  
conditions specified in section 3310.03 or 3310.032 of the 18581  
Revised Code. 18582

(C) "Parent" has the same meaning as in section 3313.98 of 18583  
the Revised Code. 18584

(D) "Resident district" means the school district in which 18585  
a student is entitled to attend school under section 3313.64 or 18586  
3313.65 of the Revised Code. 18587

(E) "School year" has the same meaning as in section 18588  
3313.62 of the Revised Code. 18589

**Sec. 3310.02.** The educational choice scholarship pilot 18590  
program is hereby established. Under the program, the department 18591  
of education and workforce annually shall pay scholarships to 18592  
attend chartered nonpublic schools in accordance with section 18593  
3317.022 of the Revised Code. 18594

**Sec. 3310.03.** For the 2021-2022 school year and each 18595  
school year thereafter, subject to division (G) of this section, 18596  
a student is an "eligible student" for purposes of the 18597

educational choice scholarship pilot program if the student's 18598  
resident district is not a school district in which the pilot 18599  
project scholarship program is operating under sections 3313.974 18600  
to 3313.979 of the Revised Code, the student satisfies one of 18601  
the conditions in division (A), (B), or (C) of this section, and 18602  
the student maintains eligibility to receive a scholarship under 18603  
division (D) of this section. 18604

However, any student who received a scholarship for the 18605  
2020-2021 school year under this section, as it existed prior to 18606  
March 2, 2021, shall continue to receive that scholarship until 18607  
the student completes grade twelve, as long as the student 18608  
maintains eligibility to receive a scholarship under division 18609  
(D) of this section. 18610

(A) (1) A student is eligible for a scholarship if the 18611  
student is enrolled in a school building operated by the 18612  
student's resident district and to which both of the following 18613  
apply: 18614

(a) The building was ranked in the lowest twenty per cent 18615  
of all buildings operated by city, local, and exempted village 18616  
school districts according to performance index score as 18617  
determined by the department of education and workforce, as 18618  
follows: 18619

(i) For a scholarship sought for the 2021-2022 or 2022- 18620  
2023 school year, the building was ranked in the lowest twenty 18621  
per cent of buildings for each of the 2017-2018 and 2018-2019 18622  
school years. 18623

(ii) For a scholarship sought for the 2023-2024 school 18624  
year, the building was ranked in the lowest twenty per cent of 18625  
buildings for each of the 2018-2019 and 2021-2022 school years. 18626

(iii) For a scholarship sought for the 2024-2025 school year, the building was ranked in the lowest twenty per cent of buildings for each of the 2021-2022 and 2022-2023 school years.

(iv) For a scholarship sought for the 2025-2026 school year or any school year thereafter, the building was ranked in the lowest twenty per cent of buildings for at least two of the three most recent consecutive rankings issued prior to the first day of July of the school year for which a scholarship is sought.

(b) The building is operated by a school district in which, for the three consecutive school years prior to the school year for which a scholarship is sought, an average of twenty per cent or more of the students entitled to attend school in the district, under section 3313.64 or 3313.65 of the Revised Code, were qualified to be included in the formula to distribute funds under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.

When ranking school buildings under division (A) (1) of this section, the department shall not include buildings operated by a school district in which the pilot project scholarship program is operating in accordance with sections 3313.974 to 3313.979 of the Revised Code.

(2) A student is eligible for a scholarship if the student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is

sought, to a school building described in division (A) (1) of 18657  
this section. 18658

(3) A student is eligible for a scholarship if the student 18659  
is enrolled in a community school established under Chapter 18660  
3314. of the Revised Code but otherwise would be assigned under 18661  
section 3319.01 of the Revised Code to a building described in 18662  
division (A) (1) of this section. 18663

(4) A student is eligible for a scholarship if the student 18664  
is enrolled in a school building operated by the student's 18665  
resident district or in a community school established under 18666  
Chapter 3314. of the Revised Code and otherwise would be 18667  
assigned under section 3319.01 of the Revised Code to a school 18668  
building described in division (A) (1) of this section in the 18669  
school year for which the scholarship is sought. 18670

(5) A student is eligible for a scholarship if the student 18671  
was enrolled in a public or nonpublic school or was homeschooled 18672  
in the prior school year and completed any of grades eight 18673  
through eleven in that school year and otherwise would be 18674  
assigned under section 3319.01 of the Revised Code to a school 18675  
building described in division (A) (1) of this section in the 18676  
school year for which the scholarship is sought. 18677

(B) A student is eligible for a scholarship if the student 18678  
is enrolled in a nonpublic school at the time the school is 18679  
granted a charter by the ~~state board~~ director of education and 18680  
workforce under section 3301.16 of the Revised Code and the 18681  
student meets the standards of division (B) of section 3310.031 18682  
of the Revised Code. 18683

(C) A student is eligible for a scholarship if the 18684  
student's resident district is subject to section 3302.10 of the 18685

Revised Code and the student either: 18686

(1) Is enrolled in a school building operated by the 18687  
resident district or in a community school established under 18688  
Chapter 3314. of the Revised Code; 18689

(2) Will be both enrolling in any of grades kindergarten 18690  
through twelve in this state for the first time and at least 18691  
five years of age by the first day of January of the school year 18692  
for which a scholarship is sought. 18693

(D) A student who receives a scholarship under the 18694  
educational choice scholarship pilot program remains an eligible 18695  
student and may continue to receive scholarships in subsequent 18696  
school years until the student completes grade twelve, so long 18697  
as all of the following apply: 18698

(1) The student's resident district remains the same, or 18699  
the student transfers to a new resident district and otherwise 18700  
would be assigned in the new resident district to a school 18701  
building described in division (A) (1) or (C) of this section. 18702

(2) The student takes each assessment prescribed for the 18703  
student's grade level under section 3301.0710, 3301.0712, or 18704  
3313.619 of the Revised Code while enrolled in a chartered 18705  
nonpublic school, unless one of the following applies to the 18706  
student: 18707

(a) The student is excused from taking that assessment 18708  
under federal law, the student's individualized education 18709  
program, or division (C) (1) (c) (i) of section 3301.0711 of the 18710  
Revised Code. 18711

(b) The student is enrolled in a chartered nonpublic 18712  
school that meets the conditions specified in division (K) (2) or 18713  
(L) (4) of section 3301.0711 of the Revised Code. 18714

(c) The student is enrolled in any of grades three to 18715  
eight and takes an alternative standardized assessment under 18716  
division (K) (1) of section 3301.0711 of the Revised Code. 18717

(d) The student is excused from taking the assessment 18718  
prescribed under division (B) (1) of section 3301.0712 of the 18719  
Revised Code pursuant to division (C) (1) (c) (ii) of section 18720  
3301.0711 of the Revised Code. 18721

(3) In each school year that the student is enrolled in a 18722  
chartered nonpublic school, the student is absent from school 18723  
for not more than twenty days that the school is open for 18724  
instruction, not including excused absences. 18725

(E) (1) The department shall cease awarding first-time 18726  
scholarships pursuant to divisions (A) (1) to (5) of this section 18727  
with respect to a school building that, in the most recent 18728  
ratings of school buildings under section 3302.03 of the Revised 18729  
Code prior to the first day of July of the school year, ceases 18730  
to meet the criteria in division (A) (1) of this section. 18731

(2) The department shall cease awarding first-time 18732  
scholarships pursuant to division (C) of this section with 18733  
respect to a school district subject to section 3302.10 of the 18734  
Revised Code when the academic distress commission established 18735  
for the district ceases to exist. 18736

(3) However, students who have received scholarships in 18737  
the prior school year remain eligible students pursuant to 18738  
division (D) of this section. 18739

(F) The ~~state board of education~~ department shall adopt 18740  
rules defining excused absences for purposes of division (D) (3) 18741  
of this section. 18742

(G) Notwithstanding anything to the contrary in this 18743

section or section 3310.031 of the Revised Code, a student shall 18744  
not be required to be enrolled or enrolling in a school building 18745  
operated by the student's resident district or a community 18746  
school in order to be eligible for a scholarship, as follows: 18747

(1) For a scholarship sought for the 2021-2022 school 18748  
year, a student entering any of grades kindergarten through two; 18749

(2) For a scholarship sought for the 2022-2023 school 18750  
year, a student entering any of grades kindergarten through 18751  
four; 18752

(3) For a scholarship sought for the 2023-2024 school 18753  
year, a student entering any of grades kindergarten through six; 18754

(4) For a scholarship sought for the 2024-2025 school 18755  
year, a student entering any of grades kindergarten through 18756  
eight; 18757

(5) For a scholarship sought for the 2025-2026 school 18758  
year, and each school year thereafter, a student entering any of 18759  
grades kindergarten through twelve. 18760

**Sec. 3310.031.** (A) The ~~state board~~ department of education 18761  
and workforce shall adopt rules under section 3310.17 of the 18762  
Revised Code establishing procedures for granting educational 18763  
choice scholarships to eligible students attending a nonpublic 18764  
school at the time the ~~state board~~ director of education and 18765  
workforce grants the school a charter under section 3301.16 of 18766  
the Revised Code. The procedures shall include at least the 18767  
following: 18768

(1) Provisions for extending the application period for 18769  
scholarships for the following school year, if necessary due to 18770  
the timing of the award of the nonpublic school's charter, in 18771  
order for students enrolled in the school at the time the 18772

charter is granted to apply for scholarships for the following 18773  
school year; 18774

(2) Provisions for notifying the resident districts of the 18775  
nonpublic school's students that the nonpublic school has been 18776  
granted a charter and that educational choice scholarships may 18777  
be awarded to the school's students for the following school 18778  
year. 18779

(B) A student who is enrolled in a nonpublic school at the 18780  
time the school's charter is granted is an eligible student if 18781  
~~either of the following applies:~~ 18782

~~(1) For a scholarship sought for the 2020-2021 school-~~ 18783  
~~year, the student satisfies division (B) of this section as it~~ 18784  
~~existed prior to the effective date of this amendment and any~~ 18785  
~~related condition prescribed by section 3310.03 of the Revised~~ 18786  
~~Code, as it existed prior to the effective date of this~~ 18787  
~~amendment.~~ 18788

~~(2) For a scholarship sought for the 2021-2022 school year-~~ 18789  
~~or any school year thereafter, the student satisfies any of the~~ 18790  
following conditions: 18791

~~(a)~~ (1) At the end of the last school year before the 18792  
student enrolled in the nonpublic school, the student was 18793  
enrolled in a school building operated by the student's resident 18794  
district or in a community school established under Chapter 18795  
3314. of the Revised Code and, for the current or following 18796  
school year, the student otherwise would be assigned under 18797  
section 3319.01 of the Revised Code to a school building 18798  
described in division (A) (1) of section 3310.03 of the Revised 18799  
Code. 18800

~~(b)~~ (2) The student was not enrolled in any public or 18801

other nonpublic school before the student enrolled in the 18802  
nonpublic school and, for the current or following school year, 18803  
otherwise would be assigned under section 3319.01 of the Revised 18804  
Code to a school building described in division (A) (1) of 18805  
section 3310.03 of the Revised Code. 18806

~~(e)~~ (3) At the end of the last school year before the 18807  
student enrolled in the nonpublic school, the student was 18808  
enrolled in a school building operated by the student's resident 18809  
district and, during that school year, the building met the 18810  
conditions described in division (A) (1) of section 3310.03 of 18811  
the Revised Code. 18812

~~(d)~~ (4) At the end of the last school year before the 18813  
student enrolled in the nonpublic school, the student was 18814  
enrolled in a community school established under Chapter 3314. 18815  
of the Revised Code but otherwise would have been assigned under 18816  
section 3319.01 of the Revised Code to a school building that, 18817  
during that school year, met the conditions described in 18818  
division (A) (1) of section 3310.03 of the Revised Code. 18819

**Sec. 3310.032.** (A) A student is an "eligible student" for 18820  
purposes of the expansion of the educational choice scholarship 18821  
pilot program under this section if the student's resident 18822  
district is not a school district in which the pilot project 18823  
scholarship program is operating under sections 3313.974 to 18824  
3313.979 of the Revised Code, the student is not eligible for an 18825  
educational choice scholarship under section 3310.03 of the 18826  
Revised Code, and either of the following apply: 18827

(1) The student's family income is at or below two hundred 18828  
fifty per cent of the federal poverty guidelines, as defined in 18829  
section 5101.46 of the Revised Code, when the student applies 18830  
for a scholarship under this section. 18831

(2) The student's sibling, as defined in section 3310.033 of the Revised Code, receives a scholarship under this section for at least one of the following:

(a) For the school year immediately prior to the school year for which the student is seeking a scholarship;

(b) For the school year for which the student is seeking a scholarship.

(B) In each fiscal year for which the general assembly appropriates funds for purposes of this section, the department of education and workforce shall pay scholarships to attend chartered nonpublic schools in accordance with section 3317.022 of the Revised Code. The number of scholarships awarded under this section shall not exceed the number that can be funded for that school year as authorized by the general assembly.

(C) Scholarships under this section shall be awarded as follows:

(1) For the 2013-2014 school year, to eligible students who are entering kindergarten in that school year for the first time;

(2) For each subsequent school year through the 2019-2020 school year, scholarships shall be awarded to eligible students in the next grade level above the highest grade level awarded in the preceding school year, in addition to the grade levels for which students received scholarships in the preceding school year;

(3) Beginning with the 2020-2021 school year, to eligible students who are entering any of grades kindergarten through twelve in that school year for the first time.

(D) If the number of eligible students who apply for a scholarship under this section exceeds the scholarships available based on the appropriation for this section, the department shall award scholarships in the following order of priority:

(1) First, to eligible students who received scholarships under this section in the prior school year;

(2) Second, to eligible students with family incomes at or below one hundred per cent of the federal poverty guidelines. If the number of students described in division (D) (2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (D) (1) of this section, the department shall select students described in division (D) (2) of this section by lot to receive any remaining scholarships.

(3) Third, to other eligible students who qualify under this section. If the number of students described in division (D) (3) of this section exceeds the number of available scholarships after awards are made under divisions (D) (1) and (2) of this section, the department shall select students described in division (D) (3) of this section by lot to receive any remaining scholarships.

(E) A student who receives a scholarship under this section remains an eligible student and may continue to receive scholarships under this section in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D) (2) and (3) of section 3310.03 of the Revised Code.

Once a scholarship is awarded under this section, the

student shall remain eligible for that scholarship for the 18889  
current school year and subsequent school years even if the 18890  
student's family income rises above the amount specified in 18891  
division (A) of this section, provided the student remains 18892  
enrolled in a chartered nonpublic school. 18893

**Sec. 3310.033.** (A) As used in this section: 18894

(1) "Foster child" means a child placed with a foster 18895  
caregiver, as defined in section 5103.02 of the Revised Code. 18896

(2) "Qualifying student" means a student who is not 18897  
entitled to attend school under section 3313.64 or 3313.65 of 18898  
the Revised Code in a school district in which the pilot project 18899  
scholarship program is operating under sections 3313.974 to 18900  
3313.979 of the Revised Code. 18901

(3) "Kinship caregiver" has the same meaning as in section 18902  
5101.85 of the Revised Code. 18903

(4) "Sibling" means any of the following: 18904

(a) A brother, half-brother, sister, or half-sister by 18905  
birth, marriage, or adoption; 18906

(b) A cousin by birth, marriage, or adoption who is 18907  
residing in the same household; 18908

(c) A foster child who is residing in the same household, 18909  
including a child who is subsequently adopted by the child's 18910  
foster family; 18911

(d) A child residing in the same household who is placed 18912  
with a guardian or legal custodian; 18913

(e) A child who is residing in the same household and is 18914  
being cared for by a kinship caregiver; 18915

(f) Any other child under eighteen years of age who has 18916  
resided in the same household for at least forty-five 18917  
consecutive days within the last calendar year. 18918

(5) "Caretaker" means the parent of a minor child or a 18919  
relative acting in the parent's place. "Caretaker" also means 18920  
another responsible adult who has care of the child and in whose 18921  
household the child resides and, if not for residing in that 18922  
household, the child would be homeless or likely to be homeless. 18923

(B) Notwithstanding anything in the Revised Code to the 18924  
contrary, a qualifying student shall be eligible for an 18925  
educational choice scholarship under section 3310.03 of the 18926  
Revised Code, regardless of whether the student is enrolled in a 18927  
school building described in division (A)(1) or (C) of that 18928  
section, if any of the following apply: 18929

(1) The student's sibling received an educational choice 18930  
scholarship under section 3310.03 of the Revised Code for the 18931  
school year immediately prior to the school year for which the 18932  
student is seeking a scholarship; 18933

(2) The student is a foster child; 18934

(3) The student is a child placed with a guardian, legal 18935  
custodian, or kinship caregiver; 18936

(4) The student is not a child placed with a guardian, 18937  
legal custodian, or kinship caregiver, but has resided in the 18938  
same household as such a child for at least forty-five 18939  
consecutive days within the last calendar year; 18940

(5) The student is not a foster child, but resides in a 18941  
home that has received certification under section 5103.03 of 18942  
the Revised Code; 18943

(6) The student satisfies all of the following conditions:	18944
(a) The student is not a foster child or a student described in division (B) (4) of this section.	18945 18946
(b) The student has resided in the household of an individual who is not the student's parent or guardian for at least forty-five consecutive days within the last calendar year and, if not for residing in that household, the student would have been homeless.	18947 18948 18949 18950 18951
(c) The student's parent or guardian resides in this state.	18952 18953
(7) The student is not a child described in division (B) (6) of this section, but has resided in the same household as a child described in that division for at least forty-five consecutive days within the last calendar year.	18954 18955 18956 18957
(C) A student who receives an educational choice scholarship under this section remains eligible for that scholarship and may continue to receive a scholarship in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D) (2) and (3) of section 3310.03 of the Revised Code.	18958 18959 18960 18961 18962 18963 18964
(D) The department of education <u>and workforce</u> may request any individual applying for a scholarship under this section on behalf of a qualifying student to provide appropriate documentation, as defined by the department, that the student meets the eligibility qualifications prescribed under this section. In the case of a student who qualifies under division (B) (6) of this section, such documentation shall be provided by the student's parent, guardian, or caretaker.	18965 18966 18967 18968 18969 18970 18971 18972

**Sec. 3310.036.** If a student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code for a school year as of the first day of February prior to that school year, that student's eligibility for a scholarship for that school year shall not change solely because, after the first day of February, the department of education and workforce changes the internal retrieval number of the school building in which the student is enrolled or would otherwise be assigned.

**Sec. 3310.07.** (A) Any parent, or any student who is at least eighteen years of age, who is seeking a scholarship under the educational choice scholarship pilot program shall notify the department of education and workforce of the student's and parent's names and address, the chartered nonpublic school in which the student has been accepted for enrollment, and the tuition charged by the school.

(B) Not later than February 1, 2022, the department shall establish a system under which any parent, or any student who is at least eighteen years of age, may provide the department with a student's address and, not later than ten days after receiving the address, the department shall notify the parent, or student, using regular mail or electronic mail whether the student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code. The student's resident district shall not be permitted to object to a student's eligibility for an educational choice scholarship under that section if the department's system determines the student is eligible.

For the purposes of division (B) of this section, not later than the first day of January of each year, each school district that has a school building described in division (A) (1) or (C) of section 3310.03 of the Revised Code shall submit to

the department, in the manner prescribed by the department, the 19003  
attendance zone for students assigned to that building. 19004

**Sec. 3310.11.** (A) Only for the purpose of administering 19005  
the educational choice scholarship pilot program, the department 19006  
of education and workforce may request from any of the following 19007  
entities the data verification code assigned under division (D) 19008  
(2) of section 3301.0714 of the Revised Code to any student who 19009  
is seeking a scholarship under the program: 19010

(1) The student's resident district; 19011

(2) If applicable, the community school in which that 19012  
student is enrolled; 19013

(3) The independent contractor engaged to create and 19014  
maintain student data verification codes. 19015

(B) Upon a request by the department under division (A) of 19016  
this section for the data verification code of a student seeking 19017  
a scholarship or a request by the student's parent for that 19018  
code, the school district or community school shall submit that 19019  
code to the department or parent in the manner specified by the 19020  
department. If the student has not been assigned a code, because 19021  
the student will be entering kindergarten during the school year 19022  
for which the scholarship is sought, the district shall assign a 19023  
code to that student and submit the code to the department or 19024  
parent by a date specified by the department. If the district 19025  
does not assign a code to the student by the specified date, the 19026  
department shall assign a code to that student. 19027

The department annually shall submit to each school 19028  
district the name and data verification code of each student 19029  
residing in the district who is entering kindergarten, who has 19030  
been awarded a scholarship under the program, and for whom the 19031

department has assigned a code under this division. 19032

(C) For the purpose of administering the applicable 19033  
assessments prescribed under sections 3301.0710 and 3301.0712 of 19034  
the Revised Code, as required by section 3310.14 of the Revised 19035  
Code, the department shall provide to each chartered nonpublic 19036  
school that enrolls a scholarship student the data verification 19037  
code for that student. 19038

(D) The department and each chartered nonpublic school 19039  
that receives a data verification code under this section shall 19040  
not release that code to any person except as provided by law. 19041

Any document relative to this program that the department 19042  
holds in its files that contains both a student's name or other 19043  
personally identifiable information and the student's data 19044  
verification code shall not be a public record under section 19045  
149.43 of the Revised Code. 19046

**Sec. 3310.13.** (A) No chartered nonpublic school shall 19047  
charge any student whose family income is at or below two 19048  
hundred per cent of the federal poverty guidelines, as defined 19049  
in section 5101.46 of the Revised Code, a tuition fee that is 19050  
greater than the total amount paid for that student under 19051  
section 3317.022 of the Revised Code. 19052

(B) A chartered nonpublic school may charge any other 19053  
student who is paid a scholarship under that section up to the 19054  
difference between the amount of the scholarship and the regular 19055  
tuition charge of the school. Each chartered nonpublic school 19056  
may permit such an eligible student's family to provide 19057  
volunteer services in lieu of cash payment to pay all or part of 19058  
the amount of the school's tuition not covered by the 19059  
scholarship paid under section 3317.022 of the Revised Code. 19060

(C) Each chartered nonpublic school that charges a scholarship student an additional amount as authorized under division (B) of this section shall annually report to the department of education and workforce in the manner prescribed by the department the following:

(1) The number of students charged;

(2) The average of the amounts charged to such students.

**Sec. 3310.14.** (A) Except as provided in division (B) of this section, each chartered nonpublic school that is not 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. 19090  
19091

**Sec. 3310.15.** (A) The department of education and 19092  
workforce annually shall compile the scores attained by 19093  
scholarship students to whom an assessment is administered under 19094  
section 3310.14 of the Revised Code. The scores shall be 19095  
aggregated as follows: 19096

(1) By state, which shall include all students awarded a 19097  
scholarship under the educational choice scholarship pilot 19098  
program and who were required to take an assessment under 19099  
section 3310.14 of the Revised Code; 19100

(2) By school district, which shall include all 19101  
scholarship students who were required to take an assessment 19102  
under section 3310.14 of the Revised Code and for whom the 19103  
district is the student's resident district; 19104

(3) By chartered nonpublic school, which shall include all 19105  
scholarship students enrolled in that school who were required 19106  
to take an assessment under section 3310.14 of the Revised Code. 19107

(B) The department shall disaggregate the student 19108  
performance data described in division (A) of this section 19109  
according to the following categories: 19110

(1) Grade level; 19111

(2) Race and ethnicity; 19112

(3) Gender; 19113

(4) Students who have participated in the scholarship 19114  
program for three or more years; 19115

(5) Students who have participated in the scholarship 19116

program for more than one year and less than three years; 19117

(6) Students who have participated in the scholarship 19118  
program for one year or less; 19119

(7) Economically disadvantaged students. 19120

(C) The department shall post the student performance data 19121  
required under divisions (A) and (B) of this section on its web 19122  
site and, by the first day of February each year, shall 19123  
distribute that data to the parent of each eligible student. In 19124  
reporting student performance data under this division, the 19125  
department shall not include any data that is statistically 19126  
unreliable or that could result in the identification of 19127  
individual students. For this purpose, the department shall not 19128  
report performance data for any group that contains less than 19129  
ten students. 19130

(D) The department shall provide the parent of each 19131  
scholarship student with information comparing the student's 19132  
performance on the assessments administered under section 19133  
3310.14 of the Revised Code with the average performance of 19134  
similar students enrolled in the building operated by the 19135  
student's resident district that the scholarship student would 19136  
otherwise attend. In calculating the performance of similar 19137  
students, the department shall consider age, grade, race and 19138  
ethnicity, gender, and socioeconomic status. 19139

**Sec. 3310.16.** (A) For the 2020-2021 school year and each 19140  
school year thereafter, the department of education and 19141  
workforce shall accept, process, and award scholarships each 19142  
year for the educational choice scholarship pilot program under 19143  
sections 3310.03 and 3310.032 of the Revised Code, as follows: 19144

(1) The application period shall open on the first day of 19145

February prior to the first day of July of the school year for 19146  
which a scholarship is sought. Not later than forty-five days 19147  
after an applicant submits to the department of education and 19148  
workforce a completed application, the department ~~of education~~ 19149  
shall determine whether that applicant is eligible for a 19150  
scholarship and notify the applicant whether or not the 19151  
applicant is eligible. The department ~~of education~~ shall award a 19152  
scholarship to each student with an approved application. 19153  
However, for any application submitted after the beginning of 19154  
the school year, the department ~~of education~~ shall prorate the 19155  
amount of the awarded scholarship based on how much of the 19156  
school year remains. 19157

(2) In each school year, the department ~~of education~~ shall 19158  
accept applications for conditional approval of a scholarship 19159  
sought for that year or the next school year. Not later than 19160  
five days after receiving an application under this division, 19161  
the department ~~of education~~ shall grant conditional approval to 19162  
an applicant who is eligible for a scholarship and notify the 19163  
applicant whether or not conditional approval is granted. 19164

(B) If the department determines an application submitted 19165  
under this section contains an error or deficiency, the 19166  
department shall notify the applicant who submitted that 19167  
application not later than fourteen days after the application 19168  
is submitted. 19169

(C) The departments of education and workforce, job and 19170  
family services, and taxation shall enter into a data sharing 19171  
agreement so that, in administering this section, the department 19172  
of education and workforce shall be able to determine, based on 19173  
the address provided in a student's application, whether that 19174  
student is eligible for an educational choice scholarship under 19175

section 3310.03 of the Revised Code and whether the student 19176  
meets the residency requirements for an educational choice 19177  
scholarship under section 3310.032 of the Revised Code. 19178

(D) No city, local, or exempted village school district 19179  
shall have access to an application submitted under this 19180  
section. 19181

**Sec. 3310.17.** (A) The ~~state board~~ department of education\_ 19182  
and workforce shall adopt rules in accordance with Chapter 119. 19183  
of the Revised Code prescribing procedures for the 19184  
administration of the educational choice scholarship pilot 19185  
program. 19186

(B) The ~~state board and the~~ ~~department of education~~ shall 19187  
not require chartered nonpublic schools to comply with any 19188  
education laws or rules or other requirements that are not 19189  
specified in sections 3310.01 to 3310.17 of the Revised Code or 19190  
in rules necessary for the administration of the program, 19191  
adopted under division (A) of this section, and that otherwise 19192  
would not apply to a chartered nonpublic school. 19193

**Sec. 3310.41.** (A) As used in this section: 19194

(1) "Alternative public provider" means either of the 19195  
following providers that agrees to enroll a child in the 19196  
provider's special education program to implement the child's 19197  
individualized education program and to which the child's parent 19198  
owes fees for the services provided to the child: 19199

(a) A school district that is not the school district in 19200  
which the child is entitled to attend school; 19201

(b) A public entity other than a school district. 19202

(2) "Entitled to attend school" means entitled to attend 19203

school in a school district under section 3313.64 or 3313.65 of 19204  
the Revised Code. 19205

(3) "Formula ADM" has the same meaning as in section 19206  
3317.02 of the Revised Code. 19207

(4) "Preschool child with a disability" and 19208  
"individualized education program" have the same meanings as in 19209  
section 3323.01 of the Revised Code. 19210

(5) "Parent" has the same meaning as in section 3313.64 of 19211  
the Revised Code, except that "parent" does not mean a parent 19212  
whose custodial rights have been terminated. "Parent" also 19213  
includes the custodian of a qualified special education child, 19214  
when a court has granted temporary, legal, or permanent custody 19215  
of the child to an individual other than either of the natural 19216  
or adoptive parents of the child or to a government agency. 19217

(6) "Qualified special education child" is a child for 19218  
whom all of the following conditions apply: 19219

(a) The school district in which the child is entitled to 19220  
attend school has identified the child as autistic. A child who 19221  
has been identified as having a "pervasive developmental 19222  
disorder - not otherwise specified (PPD-NOS)" shall be 19223  
considered to be an autistic child for purposes of this section. 19224

(b) The school district in which the child is entitled to 19225  
attend school has developed an individualized education program 19226  
under Chapter 3323. of the Revised Code for the child. 19227

(c) The child either: 19228

(i) Was enrolled in the school district in which the child 19229  
is entitled to attend school in any grade from preschool through 19230  
twelve in the school year prior to the year in which a 19231

scholarship under this section is first sought for the child; or 19232

(ii) Is eligible to enter school in any grade preschool 19233  
through twelve in the school district in which the child is 19234  
entitled to attend school in the school year in which a 19235  
scholarship under this section is first sought for the child. 19236

(7) "Registered private provider" means a nonpublic school 19237  
or other nonpublic entity that has been approved by the 19238  
department of education and workforce to participate in the 19239  
program established under this section. 19240

(8) "Special education program" means a school or facility 19241  
that provides special education and related services to children 19242  
with disabilities. 19243

(B) There is hereby established the autism scholarship 19244  
program. Under the program, the department ~~of education~~ shall 19245  
pay a scholarship under section 3317.022 of the Revised Code to 19246  
the parent of each qualified special education child upon 19247  
application of that parent pursuant to procedures and deadlines 19248  
established by rule of the ~~state board of education~~ department. 19249  
Each scholarship shall be used only to pay tuition for the child 19250  
on whose behalf the scholarship is awarded to attend a special 19251  
education program that implements the child's individualized 19252  
education program and that is operated by an alternative public 19253  
provider or by a registered private provider, and to pay for 19254  
other services agreed to by the provider and the parent of a 19255  
qualified special education child that are not included in the 19256  
individualized education program but are associated with 19257  
educating the child. Upon agreement with the parent of a 19258  
qualified special education child, the alternative public 19259  
provider or the registered private provider may modify the 19260  
services provided to the child. The purpose of the scholarship 19261

is to permit the parent of a qualified special education child 19262  
the choice to send the child to a special education program, 19263  
instead of the one operated by or for the school district in 19264  
which the child is entitled to attend school, to receive the 19265  
services prescribed in the child's individualized education 19266  
program once the individualized education program is finalized 19267  
and any other services agreed to by the provider and the parent 19268  
of a qualified special education child. The services provided 19269  
under the scholarship shall include an educational component or 19270  
services designed to assist the child to benefit from the 19271  
child's education. 19272

A scholarship under this section shall not be awarded to 19273  
the parent of a child while the child's individualized education 19274  
program is being developed by the school district in which the 19275  
child is entitled to attend school, or while any administrative 19276  
or judicial mediation or proceedings with respect to the content 19277  
of the child's individualized education program are pending. A 19278  
scholarship under this section shall not be used for a child to 19279  
attend a public special education program that operates under a 19280  
contract, compact, or other bilateral agreement between the 19281  
school district in which the child is entitled to attend school 19282  
and another school district or other public provider, or for a 19283  
child to attend a community school established under Chapter 19284  
3314. of the Revised Code. However, nothing in this section or 19285  
in any rule adopted by the ~~state board~~ department shall prohibit 19286  
a parent whose child attends a public special education program 19287  
under a contract, compact, or other bilateral agreement, or a 19288  
parent whose child attends a community school, from applying for 19289  
and accepting a scholarship under this section so that the 19290  
parent may withdraw the child from that program or community 19291  
school and use the scholarship for the child to attend a special 19292

education program for which the parent is required to pay for 19293  
services for the child. 19294

Except for development of the child's individualized 19295  
education program, the school district in which a qualified 19296  
special education child is entitled to attend school and the 19297  
child's school district of residence, as defined in section 19298  
3323.01 of the Revised Code, if different, are not obligated to 19299  
provide the child with a free appropriate public education under 19300  
Chapter 3323. of the Revised Code for as long as the child 19301  
continues to attend the special education program operated by 19302  
either an alternative public provider or a registered private 19303  
provider for which a scholarship is awarded under the autism 19304  
scholarship program. If at any time, the eligible applicant for 19305  
the child decides no longer to accept scholarship payments and 19306  
enrolls the child in the special education program of the school 19307  
district in which the child is entitled to attend school, that 19308  
district shall provide the child with a free appropriate public 19309  
education under Chapter 3323. of the Revised Code. 19310

A child attending a special education program with a 19311  
scholarship under this section shall continue to be entitled to 19312  
transportation to and from that program in the manner prescribed 19313  
by law. 19314

(C) As prescribed in division (A) (2) (h) of section 3317.03 19315  
of the Revised Code, a child who is not a preschool child with a 19316  
disability for whom a scholarship is awarded under this section 19317  
shall be counted in the formula ADM of the district in which the 19318  
child is entitled to attend school and not in the formula ADM of 19319  
any other school district. 19320

(D) A scholarship shall not be paid under section 3317.022 19321  
of the Revised Code to a parent for payment of tuition owed to a 19322

nonpublic entity unless that entity is a registered private 19323  
provider. The department shall approve entities that meet the 19324  
standards established by rule of the ~~state board~~ department for 19325  
the program established under this section. 19326

(E) The ~~state board~~ department shall adopt rules under 19327  
Chapter 119. of the Revised Code prescribing procedures 19328  
necessary to implement this section, including, but not limited 19329  
to, procedures and deadlines for parents to apply for 19330  
scholarships, standards for registered private providers, and 19331  
procedures for approval of entities as registered private 19332  
providers. 19333

The rules also shall specify that intervention services 19334  
under the autism scholarship program may be provided by a 19335  
qualified, credentialed provider, including, but not limited to, 19336  
all of the following: 19337

(1) A behavior analyst certified by a nationally 19338  
recognized organization that certifies behavior analysts; 19339

(2) A psychologist licensed to practice in this state 19340  
under Chapter 4732. of the Revised Code; 19341

(3) An independent school psychologist or school 19342  
psychologist licensed to practice in this state under Chapter 19343  
4732. of the Revised Code; 19344

(4) Any person employed by a licensed psychologist, 19345  
licensed independent school psychologist, or licensed school 19346  
psychologist, while carrying out specific tasks, under the 19347  
licensee's supervision, as an extension of the licensee's legal 19348  
and ethical authority as specified under Chapter 4732. of the 19349  
Revised Code who is ascribed as "psychology trainee," 19350  
"psychology assistant," "psychology intern," or other 19351

appropriate term that clearly implies their supervised or 19352  
training status; 19353

(5) Unlicensed persons holding a doctoral degree in 19354  
psychology or special education from a program approved by the- 19355  
~~state board department~~; 19356

(6) Any other qualified individual as determined by the- 19357  
~~state board department~~. 19358

(F) The department shall provide reasonable notice to all 19359  
parents of children receiving a scholarship under the autism 19360  
scholarship program, alternative public providers, and 19361  
registered private providers of any amendment to a rule 19362  
governing, or change in the administration of, the autism 19363  
scholarship program. 19364

**Sec. 3310.411.** Any registered private provider approved to 19365  
participate in the autism scholarship program and any of its 19366  
employees shall be subject to a criminal records check as 19367  
specified in sections 109.57 and 109.572 of the Revised Code. 19368  
The registered private provider shall submit the results of any 19369  
records checks to the department of education and workforce. The 19370  
department shall use the information submitted to enroll the 19371  
individual for whom a records check is completed in the retained 19372  
applicant fingerprint database, established under section 19373  
109.5721 of the Revised Code, in the same manner as any teacher 19374  
licensed under sections 3319.22 to 3319.31 of the Revised Code. 19375

**Sec. 3310.42.** (A) Only for the purpose of administering 19376  
the autism scholarship program, the department of education and 19377  
workforce may request from any of the following entities the 19378  
data verification code assigned under division (D) (2) of section 19379  
3301.0714 of the Revised Code to any child who is seeking a 19380

scholarship under the program: 19381

(1) The school district in which the child is entitled to attend school; 19382  
19383

(2) If applicable, the community school in which the child is enrolled; 19384  
19385

(3) The independent contractor engaged to create and maintain data verification codes. 19386  
19387

(B) Upon a request by the department under division (A) of this section for the data verification code of a child seeking a scholarship or a request by the child'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 child has not been assigned a code, because the child will be entering preschool or kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child 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 child by the specified date, the department shall assign a code to the child. 19388  
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The department annually shall submit to each school district the name and data verification code of each child residing in the district who is entering preschool or kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 19400  
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(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 19406  
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(D) Any document relative to the autism scholarship 19409

program that the department holds in its files that contains 19410  
both a child's name or other personally identifiable information 19411  
and the child's data verification code shall not be a public 19412  
record under section 149.43 of the Revised Code. 19413

**Sec. 3310.51.** As used in sections 3310.51 to 3310.64 of 19414  
the Revised Code: 19415

(A) "Alternative public provider" means either of the 19416  
following providers that agrees to enroll a child in the 19417  
provider's special education program to implement the child's 19418  
individualized education program and to which the eligible 19419  
applicant owes fees for the services provided to the child: 19420

(1) A school district that is not the school district in 19421  
which the child is entitled to attend school or the child's 19422  
school district of residence, if different; 19423

(2) A public entity other than a school district. 19424

(B) "Child with a disability" and "individualized 19425  
education program" have the same meanings as in section 3323.01 19426  
of the Revised Code. 19427

(C) "Eligible applicant" means any of the following: 19428

(1) Either of the natural or adoptive parents of a 19429  
qualified special education child, except as otherwise specified 19430  
in this division. When the marriage of the natural or adoptive 19431  
parents of the student has been terminated by a divorce, 19432  
dissolution of marriage, or annulment, or when the natural or 19433  
adoptive parents of the student are living separate and apart 19434  
under a legal separation decree, and a court has issued an order 19435  
allocating the parental rights and responsibilities with respect 19436  
to the child, "eligible applicant" means the residential parent 19437  
as designated by the court. If the court issues a shared 19438

parenting decree, "eligible applicant" means either parent. 19439  
"Eligible applicant" does not mean a parent whose custodial 19440  
rights have been terminated. 19441

(2) The custodian of a qualified special education child, 19442  
when a court has granted temporary, legal, or permanent custody 19443  
of the child to an individual other than either of the natural 19444  
or adoptive parents of the child or to a government agency; 19445

(3) The guardian of a qualified special education child, 19446  
when a court has appointed a guardian for the child; 19447

(4) The grandparent of a qualified special education 19448  
child, when the grandparent is the child's attorney in fact 19449  
under a power of attorney executed under sections 3109.51 to 19450  
3109.62 of the Revised Code or when the grandparent has executed 19451  
a caretaker authorization affidavit under sections 3109.65 to 19452  
3109.73 of the Revised Code; 19453

(5) The surrogate parent appointed for a qualified special 19454  
education child pursuant to division (B) of section 3323.05 and 19455  
section 3323.051 of the Revised Code; 19456

(6) A qualified special education child, if the child does 19457  
not have a custodian or guardian and the child is at least 19458  
eighteen years of age. 19459

(D) "Entitled to attend school" means entitled to attend 19460  
school in a school district under sections 3313.64 and 3313.65 19461  
of the Revised Code. 19462

(E) "Formula ADM" has the same meaning as in section 19463  
3317.02 of the Revised Code. 19464

(F) "Qualified special education child" is a child for 19465  
whom all of the following conditions apply: 19466

- (1) The child is at least five years of age and less than  
twenty-two years of age. 19467  
19468
- (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. 19469  
19470  
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19472
- (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. 19473  
19474  
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19476
- (4) The child either: 19477
- (a) Was enrolled in the schools of the school district in  
which the child is entitled to attend school in any grade from  
kindergarten through twelve in the school year prior to the  
school year in which a scholarship is first sought for the  
child; 19478  
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- (b) Is eligible to enter school in any grade kindergarten  
through twelve in the school district in which the child is  
entitled to attend school in the school year in which a  
scholarship is first sought for the child. 19483  
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19486
- (5) The department of education and workforce has not  
approved a scholarship for the child under the educational  
choice scholarship pilot program, under sections 3310.01 to  
3310.17 of the Revised Code, the autism scholarship program,  
under section 3310.41 of the Revised Code, or the pilot project  
scholarship program, under sections 3313.974 to 3313.979 of the  
Revised Code for the same school year in which a scholarship  
under the Jon Peterson special needs scholarship program is  
sought. 19487  
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(6) The child and the child's parents are in compliance 19496  
with the state compulsory attendance law under Chapter 3321. of 19497  
the Revised Code. 19498

(G) "Registered private provider" means a nonpublic school 19499  
or other nonpublic entity that has been registered by the 19500  
superintendent of public instruction under section 3310.58 of 19501  
the Revised Code prior to the effective date of this amendment 19502  
or the department of education and workforce on or after that 19503  
date. 19504

(H) "Scholarship" means a scholarship awarded under the 19505  
Jon Peterson special needs scholarship program pursuant to 19506  
sections 3310.51 to 3310.64 of the Revised Code. 19507

(I) "School district of residence" has the same meaning as 19508  
in section 3323.01 of the Revised Code. A community school 19509  
established under Chapter 3314. of the Revised Code is not a 19510  
"school district of residence" for purposes of sections 3310.51 19511  
to 3310.64 of the Revised Code. 19512

(J) "School year" has the same meaning as in section 19513  
3313.62 of the Revised Code. 19514

(K) "Special education program" means a school or facility 19515  
that provides special education and related services to children 19516  
with disabilities. 19517

**Sec. 3310.52.** (A) The Jon Peterson special needs 19518  
scholarship program is hereby established. Under the program, 19519  
beginning with the 2012-2013 school year, subject to division 19520  
(B) of this section, the department of education and workforce 19521  
annually shall pay a scholarship under section 3317.022 of the 19522  
Revised Code to an eligible applicant for services provided by 19523  
an alternative public provider or a registered private provider 19524

for a qualified special education child. The scholarship shall 19525  
be used only to pay all or part of the fees for the child to 19526  
attend the special education program operated by the alternative 19527  
public provider or registered private provider to implement the 19528  
child's individualized education program, in lieu of the child's 19529  
attending the special education program operated by the school 19530  
district in which the child is entitled to attend school, and 19531  
other services agreed to by the provider and eligible applicant 19532  
that are not included in the individualized education program 19533  
but are associated with educating the child. Beginning in the 19534  
2014-2015 school year, if the child is receiving special 19535  
education services for a disability specified in division (A) of 19536  
section 3317.013 of the Revised Code, the scholarship shall be 19537  
used only to pay for related services that are included in the 19538  
child's individualized education program. Upon agreement with 19539  
the eligible applicant, the alternative public provider or 19540  
registered private provider may modify the services provided to 19541  
the child. 19542

(B) The number of scholarships awarded under the program 19543  
in any fiscal year shall not exceed five per cent of the total 19544  
number of students residing in the state identified as children 19545  
with disabilities during the previous fiscal year. 19546

(C) The department shall pay a scholarship under section 19547  
3317.022 of the Revised Code to the parent of each qualified 19548  
special education child, unless the parent authorizes a direct 19549  
payment to the child's provider, upon application of that parent 19550  
in the manner prescribed by the department. However, the 19551  
department shall not adopt specific dates for application 19552  
deadlines for scholarships under the program. 19553

**Sec. 3310.521.** (A) As a condition of receiving payments 19554

for a scholarship, each eligible applicant shall attest to receipt of the profile prescribed by division (B) of this section. Such attestation shall be made and submitted to the department of education and workforce in the form and manner as required by the department.

(B) The alternative public provider or registered private provider that enrolls a qualified special education child shall submit in writing to the eligible applicant to whom a scholarship is awarded on behalf of that child a profile of the provider's special education program, in a form as prescribed by the department, that shall contain the following:

(1) Methods of instruction that will be utilized by the provider to provide services to the qualified special education child;

(2) Qualifications of teachers, instructors, and other persons who will be engaged by the provider to provide services to the qualified special education child.

**Sec. 3310.522.** (A) In order to maintain eligibility for a scholarship, a student shall take each assessment prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, in accordance with section 3301.0711 of the Revised Code, unless one of the following applies to the student:

(1) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C) (1) (c) (i) of section 3301.0711 of the Revised Code.

(2) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K) (2) or

(L) (4) of section 3301.0711 of the Revised Code.	19584
(3) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K) (1) of section 3301.0711 of the Revised Code or division (B) (3) of this section.	19585 19586 19587 19588
(4) The student is excused from taking the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code pursuant to division (C) (1) (c) (ii) of section 3301.0711 of the Revised Code.	19589 19590 19591 19592
(B) Each registered private provider that is not subject to division (K) (1) of section 3301.0711 of the Revised Code and enrolls a student who is awarded a scholarship shall administer each assessment prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, to that student in accordance with section 3301.0711 of the Revised Code, unless one of the following applies to the student:	19593 19594 19595 19596 19597 19598 19599
(1) The student is excused from taking that assessment under division (A) (1) of this section.	19600 19601
(2) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K) (2) or (L) (4) of section 3301.0711 of the Revised Code.	19602 19603 19604
(3) The student is enrolled in any of grades three to eight and the registered private provider administers an alternative standardized assessment determined by the department of education <u>and workforce</u> under division (K) (1) of section 3301.0711 of the Revised Code to the student.	19605 19606 19607 19608 19609
(4) The student is excused from taking the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code pursuant to division (C) (1) (c) (ii) of section	19610 19611 19612

3301.0711 of the Revised Code. 19613

The registered private provider shall report to the 19614  
department the results of each assessment so administered under 19615  
division (B) of this section. 19616

(C) Nothing in this section requires any chartered 19617  
nonpublic school that is a registered private provider to 19618  
administer any achievement assessment, except for an Ohio 19619  
graduation test prescribed by division (B)(1) of section 19620  
3301.0710 or the college and work ready assessment system 19621  
prescribed by division (B) of section 3301.0712 of the Revised 19622  
Code to any student enrolled in the school who is not a 19623  
scholarship student. 19624

**Sec. 3310.53.** (A) Except for development of the child's 19625  
individualized education program, as specified in division (B) 19626  
of this section, the school district in which a qualified 19627  
special education child is entitled to attend school and the 19628  
child's school district of residence, if different, are not 19629  
obligated to provide the child with a free appropriate public 19630  
education under Chapter 3323. of the Revised Code for as long as 19631  
the child continues to attend the special education program 19632  
operated by either an alternative public provider or a 19633  
registered private provider for which a scholarship is awarded 19634  
under the Jon Peterson special needs scholarship program. If at 19635  
any time, the eligible applicant for the child decides no longer 19636  
to accept scholarship payments and enrolls the child in the 19637  
special education program of the school district in which the 19638  
child is entitled to attend school, that district shall provide 19639  
the child with a free appropriate public education under Chapter 19640  
3323. of the Revised Code. 19641

(B) Each eligible applicant and each qualified special 19642

education child have a continuing right to the development of an 19643  
individualized education program for the child that complies 19644  
with Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., 19645  
and administrative rules or guidelines adopted by the ~~Ohio~~ 19646  
department of education and workforce or the United States 19647  
department of education. The school district in which a 19648  
qualified special education child is entitled to attend school, 19649  
or the child's school district of residence if different, shall 19650  
develop each individualized education program for the child in 19651  
accordance with those provisions. 19652

(C) Each school district shall notify an eligible 19653  
applicant of the applicant's and qualified special education 19654  
child's rights under sections 3310.51 to 3310.64 of the Revised 19655  
Code by providing to each eligible applicant the comparison 19656  
document prescribed in section 3323.052 of the Revised Code. An 19657  
eligible applicant's receipt of that document, as acknowledged 19658  
in a format prescribed by the department of education and 19659  
workforce, shall constitute notice that the eligible applicant 19660  
has been informed of those rights. Upon receipt of that 19661  
document, subsequent acceptance of a scholarship constitutes the 19662  
eligible applicant's informed consent to the provisions of 19663  
sections 3310.51 to 3310.64 of the Revised Code. 19664

**Sec. 3310.58.** No nonpublic school or entity shall receive 19665  
payments from an eligible applicant for services for a qualified 19666  
special education child under the Jon Peterson special needs 19667  
scholarship program until the school or entity registers with 19668  
the ~~superintendent of public instruction~~department of education 19669  
and workforce. The ~~superintendent~~department shall register and 19670  
designate as a registered private provider any nonpublic school 19671  
or entity that meets the following requirements: 19672

(A) The school or entity complies with the 19673  
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of 19674  
whether the school or entity receives federal financial 19675  
assistance. 19676

(B) If the school or entity is not chartered by the ~~state-~~ 19677  
~~board-director of education and workforce~~ under section 3301.16 19678  
of the Revised Code, the school or entity agrees to comply with 19679  
sections 3319.39, 3319.391, and 3319.392 of the Revised Code as 19680  
if it were a school district. 19681

(C) The teaching and nonteaching professionals employed by 19682  
the school or entity, or employed by any subcontractors of the 19683  
school or entity, hold credentials determined by the state board 19684  
of education to be appropriate for the qualified special 19685  
education children enrolled in the special education program it 19686  
operates. 19687

(D) The school's or entity's educational program shall be 19688  
approved by the department ~~of education~~. 19689

(E) The school or entity meets applicable health and 19690  
safety standards established by law. 19691

(F) The school or entity agrees to retain on file 19692  
documentation as required by the department ~~of education~~. 19693

(G) The school or entity agrees to provide a record of the 19694  
implementation of the individualized education program for each 19695  
qualified special education child enrolled in the school's or 19696  
entity's special education program, including evaluation of the 19697  
child's progress, to the school district in which the child is 19698  
entitled to attend school, in the form and manner prescribed by 19699  
the department. 19700

(H) The school or entity agrees that, if it declines to 19701

enroll a particular qualified special education child, it will 19702  
notify in writing the eligible applicant of its reasons for 19703  
declining to enroll the child. 19704

**Sec. 3310.59.** The ~~superintendent of public instruction~~ 19705  
department of education and workforce shall revoke the 19706  
registration of any school or entity if, after a hearing, the 19707  
~~superintendent~~ department determines that the school or entity 19708  
is in violation of any provision of section 3310.522 or 3310.58 19709  
of the Revised Code. 19710

**Sec. 3310.62.** (A) A scholarship under the Jon Peterson 19711  
special needs scholarship program shall not be awarded for the 19712  
first time to an eligible applicant on behalf of a qualified 19713  
special education child while the child's individualized 19714  
education program is being developed by the school district in 19715  
which the child is entitled to attend school, or by the child's 19716  
school district of residence if different, or while any 19717  
administrative or judicial mediation or proceedings with respect 19718  
to the content of that individualized education program are 19719  
pending. 19720

(B) Development of individualized education programs 19721  
subsequent to the one developed for the child the first time a 19722  
scholarship was awarded on behalf of the child and the 19723  
prosecuting, by the eligible applicant on behalf of the child, 19724  
of administrative or judicial mediation or proceedings with 19725  
respect to any of those subsequent individualized education 19726  
programs do not affect the applicant's and the child's continued 19727  
eligibility for scholarship payments. 19728

(C) In the case of any child for whom a scholarship has 19729  
been awarded, if the school district in which the child is 19730  
entitled to attend school has agreed to provide some services 19731

for the child under an agreement entered into with the eligible 19732  
applicant or with the alternative public provider or registered 19733  
private provider implementing the child's individualized 19734  
education program, or if the district is required by law to 19735  
provide some services for the child, including transportation 19736  
services under sections 3310.60 and 3327.01 of the Revised Code, 19737  
the district shall not discontinue the services it is providing 19738  
pending completion of any administrative proceedings regarding 19739  
those services. The prosecuting, by the eligible applicant on 19740  
behalf of the child, of administrative proceedings regarding the 19741  
services provided by the district does not affect the 19742  
applicant's and the child's continued eligibility for 19743  
scholarship payments. 19744

(D) The department of education and workforce shall 19745  
continue to make payments to the eligible applicant under 19746  
section 3317.022 of the Revised Code while either of the 19747  
following are pending: 19748

(1) Administrative or judicial mediation or proceedings 19749  
with respect to a subsequent individualized education program 19750  
for the child referred to in division (B) of this section; 19751

(2) Administrative proceedings regarding services provided 19752  
by the district under division (C) of this section. 19753

**Sec. 3310.63.** (A) Only for the purpose of administering 19754  
the Jon Peterson special needs scholarship program, the 19755  
department of education and workforce may request from any of 19756  
the following entities the data verification code assigned under 19757  
division (D)(2) of section 3301.0714 of the Revised Code to any 19758  
qualified special education child for whom a scholarship is 19759  
sought under the program: 19760

(1) The school district in which the child is entitled to attend school; 19761  
19762

(2) If applicable, the community school in which the child is enrolled; 19763  
19764

(3) The independent contractor engaged to create and maintain data verification codes. 19765  
19766

(B) Upon a request by the department under division (A) of this section for the data verification code of a qualified special education child or a request by the eligible applicant for the child for that code, the school district or community school shall submit that code to the department or applicant in the manner specified by the department. If the child has not been assigned a code, because the child will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child and submit the code to the department or applicant by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 19767  
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The department annually shall submit to each school district the name and data verification code of each child 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. 19780  
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(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 19785  
19786  
19787

(D) Any document relative to the Jon Peterson special needs scholarship program that the department holds in its files 19788  
19789

that contains both a qualified special education child's name or 19790  
other personally identifiable information and the child's data 19791  
verification code shall not be a public record under section 19792  
149.43 of the Revised Code. 19793

**Sec. 3310.64.** The ~~state board~~ department of education and 19794  
workforce shall adopt rules in accordance with Chapter 119. of 19795  
the Revised Code prescribing procedures necessary to implement 19796  
sections 3310.51 to 3310.63 of the Revised Code including, but 19797  
not limited to, procedures for parents to apply for 19798  
scholarships, standards for registered private providers, and 19799  
procedures for registration of private providers. 19800

**Sec. 3310.70.** (A) A student is an "eligible student" for 19801  
purposes of this section if the student is at least six but no 19802  
more than eighteen years old and the student's family income is 19803  
at or below three hundred per cent of the federal poverty 19804  
guidelines, as defined in section 5101.46 of the Revised Code. 19805

(B) (1) There is hereby established the afterschool child 19806  
enrichment (ACE) educational savings account program. The 19807  
department of education and workforce shall adopt rules under 19808  
Chapter 119. of the Revised Code that prescribe procedures for 19809  
the establishment of these accounts in fiscal years 2022 and 19810  
2023 upon the request of the parent or guardian of an eligible 19811  
student enrolled in a public or nonpublic school or an eligible 19812  
student who has been excused from the compulsory attendance law 19813  
for the purpose of home ~~instruction~~ education under section 19814  
~~3321.04~~ 3321.042 of the Revised Code. Accounts shall be 19815  
established on a first-come, first-served basis according to the 19816  
availability of funds appropriated for purposes of this section. 19817

Accounts shall be used in accordance with division (E) of 19818  
this section. Any balance remaining in a student's account after 19819

fiscal year 2023 shall remain in that account for use as 19820  
prescribed in division (D) (3) of this section. 19821

(2) The department shall create an online form for parents 19822  
and guardians to request the establishment of an account under 19823  
this section. 19824

(C) (1) The department shall contract with a vendor for 19825  
purposes of administering the provisions of this section and may 19826  
contract with the treasurer of state for technical assistance. 19827  
In selecting a vendor, the department shall give preference to 19828  
those vendors who use a smart phone application that is free for 19829  
parents or guardians to use, is capable of scanning receipts, 19830  
allows users to provide program feedback, and includes customer 19831  
service contact information for parents and guardians who 19832  
experience technical issues with the application. For each 19833  
fiscal year in which the program operates, the department shall 19834  
pay the vendor not more than three per cent of the amount 19835  
appropriated for that fiscal year for purposes of this section. 19836

(2) The vendor selected by the department under division 19837  
(C) (2) of this section shall do both of the following: 19838

(a) Monitor how accounts are used by parents or guardians 19839  
and recoup moneys that are used for purposes that are not 19840  
authorized by this section as determined by the vendor; 19841

(b) Provide the department with a comprehensive list of 19842  
purchases made with accounts. 19843

(3) At no time shall the vendor authorize parents or 19844  
guardians to use moneys for purposes that are not authorized by 19845  
this section as determined by the vendor. If the vendor 19846  
authorizes parents or guardians to use moneys for a specified 19847  
purpose and later determines that purpose is not authorized by 19848

this section, the vendor may recoup that money. 19849

(D) (1) If a parent or guardian makes a request under 19850  
division (B) of this section during fiscal year 2022, five 19851  
hundred dollars shall be credited to the account established 19852  
pursuant to the parent's or guardian's request within fourteen 19853  
days of the parent's or guardian's request, and that amount 19854  
shall be disbursed upon request to the parent or guardian not 19855  
later than June 30, 2022, for use in accordance with division 19856  
(E) of this section. Any amount remaining in an account at the 19857  
end of fiscal year 2022 shall remain in that account for fiscal 19858  
year 2023 for use in accordance with division (E) of this 19859  
section. 19860

(2) If a parent or guardian makes a request under division 19861  
(B) of this section during fiscal year 2023, five hundred 19862  
dollars shall be credited to the account established pursuant to 19863  
the parent's or guardian's request within fourteen days of the 19864  
parent's or guardian's request, and that amount shall be 19865  
disbursed upon request to the parent or guardian not later than 19866  
June 30, 2023, for use in accordance with division (E) of this 19867  
section. If a parent or guardian had an account established for 19868  
fiscal year 2022, that amount shall be credited and distributed 19869  
to that account for use in accordance with division (E) of this 19870  
section. 19871

(3) Any amount remaining in an account established under 19872  
division (B) of this section at the end of fiscal year 2023 19873  
shall remain in that account for use in accordance with division 19874  
(E) of this section in future fiscal years until either the full 19875  
amount has been spent or the student graduates from high school. 19876  
Any amount remaining in the account of a student who graduates 19877  
from high school shall be returned to the department. 19878

(E) Subject to division (F) of this section, moneys	19879
credited to an education savings account established under	19880
division (B) of this section shall be used by an eligible	19881
student's parent or guardian for any of the following purposes,	19882
whether secular or nonsecular:	19883
(1) Before- or after-school educational programs;	19884
(2) Day camps, including camps for academics, music, and	19885
arts;	19886
(3) Tuition at learning extension centers;	19887
(4) Tuition for learning pods;	19888
(5) If the student has been excused from the compulsory	19889
attendance law for the purpose of home <del>instruction</del> <u>education</u>	19890
under section <del>3321.04</del> <u>3321.042</u> of the Revised Code, purchase of	19891
curriculum and materials;	19892
(6) Educational, learning, or study skills services;	19893
(7) Field trips to historical landmarks, museums, science	19894
centers, and theaters, including admission, exhibit, and program	19895
fees;	19896
(8) Language classes;	19897
(9) Instrument lessons;	19898
(10) Tutoring.	19899
(F) At no time shall moneys credited to an account	19900
established under division (B) of this section be used for the	19901
purchase of electronic devices.	19902
(G) The department shall make available to parents and	19903
guardians a list of the purposes for which moneys credited to an	19904
account established under division (B) of this section may be	19905

spent in accordance with division (E) of this section. 19906

(H) Not later than December 31, 2023, the department shall 19907  
prepare a report regarding the administration of this section, 19908  
including feedback from a random sampling of parents and 19909  
guardians who participate in the program for fiscal year 2022, 19910  
fiscal year 2023, or both and submit the report to the general 19911  
assembly in accordance with section 101.68 of the Revised Code. 19912

**Sec. 3311.056.** The elected members of an educational 19913  
service center governing board may by resolution adopt a plan 19914  
for adding appointed members to that governing board. A plan may 19915  
provide for adding to the board a number of appointed members 19916  
that is up to one less than the number of elected members on the 19917  
board except that the total number of elected and appointed 19918  
board members shall be an odd number. A plan shall provide for 19919  
the terms of the appointed board members. The appointed board 19920  
members in each plan shall be appointed by a majority vote of 19921  
the full number of elected members on the board and vacancies 19922  
shall be filled as provided in the plan. Each plan shall specify 19923  
the qualifications for the appointed board members of an 19924  
educational service center including the experience, knowledge, 19925  
and skills that advance the mission and vision of the service 19926  
center. Appointed members may be representative of the client 19927  
school districts of the service center that are not otherwise 19928  
represented on the board. As used in this section, "client 19929  
school district" has the same meaning as in section 3311.0510 of 19930  
the Revised Code. 19931

A governing board adopting a plan under this section shall 19932  
submit the plan to the ~~state board~~ department of education and 19933  
workforce for approval. The ~~state board~~ department may approve 19934  
or disapprove a plan or make recommendations for modifications 19935

in a plan. A plan shall take effect thirty days after approval 19936  
by the ~~state board~~ department and, when effective, appointments 19937  
to the board shall be made in accordance with the plan. 19938

The elected members of the governing board of an 19939  
educational service center with a plan in effect under this 19940  
section may adopt, by unanimous vote of all the elected members, 19941  
a resolution to revise or rescind the plan in effect under this 19942  
section. All revisions shall comply with the requirements in 19943  
this section for appointed board members. A resolution revising 19944  
or rescinding a plan shall specify the dates and manner in which 19945  
the revision or rescission is to take place. The revision or 19946  
rescission of a plan shall be submitted to the ~~state board of~~ 19947  
~~education~~ department for approval. The ~~state board~~ department 19948  
may approve or disapprove a revision or rescission of a plan or 19949  
make recommendations for modifications. Upon approval of a 19950  
revision or rescission by the ~~state board~~ department, the 19951  
revised plan or rescission of the plan shall go into effect as 19952  
provided in the revision or rescission. 19953

**Sec. 3311.08.** The board of education of any local school 19954  
district which contains within its territorial boundaries: 19955

(A) All the territory lying within the corporate limits of 19956  
a village having a population of three thousand or more 19957  
according to the last federal census; 19958

(B) All the territory lying within the corporate limits of 19959  
a village having a population of two thousand or more according 19960  
to the last federal census and a population outside the 19961  
corporate limits of said village, as determined by a census 19962  
taken by such board, sufficient to make the total population of 19963  
such district three thousand or more, may, by a majority vote of 19964  
the full membership of such board, declare that such district be 19965

exempt from the supervision of the governing board of the 19966  
educational service center. 19967

When the board of education of a local school district 19968  
notifies the governing board of the educational service center 19969  
on or before the first day of May in any year, that it has 19970  
adopted, by a majority vote of its full membership, a 19971  
declaration that such local school district shall be exempt from 19972  
the supervision of the educational service center governing 19973  
board, such local school district shall be exempt from the 19974  
supervision of the educational service center governing board 19975  
for the school year commencing the first day of July following 19976  
the date of such notification. 19977

The local school district so exempted from the supervision 19978  
of the educational service center governing board shall be known 19979  
as an "exempted village school district" until its status as an 19980  
exempted village school district has been changed. 19981

A census taken by the board of a local school district, of 19982  
territory outside the corporate limits of a village, shall be 19983  
taken by persons appointed by such board. Each person so 19984  
appointed shall take an oath or affirmation to take such a 19985  
census accurately and shall make the return under oath to the 19986  
treasurer of the board. The treasurer shall send certified 19987  
copies of such census to the county auditor and to the 19988  
~~superintendent of public instruction~~director of education and 19989  
workforce. Such census shall be approved by the ~~superintendent-~~ 19990  
director before the school district is deemed to have sufficient 19991  
population to meet the requirements of an exempted village 19992  
school district. 19993

**Sec. 3311.16.** Any local, exempted village, or city board 19994  
of education, any educational service center governing board, or 19995

any combination of boards of such districts and centers, 19996  
referred to in sections 3311.16, 3311.17, and 3311.18 of the 19997  
Revised Code as the initiating unit, may make or contract for 19998  
the making of a study pertaining to the need to establish within 19999  
one county, or within an area comprised of two or more adjoining 20000  
counties, a joint vocational school district, and for the 20001  
preparation of a plan for the establishment and operation of a 20002  
joint vocational school district covering the territory of two 20003  
or more school districts within such county or counties. Any 20004  
local, exempted village, or city school district in the county 20005  
or counties may participate with the initiating unit in the cost 20006  
of such study and plan. Such plan shall be submitted to the 20007  
~~state board~~ department of education and workforce by the 20008  
initiating unit. 20009

**Sec. 3311.17.** On approval of the plan by the ~~state board~~ 20010  
department of education and workforce, the initiating unit shall 20011  
file a copy of such plan with the board of education of each 20012  
district whose territory is proposed to be included in the 20013  
proposed joint vocational school district. Within thirty days 20014  
after receiving such copy, such board of education shall 20015  
determine whether its district shall become a part of the 20016  
proposed joint vocational school district. If one or more boards 20017  
of education decide not to become a part of such proposed 20018  
district, a revised plan shall be prepared by the initiating 20019  
unit, and if such revised plan is approved by the ~~state board of~~ 20020  
~~education~~ department, such initiating unit shall file the revised 20021  
plan with the board of education of each district whose 20022  
territory is proposed to be included in the proposed joint 20023  
vocational school district. Within thirty days thereafter, each 20024  
such district shall determine whether its district shall become 20025  
a part of the proposed joint vocational school district. 20026

**Sec. 3311.19.** (A) The management and control of a joint vocational school district shall be vested in the joint vocational school district board of education which, beginning on September 29, 2013, shall be appointed under division (C) of this section.

All members of a joint vocational school district board serving unexpired terms on September 29, 2013, may continue in office until the expiration of their terms. If a member leaves office for any reason prior to the expiration of that member's term, the vacancy shall be filled only in the manner provided in division (C) of this section.

(B) Except as provided in section 3311.191 of the Revised Code, members of the joint vocational school district board appointed on or after September 29, 2013, shall serve for three-year terms of office.

(C) The manner of appointment and the total number of members appointed to the joint vocational school district board shall be in accordance with the most recent plan for the joint vocational school district on file with the department of education and workforce.

(1) Appointments under this section shall be made as the terms of members of each joint vocational school district board who are serving unexpired terms on September 29, 2013, expire or as those offices are otherwise vacated prior to the expiration date.

(2) Members of the joint vocational board shall be appointed by the member school district boards of education. Members of a joint vocational school district board may either be a current elected board member of a school district board

that is a member of the joint vocational school district or an individual who has experience or knowledge regarding the labor needs of the state and region with an understanding of the skills, training, and education needed for current and future employment opportunities in the state. The appointing board may give preference to individuals who have served as members on a joint vocational school business advisory committee.

(D) The vocational schools in the joint vocational school district shall be available to all youth of school age within the joint vocational school district subject to the rules adopted by the joint vocational school district board of education in regard to the standards requisite to admission. A joint vocational school district board of education shall have the same powers, duties, and authority for the management and operation of such joint vocational school district as is granted by law, except by this chapter and Chapters 124., 3317., 3323., and 3331. of the Revised Code, to a board of education of a city school district, and shall be subject to all the provisions of law that apply to a city school district, except such provisions in this chapter and Chapters 124., 3317., 3323., and 3331. of the Revised Code.

(E) The superintendent of schools of a joint vocational school district shall exercise the duties and authority vested by law in a superintendent of schools pertaining to the operation of a school district and the employment and supervision of its personnel. The joint vocational school district board of education shall appoint a treasurer of the joint vocational school district who shall be the fiscal officer for such district and who shall have all the powers, duties, and authority vested by law in a treasurer of a board of education.

(F) Each member of a joint vocational school district board of education may be paid such compensation as the board provides by resolution, but it shall not exceed one hundred twenty-five dollars per member for each meeting attended plus mileage, at the rate per mile provided by resolution of the board, to and from meetings of the board.

The board may provide by resolution for the deduction of amounts payable for benefits under section 3313.202 of the Revised Code.

Each member of a joint vocational school district board may be paid such compensation as the board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars per day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length. However, no board member shall be compensated for the same training program under this section and section 3313.12 of the Revised Code.

**Sec. 3311.191.** (A) (1) Subject to division (A) (2) of this section, if a joint vocational school district has an even number of member districts each appointing a member to the joint vocational school district board of education and the joint vocational school district's plan on file with the department of education and workforce provides for one additional board member to be appointed on a rotating basis by one of the appointing boards, the term of that additional member shall be for one year. The additional member shall otherwise meet the requirements for joint vocational school board members prescribed by section 3311.19 of the Revised Code.

(2) If an additional member of a joint vocational school district board appointed on a rotating basis, as described in division (A)(1) of this section, was appointed on or after September 29, 2013, but prior to September 29, 2015, that member may continue in office until the expiration of the member's current term of office. If such member vacates that office for any reason prior to the expiration of that member's term, a new additional member shall be appointed according to the rotational basis prescribed by the district's plan, and that member shall serve for the remainder of the vacating member's term. Thereafter, the term of office of the additional member shall be as prescribed by division (A)(1) of this section.

(B) A joint vocational school district board of education may submit an application to the ~~superintendent of public instruction department~~ for approval to revise its membership plan to stagger the members' terms of office. Each board may do so only one time. The application shall include the revisions proposed to be made to members' terms, the manner by which the terms shall be staggered, and any other information the ~~state superintendent department~~ requires.

**Sec. 3311.213.** (A) With the approval of the board of education of a joint vocational school district that is in existence, any school district in the county or counties comprising the joint vocational school district or any school district in a county adjacent to a county comprising part of a joint vocational school district may become a part of the joint vocational school district. On the adoption of a resolution of approval by the board of education of the joint vocational school district, it shall advertise a copy of such resolution in a newspaper of general circulation in the school district proposing to become a part of such joint vocational school

district once each week for two weeks, or as provided in section 20147  
7.16 of the Revised Code, immediately following the date of the 20148  
adoption of such resolution. Such resolution shall not become 20149  
effective until the later of the sixty-first day after its 20150  
adoption or until the board of elections certifies the results 20151  
of an election in favor of joining of the school district to the 20152  
joint vocational school district if such an election is held 20153  
under division (B) of this section. 20154

(B) During the sixty-day period following the date of the 20155  
adoption of a resolution to join a school district to a joint 20156  
vocational school district under division (A) of this section, 20157  
the electors of the school district that proposes joining the 20158  
joint vocational school district may petition for a referendum 20159  
vote on the resolution. The question whether to approve or 20160  
disapprove the resolution shall be submitted to the electors of 20161  
such school district if a number of qualified electors equal to 20162  
twenty per cent of the number of electors in the school district 20163  
who voted for the office of governor at the most recent general 20164  
election for that office sign a petition asking that the 20165  
question of whether the resolution shall be disapproved be 20166  
submitted to the electors. The petition shall be filed with the 20167  
board of elections of the county in which the school district is 20168  
located. If the school district is located in more than one 20169  
county, the petition shall be filed with the board of elections 20170  
of the county in which the majority of the territory of the 20171  
school district is located. The board shall certify the validity 20172  
and sufficiency of the signatures on the petition. 20173

The board of elections shall immediately notify the board 20174  
of education of the joint vocational school district and the 20175  
board of education of the school district that proposes joining 20176  
the joint vocational school district that the petition has been 20177

filed. 20178

The effect of the resolution shall be stayed until the 20179  
board of elections certifies the validity and sufficiency of the 20180  
signatures on the petition. If the board of elections determines 20181  
that the petition does not contain a sufficient number of valid 20182  
signatures and sixty days have passed since the adoption of the 20183  
resolution, the resolution shall become effective. 20184

If the board of elections certifies that the petition 20185  
contains a sufficient number of valid signatures, the board 20186  
shall submit the question to the qualified electors of the 20187  
school district on the day of the next general or primary 20188  
election held at least ninety days after but no later than six 20189  
months after the board of elections certifies the validity and 20190  
sufficiency of signatures on the petition. If there is no 20191  
general or primary election held at least ninety days after but 20192  
no later than six months after the board of elections certifies 20193  
the validity and sufficiency of signatures on the petition, the 20194  
board shall submit the question to the electors at a special 20195  
election to be held on the next day specified for special 20196  
elections in division (D) of section 3501.01 of the Revised Code 20197  
that occurs at least ninety days after the board certifies the 20198  
validity and sufficiency of signatures on the petition. The 20199  
election shall be conducted and canvassed and the results shall 20200  
be certified in the same manner as in regular elections for the 20201  
election of members of a board of education. 20202

If a majority of the electors voting on the question 20203  
disapprove the resolution, the resolution shall not become 20204  
effective. 20205

(C) If the resolution becomes effective, the board of 20206  
education of the joint vocational school district shall notify 20207

the county auditor of the county in which the school district 20208  
becoming a part of the joint vocational school district is 20209  
located, who shall thereupon have any outstanding levy for 20210  
building purposes, bond retirement, or current expenses in force 20211  
in the joint vocational school district spread over the 20212  
territory of the school district becoming a part of the joint 20213  
vocational school district. On the addition of a city or 20214  
exempted village school district or an educational service 20215  
center to the joint vocational school district, pursuant to this 20216  
section, the board of education of such joint vocational school 20217  
district shall submit to the ~~state board~~ department of education 20218  
and workforce a proposal to enlarge the membership of such board 20219  
by the addition of one or more persons at least one of whom 20220  
shall be a member of the board of education or governing board 20221  
of such additional school district or educational service 20222  
center, and the term of each such additional member. On the 20223  
addition of a local school district to the joint vocational 20224  
school district, pursuant to this section, the board of 20225  
education of such joint vocational school district may submit to 20226  
the ~~state board of education~~ department a proposal to enlarge 20227  
the membership of such board by the addition of one or more 20228  
persons who are members of the educational service center 20229  
governing board of such additional local school district. On 20230  
approval by the ~~state board of education~~ department additional 20231  
members shall be added to such joint vocational school district 20232  
board of education. 20233

**Sec. 3311.214.** (A) With the approval of the ~~state board~~ 20234  
department of education and workforce, the boards of education 20235  
of any two or more joint vocational school districts may, by the 20236  
adoption of identical resolutions by a majority of the members 20237  
of each such board, propose that one new joint vocational school 20238

district be created by adding together all of the territory of 20239  
each of the districts and dissolving such districts. A copy of 20240  
each resolution shall be filed with the ~~state board of education~~  
department for its approval or disapproval. The resolutions 20241  
shall include a provision that the board of education of the new 20242  
district shall be composed of the members from the same boards 20243  
of education that composed the membership of the board of each 20244  
of the districts to be dissolved, except that, if an even number 20245  
of districts are to be dissolved, one additional member shall be 20246  
added, who may be from any school district included in the 20247  
territory of any of the districts to be dissolved as designated 20248  
in the resolutions. The members of the new board shall have the 20249  
same terms of office as they had under the respective plans of 20250  
the districts adopting the resolutions, except that, if the new 20251  
board has an additional member, the additional member shall have 20252  
a term as specified in the resolutions. 20253  
20254

If the ~~state board~~ department approves the resolutions, 20255  
the board of education of each district to be dissolved shall 20256  
advertise a copy of the resolution in a newspaper of general 20257  
circulation in its district once each week for two weeks, or as 20258  
provided in section 7.16 of the Revised Code, immediately 20259  
following the date the resolutions are approved by the ~~state~~  
~~board~~ department. The resolutions shall become effective on the 20260  
first day of July next succeeding the sixtieth day following 20261  
approval by the ~~state board~~ department unless prior to the 20262  
expiration of such sixty-day period, qualified electors residing 20263  
in one of the districts to be dissolved equal in number to a 20264  
majority of the qualified electors of that district voting at 20265  
the last general election file with the ~~state board~~ department a 20266  
petition of remonstrance against creation of the proposed new 20267  
district. 20268  
20269

(B) When a resolution becomes effective under division (A) 20270  
of this section, each district in which a resolution was adopted 20271  
and the board of each such district are dissolved. The territory 20272  
of each dissolved district becomes a part of the new joint 20273  
vocational school district. The net indebtedness of each 20274  
dissolved district shall be assumed in full by the new district 20275  
and the funds and property of each dissolved district shall 20276  
become in full the funds and property of the new district. All 20277  
existing contracts of each dissolved board shall be honored by 20278  
the board of the new district until their expiration dates. The 20279  
board of the new district shall notify the county auditor of 20280  
each county in which each dissolved district was located that a 20281  
resolution has become effective and a new district has been 20282  
created and shall certify to each auditor any changes that might 20283  
be required in the tax rate as a result of the creation of the 20284  
new district. 20285

(C) As used in this section, "net indebtedness" means the 20286  
difference between the par value of the outstanding and unpaid 20287  
bonds and notes of the school district and the amount held in 20288  
the sinking fund and other indebtedness retirement funds for 20289  
their redemption. 20290

**Sec. 3311.217.** Upon approval by a majority of the full 20291  
membership of the board of education of a joint vocational 20292  
school district, or upon the receipt of resolutions formally 20293  
adopted by a majority of the boards of education of the school 20294  
districts participating in the joint vocational school district, 20295  
the board of education of the joint vocational school district 20296  
shall adopt and send to the ~~state board~~ department of education\_ 20297  
and workforce a resolution requesting the dissolution of the 20298  
joint vocational school district. Such resolution shall state 20299  
the reasons for the proposed dissolution of the joint vocational 20300

school district, shall set forth a plan for the equitable 20301  
adjustment, division, and disposition of the assets, property, 20302  
debts, and obligations of the joint vocational school district, 20303  
and shall provide that the tax duplicate of each participating 20304  
school district shall be bound for and assume its share of the 20305  
outstanding indebtedness of the joint vocational school 20306  
district. Upon approval of the resolution by the ~~state board of~~ 20307  
~~education department~~, the joint vocational school district shall 20308  
be dissolved in accordance with the provisions of the 20309  
resolution. 20310

**Sec. 3311.218.** The board of education of a joint 20311  
vocational school district may enter into a written agreement 20312  
with the board of trustees of any technical college district, 20313  
the boundaries of which are coterminous with such joint 20314  
vocational ~~school~~ school district, which agreement may provide 20315  
for the sharing of use of any physical facility or equipment 20316  
owned or used by either district. Such agreement may further 20317  
provide that the joint vocational school district may contribute 20318  
a portion of its funds for current operating expenses, 20319  
regardless of whether such funds are derived from a tax levy or 20320  
otherwise, to the technical college district to be expended by 20321  
the technical college district for any lawful purpose. The 20322  
agreement shall require the approval by resolution of both 20323  
boards and shall be executed by the president and treasurer of 20324  
both boards. A copy of such agreement shall be filed with the 20325  
~~board of regents~~ chancellor of higher education and a copy shall 20326  
be filed with the ~~state board~~ department of education and 20327  
workforce. 20328

**Sec. 3311.521.** (A) The boards of education of any two or 20329  
more contiguous city, exempted village, or local school 20330  
districts may establish a cooperative education school district 20331

in accordance with this section for the purpose of operating a 20332  
joint high school in lieu of each of such boards operating any 20333  
high school. Such a cooperative education school district shall 20334  
only be established pursuant to the adoption of identical 20335  
resolutions in accordance with this section within a sixty-day 20336  
period by a majority of the members of the board of education of 20337  
all such boards. Upon the adoption of all such resolutions, a 20338  
copy of each resolution shall be filed with the ~~state board~~ 20339  
department of education and workforce. 20340

The territory of any cooperative education school district 20341  
established pursuant to this section shall consist of the 20342  
territory of all of the school districts whose boards of 20343  
education adopt identical resolutions under this section. 20344

(B) Any resolutions adopted under division (A) of this 20345  
section shall include all of the following: 20346

(1) Provision for the date on which the cooperative 20347  
district will be created, which date shall be the first day of 20348  
July in the year specified in the resolution; 20349

(2) Provision for the composition, selection, and terms of 20350  
office of the board of education of the cooperative district, 20351  
which provision shall include but not necessarily be limited to 20352  
both of the following: 20353

(a) A requirement that the board include at least two 20354  
members selected from or by the members of the board of 20355  
education of each city, local, and exempted village school 20356  
district within the territory of the cooperative district; 20357

(b) Specification of the date by which the initial members 20358  
of the board must be selected, which date shall be the same as 20359  
the date specified pursuant to division (B) (1) of this section. 20360

(3) Provision for the selection of a superintendent and treasurer of the cooperative school district, which provision shall require one of the following:

(a) The selection of one person as both the superintendent and treasurer of the cooperative district, which provision may require such person to be the superintendent or treasurer of any city, local, or exempted village school district within the territory of the cooperative district;

(b) The selection of one person as the superintendent and another person as the treasurer of the cooperative district, which provision may require either one or both such persons to be superintendents or treasurers of any city, local, or exempted village school district within the territory of the cooperative district.

(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;

(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;

(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;

(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:

(a) How special education students will be transported as required by their individualized education program adopted pursuant to section 3323.08 of the Revised Code;

(b) Whether transportation to and from school will be provided to any other students of the cooperative district and, if so, the manner in which this transportation will be provided.

(8) A statement of the annual amount, or the method for determining the annual amount, of funds or services or facilities that each city, local, and exempted village school district is required to pay to or provide for the use of the board of education of the cooperative education school district;

(9) Provision for adopting amendments to the provisions adopted pursuant to divisions (B) (3) to (8) of this section, which provision shall require that any such amendments comply with divisions (B) (3) to (8) of this section.

(C) Upon the adoption of identical resolutions in accordance with this section, the cooperative education school district and board of education of that district specified in and selected in accordance with such resolutions shall be

established on the date specified in the resolutions. Upon the 20419  
establishment of the district and board, the board of the 20420  
cooperative district shall give written notice of the creation 20421  
of the district to the county auditor and the board of elections 20422  
of each county having any territory in the new district. 20423

**Sec. 3311.53.** (A) (1) The board of education of any city, 20424  
local, or exempted village school district that wishes to become 20425  
part of a cooperative education school district established 20426  
pursuant to divisions (A) to (C) of section 3311.52 of the 20427  
Revised Code may adopt a resolution proposing to become a part 20428  
of the cooperative education school district. 20429

(2) The board of education of any city, local, or exempted 20430  
village school district that is contiguous to a cooperative 20431  
education school district established pursuant to section 20432  
3311.521 of the Revised Code and that wishes to become part of 20433  
that cooperative district may adopt a resolution proposing to 20434  
become part of that cooperative district. 20435

(B) If, after the adoption of a resolution in accordance 20436  
with division (A) of this section, the board of education of the 20437  
cooperative education school district named in that resolution 20438  
also adopts a resolution accepting the new district, the board 20439  
of the district wishing to become part of the cooperative 20440  
district shall advertise a copy of the cooperative district 20441  
board's resolution in a newspaper of general circulation in the 20442  
school district proposing to become a part of the cooperative 20443  
education school district once each week for two weeks, or as 20444  
provided in section 7.16 of the Revised Code, immediately 20445  
following the date of the adoption of the resolution. The 20446  
resolution shall become legally effective on the sixtieth day 20447  
after its adoption, unless prior to the expiration of that 20448

sixty-day period qualified electors residing in the school 20449  
district proposed to become a part of the cooperative education 20450  
school district equal in number to a majority of the qualified 20451  
electors voting at the last general election file with the board 20452  
of education a petition of remonstrance against the transfer. If 20453  
the resolution becomes legally effective, both of the following 20454  
shall apply: 20455

(1) The resolution that established the cooperative 20456  
education school district pursuant to divisions (A) to (C) of 20457  
section 3311.52 or section 3311.521 of the Revised Code shall be 20458  
amended to reflect the addition of the new district to the 20459  
cooperative district. 20460

(2) The board of education of the cooperative education 20461  
school district shall give written notice of this fact to the 20462  
county auditor and the board of elections of each county in 20463  
which the school district becoming a part of the cooperative 20464  
education school district has territory. Any such county auditor 20465  
shall thereupon have any outstanding levy for building purposes, 20466  
bond retirement, or current expenses in force in the cooperative 20467  
education school district spread over the territory of the 20468  
school district becoming a part of the cooperative education 20469  
school district. 20470

(C) If the board of education of the cooperative education 20471  
school district is not the governing board of an educational 20472  
service center, the board of education of the cooperative 20473  
education school district shall, on the addition of a city, 20474  
local, or exempted village school district to the district 20475  
pursuant to this section, submit to the ~~state board~~ department 20476  
of education and workforce a proposal to enlarge the membership 20477  
of the board. In the case of a cooperative district established 20478

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.

**Sec. 3311.60.** This section applies to any school district that has an average daily membership, as reported under division (A) of section 3317.03 of the Revised Code, greater than sixty thousand and of which the majority of the district's territory is located in a city with a population greater than seven hundred thousand according to the most recent federal decennial census.

(A) Subject to approval by the electors under section 3311.61 of the Revised Code, the board of education of a school district to which this section applies shall create the position of independent auditor to be responsible for all internal auditing functions of the district. The independent auditor shall be selected by the selection committee prescribed by division (B) of this section. Upon selection of the independent auditor, the district board shall execute a written contract of employment with the independent auditor. The district board shall appropriate funds to support the operations and functions

of the independent auditor and shall grant the independent 20510  
auditor access to all district personnel, equipment, and records 20511  
necessary to perform the duties prescribed by divisions (C) and 20512  
(D) of this section. The term of office for the independent 20513  
auditor shall be for five years and may be renewed for 20514  
additional terms by the selection committee. 20515

(B) (1) The independent auditor selection committee shall 20516  
consist of the mayor, council president, and auditor of the city 20517  
in which a majority of the territory of the district is located; 20518  
the president of the school district board of education; and the 20519  
probate court judge of the county in which a majority of the 20520  
territory of the district is located. Members of the selection 20521  
committee shall serve without compensation. 20522

(2) The selection committee shall do the following: 20523

(a) Establish qualifications for the position of 20524  
independent auditor; 20525

(b) Select, by majority vote, an individual to serve as 20526  
the independent auditor; 20527

(c) Recommend to the district board of education the 20528  
compensation for the position of independent auditor and the 20529  
necessary additional funds to finance operations and functions 20530  
of the independent auditor; 20531

(d) Reappoint the independent auditor for an additional 20532  
term, by a majority vote of the selection committee members; 20533

(e) Appoint a successor, if the current independent 20534  
auditor is not reappointed, by a majority vote of the committee 20535  
members; 20536

(f) In the event of a vacancy in the office of independent 20537

auditor, appoint a successor to the balance of the unexpired term, by a majority vote of the selection committee members; 20538  
20539

(g) Remove the independent auditor from office, by a two-thirds vote of the selection committee members. 20540  
20541

(C) The independent auditor shall do the following: 20542

(1) Recommend to the district board of education the employment of personnel necessary to carry out the activities of the independent auditor; 20543  
20544  
20545

(2) Prescribe duties and qualifications for staff of the independent auditor; 20546  
20547

(3) Serve as the district's public records officer and oversee the maintenance and availability of the school district's public documents; 20548  
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(4) Prior to certification by the school district superintendent, review reports and data that must be submitted to the department of education ~~and the state board of education~~ and workforce; 20551  
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(5) Receive any complaints of alleged wrongful or illegal acts regarding the district's operations, finances, and data reported under the education management information system prescribed under section 3301.0714 of the Revised Code and supervise the internal investigation of those complaints. At the independent auditor's discretion, the independent auditor may initiate investigations. 20555  
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(6) Report the results of investigations of such wrongful or illegal acts, whether criminal in nature or otherwise, to the appropriate authorities or agencies, including the school district board of education, the city attorney of the city in 20562  
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which a majority of the territory of the district is located, 20566  
the prosecuting attorney of the county in which a majority of 20567  
the territory of the district is located, the auditor of state, 20568  
the department of education and workforce, and the Ohio ethics 20569  
commission; 20570

(7) Propose to the selection committee a budget to support 20571  
the independent auditor's operations and functions; 20572

(8) Audit funds a partnering community school receives 20573  
from the district's partnering community schools fund 20574  
established under section 5705.21 of the Revised Code; 20575

(9) Submit, not later than the first day of September of 20576  
each year, a report on the activities of the independent auditor 20577  
to the selection committee, the board of education of the school 20578  
district, and the general assembly in accordance with section 20579  
101.68 of the Revised Code. The report required under division 20580  
~~(C) (8)~~ (C) (9) of this section is a public record under section 20581  
149.43 of the Revised Code. 20582

If sufficient funds are available, the independent auditor 20583  
may obtain the services of certified public accountants, 20584  
qualified management consultants, or other professional experts 20585  
necessary to perform the duties prescribed under divisions (C) 20586  
and (D) of this section. 20587

(D) In cooperation with the school district board of 20588  
education and in coordination with the auditor of state, the 20589  
independent auditor may conduct or initiate financial and 20590  
performance audits and analyses of the school district to ensure 20591  
the following: 20592

(1) School district activities and programs comply with 20593  
all applicable laws and district policies, procedures, and 20594

appropriations;	20595
(2) Student performance and enrollment data are accurately and clearly reported;	20596 20597
(3) Ballot requests to levy a tax are based on accurate analysis and the needs of the district;	20598 20599
(4) Individual contracts of the district are consistent with the policies, procedures, budgets, and financial plans adopted by the district board;	20600 20601 20602
(5) Incentive-based distributions and plans are consistent with the objectives adopted by the district board;	20603 20604
(6) District operations are executed in a cost-effective and efficient manner consistent with the objectives of and appropriations made by the district board;	20605 20606 20607
(7) Accuracy of district financial statements and reports;	20608
(8) Recommendations for improvement that have been adopted by the district board are implemented;	20609 20610
(9) Operating units or departments have necessary and appropriate operating and administrative policies, procedures, internal controls, and data quality protocols;	20611 20612 20613
(10) Proper evaluation of district programs and activities, including a full accounting of all funds.	20614 20615
<b>Sec. 3311.71.</b> (A) As used in this section and in sections 3311.72 to 3311.87 of the Revised Code:	20616 20617
(1) "Municipal school district" means a school district that is or has ever been under a federal court order requiring supervision and operational, fiscal, and personnel management of the district by the <del>state</del> -superintendent of public instruction_	20618 20619 20620 20621

prior to the effective date of this amendment or by the director 20622  
of education and workforce on and after the effective date of 20623  
this amendment. 20624

(2) "Mayor" means the mayor of the municipal corporation 20625  
containing the greatest portion of a municipal school district's 20626  
territory. 20627

(B) Whenever any municipal school district is released by 20628  
a federal court from an order requiring supervision and 20629  
operational, fiscal, and personnel management of the district by 20630  
the state superintendent or director of education and workforce, 20631  
the management and control of that district shall be assumed, 20632  
effective immediately, by a new nine-member board of education. 20633  
Members of the new board shall be appointed by the mayor, who 20634  
shall also designate one member as the chairperson of the board. 20635  
In addition to the rights, authority, and duties conferred upon 20636  
the chairperson by sections 3311.71 to 3311.87 of the Revised 20637  
Code, the chairperson shall have all the rights, authority, and 20638  
duties conferred upon the president of a board of education by 20639  
the Revised Code that are not inconsistent with sections 3311.71 20640  
to 3311.87 of the Revised Code. 20641

(C) No school board member shall be appointed by the mayor 20642  
pursuant to division (B) of this section until the mayor has 20643  
received a slate of at least eighteen candidates nominated by a 20644  
municipal school district nominating panel, at least three of 20645  
whom reside in the municipal school district but not in the 20646  
municipal corporation containing the greatest portion of the 20647  
district's territory. The municipal school district nominating 20648  
panel shall be initially convened and chaired by the state 20649  
superintendent ~~of public instruction~~ or director, who shall 20650  
serve as a nonvoting member for the first two years of the 20651

panel's existence, and shall consist of eleven persons selected 20652  
as follows: 20653

(1) Three parents or guardians of children attending the 20654  
schools of the municipal school district appointed by the 20655  
district parent-teacher association, or similar organization 20656  
selected by the state superintendent or director; 20657

(2) Three persons appointed by the mayor; 20658

(3) One person appointed by the president of the 20659  
legislative body of the municipal corporation containing the 20660  
greatest portion of the municipal school district's territory; 20661

(4) One teacher appointed by the collective bargaining 20662  
representative of the school district's teachers; 20663

(5) One principal appointed through a vote of the school 20664  
district's principals, which vote shall be conducted by the 20665  
state superintendent or director; 20666

(6) One representative of the business community appointed 20667  
by an organized collective business entity selected by the 20668  
mayor; 20669

(7) One president of a public or private institution of 20670  
higher education located within the municipal school district 20671  
appointed by the state superintendent ~~of public instruction~~ or 20672  
director. 20673

The municipal school district nominating panel shall 20674  
select one of its members as its chairperson commencing two 20675  
years after the date of the first meeting of the panel, at which 20676  
time the state superintendent ~~of public instruction~~ or director 20677  
shall no longer convene or chair the panel. Thereafter, the 20678  
panel shall meet as necessary to make nominations at the call of 20679

the chairperson. All members of the panel shall serve at the pleasure of the appointing authority. Vacancies on the panel shall be filled in the same manner as the initial appointments.

(D) No individual shall be appointed by the mayor pursuant to division (B) or (F) of this section unless the individual has been nominated by the nominating panel, resides in the school district, and holds no elected public office. At any given time, four of the nine members appointed by the mayor to serve on the board pursuant to either division (B) or (F) of this section shall have displayed, prior to appointment, significant expertise in either the education field, finance, or business management. At all times at least one member of the board shall be an individual who resides in the municipal school district but not in the municipal corporation containing the greatest portion of the district's territory.

(E) The terms of office of all members appointed by the mayor pursuant to division (B) of this section shall expire on the next thirtieth day of June following the referendum election required by section 3311.73 of the Revised Code. The mayor may, with the advice and consent of the nominating panel, remove any member appointed pursuant to that division or division (F) of this section for cause.

(F) If the voters of the district approve the continuation of an appointed board at the referendum election required by section 3311.73 of the Revised Code, the mayor shall appoint the members of a new board from a slate prepared by the nominating panel in the same manner as the initial board was appointed pursuant to divisions (B), (C), and (D) of this section. Five of the members of the new board shall be appointed to four-year terms and the other four shall be appointed to two-year terms,

each term beginning on the first day of July. Thereafter, the mayor shall appoint members to four-year terms in the same manner as described in divisions (B), (C), and (D) of this section. The minimum number of individuals who shall be on the slate prepared by the nominating panel for this purpose shall be at least twice the number of members to be appointed, including at least two who reside in the municipal school district but not in the municipal corporation containing the greatest portion of the district's territory.

(G) In addition to the nine members appointed by the mayor, the boards appointed pursuant to divisions (B) and (F) of this section shall include the following nonvoting ex officio members:

(1) If the main campus of a state university specified in section 3345.011 of the Revised Code is located within the municipal school district, the president of the university or the president's designee;

(2) If any community college has its main branch located within the district, the president of the community college that has the largest main branch within the district, or the president's designee.

**Sec. 3311.74.** (A) The board of education of a municipal school district, in consultation with the department of education and workforce, shall set goals for the district's educational, financial, and management progress and establish accountability standards with which to measure the district's progress.

(B) (1) The chief executive officer of a municipal school district shall develop, implement, and regularly update a plan

to measure student academic performance at each school within 20739  
the district. The plan developed by the chief executive officer 20740  
shall include a component that requires the parents or guardians 20741  
of students who attend the district's schools to attend, prior 20742  
to the fifteenth day of December each year, at least one parent- 20743  
teacher conference or similar event held by the school the 20744  
student attends to provide an opportunity for the parents and 20745  
guardians to meet the student's teachers, discuss expectations 20746  
for the student, discuss the student's performance, and foster 20747  
communication between home and school. 20748

(2) Where measurements demonstrate that students in 20749  
particular schools are not achieving, or are not improving their 20750  
achievement levels at an acceptable rate, the plan shall contain 20751  
provisions requiring the chief executive officer, with the 20752  
concurrence of the board, to take corrective action within those 20753  
schools, including, but not limited to, reallocation of academic 20754  
and financial resources, reassignment of staff, redesign of 20755  
academic programs, adjusting the length of the school year or 20756  
school day, and deploying additional assistance to students. 20757

(3) Prior to taking corrective action pursuant to the 20758  
plan, the chief executive officer shall first identify which 20759  
schools are in need of corrective action, what corrective action 20760  
is warranted at each school, and when the corrective action 20761  
should be implemented. Collectively, these items shall be known 20762  
as the "corrective plan." The corrective plan is not intended to 20763  
be used as a cost savings measure; rather, it is intended to 20764  
improve student performance at targeted schools. 20765

Immediately after developing the corrective plan, the 20766  
chief executive officer and the presiding officer of each labor 20767  
organization whose members will be affected by the corrective 20768

plan shall each appoint up to four individuals to form one or more corrective action teams. The corrective action teams, within the timelines set by the chief executive officer for implementation of the corrective plan, shall collaborate with the chief executive officer and, where there are overlapping or mutual concerns, with other corrective action teams to make recommendations to the chief executive officer on implementation of the corrective plan.

If the chief executive officer disagrees with all or part of the recommendations of a corrective action team, or if a corrective action team fails to make timely recommendations on the implementation of all or part of the corrective plan, the chief executive officer may implement the corrective plan in the manner in which the chief executive officer determines to be in the best interest of the students, consistent with the timelines originally established.

The chief executive officer and any corrective action team are not bound by the applicable provisions of collective bargaining agreements in developing recommendations for and implementing the corrective plan.

(4) Notwithstanding anything to the contrary in Chapter 4117. of the Revised Code, the content and implementation of the corrective plan prevail over any conflicting provision of a collective bargaining agreement entered into on or after ~~the effective date of this amendment~~ October 1, 2012.

(C) Annually the chief executive officer shall issue a report to residents of the district that includes results of achievement measurements made under division (B)(1) of this section and delineates the nature of any reforms and corrective actions being taken in response to any failure to achieve at an

acceptable level or rate. The report shall also contain 20799  
descriptions of efforts undertaken to improve the overall 20800  
quality or efficiency of operation of the district, shall list 20801  
the source of all district revenues, and shall contain a 20802  
description of all district expenditures during the preceding 20803  
fiscal year. 20804

(D) The chief executive officer shall implement a public 20805  
awareness campaign to keep the parents and guardians of the 20806  
district's students informed of the changes being implemented 20807  
within the district. The campaign may include such methods as 20808  
community forums, letters, and brochures. It shall include 20809  
annual distribution to all parents and guardians of an 20810  
information card specifying the names and business addresses and 20811  
telephone numbers of the ombudspersons appointed under section 20812  
3311.72 of the Revised Code and other employees of the district 20813  
board of education who may serve as information resources for 20814  
parents and guardians. 20815

**Sec. 3311.741.** (A) This section applies only to a 20816  
municipal school district in existence on July 1, 2012. 20817

(B) Not later than December 1, 2012, the board of 20818  
education of each municipal school district to which this 20819  
section applies shall submit to the ~~superintendent of public~~ 20820  
~~instruction~~ director of education and workforce an array of 20821  
measures to be used in evaluating the performance of the 20822  
district. The measures shall assess at least overall student 20823  
achievement, student progress over time, the achievement and 20824  
progress over time of each of the applicable categories of 20825  
students described in division (G) of section 3302.03 of the 20826  
Revised Code, and college and career readiness. The ~~state~~ 20827  
~~superintendent~~ director shall approve or disapprove the measures 20828

by January 15, 2013. If the measures are disapproved, the ~~state-~~ 20829  
~~superintendent-director~~ shall recommend modifications that will 20830  
make the measures acceptable. 20831

(C) Beginning with the 2012-2013 school year, the board 20832  
annually shall establish goals for improvement on each of the 20833  
measures approved under division (B) of this section. The school 20834  
district's performance data for the 2011-2012 school year shall 20835  
be used as a baseline for determining improvement. 20836

(D) Not later than October 1, 2013, and by the first day 20837  
of October each year thereafter, the board shall issue a report 20838  
describing the school district's performance for the previous 20839  
school year on each of the measures approved under division (B) 20840  
of this section and whether the district has met each of the 20841  
improvement goals established for that year under division (C) 20842  
of this section. The board shall provide the report to the 20843  
governor, the ~~superintendent of public instruction~~director of 20844  
education and workforce, and, in accordance with section 101.68 20845  
of the Revised Code, the general assembly. 20846

**Sec. 3311.76.** (A) Notwithstanding Chapters 3302. and 3317. 20847  
of the Revised Code, upon written request of the district chief 20848  
executive officer, the ~~state superintendent of public-~~ 20849  
~~instruction~~director of education and workforce may exempt a 20850  
municipal school district from any rules adopted under Title 20851  
XXXIII of the Revised Code except for any rule adopted under 20852  
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 20853  
3323. of the Revised Code, and may authorize a municipal school 20854  
district to apply funds allocated to the district under Chapter 20855  
3317. of the Revised Code, except those specifically allocated 20856  
to purposes other than current expenses, to the payment of debt 20857  
charges on the district's public obligations. The request must 20858

specify the provisions from which the district is seeking 20859  
exemption or the application of funds requested and the reasons 20860  
for the request. The ~~state superintendent~~ director shall approve 20861  
the request if the ~~superintendent~~ director finds the requested 20862  
exemption or application of funds is in the best interest of the 20863  
district's students. The ~~superintendent~~ director shall approve 20864  
or disapprove the request within thirty days and shall notify 20865  
the district board and the district chief executive officer of 20866  
approval or reasons for disapproving the request. 20867

(B) The board of education of a municipal school district 20868  
may apply for an exemption from specific statutory provisions or 20869  
rules under section 3302.07 of the Revised Code. 20870

(C) In addition to the rights, authority, and duties 20871  
conferred upon a municipal school district and its board of 20872  
education in sections 3311.71 to 3311.87 of the Revised Code, a 20873  
municipal school district and its board shall have all of the 20874  
rights, authority, and duties conferred upon a city school 20875  
district and its board by law that are not inconsistent with 20876  
sections 3311.71 to 3311.87 of the Revised Code. 20877

**Sec. 3311.86.** (A) As used in this section: 20878

(1) "Alliance" means a municipal school district 20879  
transformation alliance established as a nonprofit corporation. 20880

(2) "Alliance municipal school district" means a municipal 20881  
school district for which an alliance has been created under 20882  
this section. 20883

(3) "Partnering community school" means a community school 20884  
established under Chapter 3314. of the Revised Code that is 20885  
located within the territory of a municipal school district and 20886  
that either is sponsored by the district or is a party to an 20887

agreement with the district whereby the district and the 20888  
community school endorse each other's programs. 20889

(4) "Transformation alliance education plan" means a plan 20890  
prepared by the mayor, and confirmed by the alliance, to 20891  
transform public education in the alliance municipal school 20892  
district to a system of municipal school district schools and 20893  
partnering community schools that will be held to the highest 20894  
standards of school performance and student achievement. 20895

(B) If one or more partnering community schools are 20896  
located in a municipal school district, the mayor may initiate 20897  
proceedings to establish a municipal school district 20898  
transformation alliance as a nonprofit corporation under Chapter 20899  
1702. of the Revised Code. The mayor shall have sole authority 20900  
to appoint the directors of any alliance created under this 20901  
section. The directors of the alliance shall include 20902  
representatives of all of the following: 20903

(1) The municipal school district; 20904

(2) Partnering community schools; 20905

(3) Members of the community at large, including parents 20906  
and educators; 20907

(4) The business community, including business leaders and 20908  
foundation leaders. 20909

No one group listed in divisions (B)(1) to (4) of this 20910  
section shall comprise a majority of the directors. The mayor 20911  
shall be an ex officio director, and serve as the chairperson of 20912  
the board of directors, of any alliance created under this 20913  
section. If the proceedings are initiated, the mayor shall 20914  
identify the directors in the articles of incorporation filed 20915  
under section 1702.04 of the Revised Code. 20916

(C) (1) A majority of the members of the board of directors 20917  
of the alliance shall constitute a quorum of the board. Any 20918  
formal action taken by the board of directors shall take place 20919  
at a meeting of the board and shall require the concurrence of a 20920  
majority of the members of the board. Meetings of the board of 20921  
directors shall be public meetings open to the public at all 20922  
times, except that the board and its committees and 20923  
subcommittees may hold an executive session, as if it were a 20924  
public body with public employees, for any of the purposes for 20925  
which an executive session of a public body is permitted under 20926  
division (G) of section 121.22 of the Revised Code, 20927  
notwithstanding that the alliance is not a public body as 20928  
defined in that section, and its employees are not public 20929  
employees as provided in division (F) of this section. The board 20930  
of directors shall establish reasonable methods whereby any 20931  
person may determine the time and place of all of the board's 20932  
public meetings and by which any person, upon request, may 20933  
obtain reasonable advance notification of the board's public 20934  
meetings. Provisions for that advance notification may include, 20935  
but are not limited to, mailing notices to all subscribers on a 20936  
mailing list or mailing notices in self-addressed, stamped 20937  
envelopes provided by the person. 20938

(2) All records of the alliance shall be organized and 20939  
maintained by the alliance and also filed with the department of 20940  
education and workforce. The alliance and the department shall 20941  
make those records available to the public as though those 20942  
records were public records for purposes of Chapter 149. of the 20943  
Revised Code. The department shall promptly notify the alliance 20944  
upon the department's receipt of any requests for records 20945  
relating to the alliance pursuant to section 149.43 of the 20946  
Revised Code. 20947

(3) The board of directors of the alliance shall establish a conflicts of interest policy and shall adopt that policy, and any amendments to the policy, at a meeting of the board held in accordance with this section.

(D) (1) If an alliance is created under this section, the alliance shall do all of the following:

(a) Report annually on the performance of all municipal school district schools and all community schools established under Chapter 3314. of the Revised Code and located in the district, using the criteria adopted under division (B) of section 3311.87 of the Revised Code;

(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.

(2) The alliance shall review the sponsor's request and shall make a recommendation to the department based on the standards for sponsors developed under division (A) (2) of section 3311.87 of the Revised Code.

(3) The department shall use the standards developed under division (A) (2) of section 3311.87 of the Revised Code, in addition to any other requirements of the Revised Code, to review a sponsor's request and make a final determination, on recommendation of the alliance, of whether the sponsor may sponsor new community schools in the alliance municipal school district.

No sponsor shall be required to receive authorization to sponsor new community schools under division (E) (3) of this section more than one time.

(F) Directors, officers, and employees of an alliance are not public employees or public officials, are not subject to Chapters 124., 145., and 4117. of the Revised Code, and are not

"public officials" or "public servants" as defined in section 21006  
2921.01 of the Revised Code. Membership on the board of 21007  
directors of an alliance does not constitute the holding of an 21008  
incompatible public office or employment in violation of any 21009  
statutory or common law prohibition against the simultaneous 21010  
holding of more than one public office or employment. Members of 21011  
the board of directors of an alliance are not disqualified from 21012  
holding any public office by reason of that membership, and do 21013  
not forfeit by reason of that membership the public office or 21014  
employment held when appointed to the board, notwithstanding any 21015  
contrary disqualification or forfeiture requirement under the 21016  
Revised Code or the common law of this state. 21017

**Sec. 3311.87.** The department of education and workforce, 21018  
in conjunction with the municipal school district transformation 21019  
alliance established under section 3311.86 of the Revised Code, 21020  
if such an alliance is established under that section, and a 21021  
statewide nonprofit organization whose membership is comprised 21022  
solely of entities that sponsor community schools and whose 21023  
members sponsor the majority of start-up community schools in 21024  
the state, shall do all of the following: 21025

(A) Not later than December 31, 2012, establish both of 21026  
the following: 21027

(1) Objective criteria to be used by a sponsor to 21028  
determine if it will sponsor new community schools located 21029  
within the municipal school district. Beginning with any 21030  
community school that opens after July 1, 2013, each sponsor 21031  
shall use the criteria established under this division to 21032  
determine whether to sponsor a community school in the municipal 21033  
district. 21034

(2) Criteria for assessing the ability of a sponsor to 21035

successfully sponsor a community school in a municipal school district. 21036  
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The criteria adopted under divisions (A)(1) and (2) of this section shall be based on standards issued by the national association of charter school authorizers or any other nationally organized community or charter school organization. 21038  
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(B) Not later than April 30, 2013, establish a comprehensive framework to assess the efficacy of district schools and community schools located in the municipal school district. Where possible, the framework shall be based on nationally accepted quality standards and principles for schools and shall be specific to a school's model, mission, and student populations. 21042  
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**Sec. 3312.01.** (A) The educational regional service system is hereby established. The system shall support state and regional education initiatives and efforts to improve school effectiveness and student achievement. Services, including special education and related services, shall be provided under the system to school districts, community schools established under Chapter 3314. of the Revised Code, and chartered nonpublic schools. 21049  
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It is the intent of the general assembly that the educational regional service system reduce the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services without reducing the availability of the services needed by school districts and schools. 21057  
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(B) The educational regional service system shall consist of the following: 21063  
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(1) The advisory councils and subcommittees established	21065
under sections 3312.03 and 3312.05 of the Revised Code;	21066
(2) A fiscal agent for each of the regions as configured	21067
under section 3312.02 of the Revised Code;	21068
(3) Educational service centers, information technology	21069
centers established under section 3301.075 of the Revised Code,	21070
and other regional education service providers.	21071
(C) Educational service centers shall provide the services	21072
that they are specifically required to provide by the Revised	21073
Code and may enter into agreements pursuant to section 3313.843,	21074
3313.844, or 3313.845 of the Revised Code for the provision of	21075
other services, which may include any of the following:	21076
(1) Assistance in improving student performance;	21077
(2) Services to enable a school district or school to	21078
operate more efficiently or economically;	21079
(3) Professional development for teachers or	21080
administrators;	21081
(4) Assistance in the recruitment and retention of	21082
teachers and administrators;	21083
(5) Applying for any state or federal grant on behalf of a	21084
school district;	21085
(6) Any other educational, administrative, or operational	21086
services.	21087
In addition to implementing state and regional education	21088
initiatives and school improvement efforts under the educational	21089
regional service system, educational service centers shall	21090
implement state or federally funded initiatives assigned to the	21091

service centers by the general assembly or the department of 21092  
education and workforce. 21093

Any educational service center selected to be a fiscal 21094  
agent for its region pursuant to section 3312.07 of the Revised 21095  
Code shall continue to operate as an educational service center 21096  
for the part of the region that comprises its territory. 21097

(D) An educational service center shall be considered a 21098  
school district or a local education agency for the purposes of 21099  
eligibility in applying for any state or competitive federal 21100  
grant. 21101

(E) Information technology centers may enter into 21102  
agreements for the provision of services pursuant to section 21103  
3312.10 of the Revised Code. 21104

(F) No school district, community school, or chartered 21105  
nonpublic school shall be required to purchase services from an 21106  
educational service center or information technology center in 21107  
the region in which the district or school is located, except 21108  
that a local school district shall receive any services required 21109  
by the Revised Code to be provided by an educational service 21110  
center to the local school districts in its territory from the 21111  
educational service center in whose territory the district is 21112  
located. 21113

**Sec. 3312.02.** (A) There shall be the following sixteen 21114  
regions in the educational regional service system: 21115

(1) Region one shall consist of the territory contained in 21116  
Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, 21117  
Putnam, Sandusky, Seneca, Van Wert, Williams, and Wood counties. 21118

(2) Region two shall consist of the territory contained in 21119  
Erie, Huron, and Lorain counties. 21120

- (3) Region three shall consist of the territory contained in Cuyahoga county. 21121  
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- (4) Region four shall consist of the territory contained in Geauga and Lake counties. 21123  
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- (5) Region five shall consist of the territory contained in Ashtabula, Mahoning, and Trumbull counties. 21125  
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- (6) Region six shall consist of the territory contained in Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby counties. 21127  
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- (7) Region seven shall consist of the territory contained in Ashland, Crawford, Knox, Marion, Morrow, Richland, and Wyandot counties. 21130  
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- (8) Region eight shall consist of the territory contained in Medina, Portage, and Summit counties. 21133  
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- (9) Region nine shall consist of the territory contained in Columbiana, Stark, and Wayne counties. 21135  
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- (10) Region ten shall consist of the territory contained in Clark, Darke, Greene, Miami, Montgomery, and Preble counties. 21137  
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- (11) Region eleven shall consist of the territory contained in Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union counties. 21139  
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- (12) Region twelve shall consist of the territory contained in Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Muskingum, Noble, and Tuscarawas counties. 21142  
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- (13) Region thirteen shall consist of the territory contained in Butler, Clermont, Hamilton, and Warren counties. 21145  
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- (14) Region fourteen shall consist of the territory 21147

contained in Adams, Brown, Clinton, Fayette, and Highland counties. 21148  
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(15) Region fifteen shall consist of the territory contained in Lawrence, Pike, Ross, and Scioto counties. 21150  
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(16) Region sixteen shall consist of the territory contained in Athens, Gallia, Hocking, Jackson, Meigs, Monroe, Morgan, Perry, Vinton, and Washington counties. 21152  
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(B) ~~Not later than July 1, 2007, the state board~~ The department of education and workforce shall adopt rules establishing a process whereby a school district may elect to 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. 21155  
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**Sec. 3312.04.** The advisory council of each region of the educational regional service system shall do all of the following: 21164  
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(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; 21167  
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(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 21172  
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agent of the region under section 3312.08 of the Revised Code.	21177
(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;	21178 21179 21180 21181
(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;	21182 21183 21184 21185 21186 21187
(E) Establish an accountability system to evaluate the advisory council on its performance of the duties described in divisions (A) to (D) of this section.	21188 21189 21190
<b>Sec. 3312.07.</b> (A) <del>Not later than January 31, 2007, the</del> <u>The</u> department of education <u>and workforce</u> shall select a school district or educational service center in each region of the educational regional service system to be the fiscal agent for the region. For this purpose, the department shall issue a request for proposals from districts and service centers interested in being a fiscal agent. The department shall select each fiscal agent based upon the following criteria:	21191 21192 21193 21194 21195 21196 21197 21198
(1) Capability to serve as a fiscal agent as demonstrated by a satisfactory audit record and prior experience serving as a fiscal agent;	21199 21200 21201
(2) Adequate capacity in terms of facilities, personnel, and other relevant resources;	21202 21203
(3) Evidence that the school district's or educational service center's role as a fiscal agent would result in minimal	21204 21205

disruption to its responsibilities as a district or service center; 21206  
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(4) Demonstrated intent to limit the aggregate fees for administering a performance contract entered into under section 3312.08 of the Revised Code to not more than seven per cent of the value of the contract. 21208  
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(B) If no school district or educational service center in a region responds to the request for proposals issued by the department, the department shall select a district or service center in the region that meets the criteria in division (A) of this section to be the fiscal agent for the region. 21212  
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**Sec. 3312.08.** Each fiscal agent selected by the department of education and workforce pursuant to section 3312.07 of the Revised Code shall do all of the following: 21217  
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(A) Enter into performance contracts with the department in accordance with section 3312.09 of the Revised Code for the implementation of state and regional education initiatives and school improvement efforts; 21220  
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(B) Receive federal and state funds, including federal funds for the provision of special education and related services, as specified in the performance contracts, and disburse those funds as specified in the performance contracts to educational service centers, information technology centers, and other regional service providers. However, any funds owed to an educational service center in accordance with an agreement entered into under section 3313.843, 3313.844, or 3313.845 of the Revised Code shall be paid directly to the service center by the department and any operating funds appropriated for an information technology center shall be paid directly to the 21224  
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information technology center by the department pursuant to 21235  
section 3301.075 of the Revised Code. 21236

(C) Implement any expenditure of funds recommended by the 21237  
advisory council for the region pursuant to section 3312.04 of 21238  
the Revised Code or required by the terms of any performance 21239  
contract, unless there are insufficient funds available to the 21240  
region to pay for the expenditure or the expenditure violates a 21241  
provision of the Revised Code, a rule of the ~~state board of~~ 21242  
~~education department~~ regarding such expenditure, or the terms of 21243  
a performance contract; 21244

(D) Exercise fiscal oversight of the implementation of 21245  
state and regional education initiatives and school improvement 21246  
efforts. 21247

**Sec. 3312.09.** (A) Each performance contract entered into 21248  
by the department of education and workforce and the fiscal 21249  
agent of a region for implementation of a state or regional 21250  
education initiative or school improvement effort shall include 21251  
the following: 21252

(1) An explanation of how the regional needs and 21253  
priorities for educational services have been identified by the 21254  
advisory council of the region, the advisory council's 21255  
subcommittees, and the department; 21256

(2) A definition of the services to be provided to school 21257  
districts, community schools, and chartered nonpublic schools in 21258  
the region, including any services provided pursuant to division 21259  
(A) of section 3302.04 of the Revised Code; 21260

(3) Expected outcomes from the provision of the services 21261  
defined in the contract; 21262

(4) The method the department will use to evaluate whether 21263

the expected outcomes have been achieved;	21264
(5) A requirement that the fiscal agent develop and implement a corrective action plan if the results of the evaluation are unsatisfactory;	21265 21266 21267
(6) Data reporting requirements;	21268
(7) The aggregate fees to be charged by the fiscal agent and any entity with which it subcontracts to cover personnel and program costs associated with administering the contract, which fees shall be subject to controlling board approval if in excess of four per cent of the value of the contract.	21269 21270 21271 21272 21273
(B) Upon completion of each evaluation described in a performance contract, the department shall post the results of that evaluation on its web site.	21274 21275 21276
<b>Sec. 3312.13.</b> The department of education <u>and workforce</u> shall consider the following when entering into performance contracts with the fiscal agent of each region of the educational regional service system and when allocating funds for the implementation of statewide education initiatives by regional service providers;	21277 21278 21279 21280 21281 21282
(A) The unique needs and circumstances of the region;	21283
(B) The regional needs and priorities for educational services identified by the advisory council for the region;	21284 21285
(C) Any services that will be provided to school districts and schools within the region pursuant to division (A) of section 3302.04 of the Revised Code.	21286 21287 21288
<b>Sec. 3313.03.</b> Within three months after the official announcement of the result of each successive federal census, the board of education of each city school district which,	21289 21290 21291

according to such census, has a population of fifty thousand or 21292  
more but less than one hundred fifty thousand persons and which 21293  
elected to have subdistricts shall redistrict such districts 21294  
into subdistricts. Such subdistricts shall be bounded as far as 21295  
practicable by corporation lines, streets, alleys, avenues, 21296  
public grounds, canals, watercourses, ward boundaries, voting 21297  
precinct boundaries, or present school district boundaries, 21298  
shall be as nearly equal in population as possible, and be 21299  
composed of adjacent and as compact territory as practicable. If 21300  
the board of any such district fails to district or redistrict 21301  
such city school district, then the ~~superintendent of public~~ 21302  
~~instruction~~ director of education and workforce shall forthwith 21303  
district or redistrict such city school district, subject to 21304  
sections 3313.01 to 3313.13, ~~inclusive,~~ of the Revised Code. 21305

**Sec. 3313.25.** (A) Except as otherwise provided in section 21306  
3.061 of the Revised Code, before entering upon the duties of 21307  
office, the treasurer of each board of education shall execute a 21308  
bond, in an amount and with surety to be approved by the board, 21309  
payable to the state, conditioned for the faithful performance 21310  
of all the official duties required of the treasurer. Such bond 21311  
must be deposited with the president of the board, and a copy 21312  
thereof, certified by the president, shall be filed with the 21313  
county auditor. 21314

(B) (1) A treasurer shall not be held liable for a loss of 21315  
public funds when the treasurer has performed all official 21316  
duties required of the treasurer with reasonable care, but shall 21317  
be liable only when a loss of public funds results from the 21318  
treasurer's negligence or other wrongful act. 21319

(2) The department of education and workforce shall not 21320  
consider the loss of public funds not resulting from the 21321

treasurer's negligence or other wrongful act a violation of the 21322  
treasurer's professional duties, provided the treasurer has 21323  
performed all official duties required of the treasurer with 21324  
reasonable care. 21325

**Sec. 3313.30.** (A) If the auditor of state or a public 21326  
accountant, under section 117.41 of the Revised Code, declares a 21327  
school district to be unauditabile, the auditor of state shall 21328  
provide written notification of that declaration to the district 21329  
and the department of education and workforce. The auditor of 21330  
state also shall post the notification on the auditor of state's 21331  
web site. 21332

(B) If the district's current treasurer held that position 21333  
during the period for which the district is unauditabile, upon 21334  
receipt of the notification under division (A) of this section, 21335  
the district board of education shall suspend the treasurer 21336  
until the auditor of state or a public accountant has completed 21337  
an audit of the district. Suspension of the treasurer may be 21338  
with or without pay, as determined by the district board based 21339  
on the circumstances that prompted the auditor of state's 21340  
declaration. The district board shall appoint a person to assume 21341  
the duties of the treasurer during the period of the suspension. 21342  
If the appointee is not licensed as a treasurer under section 21343  
3301.074 of the Revised Code, the appointee shall be approved by 21344  
the ~~superintendent of public instruction~~ director of education 21345  
and workforce before assuming the duties of the treasurer. The 21346  
state board of education may take action under section 3319.31 21347  
of the Revised Code to suspend, revoke, or limit the license of 21348  
a treasurer who has been suspended under this division. 21349

(C) Not later than forty-five days after receiving the 21350  
notification under division (A) of this section, the district 21351

board shall provide a written response to the auditor of state. 21352  
The response shall include the following: 21353

(1) An overview of the process the district board will use 21354  
to review and understand the circumstances that led to the 21355  
district becoming unauditable; 21356

(2) A plan for providing the auditor of state with the 21357  
documentation necessary to complete an audit of the district and 21358  
for ensuring that all financial documents are available in the 21359  
future; 21360

(3) The actions the district board will take to ensure 21361  
that the plan described in division (C) (2) of this section is 21362  
implemented. 21363

(D) If the school district fails to make reasonable 21364  
efforts and continuing progress to bring its accounts, records, 21365  
files, or reports into an auditable condition within ninety days 21366  
after being declared unauditable, the auditor of state, in 21367  
addition to requesting legal action under sections 117.41 and 21368  
117.42 of the Revised Code, shall notify the district and the 21369  
department of the district's failure. If the auditor of state or 21370  
a public accountant subsequently is able to complete a financial 21371  
audit of the district, the auditor of state shall notify the 21372  
district and the department that the audit has been completed. 21373

(E) Notwithstanding any provision to the contrary in 21374  
Chapter 3317. of the Revised Code or in any other provision of 21375  
law, upon notification by the auditor of state under division 21376  
(D) of this section that the district has failed to make 21377  
reasonable efforts and continuing progress to bring its 21378  
accounts, records, files, or reports into an auditable 21379  
condition, the department shall immediately cease all payments 21380

to the district under Chapter 3317. of the Revised Code and any 21381  
other provision of law. Upon subsequent notification from the 21382  
auditor of state under that division that the auditor of state 21383  
or a public accountant was able to complete a financial audit of 21384  
the district, the department shall release all funds withheld 21385  
from the district under this section. 21386

**Sec. 3313.413.** (A) As used in this section, "high- 21387  
performing community school" means either of the following: 21388

(1) A community school established under Chapter 3314. of 21389  
the Revised Code that meets the following conditions: 21390

(a) Except as provided in division (A) (1) (b) or (c) of 21391  
this section, the school both: 21392

(i) Has received either a grade of "A," "B," or "C" for 21393  
the performance index score under division (C) (1) (b) of section 21394  
3302.03 of the Revised Code or a performance rating of three 21395  
stars or higher for achievement under division (D) (3) (b) of that 21396  
section; or has increased its performance index score under 21397  
division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the 21398  
Revised Code in each of the previous three years of operation; 21399  
and 21400

(ii) Has received either a grade of "A" or "B" for the 21401  
value-added progress dimension under division (C) (1) (e) of 21402  
section 3302.03 of the Revised Code or a performance rating of 21403  
four stars or higher for progress under division (D) (3) (c) of 21404  
that section on its most recent report card rating issued under 21405  
that section. 21406

(b) If the school serves only grades kindergarten through 21407  
three, the school received either a grade of "A" or "B" for 21408  
making progress in improving literacy in grades kindergarten 21409

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.

(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.

(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education and workforce.

(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of any STEM schools that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to purchase the property.

The district board shall give priority to the governing authorities of high-performing community schools that are located within the territory of the district.

(1) If more than one governing authority of a high-performing community school notifies the district treasurer of

its intention to purchase the property pursuant to division (B) 21439  
of this section, the board shall conduct a public auction in the 21440  
manner required for auctions of district property under division 21441  
(A) of section 3313.41 of the Revised Code. Only the governing 21442  
authorities of high-performing community schools that notified 21443  
the district treasurer pursuant to division (B) of this section 21444  
are eligible to bid at the auction. 21445

(2) If no governing authority of a high-performing 21446  
community school notifies the district treasurer of its 21447  
intention to purchase the property pursuant to division (B) of 21448  
this section, the board shall then proceed with the offers from 21449  
all other start-up community schools, college-preparatory 21450  
boarding schools, and STEM schools made pursuant to that 21451  
division. If more than one such entity notifies the district 21452  
treasurer of its intention to purchase the property pursuant to 21453  
division (B) of this section, the board shall conduct a public 21454  
auction in the manner required for auctions of district property 21455  
under division (A) of section 3313.41 of the Revised Code. Only 21456  
the entities that notified the district treasurer pursuant to 21457  
division (B) of this section are eligible to bid at the auction. 21458

(3) If no governing authority, board of trustees, or 21459  
governing body notifies the district treasurer of its intention 21460  
to purchase the property pursuant to division (B) of this 21461  
section, the district may then offer the property for sale in 21462  
the manner prescribed under divisions (A) to (F) of section 21463  
3313.41 of the Revised Code. 21464

(C) Notwithstanding anything to the contrary in sections 21465  
3313.41 and 3313.411 of the Revised Code, the purchase price of 21466  
any real property sold to any of the entities in accordance with 21467  
division (B) of this section shall not be more than the 21468

appraised fair market value of that property as determined in an 21469  
appraisal of the property that is not more than one year old. 21470

(D) Not later than the first day of October of each year, 21471  
the department of education and workforce shall post in a 21472  
prominent location on its web site a list of schools that 21473  
qualify as high-performing community schools for purposes of 21474  
this section and section 3313.411 of the Revised Code. 21475

**Sec. 3313.472.** (A) The board of education of each city, 21476  
exempted village, local, and joint vocational school district 21477  
shall adopt a policy on parental involvement in the schools of 21478  
the district. The policy shall be designed to build consistent 21479  
and effective communication between the parents and foster 21480  
caregivers of students enrolled in the district and the teachers 21481  
and administrators assigned to the schools their children or 21482  
foster children attend. The policy shall provide the opportunity 21483  
for parents and foster caregivers to be actively involved in 21484  
their children's or foster children's education and to be 21485  
informed of the following: 21486

(1) The importance of the involvement of parents and 21487  
foster caregivers in directly affecting the success of their 21488  
children's or foster children's educational efforts; 21489

(2) How and when to assist their children or foster 21490  
children in and support their children's or foster children's 21491  
classroom learning activities; 21492

(3) Techniques, strategies, and skills to use at home to 21493  
improve their children's or foster children's academic success 21494  
and to support their children's or foster children's academic 21495  
efforts at school and their children's or foster children's 21496  
development as future responsible adult members of society. 21497

(B) The ~~state board department~~ of education and workforce 21498  
shall adopt recommendations for the development of parental 21499  
involvement policies under this section. Prior to adopting the 21500  
recommendations, the ~~state board department~~ shall consult with 21501  
the national center for parents at the university of Toledo. 21502

**Sec. 3313.48.** (A) The board of education of each city, 21503  
exempted village, local, and joint vocational school district 21504  
shall provide for the free education of the youth of school age 21505  
within the district under its jurisdiction, at such places as 21506  
will be most convenient for the attendance of the largest number 21507  
thereof. Each school so provided and each chartered nonpublic 21508  
school shall be open for instruction with pupils in attendance, 21509  
including scheduled classes, supervised activities, and approved 21510  
education options but excluding lunch and breakfast periods and 21511  
extracurricular activities, for not less than four hundred 21512  
fifty-five hours in the case of pupils in kindergarten unless 21513  
such pupils are provided all-day kindergarten, as defined in 21514  
section 3321.05 of the Revised Code, in which case the pupils 21515  
shall be in attendance for nine hundred ten hours; nine hundred 21516  
ten hours in the case of pupils in grades one through six; and 21517  
one thousand one hours in the case of pupils in grades seven 21518  
through twelve in each school year, which may include all of the 21519  
following: 21520

(1) Up to the equivalent of two school days per year 21521  
during which pupils would otherwise be in attendance but are not 21522  
required to attend for the purpose of individualized parent- 21523  
teacher conferences and reporting periods; 21524

(2) Up to the equivalent of two school days per year 21525  
during which pupils would otherwise be in attendance but are not 21526  
required to attend for professional meetings of teachers; 21527

(3) Morning and afternoon recess periods of not more than 21528  
fifteen minutes duration per period for pupils in grades 21529  
kindergarten through six. 21530

(B) Not later than thirty days prior to adopting a school 21531  
calendar, the board of education of each city, exempted village, 21532  
and local school district shall hold a public hearing on the 21533  
school calendar, addressing topics that include, but are not 21534  
limited to, the total number of hours in a school year, length 21535  
of school day, and beginning and end dates of instruction. 21536

(C) No school operated by a city, exempted village, local, 21537  
or joint vocational school district shall reduce the number of 21538  
hours in each school year that the school is scheduled to be 21539  
open for instruction from the number of hours per year the 21540  
school was open for instruction during the previous school year 21541  
unless the reduction is approved by a resolution adopted by the 21542  
district board of education. Any reduction so approved shall not 21543  
result in fewer hours of instruction per school year than the 21544  
applicable number of hours required under division (A) of this 21545  
section. 21546

(D) Prior to making any change in the hours or days in 21547  
which a high school under its jurisdiction is open for 21548  
instruction, the board of education of each city, exempted 21549  
village, and local school district shall consider the 21550  
compatibility of the proposed change with the scheduling needs 21551  
of any joint vocational school district in which any of the high 21552  
school's students are also enrolled. The board shall consider 21553  
the impact of the proposed change on student access to the 21554  
instructional programs offered by the joint vocational school 21555  
district, incentives for students to participate in career- 21556  
technical education, transportation, and the timing of 21557

graduation. The board shall provide the joint vocational school district board with advance notice of the proposed change and the two boards shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the joint vocational school district prior to implementation of the change.

(E) Subject to section 3327.016 of the Revised Code, prior to making any change in the hours or days in which a school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any community school established under Chapter 3314. of the Revised Code to which the district is required to transport students under sections 3314.09 and 3327.01 of the Revised Code. The board shall consider the impact of the proposed change on student access to the instructional programs offered by the community school, transportation, and the timing of graduation. The board shall provide the sponsor, governing authority, and operator of the community school with advance notice of the proposed change, and the board and the governing authority, or operator if such authority is delegated to the operator, shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the community school prior to implementation of the change.

(F) Subject to section 3327.016 of the Revised Code, prior to making any change in the hours or days in which the schools under its jurisdiction are open for instruction, the board of education of each city, exempted village, and local school district shall consult with the chartered nonpublic schools to which the district is required to transport students under

section 3327.01 of the Revised Code and shall consider the 21589  
effect of the proposed change on the schedule for transportation 21590  
of those students to their nonpublic schools. The governing 21591  
authority of a chartered nonpublic school shall consult with 21592  
each school district board of education that transports students 21593  
to the chartered nonpublic school under section 3327.01 of the 21594  
Revised Code prior to making any change in the hours or days in 21595  
which the nonpublic school is open for instruction. 21596

(G) The ~~state board~~ department of education and workforce 21597  
shall not adopt or enforce any rule or standard that imposes on 21598  
chartered nonpublic schools the procedural requirements imposed 21599  
on school districts by divisions (B), (C), (D), and (E) of this 21600  
section. 21601

**Sec. 3313.483.** (A) A board of education, upon the adoption 21602  
of a resolution stating that it may be financially unable to 21603  
open on the day or to remain open for instruction on all days 21604  
set forth in its adopted school calendar and pay all obligated 21605  
expenses, or the ~~superintendent of public instruction~~ director 21606  
of education and workforce upon the issuance of written 21607  
notification under division (B) of section 3313.489 of the 21608  
Revised Code, shall request the auditor of state to determine 21609  
whether such situation exists. The auditor shall deliver a copy 21610  
of each request from a board of education to the ~~superintendent~~ 21611  
~~of public instruction~~ director. In the case of a school district 21612  
not under a fiscal emergency pursuant to Chapter 3316. of the 21613  
Revised Code the auditor shall not issue a finding under this 21614  
section until written notification is received from the 21615  
~~superintendent~~ director pursuant to section 3313.487 of the 21616  
Revised Code. 21617

(B) If the auditor of state finds that the board of 21618

education has attempted to avail itself to the fullest extent 21619  
authorized by law of all lawful revenue sources available to it 21620  
except those authorized by section 5705.21 of the Revised Code, 21621  
the auditor shall certify that finding to the ~~superintendent of~~ 21622  
~~public instruction and the state board~~ department of education, 21623  
and workforce and shall certify the operating deficit the 21624  
district will have at the end of the fiscal year if it commences 21625  
or continues operating its instructional program in accordance 21626  
with its adopted school calendar and pays all obligated 21627  
expenses. 21628

(C) No board of education may delay the opening of its 21629  
schools or close its schools for financial reasons. Upon the 21630  
request of the ~~superintendent of public instruction~~ director of 21631  
education and workforce, the attorney general shall seek 21632  
injunctive relief and any other relief required to enforce this 21633  
prohibition in the court of common pleas of Franklin county. The 21634  
court of common pleas of Franklin county has exclusive original 21635  
jurisdiction over all such actions. 21636

(D) Upon the receipt of any certification of an operating 21637  
deficit from the auditor of state, a board of education shall 21638  
make application to a commercial bank, underwriter, or other 21639  
prospective lender or purchaser of its obligations for a loan in 21640  
an amount sufficient to enable the district to open or remain 21641  
open for instruction on all days set forth in its adopted school 21642  
calendar but not to exceed the amount of the deficit certified. 21643

(E) (1) Any board of education that has applied for and 21644  
been denied a loan from a commercial bank, underwriter, or other 21645  
prospective lender or purchaser of its obligations pursuant to 21646  
division (D) of this section shall submit to the ~~superintendent~~ 21647  
~~of public instruction~~ director of education and workforce a plan 21648

for implementing reductions in the school district's budget; 21649  
apply for a loan from a commercial bank, underwriter, or other 21650  
prospective lender or purchaser of its obligations in an amount 21651  
not to exceed its certified deficit; and provide the 21652  
~~superintendent~~director such information as the ~~superintendent~~ 21653  
director requires concerning its application for such a loan. 21654  
The board of education of a school district declared to be under 21655  
a fiscal watch pursuant to division (A) of section 3316.03 of 21656  
the Revised Code may, upon approval of the 21657  
~~superintendent~~director, utilize the financial plan required by 21658  
section 3316.04 of the Revised Code, or applicable parts 21659  
thereof, as the plan required under this division. The board of 21660  
education of a school district declared to be under a fiscal 21661  
emergency pursuant to division (B) of section 3316.03 of the 21662  
Revised Code may utilize the financial recovery plan for the 21663  
district, or applicable parts thereof, as the plan required 21664  
under this division. Except for the plan of a school district 21665  
under a fiscal emergency, the ~~superintendent~~director shall 21666  
evaluate, make recommendations concerning, and approve or 21667  
disapprove each plan. When a plan is submitted, the 21668  
~~superintendent~~director shall immediately notify the members of 21669  
the general assembly whose legislative districts include any or 21670  
all of the territory of the school district submitting the plan. 21671

(2) The ~~superintendent~~director shall submit to the 21672  
controlling board a copy of each plan the ~~superintendent~~ 21673  
director approves, or each plan submitted by a district under a 21674  
fiscal emergency pursuant to division (B) of section 3316.03 of 21675  
the Revised Code, and the general terms of each proposed loan, 21676  
and shall make recommendations regarding the plan and whether a 21677  
proposed loan to the board of education should be approved for 21678  
payment as provided in division (E) (3) of this section. The 21679

controlling board shall approve or disapprove the plan and the 21680  
proposed loan presented to it by the ~~superintendent~~director. In 21681  
the case of a district not under a fiscal emergency pursuant to 21682  
division (B) of section 3316.03 of the Revised Code, the 21683  
controlling board may require a board of education to implement 21684  
the ~~superintendent's~~director's recommendations for expenditure 21685  
reductions or impose other requirements. Loan repayments shall 21686  
be in accordance with a schedule approved by the 21687  
~~superintendent~~director, except that the principal amount of the 21688  
loan shall be payable in monthly, semiannual, or annual 21689  
installments of principal and interest that are substantially 21690  
equal principal and interest installments. Except as otherwise 21691  
provided in division (E) (2) of this section, repayment shall be 21692  
made no later than the fifteenth day of June of the second 21693  
fiscal year following the approval of the loan. A school 21694  
district with a certified deficit in excess of either twenty- 21695  
five million dollars or fifteen per cent of the general fund 21696  
expenditures of the district during the fiscal year shall repay 21697  
the loan no later than the fifteenth day of June of the tenth 21698  
fiscal year following the approval of the loan. In deciding 21699  
whether to approve or disapprove a proposed loan, the 21700  
controlling board shall consider the deficit certified by the 21701  
auditor of state pursuant to this section. A board of education 21702  
that has an outstanding loan approved pursuant to this section 21703  
with a repayment date of more than two fiscal years after the 21704  
date of approval of such loan may not apply for another loan 21705  
with such a repayment date until the outstanding loan has been 21706  
repaid. 21707

(3) If a board of education has submitted and received 21708  
controlling board approval of a plan and proposed loan in 21709  
accordance with this section, the ~~superintendent of public-~~ 21710

~~instruction director of education and workforce~~ shall report to 21711  
the controlling board the actual amounts loaned to the board of 21712  
education. Such board of education shall request the 21713  
~~superintendent director~~ to pay any funds the board of education 21714  
would otherwise receive pursuant to Chapter 3306. of the Revised 21715  
Code first directly to the holders of the board of education's 21716  
notes, or an agent thereof, such amounts as are specified under 21717  
the terms of the loan. Such payments shall be made only from and 21718  
to the extent of money appropriated by the general assembly for 21719  
purposes of such sections. No note or other obligation of the 21720  
board of education under the loan constitutes an obligation nor 21721  
a debt or a pledge of the faith, credit, or taxing power of the 21722  
state, and the holder or owner of such note or obligation has no 21723  
right to have taxes levied by the general assembly for the 21724  
payment of such note or obligation, and such note or obligation 21725  
shall contain a statement to that effect. 21726

(4) Pursuant to the terms of such a loan, a board of 21727  
education may issue its notes in anticipation of the collection 21728  
of its voted levies for current expenses or its receipt of such 21729  
state funds or both. Such notes shall be issued in accordance 21730  
with division (E) of section 133.10 of the Revised Code and 21731  
constitute Chapter 133. securities to the extent such division 21732  
and the otherwise applicable provisions of Chapter 133. of the 21733  
Revised Code are not inconsistent with this section, provided 21734  
that in any event sections 133.24 and 5705.21 and divisions (A), 21735  
(B), (C), and (E) (2) of section 133.10 of the Revised Code do 21736  
not apply to such notes. 21737

(5) Notwithstanding section 133.36 or 3313.17, any other 21738  
section of the Revised Code, or any other provision of law, a 21739  
board of education that has received a loan under this section 21740  
may not declare bankruptcy, so long as any portion of such loan 21741

remains unpaid. 21742

(F) Under this section and section 3313.4810, "board of 21743  
education" or "district board" includes the financial planning 21744  
and supervision commission of a school district under a fiscal 21745  
emergency pursuant to Chapter 3316. of the Revised Code where 21746  
such commission chooses to exercise the powers and duties 21747  
otherwise required of the district board of education under this 21748  
section and section 3313.4810 of the Revised Code. 21749

**Sec. 3313.484.** No loan shall be approved under sections 21750  
3313.483 to 3313.4810 of the Revised Code after March 1, 1998. 21751

By the last day of June each year, the department of 21752  
education and workforce shall calculate and pay a subsidy to 21753  
every school district that during the current fiscal year paid 21754  
and was obligated to pay interest on a loan under sections 21755  
3313.483 to 3313.4810 of the Revised Code in excess of two per 21756  
cent simple interest. The amount of the subsidy shall equal the 21757  
difference between the amount of interest the district paid and 21758  
was obligated to pay during the year and the interest that the 21759  
district would have been obligated to pay if the interest rate 21760  
on the loan had been two per cent per year. 21761

**Sec. 3313.487.** (A) Upon receipt of a copy of a request for 21762  
a determination under section 3313.483 of the Revised Code or 21763  
upon the issuance of written notification under division (B) of 21764  
section 3313.489 of the Revised Code, the ~~superintendent of~~ 21765  
~~public instruction~~ department of education and workforce shall 21766  
analyze the district's financial condition and ascertain what 21767  
elements of the district's educational program exceed or fail to 21768  
meet the minimum standards of the ~~state board~~ director of 21769  
education and workforce and requirements set forth in the 21770  
Revised Code, and what, if any, additional revenues or revenue 21771

sources may be available to the district that are not included 21772  
in its official certificate or amended certificate of estimated 21773  
resources. The ~~superintendent~~ director shall make a written 21774  
report of the ~~superintendent's~~ director's findings to the school 21775  
district's board of education, ~~and~~ the auditor of state, ~~and the~~ 21776  
~~state board of education~~. The report shall include any 21777  
recommendations, including reductions in programs which exceed 21778  
minimum standards of the ~~state board of education~~ director or 21779  
requirements set forth in the Revised Code, that, if followed, 21780  
would enable the district to reduce its expenses while operating 21781  
an educational program that is responsive to the educational 21782  
needs of the school district in accordance with its adopted 21783  
school calendar. The ~~superintendent~~ director may determine that 21784  
a responsive educational program requires the inclusion of 21785  
elements exceeding the minimum standards of the ~~state board of~~ 21786  
~~education~~ director or requirements of the Revised Code. If, upon 21787  
completion of the analysis and findings as provided in this 21788  
division, the ~~superintendent~~ director determines that the 21789  
district will be financially unable to operate its educational 21790  
program in accordance with its adopted school calendar and pay 21791  
all obligated expenses, the ~~superintendent~~ director shall notify 21792  
the auditor of state in writing. Upon receipt of such 21793  
notification, the auditor of state shall issue findings pursuant 21794  
to section 3313.483 of the Revised Code. 21795

(B) Upon the receipt of the ~~superintendent of public~~ 21796  
~~instruction's~~ director of education and workforce's report under 21797  
division (A) of this section or a certification from the auditor 21798  
of state under section 3313.483 of the Revised Code, the ~~state~~ 21799  
~~board of education~~ director may, at any time during the next 21800  
ninety days, issue an order making the school district subject 21801  
to section 3313.488 of the Revised Code if it finds the school 21802

district is not able to operate an educational program from 21803  
existing revenue sources during the current and the ensuing 21804  
school year. Such order shall take immediate effect, and such 21805  
section shall apply to the school district. ~~Prior to the~~ 21806  
~~issuance of any order under this division, the state board of~~ 21807  
~~education may request from the superintendent of public~~ 21808  
~~instruction a recommendation regarding the matter of the~~ 21809  
~~issuance of an order making a school district subject to section~~ 21810  
~~3313.488 of the Revised Code.~~ A board of education may appeal 21811  
the order on questions of fact to the court of common pleas of 21812  
Franklin county. 21813

(C) Notwithstanding division (B) of this section, the 21814  
~~state board of education~~ director shall issue an order making a 21815  
school district subject to section 3313.488 of the Revised Code 21816  
if the district fails to enter into a loan agreement with a 21817  
commercial lending institution within forty-five days of the 21818  
deficit certification pursuant to section 3313.483 of the 21819  
Revised Code. If the ~~state board~~ director issues an order under 21820  
this division, the ~~superintendent of public instruction~~ director 21821  
shall apply for a loan from a commercial lending institution 21822  
pursuant to section 3313.483 of the Revised Code on behalf of 21823  
the district. The ~~superintendent~~ director shall have full 21824  
authority to act on behalf of the board of education of a school 21825  
district with respect to the making of loan agreements, and any 21826  
loan agreement made by the ~~superintendent~~ director shall be 21827  
fully binding on the school district. 21828

(D) This section does not apply to a school district 21829  
declared to be under a fiscal emergency pursuant to division (B) 21830  
of section 3316.03 of the Revised Code. 21831

**Sec. 3313.488.** (A) Within fifteen days after the date the 21832

~~state board~~ director of education and workforce issues an order 21833  
under section 3313.487 of the Revised Code making a school 21834  
district subject to this section, the district's board of 21835  
education shall prepare a fiscal statement of expenses and 21836  
expenditures for the remainder of the current fiscal year. The 21837  
fiscal statement shall be submitted to the ~~superintendent of~~ 21838  
~~public instruction~~ department of education and workforce and 21839  
shall set forth all revenues to be received by the district 21840  
during the remainder of the fiscal year and their sources, the 21841  
expenses to be incurred by the district during the remainder of 21842  
the fiscal year, the outstanding and unpaid expenses at the time 21843  
the fiscal statement is prepared and the date or dates by which 21844  
such expenses must be paid, and such other information as the 21845  
~~superintendent~~ director requires to enable the ~~superintendent~~ 21846  
department of education and workforce to ensure that during the 21847  
remainder of the fiscal year, the district will not incur any 21848  
expenses that will further impair its ability to operate an 21849  
instructional program that meets or exceeds the minimum 21850  
standards of the ~~state board of education~~ director and 21851  
requirements of the Revised Code during the current and ensuing 21852  
fiscal years with the revenue available to it from existing 21853  
revenue sources. The fiscal statement shall be presented in such 21854  
detail and form as the ~~superintendent~~ department prescribes. 21855  
Beginning the tenth day after the fiscal statement is submitted 21856  
and for the remainder of the fiscal year, the board shall not 21857  
make any expenditure of money, make any employment, purchase, or 21858  
rental contract, give any order involving the expenditure of 21859  
money, or increase any wage or salary schedule unless the 21860  
~~superintendent of public instruction~~ director has approved the 21861  
fiscal statement in writing and the expenditure, contract, 21862  
order, or schedule has been approved in writing by the 21863  
~~superintendent~~ director as being in conformity with the fiscal 21864

statement. 21865

Any contract or expenditure made, order given, or schedule 21866  
adopted or put into effect without the written approval of the 21867  
~~superintendent of public instruction~~ director is void, and no 21868  
warrant shall be issued in payment of any amount due thereon. 21869

(B) A board of education subject to division (A) of this 21870  
section shall prepare a fiscal statement of expenses and 21871  
expenditures for the ensuing fiscal year. The fiscal statement 21872  
shall be submitted to the ~~superintendent of public instruction~~ 21873  
director and shall set forth all revenues to be received by the 21874  
district during such year and their source, the expenses to be 21875  
incurred by the district during such year, the outstanding and 21876  
unpaid expenses on the first day of such fiscal year, the date 21877  
or dates by which such expenses must be paid, and such other 21878  
information as the ~~superintendent~~ department requires to enable 21879  
the ~~superintendent~~ department to ensure that during such year, 21880  
the district will not incur any expenses that will further 21881  
impair its ability to operate an instructional program that 21882  
meets or exceeds the minimum standards of the ~~state board of~~ 21883  
~~education~~ director and requirements of the Revised Code during 21884  
such year with the revenue available to it from existing revenue 21885  
sources. The fiscal statement shall be presented at the time and 21886  
in such detail and form as the ~~superintendent~~ department 21887  
prescribes. During the fiscal year following the year in which a 21888  
board of education first becomes subject to division (A) of this 21889  
section it shall not make any expenditure of money, make any 21890  
employment, purchase, or rental contract, give any order 21891  
involving the expenditure of money, or increase any wage or 21892  
salary schedule unless the ~~superintendent of public instruction~~ 21893  
director has approved the fiscal statement submitted under this 21894  
division in writing and has approved the expenditure, contract, 21895

order, or schedule in writing as being in conformity with the 21896  
fiscal statement. 21897

Any contract or expenditure made, order given, or schedule 21898  
adopted or put into effect without the written approval of the 21899  
~~superintendent of public instruction~~ director is void, and no 21900  
warrant shall be issued in payment of any amount due thereon. 21901

(C) The ~~state board of education~~ department shall examine 21902  
any fiscal statement presented to and approved by ~~the~~ 21903  
~~superintendent of public instruction~~ it under division (B) of 21904  
this section and shall determine whether the data set forth in 21905  
the fiscal statement are factual and based upon assumptions that 21906  
in its judgment are reasonable expectations consistent with 21907  
acceptable governmental budget and accounting practices. If the 21908  
~~state board~~ department so determines and finds that the revenues 21909  
and expenditures in the fiscal statement are in balance for the 21910  
fiscal year and the fiscal statement will enable the district to 21911  
operate during such year without interrupting its school 21912  
calendar, it shall certify its determination and finding to the 21913  
district at least thirty days prior to the beginning of the 21914  
fiscal year, and the district shall thereupon cease to be 21915  
subject to this section. If the ~~state board~~ department does not 21916  
make such a determination and finding, the board of education 21917  
and school district are subject to this division and division 21918  
(B) of this section in the ensuing fiscal year and each fiscal 21919  
year thereafter until the ~~state board~~ department makes a 21920  
determination, finding, and certification under this division. 21921

(D) Any officer, employee, or other person who knowingly 21922  
expends or authorizes the expenditure of any public funds or 21923  
knowingly authorizes or executes any contract, order, or 21924  
schedule contrary to division (A) or (B) of this section or who 21925

knowingly expends or authorizes the expenditure of any public 21926  
funds on any such void contract, order, or schedule is jointly 21927  
and severally liable in person and upon any official bond that 21928  
the officer, employee, or other person has given to such school 21929  
district to the extent of any payments on the void claim, not to 21930  
exceed twenty thousand dollars. The attorney general at the 21931  
written request of the ~~superintendent of public instruction~~ 21932  
department shall enforce this liability by civil action brought 21933  
in any court of appropriate jurisdiction in the name of and on 21934  
behalf of the school district. 21935

(E) This section does not apply to a school district 21936  
declared to be under a fiscal emergency pursuant to division (B) 21937  
of section 3316.03 of the Revised Code. 21938

**Sec. 3313.489.** (A) The ~~superintendent of public~~ 21939  
~~instruction~~ director of education and workforce shall examine 21940  
each five-year projection of revenues and expenditures submitted 21941  
under section 5705.391 of the Revised Code and shall determine 21942  
whether the information contained therein, together with any 21943  
other relevant information, indicates that the district may be 21944  
financially unable to operate its instructional program on all 21945  
days set forth in its adopted school calendars and pay all 21946  
obligated expenses during the current fiscal year. If a board of 21947  
education has not adopted a school calendar for the school year 21948  
beginning on the first day of July of the current fiscal year at 21949  
the time an examination is required under this division, the 21950  
~~superintendent~~ director shall examine the five-year projection 21951  
and determine whether the district may be financially unable to 21952  
pay all obligated expenses and operate its instructional program 21953  
for the number of days on which instruction was held in the 21954  
preceding fiscal year. 21955

(B) If the ~~superintendent of public instruction director~~ of education and workforce determines pursuant to division (A) of this section that a school district may be financially unable to operate its instructional program on all days required by such division and pay all obligated expenses during the current fiscal year, the ~~superintendent director~~ shall provide written notification of such determination to the president of the district's board of education and the auditor of state.

(C) 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. 3313.4810.** Any school district receiving a loan under section 3313.483 of the Revised Code in excess of seven per cent of the general fund expenditures of the district during the fiscal year in which the loan is received and that has received a loan under that section within the last five years is subject to section 3313.488 of the Revised Code for the duration of the fiscal year in which the district receives the loan and during the ensuing two fiscal years. The controlling board may not relieve a school district to which this section applies from any requirements imposed under section 3313.483 of the Revised Code to implement recommendations of the ~~superintendent of public instruction director~~ of education and workforce for expenditure reduction and may not modify any other requirements imposed under such section upon such a district as a condition for receiving the loan unless expressly authorized to do so by law. The ~~superintendent of public instruction director~~ shall, among any recommendations the ~~superintendent director~~ makes for expenditure reduction under section 3313.483 of the Revised Code affecting the number of employees of a school district to which this section applies, provide wherever possible for the

retention of teachers who are actually involved in the daily 21987  
teaching of students in the classroom. 21988

**Sec. 3313.531.** (A) As used in this section, "adult high 21989  
school continuation programs" means an organized instructional 21990  
program for persons sixteen years of age and older, except as 21991  
provided in division (C) of this section, who are not otherwise 21992  
enrolled in a high school for which the ~~state board director~~ of 21993  
education and workforce sets standards pursuant to section 21994  
3301.07 of the Revised Code. Such programs are limited to 21995  
courses for which credit may be granted toward the issuance of a 21996  
high school diploma. 21997

(B) The board of education of any school district may 21998  
establish and operate an adult high school continuation program. 21999  
Two or more boards of education may jointly establish and 22000  
operate such a program. The resolution establishing an adult 22001  
high school continuation program may specify the contribution 22002  
and expenditure of funds, the use of buildings, equipment, and 22003  
other school facilities, and such other matters as the board 22004  
wishes to include. In the case of a jointly operated program, 22005  
the resolutions establishing such program shall also designate 22006  
one of the participating boards to be responsible for receiving 22007  
and disbursing funds, and administering the program for the 22008  
benefit of all participating boards of education. 22009

(C) A board of education that operates an adult high 22010  
school continuation program alone or jointly with another board 22011  
may, by resolution, authorize the district's superintendent to 22012  
assign to such program in accordance with this section, any 22013  
student who has not received a high school diploma, who is at 22014  
least eighteen years old, and who is being readmitted to school 22015  
following expulsion or commitment to the department of youth 22016

services. Before making any such assignment, the superintendent 22017  
or ~~his~~ the superintendent's designee shall meet with the student 22018  
to determine whether ~~he~~ the student should be so assigned, and 22019  
shall prepare a report on ~~his~~ the superintendent's or designee's 22020  
findings and determination. If based on ~~his~~ the meeting or ~~his~~ the 22021  
designee's report the superintendent finds that the pupil 22022  
should be placed in a program under this section, the 22023  
superintendent shall make the assignment. Once assigned to the 22024  
program, the student shall remain in it until ~~he~~ the student is 22025  
reassigned by the superintendent or leaves school. At least once 22026  
in each academic term, the superintendent or ~~his~~ the 22027  
superintendent's designee shall review the progress of each 22028  
student assigned to the program under this division and the 22029  
superintendent shall, based on the review, make a determination 22030  
of whether the student should remain in the program or be 22031  
reassigned. Tuition shall not be charged for the attendance of 22032  
any student assigned to a program pursuant to this division who 22033  
is entitled under section 3313.64 of the Revised Code to attend 22034  
the schools of the district without payment of tuition. 22035

(D) The ~~state board~~ department of education and workforce 22036  
shall adopt rules and standards governing the operations of 22037  
adult high school continuation programs. Any school district or 22038  
combination of districts operating such a program in accordance 22039  
with the rules and standards of the ~~state board of education~~ 22040  
department may receive from the state board of education, with 22041  
the approval of the ~~superintendent of public instruction,~~ 22042  
department, receive reimbursement from the department in an 22043  
amount not to exceed ten dollars per instructional hour. 22044

**Sec. 3313.532.** (A) Any person twenty-two or more years of 22045  
age and enrolled in an adult high school continuation program 22046  
established pursuant to section 3313.531 of the Revised Code may 22047

request the board of education operating the program to conduct 22048  
an evaluation in accordance with division (C) of this section. 22049

(B) Any applicant to a board of education for a diploma of 22050  
adult education under division (B) of section 3313.611 of the 22051  
Revised Code may request the board to conduct an evaluation in 22052  
accordance with division (C) of this section. 22053

(C) Upon the request of any person pursuant to division 22054  
(A) or (B) of this section, the board of education to which the 22055  
request is made shall evaluate the person to determine whether 22056  
the person is disabled, in accordance with rules adopted by the 22057  
~~state board~~ department of education and workforce. If the 22058  
evaluation indicates that the person is disabled, the board 22059  
shall determine whether to excuse the person from taking any of 22060  
the assessments required by section 3313.618 of the Revised Code 22061  
as a requirement for receiving a diploma under section 3313.611 22062  
of the Revised Code. The board may require the person to take an 22063  
alternate assessment in place of any test from which the person 22064  
is so excused. 22065

**Sec. 3313.533.** (A) The board of education of a city, 22066  
exempted village, or local school district may adopt a 22067  
resolution to establish and maintain an alternative school in 22068  
accordance with this section. The resolution shall specify, but 22069  
not necessarily be limited to, all of the following: 22070

(1) The purpose of the school, which purpose shall be to 22071  
serve students who are on suspension, who are having truancy 22072  
problems, who are experiencing academic failure, who have a 22073  
history of class disruption, who are exhibiting other academic 22074  
or behavioral problems specified in the resolution, or who have 22075  
been discharged or released from the custody of the department 22076  
of youth services under section 5139.51 of the Revised Code; 22077

(2) The grades served by the school, which may include any 22078  
of grades kindergarten through twelve; 22079

(3) A requirement that the school be operated in 22080  
accordance with this section. The board of education adopting 22081  
the resolution under division (A) of this section shall be the 22082  
governing board of the alternative school. The board shall 22083  
develop and implement a plan for the school in accordance with 22084  
the resolution establishing the school and in accordance with 22085  
this section. Each plan shall include, but not necessarily be 22086  
limited to, all of the following: 22087

(a) Specification of the reasons for which students will 22088  
be accepted for assignment to the school and any criteria for 22089  
admission that are to be used by the board to approve or 22090  
disapprove the assignment of students to the school; 22091

(b) Specification of the criteria and procedures that will 22092  
be used for returning students who have been assigned to the 22093  
school back to the regular education program of the district; 22094

(c) An evaluation plan for assessing the effectiveness of 22095  
the school and its educational program and reporting the results 22096  
of the evaluation to the public. 22097

(B) Notwithstanding any provision of Title XXXIII of the 22098  
Revised Code to the contrary, the alternative school plan may 22099  
include any of the following: 22100

(1) A requirement that on each school day students must 22101  
attend school or participate in other programs specified in the 22102  
plan or by the chief administrative officer of the school for a 22103  
period equal to the minimum school day set by the board of 22104  
education under section 3313.48 of the Revised Code plus any 22105  
additional time required in the plan or by the chief 22106

administrative officer;	22107
(2) Restrictions on student participation in	22108
extracurricular or interscholastic activities;	22109
(3) A requirement that students wear uniforms prescribed	22110
by the district board of education.	22111
(C) In accordance with the alternative school plan, the	22112
district board of education may employ teachers and nonteaching	22113
employees necessary to carry out its duties and fulfill its	22114
responsibilities or may contract with a nonprofit or for profit	22115
entity to operate the alternative school, including the	22116
provision of personnel, supplies, equipment, or facilities.	22117
(D) An alternative school may be established in all or	22118
part of a school building.	22119
(E) If a district board of education elects under this	22120
section, or is required by section 3313.534 of the Revised Code,	22121
to establish an alternative school, the district board may join	22122
with the board of education of one or more other districts to	22123
form a joint alternative school by forming a cooperative	22124
education school district under section 3311.52 or 3311.521 of	22125
the Revised Code, or a joint educational program under section	22126
3313.842 of the Revised Code. The authority to employ personnel	22127
or to contract with a nonprofit or for profit entity under	22128
division (C) of this section applies to any alternative school	22129
program established under this division.	22130
(F) Any individual employed as a teacher at an alternative	22131
school operated by a nonprofit or for profit entity under this	22132
section shall be licensed and shall be subject to background	22133
checks, as described in section 3319.39 of the Revised Code, in	22134
the same manner as an individual employed by a school district.	22135

(G) Division (G) of this section applies only to any alternative school that is operated by a nonprofit or for profit entity under contract with the school district.

(1) In addition to the specifications authorized under division (B) of this section, any plan adopted under that division for an alternative school to which division (G) of this section also applies shall include the following:

(a) A description of the educational program provided at the alternative school, which shall include:

(i) Provisions for the school to be configured in clusters or small learning communities;

(ii) Provisions for the incorporation of education technology into the curriculum;

(iii) Provisions for accelerated learning programs in reading and mathematics.

(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.

(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;

(d) A plan for a student's transition from the alternative school back to a school operated by the school district;

(e) A requirement that the alternative school maintain

financial records in a manner that is compatible with the form 22164  
prescribed for school districts by the auditor of state to 22165  
enable the district to comply with any rules adopted by the 22166  
auditor of state. 22167

(2) Notwithstanding division (A)(2) of this section, any 22168  
alternative school to which division (G) of this section applies 22169  
shall include only grades six through twelve. 22170

(3) Notwithstanding anything in division (A)(3)(a) of this 22171  
section to the contrary, the characteristics of students who may 22172  
be assigned to an alternative school to which division (G) of 22173  
this section applies shall include only disruptive and low- 22174  
performing students. 22175

(H) When any district board of education determines to 22176  
contract with a nonprofit or for profit entity to operate an 22177  
alternative school under this section, the board shall use the 22178  
procedure set forth in this division. 22179

(1) The board shall publish notice of a request for 22180  
proposals in a newspaper of general circulation in the district 22181  
once each week for a period of two consecutive weeks, or as 22182  
provided in section 7.16 of the Revised Code, prior to the date 22183  
specified by the board for receiving proposals. Notices of 22184  
requests for proposals shall contain a general description of 22185  
the subject of the proposed contract and the location where the 22186  
request for proposals may be obtained. The request for proposals 22187  
shall include all of the following information: 22188

(a) Instructions and information to respondents concerning 22189  
the submission of proposals, including the name and address of 22190  
the office where proposals are to be submitted; 22191

(b) Instructions regarding communications, including at 22192

least the names, titles, and telephone numbers of persons to	22193
whom questions concerning a proposal may be directed;	22194
(c) A description of the performance criteria that will be	22195
used to evaluate whether a respondent to which a contract is	22196
awarded is meeting the district's educational standards or the	22197
method by which such performance criteria will be determined;	22198
(d) Factors and criteria to be considered in evaluating	22199
proposals, the relative importance of each factor or criterion,	22200
and a description of the evaluation procedures to be followed;	22201
(e) Any terms or conditions of the proposed contract,	22202
including any requirement for a bond and the amount of such	22203
bond;	22204
(f) Documents that may be incorporated by reference into	22205
the request for proposals, provided that the request for	22206
proposals specifies where such documents may be obtained and	22207
that such documents are readily available to all interested	22208
parties.	22209
(2) After the date specified for receiving proposals, the	22210
board shall evaluate the submitted proposals and may hold	22211
discussions with any respondent to ensure a complete	22212
understanding of the proposal and the qualifications of such	22213
respondent to execute the proposed contract. Such qualifications	22214
shall include, but are not limited to, all of the following:	22215
(a) Demonstrated competence in performance of the required	22216
services as indicated by effective implementation of educational	22217
programs in reading and mathematics and at least three years of	22218
experience successfully serving a student population similar to	22219
the student population assigned to the alternative school;	22220
(b) Demonstrated performance in the areas of cost	22221

containment, the provision of educational services of a high 22222  
quality, and any other areas determined by the board; 22223

(c) Whether the respondent has the resources to undertake 22224  
the operation of the alternative school and to provide qualified 22225  
personnel to staff the school; 22226

(d) Financial responsibility. 22227

(3) The board shall select for further review at least 22228  
three proposals from respondents the board considers qualified 22229  
to operate the alternative school in the best interests of the 22230  
students and the district. If fewer than three proposals are 22231  
submitted, the board shall select each proposal submitted. The 22232  
board may cancel a request for proposals or reject all proposals 22233  
at any time prior to the execution of a contract. 22234

The board may hold discussions with any of the three 22235  
selected respondents to clarify or revise the provisions of a 22236  
proposal or the proposed contract to ensure complete 22237  
understanding between the board and the respondent of the terms 22238  
under which a contract will be entered. Respondents shall be 22239  
accorded fair and equal treatment with respect to any 22240  
opportunity for discussion regarding clarifications or 22241  
revisions. The board may terminate or discontinue any further 22242  
discussion with a respondent upon written notice. 22243

(4) Upon further review of the three proposals selected by 22244  
the board, the board shall award a contract to the respondent 22245  
the board considers to have the most merit, taking into 22246  
consideration the scope, complexity, and nature of the services 22247  
to be performed by the respondent under the contract. 22248

(5) Except as provided in division (H)(6) of this section, 22249  
the request for proposals, submitted proposals, and related 22250

documents shall become public records under section 149.43 of 22251  
the Revised Code after the award of the contract. 22252

(6) Any respondent may request in writing that the board 22253  
not disclose confidential or proprietary information or trade 22254  
secrets contained in the proposal submitted by the respondent to 22255  
the board. Any such request shall be accompanied by an offer of 22256  
indemnification from the respondent to the board. The board 22257  
shall determine whether to agree to the request and shall inform 22258  
the respondent in writing of its decision. If the board agrees 22259  
to nondisclosure of specified information in a proposal, such 22260  
information shall not become a public record under section 22261  
149.43 of the Revised Code. If the respondent withdraws its 22262  
proposal at any time prior to the execution of a contract, the 22263  
proposal shall not be a public record under section 149.43 of 22264  
the Revised Code. 22265

(I) Upon a recommendation from the department and in 22266  
accordance with section 3301.16 of the Revised Code, the ~~state-~~ 22267  
~~board-director~~ of education and workforce may revoke the charter 22268  
of any alternative school operated by a school district that 22269  
violates this section. 22270

**Sec. 3313.534.** (A) The board of education of each city, 22271  
exempted village, and local school district shall adopt a policy 22272  
of zero tolerance for violent, disruptive, or inappropriate 22273  
behavior and establish strategies to address such behavior that 22274  
range from prevention to intervention. A policy adopted pursuant 22275  
to this section shall comply with the requirements of sections 22276  
3313.668 and 3319.46 of the Revised Code. 22277

(B) Each of the big eight school districts, as defined in 22278  
section 3314.02 of the Revised Code, shall establish under 22279  
section 3313.533 of the Revised Code at least one alternative 22280

school to meet the educational needs of students with severe 22281  
discipline problems, including, but not limited to, excessive 22282  
disruption in the classroom and multiple suspensions or 22283  
expulsions. Any other school district that attains after that 22284  
date a significantly substandard graduation rate, as defined by 22285  
the department of education and workforce, shall also establish 22286  
such an alternative school under that section. 22287

**Sec. 3313.5310.** (A) (1) This section applies to both of the 22288  
following: 22289

(a) Any school operated by a school district board of 22290  
education; 22291

(b) Any chartered or nonchartered nonpublic school that is 22292  
subject to the rules of an interscholastic conference or an 22293  
organization that regulates interscholastic conferences or 22294  
events. 22295

(2) As used in this section, "athletic activity" means all 22296  
of the following: 22297

(a) Interscholastic athletics; 22298

(b) An athletic contest or competition that is sponsored 22299  
by or associated with a school that is subject to this section, 22300  
including cheerleading, club-sponsored sports activities, and 22301  
sports activities sponsored by school-affiliated organizations; 22302

(c) Noncompetitive cheerleading that is sponsored by 22303  
school-affiliated organizations; 22304

(d) Practices, interschool practices, and scrimmages for 22305  
all of the activities described in divisions (A) (2) (a), (b), and 22306  
(c) of this section. 22307

(B) Prior to the start of each athletic season, a school 22308

that is subject to this section may hold an informational 22309  
meeting for students, parents, guardians, other persons having 22310  
care or charge of a student, physicians, pediatric 22311  
cardiologists, athletic trainers, and any other persons 22312  
regarding the symptoms and warning signs of sudden cardiac 22313  
arrest for all ages of students. 22314

(C) No student shall participate in an athletic activity 22315  
until the student has submitted to a designated school official 22316  
a form signed by the student and the parent, guardian, or other 22317  
person having care or charge of the student stating that the 22318  
student and the parent, guardian, or other person having care or 22319  
charge of the student have received and reviewed a copy of the 22320  
information jointly developed by the ~~departments~~ department of 22321  
health and the department of education and workforce and posted 22322  
on their respective ~~internet~~ web sites as required by section 22323  
3707.59 of the Revised Code. A completed form shall be submitted 22324  
each school year, as defined in section 3313.62 of the Revised 22325  
Code, in which the student participates in an athletic activity. 22326

(D) No individual shall coach an athletic activity unless 22327  
the individual has completed, on an annual basis, the sudden 22328  
cardiac arrest training course approved by the department of 22329  
health under division (C) of section 3707.59 of the Revised 22330  
Code. 22331

(E) (1) A student shall not be allowed to participate in an 22332  
athletic activity if either of the following is the case: 22333

(a) The student's biological parent, biological sibling, 22334  
or biological child has previously experienced sudden cardiac 22335  
arrest, and the student has not been evaluated and cleared for 22336  
participation in an athletic activity by a physician authorized 22337  
under Chapter 4731. of the Revised Code to practice medicine and 22338

surgery or osteopathic medicine and surgery. 22339

(b) The student is known to have exhibited syncope or 22340  
fainting at any time prior to or following an athletic activity 22341  
and has not been evaluated and cleared for return under division 22342  
(E) (3) of this section after exhibiting syncope or fainting. 22343

(2) A student shall be removed by the student's coach from 22344  
participation in an athletic activity if the student exhibits 22345  
syncope or fainting. 22346

(3) If a student is not allowed to participate in or is 22347  
removed from participation in an athletic activity under 22348  
division (E) (1) or (2) of this section, the student shall not be 22349  
allowed to return to participation until the student is 22350  
evaluated and cleared for return in writing by any of the 22351  
following: 22352

(a) A physician authorized under Chapter 4731. of the 22353  
Revised Code to practice medicine and surgery or osteopathic 22354  
medicine and surgery, including a physician who specializes in 22355  
cardiology; 22356

(b) A certified nurse practitioner, clinical nurse 22357  
specialist, or certified nurse-midwife who holds a certificate 22358  
of authority issued under Chapter 4723. of the Revised Code; 22359

(c) A physician assistant licensed under Chapter 4730. of 22360  
the Revised Code; 22361

(d) An athletic trainer licensed under Chapter 4755. of 22362  
the Revised Code. 22363

The licensed health care providers specified in divisions 22364  
(E) (3) (a) to (d) of this section may consult with any other 22365  
licensed or certified health care providers in order to 22366

determine whether a student is ready to return to participation.	22367
(F) A school that is subject to this section shall	22368
establish penalties for a coach who violates the provisions of	22369
division (E) of this section.	22370
(G) Nothing in this section shall be construed to abridge	22371
or limit any rights provided under a collective bargaining	22372
agreement entered into under Chapter 4117. of the Revised Code	22373
prior to March 14, 2017.	22374
(H) (1) A school district, member of a school district	22375
board of education, or school district employee or volunteer,	22376
including a coach, is not liable in damages in a civil action	22377
for injury, death, or loss to person or property allegedly	22378
arising from providing services or performing duties under this	22379
section, unless the act or omission constitutes willful or	22380
wanton misconduct.	22381
This section does not eliminate, limit, or reduce any	22382
other immunity or defense that a school district, member of a	22383
school district board of education, or school district employee	22384
or volunteer, including a coach, may be entitled to under	22385
Chapter 2744. or any other provision of the Revised Code or	22386
under the common law of this state.	22387
(2) A chartered or nonchartered nonpublic school or any	22388
officer, director, employee, or volunteer of the school,	22389
including a coach, is not liable in damages in a civil action	22390
for injury, death, or loss to person or property allegedly	22391
arising from providing services or performing duties under this	22392
section, unless the act or omission constitutes willful or	22393
wanton misconduct.	22394
<b>Sec. 3313.5312.</b> (A) A student who is receiving home	22395

~~instruction education~~ in accordance with ~~division (A) (2) of~~ 22396  
section ~~3321.04~~ 3321.042 of the Revised Code shall be afforded, 22397  
by the superintendent of the school district in which the 22398  
student is entitled to attend school under section 3313.64 or 22399  
3313.65 of the Revised Code, the opportunity to participate in 22400  
any extracurricular activity offered at the district school to 22401  
which the student otherwise would be assigned during that school 22402  
year. If more than one school operated by the school district 22403  
serves the student's grade level, as determined by the district 22404  
superintendent based on the student's age and academic 22405  
performance, the student shall be afforded the opportunity to 22406  
participate in extracurricular activities at the school to which 22407  
the student would be assigned by the superintendent under 22408  
section 3319.01 of the Revised Code. If a student who is 22409  
afforded the opportunity to participate in extracurricular 22410  
activities under division (A) of this section wishes to 22411  
participate in an activity that is offered by the district, the 22412  
student shall not participate in that activity at another school 22413  
or school district to which the student is not entitled to 22414  
attend. 22415

(B) The superintendent of any school district may afford 22416  
any student who receives home ~~instruction education~~ under 22417  
~~division (A) (2) of~~ section ~~3321.04~~ 3321.042 of the Revised Code, 22418  
and who is not entitled to attend school in the district under 22419  
section 3313.64 or 3313.65 of the Revised Code, the opportunity 22420  
to participate in any extracurricular activity offered by a 22421  
school of the district, if the district to which the student is 22422  
entitled to attend does not offer that extracurricular activity. 22423

(C) In order to participate in an extracurricular activity 22424  
under this section, the student shall be of the appropriate age 22425  
and grade level, as determined by the superintendent of the 22426

district, for the school that offers the extracurricular 22427  
activity, shall fulfill the same nonacademic and financial 22428  
requirements as any other participant, and shall fulfill either 22429  
of the following academic requirements: 22430

(1) If the student received home ~~instruction-education~~ in 22431  
the preceding grading period, the student shall meet any 22432  
academic requirements established by the ~~state board-department~~ 22433  
of education and workforce for the continuation of home 22434  
instruction. 22435

(2) If the student did not receive home ~~instruction-~~ 22436  
education in the preceding grading period, the student's 22437  
academic performance during the preceding grading period shall 22438  
have met any academic standards for eligibility to participate 22439  
in the program established by the school district. 22440

(D) Eligibility for a student who leaves a school district 22441  
mid-year for home ~~instruction-education~~ shall be determined 22442  
based on an interim academic assessment issued by the district 22443  
in which the student was enrolled based on the student's work 22444  
while enrolled in that district. 22445

(E) Any student who commences home ~~instruction-education~~ 22446  
after the beginning of a school year and who is, at the time 22447  
home ~~instruction-education~~ commences, ineligible to participate 22448  
in an extracurricular activity due to failure to meet academic 22449  
standards or any other requirements of the district shall not 22450  
participate in the extracurricular activity under this section 22451  
until the student meets the applicable academic requirements 22452  
~~established by the state board of education for continuation of-~~ 22453  
~~home instruction~~ as verified by the superintendent of the 22454  
district. No student under this section shall be eligible to 22455  
participate in the same semester in which the student was 22456

determined ineligible. 22457

(F) No school district shall impose additional rules on a 22458  
student to participate under this section that do not apply to 22459  
other students participating in the same extracurricular 22460  
activity. No district shall impose fees for a student to 22461  
participate under this section that exceed any fees charged to 22462  
other students participating in the same extracurricular 22463  
activity. 22464

(G) No school district, interscholastic conference, or 22465  
organization that regulates interscholastic conferences or 22466  
events shall require a student who is eligible to participate in 22467  
interscholastic extracurricular activities under this section to 22468  
meet eligibility requirements that conflict with this section. 22469

**Sec. 3313.5314.** No student who is enrolled in a public or 22470  
nonpublic school shall be denied the opportunity to participate 22471  
in interscholastic athletics offered by that school solely 22472  
because the student is participating or has participated in the 22473  
college credit plus program under Chapter 3365. of the Revised 22474  
Code, so long as the student fulfills all other academic, 22475  
nonacademic, and financial requirements that are not related to 22476  
participation in the program. 22477

Additionally, no student who is enrolled in a community 22478  
school, STEM school, or nonpublic school or who is receiving 22479  
home ~~instruction~~education shall be denied the opportunity to 22480  
participate in interscholastic athletics at the school in which 22481  
the student is entitled to attend school under section 3313.64 22482  
or 3313.65 of the Revised Code solely because of participation 22483  
in the college credit plus program, so long as the student meets 22484  
the applicable requirements under section 3313.537, 3313.5311, 22485  
or 3313.5312 of the Revised Code and fulfills all other 22486

academic, nonacademic, and financial requirements that are not 22487  
related to participation in the program. 22488

As used in this section, "community school" means a 22489  
community school established under Chapter 3314. of the Revised 22490  
Code, and "STEM school" means a science, technology, 22491  
engineering, and mathematics school established under Chapter 22492  
3326. of the Revised Code. 22493

**Sec. 3313.56.** The board of education of any city, exempted 22494  
village, or local school district may establish and maintain 22495  
part-time schools or classes for the further education of 22496  
children who are employed on age and schooling certificates. 22497  
Such schools and classes shall be conducted not fewer than four 22498  
hours per week while in session, and for not fewer than one 22499  
hundred forty-four hours per calendar year between the hours of 22500  
seven in the morning and six in the afternoon, excluding 22501  
Saturday afternoon and Sunday. Such schools and classes shall be 22502  
conducted under such standards as the ~~state board~~ department of 22503  
education and workforce prescribes. Boards of education may 22504  
provide for the expense of such schools and classes the same as 22505  
for the expense of ordinary elementary schools. 22506

**Sec. 3313.57.** Boards of education of city, exempted 22507  
village, or local school districts may provide or approve, 22508  
subject to the approval of parents, activities for children 22509  
during the summer vacation period which will promote their 22510  
health, their civic and vocational competence, and their 22511  
industry, recreation, character, or thrift. The superintendents 22512  
of such school districts shall cause records to be kept of such 22513  
activities assigned and completed. With the approval of the 22514  
~~state board~~ department of education and workforce the successful 22515  
completion of such vacation activities may be required for 22516

promotions and diplomas of graduation, but the completion by any 22517  
child of such vacation activities shall not be prerequisite to 22518  
the issuance of an age and schooling certificate for such child. 22519  
Boards of education shall provide the service necessary to 22520  
direct such activities and may pay any necessary expenses 22521  
incident thereto, the same as the expense of an ordinary 22522  
elementary school. 22523

**Sec. 3313.60.** Notwithstanding division (D) of section 22524  
3311.52 of the Revised Code, divisions (A) to (E) of this 22525  
section do not apply to any cooperative education school 22526  
district established pursuant to divisions (A) to (C) of section 22527  
3311.52 of the Revised Code. 22528

(A) The board of education of each city, exempted village, 22529  
and local school district and the board of each cooperative 22530  
education school district established, pursuant to section 22531  
3311.521 of the Revised Code, shall prescribe a curriculum for 22532  
all schools under its control. Except as provided in division 22533  
(E) of this section, in any such curriculum there shall be 22534  
included the study of the following subjects: 22535

(1) The language arts, including reading, writing, 22536  
spelling, oral and written English, and literature; 22537

(2) Geography, the history of the United States and of 22538  
Ohio, and national, state, and local government in the United 22539  
States, including a balanced presentation of the relevant 22540  
contributions to society of men and women of African, Mexican, 22541  
Puerto Rican, and American Indian descent as well as other 22542  
ethnic and racial groups in Ohio and the United States; 22543

(3) Mathematics; 22544

(4) Natural science, including instruction in the 22545

conservation of natural resources;	22546
(5) Health education, which shall include instruction in:	22547
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;	22548 22549 22550
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco, including electronic smoking devices;	22551 22552 22553
(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;	22554 22555 22556
(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;	22557 22558 22559 22560 22561
(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.	22562 22563 22564 22565
In order to assist school districts in developing a dating violence prevention education curriculum, the department of education <u>and workforce</u> shall provide on its web site links to free curricula addressing dating violence prevention.	22566 22567 22568 22569
If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the	22570 22571 22572 22573

principal, within a reasonable period of time after the request 22574  
is made, shall allow the parent or guardian to examine those 22575  
materials at that school. 22576

(f) Prescription opioid abuse prevention, with an emphasis 22577  
on the prescription drug epidemic and the connection between 22578  
prescription opioid abuse and addiction to other drugs, such as 22579  
heroin; 22580

(g) The process of making an anatomical gift under Chapter 22581  
2108. of the Revised Code, with an emphasis on the life-saving 22582  
and life-enhancing effects of organ and tissue donation; 22583

(h) Beginning with the first day of the next school year 22584  
that begins at least two years after March 24, 2021, in grades 22585  
six through twelve, at least one hour or one standard class 22586  
period per school year of evidence-based suicide awareness and 22587  
prevention and at least one hour or one standard class period 22588  
per school year of safety training and violence prevention, 22589  
except that upon written request of the student's parent or 22590  
guardian, a student shall be excused from taking instruction in 22591  
suicide awareness and prevention or safety training and violence 22592  
prevention; 22593

(i) Beginning with the first day of the next school year 22594  
that begins at least two years after March 24, 2021, in grades 22595  
six through twelve, at least one hour or one standard class 22596  
period per school year of evidence-based social inclusion 22597  
instruction, except that upon written request of the student's 22598  
parent or guardian, a student shall be excused from taking 22599  
instruction in social inclusion. 22600

For the instruction required under divisions (A) (5) (h) and 22601  
(i) of this section, the board shall use a training program 22602

approved by the department of education and workforce under 22603  
section 3301.221 of the Revised Code. 22604

Schools may use student assemblies, digital learning, and 22605  
homework to satisfy the instruction requirements under divisions 22606  
(A) (5) (h) and (i) of this section. 22607

(6) Physical education; 22608

(7) The fine arts, including music; 22609

(8) First aid, including a training program in 22610  
cardiopulmonary resuscitation, which shall comply with section 22611  
3313.6021 of the Revised Code when offered in any of grades nine 22612  
through twelve, safety, and fire prevention. However, upon 22613  
written request of the student's parent or guardian, a student 22614  
shall be excused from taking instruction in cardiopulmonary 22615  
resuscitation. 22616

(B) Except as provided in division (E) of this section, 22617  
every school or school district shall include in the 22618  
requirements for promotion from the eighth grade to the ninth 22619  
grade one year's course of study of American history. A board 22620  
may waive this requirement for academically accelerated students 22621  
who, in accordance with procedures adopted by the board, are 22622  
able to demonstrate mastery of essential concepts and skills of 22623  
the eighth grade American history course of study. 22624

(C) As specified in divisions (B) (6) and (C) (6) of section 22625  
3313.603 of the Revised Code, except as provided in division (E) 22626  
of this section, every high school shall include in the 22627  
requirements for graduation from any curriculum one-half unit 22628  
each of American history and government. 22629

(D) Except as provided in division (E) of this section, 22630  
basic instruction or demonstrated mastery in geography, United 22631

States history, the government of the United States, the 22632  
government of the state of Ohio, local government in Ohio, the 22633  
Declaration of Independence, the United States Constitution, and 22634  
the Constitution of the state of Ohio shall be required before 22635  
pupils may participate in courses involving the study of social 22636  
problems, economics, foreign affairs, United Nations, world 22637  
government, socialism, and communism. 22638

(E) For each cooperative education school district 22639  
established pursuant to section 3311.521 of the Revised Code and 22640  
each city, exempted village, and local school district that has 22641  
territory within such a cooperative district, the curriculum 22642  
adopted pursuant to divisions (A) to (D) of this section shall 22643  
only include the study of the subjects that apply to the grades 22644  
operated by each such school district. The curricula for such 22645  
schools, when combined, shall provide to each student of these 22646  
districts all of the subjects required under divisions (A) to 22647  
(D) of this section. 22648

(F) The board of education of any cooperative education 22649  
school district established pursuant to divisions (A) to (C) of 22650  
section 3311.52 of the Revised Code shall prescribe a curriculum 22651  
for the subject areas and grade levels offered in any school 22652  
under its control. 22653

(G) Upon the request of any parent or legal guardian of a 22654  
student, the board of education of any school district shall 22655  
permit the parent or guardian to promptly examine, with respect 22656  
to the parent's or guardian's own child: 22657

(1) Any survey or questionnaire, prior to its 22658  
administration to the child; 22659

(2) Any textbook, workbook, software, video, or other 22660

instructional materials being used by the district in connection	22661
with the instruction of the child;	22662
(3) Any completed and graded test taken or survey or	22663
questionnaire filled out by the child;	22664
(4) Copies of the statewide academic standards and each	22665
model curriculum developed pursuant to section 3301.079 of the	22666
Revised Code, which copies shall be available at all times	22667
during school hours in each district school building.	22668
<b>Sec. 3313.603.</b> (A) As used in this section:	22669
(1) "One unit" means a minimum of one hundred twenty hours	22670
of course instruction, except that for a laboratory course, "one	22671
unit" means a minimum of one hundred fifty hours of course	22672
instruction.	22673
(2) "One-half unit" means a minimum of sixty hours of	22674
course instruction, except that for physical education courses,	22675
"one-half unit" means a minimum of one hundred twenty hours of	22676
course instruction.	22677
(B) Beginning September 15, 2001, except as required in	22678
division (C) of this section and division (C) of section	22679
3313.614 of the Revised Code, the requirements for graduation	22680
from every high school shall include twenty units earned in	22681
grades nine through twelve and shall be distributed as follows:	22682
(1) English language arts, four units;	22683
(2) Health, one-half unit;	22684
(3) Mathematics, three units;	22685
(4) Physical education, one-half unit;	22686
(5) Science, two units until September 15, 2003, and three	22687

units thereafter, which at all times shall include both of the	22688
following:	22689
(a) Biological sciences, one unit;	22690
(b) Physical sciences, one unit.	22691
(6) History and government, one unit, which shall comply	22692
with division (M) of this section and shall include both of the	22693
following:	22694
(a) American history, one-half unit;	22695
(b) American government, one-half unit.	22696
(7) Social studies, two units.	22697
Beginning with students who enter ninth grade for the	22698
first time on or after July 1, 2017, the two units of	22699
instruction prescribed by division (B) (7) of this section shall	22700
include at least one-half unit of instruction in the study of	22701
world history and civilizations.	22702
(8) Elective units, seven units until September 15, 2003,	22703
and six units thereafter.	22704
Each student's electives shall include at least one unit,	22705
or two half units, chosen from among the areas of	22706
business/technology, fine arts, and/or foreign language.	22707
(C) Beginning with students who enter ninth grade for the	22708
first time on or after July 1, 2010, except as provided in	22709
divisions (D) to (F) of this section, the requirements for	22710
graduation from every public and chartered nonpublic high school	22711
shall include twenty units that are designed to prepare students	22712
for the workforce and college. The units shall be distributed as	22713
follows:	22714

(1) English language arts, four units;	22715
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	22716 22717 22718
(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 on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education <u>and workforce</u> as an alternative.	22719 22720 22721 22722 22723 22724 22725 22726 22727 22728
For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.	22729 22730 22731 22732 22733 22734 22735 22736 22737 22738
A student may fulfill one unit of mathematics under division (C)(3) of this section by completing one-half unit of financial literacy instruction to satisfy the requirement prescribed under division (C)(9) of this section and one-half unit of a mathematics course. The one-half unit course in mathematics shall not be in algebra II, or its equivalent, or a	22739 22740 22741 22742 22743 22744

course for which the ~~state board~~ department requires an end-of- 22745  
course examination under section 3301.0712 of the Revised Code. 22746

Students who choose to take one unit of advanced computer 22747  
science in lieu of algebra II, as described in division (C) (3) 22748  
of this section, shall not be permitted to complete one-half 22749  
unit of financial literacy instruction to satisfy the 22750  
mathematics unit requirements of that division. Instead, those 22751  
students shall be required to complete the one-half unit of 22752  
financial literacy instruction under division (C) (8) of this 22753  
section. 22754

(4) Physical education, one-half unit; 22755

(5) Science, three units with inquiry-based laboratory 22756  
experience that engages students in asking valid scientific 22757  
questions and gathering and analyzing information, which shall 22758  
include the following, or their equivalent: 22759

(a) Physical sciences, one unit; 22760

(b) Life sciences, one unit; 22761

(c) Advanced study in one or more of the following 22762  
sciences, one unit: 22763

(i) Chemistry, physics, or other physical science; 22764

(ii) Advanced biology or other life science; 22765

(iii) Astronomy, physical geology, or other earth or space 22766  
science; 22767

(iv) Computer science. 22768

No student shall substitute a computer science course for 22769  
a life sciences or biology course under division (C) (5) of this 22770  
section. 22771

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following: 22772  
22773  
22774

(a) American history, one-half unit; 22775

(b) American government, one-half unit. 22776

(7) Social studies, two units. 22777

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 (C) (7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations. 22778  
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22780  
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(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology which may include computer science, agricultural education, a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section. 22783  
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One-half unit of instruction under division (C) (8) of this section may be instruction in financial literacy to satisfy the requirement under division (C) (9) of this section. 22792  
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(9) (a) Except as provided in division (C) (9) (b) of this section, for students who enter ninth grade for the first time on or after July 1, 2022, financial literacy, one-half unit. 22795  
22796  
22797  
Each student shall elect to complete the one-half unit of instruction in financial literacy either in lieu of one-half unit of instruction in mathematics under division (C) (3) of this 22798  
22799  
22800

section or an elective under division (C) (8) of this section. 22801

(b) A student attending a nonpublic school accredited 22802  
through the independent schools association of the central 22803  
states or any other chartered nonpublic school shall not be 22804  
required to complete the one-half unit of financial literacy 22805  
instruction prescribed in division (C) (9) (a) of this section, 22806  
unless that student is attending the school under a state 22807  
scholarship program as defined in section 3301.0711 of the 22808  
Revised Code. 22809

The study and instruction of financial literacy required 22810  
under division (C) (9) of this section shall align with the 22811  
academic content standards for financial literacy and 22812  
entrepreneurship adopted under division (A) (2) of section 22813  
3301.079 of the Revised Code. In developing the curriculum for 22814  
the study and instruction of financial literacy, schools may use 22815  
available public-private partnerships and resources and 22816  
materials that exist in business, industry, and through the 22817  
centers for economics education at institutions of higher 22818  
education. 22819

Ohioans must be prepared to apply increased knowledge and 22820  
skills in the workplace and to adapt their knowledge and skills 22821  
quickly to meet the rapidly changing conditions of the twenty- 22822  
first century. National studies indicate that all high school 22823  
graduates need the same academic foundation, regardless of the 22824  
opportunities they pursue after graduation. The goal of Ohio's 22825  
system of elementary and secondary education is to prepare all 22826  
students for and seamlessly connect all students to success in 22827  
life beyond high school graduation, regardless of whether the 22828  
next step is entering the workforce, beginning an 22829  
apprenticeship, engaging in post-secondary training, serving in 22830

the military, or pursuing a college degree. 22831

The requirements for graduation prescribed in division (C) 22832  
of this section are the standard expectation for all students 22833  
entering ninth grade for the first time at a public or chartered 22834  
nonpublic high school on or after July 1, 2010. A student may 22835  
satisfy this expectation through a variety of methods, 22836  
including, but not limited to, integrated, applied, career- 22837  
technical, and traditional coursework. 22838

Stronger coordination between high schools and 22839  
institutions of higher education is necessary to prepare 22840  
students for more challenging academic endeavors and to lessen 22841  
the need for academic remediation in college, thereby reducing 22842  
the costs of higher education for Ohio's students, families, and 22843  
the state. The ~~state board~~ department and the chancellor of 22844  
higher education shall develop policies to ensure that only in 22845  
rare instances will students who complete the requirements for 22846  
graduation prescribed in division (C) of this section require 22847  
academic remediation after high school. 22848

School districts, community schools, and chartered 22849  
nonpublic schools shall integrate technology into learning 22850  
experiences across the curriculum in order to maximize 22851  
efficiency, enhance learning, and prepare students for success 22852  
in the technology-driven twenty-first century. Districts and 22853  
schools shall use distance and web-based course delivery as a 22854  
method of providing or augmenting all instruction required under 22855  
this division, including laboratory experience in science. 22856  
Districts and schools shall utilize technology access and 22857  
electronic learning opportunities provided by the broadcast 22858  
educational media commission, chancellor, the Ohio learning 22859  
network, education technology centers, public television 22860

stations, and other public and private providers. 22861

(D) Except as provided in division (E) of this section, a 22862  
student who enters ninth grade on or after July 1, 2010, and 22863  
before July 1, 2016, may qualify for graduation from a public or 22864  
chartered nonpublic high school even though the student has not 22865  
completed the requirements for graduation prescribed in division 22866  
(C) of this section if all of the following conditions are 22867  
satisfied: 22868

(1) During the student's third year of attending high 22869  
school, as determined by the school, the student and the 22870  
student's parent, guardian, or custodian sign and file with the 22871  
school a written statement asserting the parent's, guardian's, 22872  
or custodian's consent to the student's graduating without 22873  
completing the requirements for graduation prescribed in 22874  
division (C) of this section and acknowledging that one 22875  
consequence of not completing those requirements is 22876  
ineligibility to enroll in most state universities in Ohio 22877  
without further coursework. 22878

(2) The student and parent, guardian, or custodian fulfill 22879  
any procedural requirements the school stipulates to ensure the 22880  
student's and parent's, guardian's, or custodian's informed 22881  
consent and to facilitate orderly filing of statements under 22882  
division (D)(1) of this section. Annually, each district or 22883  
school shall notify the department of the number of students who 22884  
choose to qualify for graduation under division (D) of this 22885  
section and the number of students who complete the student's 22886  
success plan and graduate from high school. 22887

(3) The student and the student's parent, guardian, or 22888  
custodian and a representative of the student's high school 22889  
jointly develop a student success plan for the student in the 22890

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.

(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:

(i) Mathematics, four units, one unit which shall be one of the following:

(I) Probability and statistics;

(II) Computer science;

(III) Applied mathematics or quantitative reasoning;

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.

(ii) Elective units, five units;

(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. 22918

(E) Each school district and chartered nonpublic school 22919  
retains the authority to require an even more challenging 22920  
minimum curriculum for high school graduation than specified in 22921  
division (B) or (C) of this section. A school district board of 22922  
education, through the adoption of a resolution, or the 22923  
governing authority of a chartered nonpublic school may 22924  
stipulate any of the following: 22925

(1) A minimum high school curriculum that requires more 22926  
than twenty units of academic credit to graduate; 22927

(2) An exception to the district's or school's minimum 22928  
high school curriculum that is comparable to the exception 22929  
provided in division (D) of this section but with additional 22930  
requirements, which may include a requirement that the student 22931  
successfully complete more than the minimum curriculum 22932  
prescribed in division (B) of this section; 22933

(3) That no exception comparable to that provided in 22934  
division (D) of this section is available. 22935

If a school district or chartered nonpublic school 22936  
requires a foreign language as an additional graduation 22937  
requirement under division (E) of this section, a student may 22938  
apply one unit of instruction in computer coding to satisfy one 22939  
unit of foreign language. If a student applies more than one 22940  
computer coding course to satisfy the foreign language 22941  
requirement, the courses shall be sequential and progressively 22942  
more difficult. 22943

(F) A student enrolled in a dropout prevention and 22944  
recovery program, which program has received a waiver from the 22945  
department, may qualify for graduation from high school by 22946

successfully completing a competency-based instructional program 22947  
administered by the dropout prevention and recovery program in 22948  
lieu of completing the requirements for graduation prescribed in 22949  
division (C) of this section. The department shall grant a 22950  
waiver to a dropout prevention and recovery program, within 22951  
sixty days after the program applies for the waiver, if the 22952  
program meets all of the following conditions: 22953

(1) The program serves only students not younger than 22954  
sixteen years of age and not older than twenty-one years of age. 22955

(2) The program enrolls students who, at the time of their 22956  
initial enrollment, either, or both, are at least one grade 22957  
level behind their cohort age groups or experience crises that 22958  
significantly interfere with their academic progress such that 22959  
they are prevented from continuing their traditional programs. 22960

(3) The program requires students to attain at least the 22961  
applicable score designated for each of the assessments 22962  
prescribed under division (B) (1) of section 3301.0710 of the 22963  
Revised Code or, to the extent prescribed by rule of the ~~state-~~ 22964  
~~board-department~~ under division (D) (5) of section 3301.0712 of 22965  
the Revised Code, division (B) (2) of that section. 22966

(4) The program develops a student success plan for the 22967  
student in the manner described in division (C) (1) of section 22968  
3313.6020 of the Revised Code that specifies the student's 22969  
matriculating to a two-year degree program, acquiring a business 22970  
and industry-recognized credential, or entering an 22971  
apprenticeship. 22972

(5) The program provides counseling and support for the 22973  
student related to the plan developed under division (F) (4) of 22974  
this section during the remainder of the student's high school 22975

experience. 22976

(6) The program requires the student and the student's 22977  
parent, guardian, or custodian to sign and file, in accordance 22978  
with procedural requirements stipulated by the program, a 22979  
written statement asserting the parent's, guardian's, or 22980  
custodian's consent to the student's graduating without 22981  
completing the requirements for graduation prescribed in 22982  
division (C) of this section and acknowledging that one 22983  
consequence of not completing those requirements is 22984  
ineligibility to enroll in most state universities in Ohio 22985  
without further coursework. 22986

(7) Prior to receiving the waiver, the program has 22987  
submitted to the department an instructional plan that 22988  
demonstrates how the academic content standards adopted by the 22989  
~~state board~~ department under section 3301.079 of the Revised 22990  
Code will be taught and assessed. 22991

(8) Prior to receiving the waiver, the program has 22992  
submitted to the department a policy on career advising that 22993  
satisfies the requirements of section 3313.6020 of the Revised 22994  
Code, with an emphasis on how every student will receive career 22995  
advising. 22996

(9) Prior to receiving the waiver, the program has 22997  
submitted to the department a written agreement outlining the 22998  
future cooperation between the program and any combination of 22999  
local job training, postsecondary education, nonprofit, and 23000  
health and social service organizations to provide services for 23001  
students in the program and their families. 23002

Divisions (F) (8) and (9) of this section apply only to 23003  
waivers granted on or after July 1, 2015. 23004

If the department does not act either to grant the waiver 23005  
or to reject the program application for the waiver within sixty 23006  
days as required under this section, the waiver shall be 23007  
considered to be granted. 23008

(G) Every high school may permit students below the ninth 23009  
grade to take advanced work. If a high school so permits, it 23010  
shall award high school credit for successful completion of the 23011  
advanced work and shall count such advanced work toward the 23012  
graduation requirements of division (B) or (C) of this section 23013  
if the advanced work was both: 23014

(1) Taught by a person who possesses a license or 23015  
certificate issued under section 3301.071, 3319.22, or 3319.222 23016  
of the Revised Code that is valid for teaching high school; 23017

(2) Designated by the board of education of the city, 23018  
local, or exempted village school district, the board of the 23019  
cooperative education school district, or the governing 23020  
authority of the chartered nonpublic school as meeting the high 23021  
school curriculum requirements. 23022

Each high school shall record on the student's high school 23023  
transcript all high school credit awarded under division (G) of 23024  
this section. In addition, if the student completed a seventh- 23025  
or eighth-grade fine arts course described in division (K) of 23026  
this section and the course qualified for high school credit 23027  
under that division, the high school shall record that course on 23028  
the student's high school transcript. 23029

(H) The department shall make its individual academic 23030  
career plan available through its Ohio career information system 23031  
web site for districts and schools to use as a tool for 23032  
communicating with and providing guidance to students and 23033

families in selecting high school courses. 23034

(I) A school district or chartered nonpublic school may 23035  
integrate academic content in a subject area for which the ~~state-~~ 23036  
~~board-department~~ has adopted standards under section 3301.079 of 23037  
the Revised Code into a course in a different subject area, 23038  
including a career-technical education course, in accordance 23039  
with guidance for integrated coursework developed by the 23040  
department. Upon successful completion of an integrated course, 23041  
a student may receive credit for both subject areas that were 23042  
integrated into the course. Units earned for subject area 23043  
content delivered through integrated academic and career- 23044  
technical instruction are eligible to meet the graduation 23045  
requirements of division (B) or (C) of this section. 23046

For purposes of meeting graduation requirements, if an 23047  
end-of-course examination has been prescribed under section 23048  
3301.0712 of the Revised Code for the subject area delivered 23049  
through integrated instruction, the school district or school 23050  
may administer the related subject area examinations upon the 23051  
student's completion of the integrated course. 23052

Nothing in division (I) of this section shall be construed 23053  
to excuse any school district, chartered nonpublic school, or 23054  
student from any requirement in the Revised Code related to 23055  
curriculum, assessments, or the awarding of a high school 23056  
diploma. 23057

(J) (1) ~~The state board department,~~ in consultation with 23058  
the chancellor, shall adopt a statewide plan implementing 23059  
methods for students to earn units of high school credit based 23060  
on a demonstration of subject area competency, instead of or in 23061  
combination with completing hours of classroom instruction. ~~The~~ 23062  
~~state board shall adopt the plan not later than March 31, 2009,~~ 23063

~~and commence phasing in the plan during the 2009-2010 school-~~ 23064  
~~year.~~ The plan shall include a standard method for recording 23065  
demonstrated proficiency on high school transcripts. Each school 23066  
district and community school shall comply with the ~~state-~~ 23067  
~~board's department's~~ plan adopted under this division and award 23068  
units of high school credit in accordance with the plan. The 23069  
~~state board department~~ may adopt existing methods for earning 23070  
high school credit based on a demonstration of subject area 23071  
competency as necessary prior to the 2009-2010 school year. 23072

(2) ~~Not later than December 31, 2015, the state board~~ The 23073  
department shall update the statewide plan adopted pursuant to 23074  
division (J) (1) of this section to also include methods for 23075  
students enrolled in seventh and eighth grade to meet curriculum 23076  
requirements based on a demonstration of subject area 23077  
competency, instead of or in combination with completing hours 23078  
of classroom instruction. Beginning with the 2017-2018 school 23079  
year, each school district and community school also shall 23080  
comply with the updated plan adopted pursuant to this division 23081  
and permit students enrolled in seventh and eighth grade to meet 23082  
curriculum requirements based on subject area competency in 23083  
accordance with the plan. 23084

(3) ~~Not later than December 31, 2017, the~~ The department 23085  
shall develop a framework for school districts and community 23086  
schools to use in granting units of high school credit to 23087  
students who demonstrate subject area competency through work- 23088  
based learning experiences, internships, or cooperative 23089  
education. Beginning with the 2018-2019 school year, each 23090  
district and community school shall comply with the framework. 23091  
Each district and community school also shall review any policy 23092  
it has adopted regarding the demonstration of subject area 23093  
competency to identify ways to incorporate work-based learning 23094

experiences, internships, and cooperative education into the 23095  
policy in order to increase student engagement and opportunities 23096  
to earn units of high school credit. 23097

(K) This division does not apply to students who qualify 23098  
for graduation from high school under division (D) or (F) of 23099  
this section, or to students pursuing a career-technical 23100  
instructional track as determined by the school district board 23101  
of education or the chartered nonpublic school's governing 23102  
authority. Nevertheless, the general assembly encourages such 23103  
students to consider enrolling in a fine arts course as an 23104  
elective. 23105

Beginning with students who enter ninth grade for the 23106  
first time on or after July 1, 2010, each student enrolled in a 23107  
public or chartered nonpublic high school shall complete two 23108  
semesters or the equivalent of fine arts to graduate from high 23109  
school. The coursework may be completed in any of grades seven 23110  
to twelve. Each student who completes a fine arts course in 23111  
grade seven or eight may elect to count that course toward the 23112  
five units of electives required for graduation under division 23113  
(C) (8) of this section, if the course satisfied the requirements 23114  
of division (G) of this section. In that case, the high school 23115  
shall award the student high school credit for the course and 23116  
count the course toward the five units required under division 23117  
(C) (8) of this section. If the course in grade seven or eight 23118  
did not satisfy the requirements of division (G) of this 23119  
section, the high school shall not award the student high school 23120  
credit for the course but shall count the course toward the two 23121  
semesters or the equivalent of fine arts required by this 23122  
division. 23123

(L) Notwithstanding anything to the contrary in this 23124

section, the board of education of each school district and the 23125  
governing authority of each chartered nonpublic school may adopt 23126  
a policy to excuse from the high school physical education 23127  
requirement each student who, during high school, has 23128  
participated in interscholastic athletics, marching band, show 23129  
choir, or cheerleading for at least two full seasons or in the 23130  
junior reserve officer training corps for at least two full 23131  
school years. If the board or authority adopts such a policy, 23132  
the board or authority shall not require the student to complete 23133  
any physical education course as a condition to graduate. 23134  
However, the student shall be required to complete one-half 23135  
unit, consisting of at least sixty hours of instruction, in 23136  
another course of study. In the case of a student who has 23137  
participated in the junior reserve officer training corps for at 23138  
least two full school years, credit received for that 23139  
participation may be used to satisfy the requirement to complete 23140  
one-half unit in another course of study. 23141

(M) It is important that high school students learn and 23142  
understand United States history and the governments of both the 23143  
United States and the state of Ohio. Therefore, beginning with 23144  
students who enter ninth grade for the first time on or after 23145  
July 1, 2012, the study of American history and American 23146  
government required by divisions (B)(6) and (C)(6) of this 23147  
section shall include the study of all of the following 23148  
documents: 23149

(1) The Declaration of Independence; 23150

(2) The Northwest Ordinance; 23151

(3) The Constitution of the United States with emphasis on 23152  
the Bill of Rights; 23153

(4) The Ohio Constitution.	23154
The study of each of the documents prescribed in divisions	23155
(M) (1) to (4) of this section shall include study of that	23156
document in its original context.	23157
The study of American history and government required by	23158
divisions (B) (6) and (C) (6) of this section shall include the	23159
historical evidence of the role of documents such as the	23160
Federalist Papers and the Anti-Federalist Papers to firmly	23161
establish the historical background leading to the establishment	23162
of the provisions of the Constitution and Bill of Rights.	23163
(N) A student may apply one unit of instruction in	23164
computer science to satisfy one unit of mathematics or one unit	23165
of science under division (C) of this section as the student	23166
chooses, regardless of the field of certification of the teacher	23167
who teaches the course, so long as that teacher meets the	23168
licensure requirements prescribed by section 3319.236 of the	23169
Revised Code and, prior to teaching the course, completes a	23170
professional development program determined to be appropriate by	23171
the district board.	23172
If a student applies more than one computer science course	23173
to satisfy curriculum requirements under that division, the	23174
courses shall be sequential and progressively more difficult or	23175
cover different subject areas within computer science.	23176
<b>Sec. 3313.605.</b> (A) As used in this section:	23177
(1) "Civic responsibility" means the patriotic and ethical	23178
duties of all citizens to take an active role in society and to	23179
consider the interests and concerns of other individuals in the	23180
community.	23181
(2) "Volunteerism" means nonprofit activity in the United	23182

States, the benefits and limitations of nonprofit activities, 23183  
and the presence and function of nonprofit civic and charitable 23184  
organizations in the United States. 23185

(3) "Community service" means a service performed through 23186  
educational institutions, government agencies, nonprofit 23187  
organizations, social service agencies, and philanthropies and 23188  
generally designed to provide direct experience with people or 23189  
project planning, with the goal of improving the quality of life 23190  
for the community. Such activities may include but are not 23191  
limited to tutoring, literacy training, neighborhood 23192  
improvement, encouraging interracial and multicultural 23193  
understanding, promoting ideals of patriotism, increasing 23194  
environmental safety, assisting the elderly or disabled, and 23195  
providing mental health care, housing, drug abuse prevention 23196  
programs, and other philanthropic programs, particularly for 23197  
disadvantaged or low-income persons. 23198

(B) The board of education of each city, local, exempted 23199  
village, and joint vocational school district, the governing 23200  
authority of each community school established under Chapter 23201  
3314. of the Revised Code, and the governing body of each STEM 23202  
school established under Chapter 3326. of the Revised Code may 23203  
include community service education in its educational program. 23204  
A governing board of an educational service center, upon the 23205  
request of a local school district board of education, may 23206  
provide a community service education program for the local 23207  
district pursuant to this section. If a board, governing 23208  
authority, or governing body includes community service 23209  
education in its education program, the board, governing 23210  
authority, or governing body shall do both of the following: 23211

(1) Establish a community service advisory committee. The 23212

committee shall provide recommendations to the board, governing authority, or governing body regarding a community service plan for students and shall oversee and assist in the implementation of the plan adopted by the board, governing authority, or governing body under division (B) (2) of this section. Each board, governing authority, or governing body shall determine the membership and organization of its advisory committee and may designate an existing committee established for another purpose to serve as the community service advisory committee; however, each such committee shall include two or more students and shall include or consult with at least one person employed in the field of volunteer management who devotes at least fifty per cent of employment hours to coordinating volunteerism among community organizations. The committee members may include representatives of parents, teachers, administrators, other educational institutions, business, government, nonprofit organizations, veterans organizations, social service agencies, religious organizations, and philanthropies.

(2) Develop and implement a community service plan. To assist in establishing its plan, the board, governing authority, or governing body shall consult with and may contract with one or more local or regional organizations with experience in volunteer program development and management. Each community service plan adopted under this division shall be based upon the recommendations of the advisory committee and shall provide for all of the following:

(a) Education of students in the value of community service and its contributions to the history of this state and this nation;

(b) Identification of opportunities for students to

provide community service;	23243
(c) Encouragement of students to provide community service;	23244 23245
(d) Integration of community service opportunities into the curriculum;	23246 23247
(e) A community service instructional program for teachers, including strategies for the teaching of community service education, for the discovery of community service opportunities, and for the motivation of students to become involved in community service.	23248 23249 23250 23251 23252
Plans shall be reviewed periodically by the advisory committee and, if necessary, revised by the board, governing authority, or governing body at least once every five years.	23253 23254 23255
Plans shall provide for students to perform services under the plan that will not supplant the hiring of, result in the displacement of, or impair any existing employment contract of any particular employee of any private or governmental entity for which the services are performed. The plan shall provide for any entity utilizing a student to perform community service under the plan to verify to the board that the student does not supplant the hiring of, displace, or impair the employment contract of any particular employee of the entity.	23256 23257 23258 23259 23260 23261 23262 23263 23264
Upon adoption, a board, governing authority, or governing body shall submit a copy of its plan to the department of education <u>and workforce</u> . Each city and exempted village board of education and each governing board of a service center shall include a copy of its plan in any course of study adopted under section 3313.60 of the Revised Code that is required to be submitted for approval to the <del>state board</del> <u>department</u> for review.	23265 23266 23267 23268 23269 23270 23271

A joint vocational school district board of education shall 23272  
submit a copy of its plan to the ~~state board~~ department for 23273  
review when required to do so by the ~~state board~~ department. A 23274  
local board shall forward its plan to the educational service 23275  
center governing board for inclusion in the governing board's 23276  
course of study. The department periodically shall review all 23277  
plans and publish those plans that could serve as models for 23278  
other school districts, educational service centers, community 23279  
schools, or STEM schools. 23280

(C) Under this section, a board, governing authority, or 23281  
governing body may only grant high school credit for a community 23282  
service education course if approximately half of the course is 23283  
devoted to classroom study of such matters as civic 23284  
responsibility, the history of volunteerism, and community 23285  
service training and approximately half of the course is devoted 23286  
to community service. 23287

Each board, governing authority, or governing body shall 23288  
determine which specific activities will serve to fulfill the 23289  
required hours of community service. 23290

(D) The ~~superintendent of public instruction~~ department of 23291  
education and workforce shall develop guidelines for the 23292  
development and implementation of a rubric to evaluate and rate 23293  
community service education projects for use by districts, 23294  
governing authorities, and governing boards that adopt a 23295  
community service education plan. 23296

(E) The ~~state superintendent~~ department shall adopt rules 23297  
for granting a student special certification, special 23298  
recognition on a diploma, or special notification in the 23299  
student's record upon the student's successful completion of an 23300  
approved community service project. 23301

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 who 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 at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated

under division (A) (3) of section 3301.0710 of the Revised Code	23331
on the assessment prescribed under that section to measure skill	23332
in English language arts expected at the end of third grade,	23333
unless one of the following applies:	23334
(a) The student is an English learner who has been	23335
enrolled in United States schools for less than three full	23336
school years and has had less than three years of instruction in	23337
an English as a second language program.	23338
(b) The student is a child with a disability entitled to	23339
special education and related services under Chapter 3323. of	23340
the Revised Code and the student's individualized education	23341
program exempts the student from retention under this division.	23342
(c) The student demonstrates an acceptable level of	23343
performance on an alternative standardized reading assessment as	23344
determined by the department of education <u>and workforce</u> .	23345
(d) All of the following apply:	23346
(i) The student is a child with a disability entitled to	23347
special education and related services under Chapter 3323. of	23348
the Revised Code.	23349
(ii) The student has taken the third grade English	23350
language arts achievement assessment prescribed under section	23351
3301.0710 of the Revised Code.	23352
(iii) The student's individualized education program or	23353
plan under section 504 of the "Rehabilitation Act of 1973," 87	23354
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has	23355
received intensive remediation in reading for two school years	23356
but still demonstrates a deficiency in reading.	23357
(iv) The student previously was retained in any of grades	23358

kindergarten to three. 23359

(e) (i) The student received intensive remediation for 23360  
reading for two school years but still demonstrates a deficiency 23361  
in reading and was previously retained in any of grades 23362  
kindergarten to three. 23363

(ii) A student who is promoted under division (A) (2) (e) (i) 23364  
of this section shall continue to receive intensive reading 23365  
instruction in grade four. The instruction shall include an 23366  
altered instructional day that includes specialized diagnostic 23367  
information and specific research-based reading strategies for 23368  
the student that have been successful in improving reading among 23369  
low-performing readers. 23370

(B) (1) Beginning in the 2012-2013 school year, to assist 23371  
students in meeting the third grade guarantee established by 23372  
this section, each school district board of education shall 23373  
adopt policies and procedures with which it annually shall 23374  
assess the reading skills of each student, except those students 23375  
with significant cognitive disabilities or other disabilities as 23376  
authorized by the department on a case-by-case basis, enrolled 23377  
in kindergarten to third grade and shall identify students who 23378  
are reading below their grade level. The reading skills 23379  
assessment shall be completed by the thirtieth day of September 23380  
for students in grades one to three, and by the twentieth day of 23381  
instruction of the school year for students in kindergarten. 23382  
Each district shall use the diagnostic assessment to measure 23383  
reading ability for the appropriate grade level adopted under 23384  
section 3301.079 of the Revised Code, or a comparable tool 23385  
approved by the department of education and workforce, to 23386  
identify such students. The policies and procedures shall 23387  
require the students' classroom teachers to be involved in the 23388

assessment and the identification of students reading below 23389  
grade level. The assessment may be administered electronically 23390  
using live, two-way video and audio connections whereby the 23391  
teacher administering the assessment may be in a separate 23392  
location from the student. 23393

(2) For each student identified by the diagnostic 23394  
assessment prescribed under this section as having reading 23395  
skills below grade level, the district shall do both of the 23396  
following: 23397

(a) Provide to the student's parent or guardian, in 23398  
writing, all of the following: 23399

(i) Notification that the student has been identified as 23400  
having a substantial deficiency in reading; 23401

(ii) A description of the current services that are 23402  
provided to the student; 23403

(iii) A description of the proposed supplemental 23404  
instructional services and supports that will be provided to the 23405  
student that are designed to remediate the identified areas of 23406  
reading deficiency; 23407

(iv) Notification that if the student attains a score in 23408  
the range designated under division (A) (3) of section 3301.0710 23409  
of the Revised Code on the assessment prescribed under that 23410  
section to measure skill in English language arts expected at 23411  
the end of third grade, the student shall be retained unless the 23412  
student is exempt under division (A) of this section. The 23413  
notification shall specify that the assessment under section 23414  
3301.0710 of the Revised Code is not the sole determinant of 23415  
promotion and that additional evaluations and assessments are 23416  
available to the student to assist parents and the district in 23417

knowing when a student is reading at or above grade level and	23418
ready for promotion.	23419
(b) Provide intensive reading instruction services and	23420
regular diagnostic assessments to the student immediately	23421
following identification of a reading deficiency until the	23422
development of the reading improvement and monitoring plan	23423
required by division (C) of this section. These intervention	23424
services shall include research-based reading strategies that	23425
have been shown to be successful in improving reading among low-	23426
performing readers and instruction targeted at the student's	23427
identified reading deficiencies.	23428
(3) For each student retained under division (A) of this	23429
section, the district shall do all of the following:	23430
(a) Provide intense remediation services until the student	23431
is able to read at grade level. The remediation services shall	23432
include intensive interventions in reading that address the	23433
areas of deficiencies identified under this section including,	23434
but not limited to, not less than ninety minutes of reading	23435
instruction per day, and may include any of the following:	23436
(i) Small group instruction;	23437
(ii) Reduced teacher-student ratios;	23438
(iii) More frequent progress monitoring;	23439
(iv) Tutoring or mentoring;	23440
(v) Transition classes containing third and fourth grade	23441
students;	23442
(vi) Extended school day, week, or year;	23443
(vii) Summer reading camps.	23444

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education and workforce. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or

guardian and classroom teacher in developing the plan. The plan shall include all of the following:	23474 23475
(1) Identification of the student's specific reading deficiencies;	23476 23477
(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;	23478 23479 23480
(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C) (2) of this section;	23481 23482 23483
(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;	23484 23485 23486
(5) A reading curriculum during regular school hours that does all of the following:	23487 23488
(a) Assists students to read at grade level;	23489
(b) Provides scientifically based and reliable assessment;	23490
(c) Provides initial and ongoing analysis of each student's reading progress.	23491 23492
(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.	23493 23494 23495 23496 23497 23498
Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1,	23499 23500

2013, shall be assigned to a teacher who satisfies one or more 23501  
of the criteria set forth in division (H) of this section. 23502

The district shall report any information requested by the 23503  
department about the reading improvement monitoring plans 23504  
developed under this division in the manner required by the 23505  
department. 23506

(D) Each school district shall report annually to the 23507  
department on its implementation and compliance with this 23508  
section using guidelines prescribed by the ~~superintendent of~~ 23509  
~~public instruction~~department. The ~~superintendent of public~~ 23510  
~~instruction~~director of education and workforce annually shall 23511  
report to the governor and general assembly the number and 23512  
percentage of students in grades kindergarten through four 23513  
reading below grade level based on the diagnostic assessments 23514  
administered under division (B) of this section and the 23515  
achievement assessments administered under divisions (A) (1) (a) 23516  
and (b) of section 3301.0710 of the Revised Code in English 23517  
language arts, aggregated by school district and building; the 23518  
types of intervention services provided to students; and, if 23519  
available, an evaluation of the efficacy of the intervention 23520  
services provided. 23521

(E) Any summer remediation services funded in whole or in 23522  
part by the state and offered by school districts to students 23523  
under this section shall meet the following conditions: 23524

(1) The remediation methods are based on reliable 23525  
educational research. 23526

(2) The school districts conduct assessment before and 23527  
after students participate in the program to facilitate 23528  
monitoring results of the remediation services. 23529

(3) The parents of participating students are involved in programming decisions.	23530 23531
(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.	23532 23533 23534
(G) This section does not create a new cause of action or a substantive legal right for any person.	23535 23536
(H) (1) Except as provided under divisions (H) (2), (3), and (4) of this section, each 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, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:	23537 23538 23539 23540 23541 23542
(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.	23543 23544 23545
(b) The teacher has completed a master's degree program with a major in reading.	23546 23547
(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 <del>state board</del> department under division (B) (2) of section 3319.112 of the Revised Code.	23548 23549 23550 23551 23552 23553
(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.	23554 23555 23556
(e) The teacher has earned a passing score on a rigorous	23557

test of principles of scientifically research-based reading 23558  
instruction as approved by the ~~state board~~ department. 23559

(f) The teacher holds an educator license for teaching 23560  
grades pre-kindergarten through three or four through nine 23561  
issued on or after July 1, 2017. 23562

(2) Notwithstanding division (H) (1) of this section, a 23563  
student described in division (B) (3) or (C) of this section who 23564  
enters third grade for the first time on or after July 1, 2013, 23565  
may be assigned to a teacher with less than one year of teaching 23566  
experience provided that the teacher meets one or more of the 23567  
criteria described in divisions (H) (1) (a) to (f) of this section 23568  
and that teacher is assigned a teacher mentor who meets the 23569  
qualifications of division (H) (1) of this section. 23570

(3) Notwithstanding division (H) (1) of this section, a 23571  
student described in division (B) (3) or (C) of this section who 23572  
enters third grade for the first time on or after July 1, 2013, 23573  
but prior to July 1, 2016, may be assigned to a teacher who 23574  
holds an alternative credential approved by the department or 23575  
who has successfully completed training that is based on 23576  
principles of scientifically research-based reading instruction 23577  
that has been approved by the department. Beginning on July 1, 23578  
2014, the alternative credentials and training described in 23579  
division (H) (3) of this section shall be aligned with the 23580  
reading competencies adopted by the state board of education 23581  
under section 3301.077 of the Revised Code. 23582

(4) Notwithstanding division (H) (1) of this section, a 23583  
student described in division (B) (3) or (C) of this section who 23584  
enters third grade for the first time on or after July 1, 2013, 23585  
may receive reading intervention or remediation services under 23586  
this section from an individual employed as a speech-language 23587

pathologist who holds a license issued by the state speech and 23588  
hearing professionals board under Chapter 4753. of the Revised 23589  
Code and a ~~professional pupil services license as a school~~ 23590  
~~speech language pathologist issued by the state board of~~ 23591  
education registration under section 3319.221 of the Revised 23592  
Code. 23593

(5) A teacher, other than a student's teacher of record, 23594  
may provide any services required under this section, so long as 23595  
that other teacher meets the requirements of division (H) of 23596  
this section and the teacher of record and the school principal 23597  
agree to the assignment. Any such assignment shall be documented 23598  
in the student's reading improvement and monitoring plan. 23599

As used in this division, "teacher of record" means the 23600  
classroom teacher to whom a student is assigned. 23601

(I) Notwithstanding division (H) of this section, a 23602  
teacher may teach reading to any student who is an English 23603  
language learner, and has been in the United States for three 23604  
years or less, or to a student who has an individualized 23605  
education program developed under Chapter 3323. of the Revised 23606  
Code if that teacher holds an alternative credential approved by 23607  
the department or has successfully completed training that is 23608  
based on principles of scientifically research-based reading 23609  
instruction that has been approved by the department. Beginning 23610  
on July 1, 2014, the alternative credentials and training 23611  
described in this division shall be aligned with the reading 23612  
competencies adopted by the state board of education under 23613  
section 3301.077 of the Revised Code. 23614

(J) If, on or after June 4, 2013, a school district or 23615  
community school cannot furnish the number of teachers needed 23616  
who satisfy one or more of the criteria set forth in division 23617

(H) of this section for the 2013-2014 school year, the school 23618  
district or community school shall develop and submit a staffing 23619  
plan by June 30, 2013. The staffing plan shall include criteria 23620  
that will be used to assign a student described in division (B) 23621  
(3) or (C) of this section to a teacher, credentials or training 23622  
held by teachers currently teaching at the school, and how the 23623  
school district or community school will meet the requirements 23624  
of this section. The school district or community school shall 23625  
post the staffing plan on its web site for the applicable school 23626  
year. 23627

Not later than March 1, 2014, and on the first day of 23628  
March in each year thereafter, a school district or community 23629  
school that has submitted a plan under this division shall 23630  
submit to the department a detailed report of the progress the 23631  
district or school has made in meeting the requirements under 23632  
this section. 23633

A school district or community school may request an 23634  
extension of a staffing plan beyond the 2013-2014 school year. 23635  
Extension requests must be submitted to the department not later 23636  
than the thirtieth day of April prior to the start of the 23637  
applicable school year. The department may grant extensions 23638  
valid through the 2015-2016 school year. 23639

~~Until June 30, 2015, the department annually shall review 23640  
all staffing plans and report to the state board not later than 23641  
the thirtieth day of June of each year the progress of school 23642  
districts and community schools in meeting the requirements of 23643  
this section. 23644~~

(K) The department of education and workforce shall 23645  
designate one or more staff members to provide guidance and 23646  
assistance to school districts and community schools in 23647

implementing the third grade guarantee established by this 23648  
section, including any standards or requirements adopted to 23649  
implement the guarantee and to provide information and support 23650  
for reading instruction and achievement. 23651

**Sec. 3313.6011.** (A) As used in this section, "sexual 23652  
activity" has the same meaning as in section 2907.01 of the 23653  
Revised Code. 23654

(B) Instruction in venereal disease education pursuant to 23655  
division (A) (5) (c) of section 3313.60 of the Revised Code shall 23656  
emphasize that abstinence from sexual activity is the only 23657  
protection that is one hundred per cent effective against 23658  
unwanted pregnancy, sexually transmitted disease, and the sexual 23659  
transmission of a virus that causes acquired immunodeficiency 23660  
syndrome. 23661

(C) (1) The department of education and workforce shall 23662  
require course material and instruction in venereal disease 23663  
education courses taught pursuant to division (A) (5) (c) of 23664  
section 3313.60 of the Revised Code to do all of the following: 23665

(a) Stress that students should abstain from sexual 23666  
activity until after marriage; 23667

(b) Teach the potential physical, psychological, 23668  
emotional, and social side effects of participating in sexual 23669  
activity outside of marriage; 23670

(c) Teach that conceiving children out of wedlock is 23671  
likely to have harmful consequences for the child, the child's 23672  
parents, and society; 23673

(d) Stress that sexually transmitted diseases are serious 23674  
possible hazards of sexual activity; 23675

(e) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock; 23676  
23677  
23678

(f) Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section 2907.04 of the Revised Code; 23679  
23680  
23681

(g) Emphasize adoption as an option for unintended pregnancies. 23682  
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(2) If a school district or school chooses to offer additional instruction in venereal disease or sexual education not specified in division (C)(1) of this section, the district or school shall notify all parents or guardians of that instruction, including the name of any instructor, vendor name, if applicable, and the name of the curriculum being used. No district or school shall offer that instruction to a student unless that student's parent or guardian has submitted written permission for that student to receive that instruction. 23684  
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Division (E) of this section does not apply to division (C)(2) of this section. 23693  
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(3) Upon request, a school district or school shall provide any materials associated with the instruction offered under divisions (C)(1) and (2) of this section to a parent or guardian. 23695  
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(D) The ~~state board of education department~~ shall not adopt a separate model education program for health education. 23699  
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(E) The department shall conduct an annual audit of each city, local, and exempted village school district, at the start of each school year, relative to its compliance with the instruction requirements of this section and division (A)(5)(c) 23701  
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of section 3313.60 of the Revised Code. The department shall 23705  
publish the findings of each audit not later than one hundred 23706  
twenty days after the start of the school year. The department 23707  
shall include in the findings of each audit the name of any 23708  
organization or program that provided materials to a school 23709  
district regarding venereal disease instruction. The 23710  
department's findings shall be prominently posted on its web 23711  
site. 23712

(F) The ~~superintendent of public instruction~~ director of 23713  
education and workforce shall not approve, pursuant to section 23714  
3302.07 of the Revised Code, any waiver of any requirement of 23715  
this section. 23716

**Sec. 3313.6013.** (A) As used in this section, "advanced 23717  
standing program" means a program that enables a student to earn 23718  
credit toward a degree from an institution of higher education 23719  
while enrolled in high school or that enables a student to 23720  
complete coursework while enrolled in high school that may earn 23721  
credit toward a degree from an institution of higher education 23722  
upon the student's attainment of a specified score on an 23723  
examination covering the coursework. Advanced standing programs 23724  
may include any of the following: 23725

(1) The college credit plus program established under 23726  
Chapter 3365. of the Revised Code; 23727

(2) Advanced placement courses; 23728

(3) International baccalaureate diploma courses; 23729

(4) Early college high school programs. 23730

(B) Each city, local, exempted village, and joint 23731  
vocational school district and each chartered nonpublic high 23732  
school shall provide students enrolled in grades nine through 23733

twelve with the opportunity to participate in an advanced 23734  
standing program. For this purpose, each school district and 23735  
chartered nonpublic high school shall offer at least one 23736  
advanced standing program in accordance with division (B) (1) or 23737  
(2) of this section, as applicable. 23738

(1) A city, local, or exempted village school district 23739  
meets the requirements of this division through its mandatory 23740  
participation in the college credit plus program established 23741  
under Chapter 3365. of the Revised Code. However, a city, local, 23742  
or exempted village school district may offer any other advanced 23743  
standing program, in addition to the college credit plus 23744  
program, and each joint vocational school district shall offer 23745  
at least one other advanced standing program, to students in 23746  
good standing, as defined by the partnership for continued 23747  
learning under section 3301.42 of the Revised Code as it existed 23748  
prior to October 16, 2009, or as subsequently defined by the 23749  
department of education and workforce. 23750

(2) A chartered nonpublic high school that elects to 23751  
participate in the college credit plus program established under 23752  
Chapter 3365. of the Revised Code meets the requirements of this 23753  
division. Each chartered nonpublic high school that elects not 23754  
to participate in the college credit plus program instead shall 23755  
offer at least one other advanced standing program to students 23756  
in good standing, as defined by the partnership for continued 23757  
learning under section 3301.42 of the Revised Code as it existed 23758  
prior to October 16, 2009, or as subsequently defined by the 23759  
department of education and workforce. 23760

(C) Each school district and each chartered nonpublic high 23761  
school, at least annually, shall provide information about the 23762  
advanced standing programs offered by the district or school to 23763

all students enrolled in grades six through eleven. The district or school shall include information about all of the following: 23764  
23765

(1) The process colleges and universities use in awarding credit for advanced placement and international baccalaureate courses and examinations, including minimum scores required by state institutions of higher education, as defined in section 3345.011 of the Revised Code, for a student to receive college credit; 23766  
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(2) The availability of tuition and fee waivers for advanced placement and international baccalaureate courses and examinations; 23772  
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(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost; 23775  
23776  
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(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses; 23778  
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(5) The availability of advanced placement or international baccalaureate courses offered throughout the district. 23780  
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The district or school may include additional information as determined appropriate by the district or school. 23783  
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(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay the costs associated with taking an advanced placement or international baccalaureate examination. 23785  
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(E) Any agreement between a school district or school and an associated college governing the operation of an early college high school program shall be exempt from the requirements of the college credit plus program, provided the program meets the definition set forth in division (F) (2) of this section and is approved by the ~~superintendent of public instruction~~ director of education and workforce and the chancellor of higher education.

The college credit plus program also shall not govern any advanced placement course or international baccalaureate diploma course as described under this section.

(F) As used in this section:

(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;	23822 23823
(b) Students who are economically disadvantaged, as defined by the department of education <u>and workforce</u> ;	23824 23825
(c) Students whose parents did not earn a college degree.	23826
<b>Sec. 3313.6015.</b> 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 education <u>and workforce</u> .	23827 23828 23829 23830 23831 23832 23833 23834
<b>Sec. 3313.6016.</b> (A) <del>Beginning in the 2011-2012 school year, the</del> <u>The</u> department of education <u>and workforce</u> shall administer a pilot program requiring daily physical activity for students. Any school district; community school established under Chapter 3314. of the Revised Code; science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code; or chartered nonpublic school annually may elect to participate in the pilot program by notifying the department of its interest by a date established by the department. If a school district elects to participate in the pilot program, the district shall select one or more school buildings to participate in the program. To the maximum extent possible, the department shall seek to include in the pilot program districts and schools that are located in urban, suburban, and rural areas distributed geographically throughout the state. The department shall administer the pilot program in accordance with this section.	23835 23836 23837 23838 23839 23840 23841 23842 23843 23844 23845 23846 23847 23848 23849 23850 23851

(B) Except as provided in division (C) of this section, 23852  
each district or school participating in the pilot program shall 23853  
require all students in the school building selected under 23854  
division (A) of this section to engage in at least thirty 23855  
minutes of moderate to rigorous physical activity each school 23856  
day or at least one hundred fifty minutes of moderate to 23857  
rigorous physical activity each week, exclusive of recess. 23858  
Physical activity engaged in during the following may count 23859  
toward the daily requirement: 23860

(1) A physical education course; 23861

(2) A program or activity occurring before or after the 23862  
regular school day, as defined in section 3313.814 of the 23863  
Revised Code, that is sponsored or approved by the school of 23864  
attendance, provided school officials are able to monitor 23865  
students' participation to ensure compliance with the 23866  
requirement. 23867

(C) None of the following shall be subject to the 23868  
requirement of division (B) of this section: 23869

(1) Any student enrolled in the college credit plus 23870  
program established under Chapter 3365. of the Revised Code; 23871

(2) Any student enrolled in a career-technical education 23872  
program operated by the district or school; 23873

(3) Any student enrolled in a dropout prevention and 23874  
recovery program operated by the district or school. 23875

(D) For any period in which a student is participating in 23876  
interscholastic athletics, marching band, cheerleading, or a 23877  
junior reserve officer training corps program, the district or 23878  
school may excuse the student from the requirement of division 23879  
(B) of this section. 23880

(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.

(D) All agricultural education instructors shall submit a monthly time log to the principal of the school at which the extended programming is offered, or the principal's designee, for review.

**Sec. 3313.6020.** (A) (1) Beginning in the 2015-2016 school year, the board of education of each city, local, exempted village, and joint vocational school district shall adopt a policy on career advising that complies with this section. Thereafter, the policy shall be updated at least once every two years.

(2) The board shall make the policy publicly available to students, parents, guardians, or custodians, local post-secondary institutions, and residents of the district. The district shall post the policy in a prominent location on its web site, if it has one.

(B) The policy on career advising shall specify how the district will do all of the following:

(1) Provide students with grade-level examples that link

their schoolwork to one or more career fields. A district may 23939  
use career connections developed under division (B) (2) of 23940  
section 3301.079 of the Revised Code for this purpose. 23941

(2) Create a plan to provide career advising to students 23942  
in grades six through twelve; 23943

(3) Beginning in the 2015-2016 school year, provide 23944  
additional interventions and career advising for students who 23945  
are identified as at risk of dropping out of school in 23946  
accordance with division (C) of this section; 23947

(4) Train its employees on how to advise students on 23948  
career pathways, including training on advising students using 23949  
online tools; 23950

(5) Develop multiple, clear academic pathways through high 23951  
school that students may choose in order to earn a high school 23952  
diploma; 23953

(6) Identify and publicize courses that can award students 23954  
both traditional academic and career-technical credit; 23955

(7) Document the career advising provided to each student 23956  
for review by the student, the student's parent, guardian, or 23957  
custodian, and future schools that the student may attend. A 23958  
district shall not otherwise release this information without 23959  
the written consent of the student's parent, guardian, or 23960  
custodian, if the student is less than eighteen years old, or 23961  
the written consent of the student, if the student is at least 23962  
eighteen years old. 23963

(8) Prepare students for their transition from high school 23964  
to their post-secondary destinations, including any special 23965  
interventions that are necessary for students in need of 23966  
remediation in mathematics or English language arts; 23967

(9) Include information regarding career fields that require an industry-recognized credential, certificate, associate's degree, bachelor's degree, graduate degree, or professional degree;	23968
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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:	23972
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	23974
(a) The reserve officer training corps;	23975
(b) The college credit plus program established under Chapter 3365. of the Revised Code;	23976
	23977
(c) The Ohio guaranteed transfer pathways initiative established under section 3333.168 of the Revised Code;	23978
	23979
(d) Joint academic programming or dual enrollment opportunities required under section 3333.168 of the Revised Code.	23980
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	23982
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.	23983
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(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	23989
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role of career-technical education, competency-based education, 23997  
and experiential learning, as appropriate, in that pathway. 23998

(2) Prior to developing a student success plan for a 23999  
student, the district shall invite the student's parent, 24000  
guardian, or custodian to assist in developing the plan. If the 24001  
student's parent, guardian, or custodian does not participate in 24002  
the development of the plan, the district shall provide to the 24003  
parent, guardian, or custodian a copy of the student's success 24004  
plan and a statement of the importance of a high school diploma 24005  
and the academic pathways available to the student in order to 24006  
successfully graduate. 24007

(3) Following the development of a student success plan 24008  
for a student, the district shall provide career advising to the 24009  
student that is aligned with the plan and, beginning in the 24010  
2015-2016 school year, the district's plan to provide career 24011  
advising created under division (B) (2) of this section. 24012

(D) (1) ~~Not later than December 1, 2014, the~~ The department 24013  
of education and workforce shall develop and post on its web 24014  
site model policies on career advising and model student success 24015  
plans. 24016

(2) ~~Not later than July 1, 2015, the~~ The department shall 24017  
create an online clearinghouse of research related to proven 24018  
practices for policies on career advising and student success 24019  
plans that districts may access when fulfilling the requirements 24020  
of this section. 24021

(3) The department shall develop and make available 24022  
informational materials for students in grades seven and eight 24023  
about career opportunities available to them, including in- 24024  
demand jobs as defined in section 3333.94 of the Revised Code, 24025

and how a career-technical education may help them satisfy 24026  
graduation conditions under section 3313.618 of the Revised 24027  
Code. 24028

**Sec. 3313.6024.** (A) ~~Annually, beginning in the 2019-2020~~ 24029  
~~school year,~~ each school district shall report to the department 24030  
of education and workforce, in the manner prescribed by the 24031  
department, the types of prevention-focused programs, services, 24032  
and supports used to assist students in developing the knowledge 24033  
and skills to engage in healthy behaviors and decision-making 24034  
and to increase their awareness of the dangers and consequences 24035  
of risky behaviors, including substance abuse, suicide, 24036  
bullying, and other harmful behaviors. The district shall report 24037  
the following information regarding such programs, services, and 24038  
supports for each building operated by the district and for each 24039  
of grades kindergarten through twelve served by the building: 24040

(1) Curriculum and instruction provided during the school 24041  
day; 24042

(2) Programs and supports provided outside of the 24043  
classroom or outside of the school day; 24044

(3) Professional development for teachers, administrators, 24045  
and other staff; 24046

(4) Partnerships with community coalitions and 24047  
organizations to provide prevention services and resources to 24048  
students and their families; 24049

(5) School efforts to engage parents and the community; 24050

(6) Activities designed to communicate with and learn from 24051  
other schools or professionals with expertise in prevention 24052  
education. 24053

(B) The department may use information reported under this section, and any other information collected by the department pursuant to law, as a factor in the distribution of any funding available for prevention-focused programs, services, and supports.

**Sec. 3313.6027.** Subject to divisions (D) to (F) of section 3313.603 of the Revised Code, this section applies to students who enter ninth grade for the first time on or after July 1, 2010, but prior to July 1, 2022.

For students to whom this section applies, each school district and chartered nonpublic school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the ~~state board~~ department of education and workforce under division (A) (1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A) (2) of that section, into one or more existing social studies credits required under division (C) (7) of section 3313.603 of the Revised Code, or into the content of another class, so that every high school student receives instruction in those concepts.

**Sec. 3313.61.** (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no

school district shall require a student to remain in school for 24084  
any specific number of semesters or other terms if the student 24085  
completes the required curriculum early; 24086

(2) Subject to section 3313.614 of the Revised Code, the 24087  
person has met the assessment requirements of division (A) (2) (a) 24088  
or (b) of this section, as applicable. 24089

(a) If the person entered the ninth grade prior to July 1, 24090  
2014, the person either: 24091

(i) Has attained at least the applicable scores designated 24092  
under division (B) (1) of section 3301.0710 of the Revised Code 24093  
on all the assessments required by that division unless the 24094  
person was excused from taking any such assessment pursuant to 24095  
section 3313.532 of the Revised Code or unless division (H) or 24096  
(L) of this section applies to the person; 24097

(ii) Has satisfied the alternative conditions prescribed 24098  
in section 3313.615 of the Revised Code. 24099

(b) If the person entered the ninth grade on or after July 24100  
1, 2014, the person has met the requirement prescribed by 24101  
section 3313.618 of the Revised Code, except to the extent that 24102  
the person is excused from an assessment prescribed by that 24103  
section pursuant to section 3313.532 of the Revised Code or 24104  
division (H) or (L) of this section. 24105

(3) The person is not eligible to receive an honors 24106  
diploma granted pursuant to division (B) of this section. 24107

Except as provided in divisions (C), (E), (J), and (L) of 24108  
this section, no diploma shall be granted under this division to 24109  
anyone except as provided under this division. 24110

(B) In lieu of a diploma granted under division (A) of 24111

this section, an honors diploma shall be granted, in accordance 24112  
with rules of the ~~state board~~ department of education and 24113  
workforce, by any such district board to anyone who accomplishes 24114  
all of the following: 24115

(1) Successfully completes the curriculum in any high 24116  
school or the individualized education program developed for the 24117  
person by any high school pursuant to section 3323.08 of the 24118  
Revised Code; 24119

(2) Subject to section 3313.614 of the Revised Code, has 24120  
met the assessment requirements of division (B) (2) (a) or (b) of 24121  
this section, as applicable. 24122

(a) If the person entered the ninth grade prior to July 1, 24123  
2014, the person either: 24124

(i) Has attained at least the applicable scores designated 24125  
under division (B) (1) of section 3301.0710 of the Revised Code 24126  
on all the assessments required by that division; 24127

(ii) Has satisfied the alternative conditions prescribed 24128  
in section 3313.615 of the Revised Code. 24129

(b) If the person entered the ninth grade on or after July 24130  
1, 2014, the person has met the requirement prescribed under 24131  
section 3313.618 of the Revised Code. 24132

(3) Has met additional criteria established by the ~~state-~~ 24133  
~~board-~~ department for the granting of such a diploma. 24134

An honors diploma shall not be granted to a student who is 24135  
subject to the requirements prescribed in division (C) of 24136  
section 3313.603 of the Revised Code but elects the option of 24137  
division (D) or (F) of that section. Except as provided in 24138  
divisions (C), (E), and (J) of this section, no honors diploma 24139

shall be granted to anyone failing to comply with this division 24140  
and no more than one honors diploma shall be granted to any 24141  
student under this division. 24142

The ~~state board~~ department shall adopt rules prescribing 24143  
the granting of honors diplomas under this division. These rules 24144  
may prescribe the granting of honors diplomas that recognize a 24145  
student's achievement as a whole or that recognize a student's 24146  
achievement in one or more specific subjects or both. The rules 24147  
may prescribe the granting of an honors diploma recognizing 24148  
technical expertise for a career-technical student. In any case, 24149  
the rules shall designate two or more criteria for the granting 24150  
of each type of honors diploma the board establishes under this 24151  
division and the number of such criteria that must be met for 24152  
the granting of that type of diploma. The number of such 24153  
criteria for any type of honors diploma shall be at least one 24154  
less than the total number of criteria designated for that type 24155  
and no one or more particular criteria shall be required of all 24156  
persons who are to be granted that type of diploma. 24157

(C) Any district board administering any of the 24158  
assessments required by section 3301.0710 of the Revised Code to 24159  
any person requesting to take such assessment pursuant to 24160  
division (B) (8) (b) of section 3301.0711 of the Revised Code 24161  
shall award a diploma to such person if the person attains at 24162  
least the applicable scores designated under division (B) (1) of 24163  
section 3301.0710 of the Revised Code on all the assessments 24164  
administered and if the person has previously attained the 24165  
applicable scores on all the other assessments required by 24166  
division (B) (1) of that section or has been exempted or excused 24167  
from attaining the applicable score on any such assessment 24168  
pursuant to division (H) or (L) of this section or from taking 24169  
any such assessment pursuant to section 3313.532 of the Revised 24170

Code. 24171

(D) Each diploma awarded under this section shall be 24172  
signed by the president and treasurer of the issuing board, the 24173  
superintendent of schools, and the principal of the high school. 24174  
Each diploma shall bear the date of its issue, be in such form 24175  
as the district board prescribes, and be paid for out of the 24176  
district's general fund. 24177

(E) A person who is a resident of Ohio and is eligible 24178  
under ~~state board of education~~ the minimum standards of the 24179  
director of education and workforce to receive a high school 24180  
diploma based in whole or in part on credits earned while an 24181  
inmate of a correctional institution operated by the state or 24182  
any political subdivision thereof, shall be granted such diploma 24183  
by the correctional institution operating the programs in which 24184  
such credits were earned, and by the board of education of the 24185  
school district in which the inmate resided immediately prior to 24186  
the inmate's placement in the institution. The diploma granted 24187  
by the correctional institution shall be signed by the director 24188  
of the institution, and by the person serving as principal of 24189  
the institution's high school and shall bear the date of issue. 24190

(F) Persons who are not residents of Ohio but who are 24191  
inmates of correctional institutions operated by the state or 24192  
any political subdivision thereof, and who are eligible under 24193  
~~state board of education~~ the minimum standards of the director 24194  
to receive a high school diploma based in whole or in part on 24195  
credits earned while an inmate of the correctional institution, 24196  
shall be granted a diploma by the correctional institution 24197  
offering the program in which the credits were earned. The 24198  
diploma granted by the correctional institution shall be signed 24199  
by the director of the institution and by the person serving as 24200

principal of the institution's high school and shall bear the 24201  
date of issue. 24202

(G) The ~~state board of education~~ department shall provide 24203  
by rule for the administration of the assessments required by 24204  
sections 3301.0710 and 3301.0712 of the Revised Code to inmates 24205  
of correctional institutions. 24206

(H) Any person to whom all of the following apply shall be 24207  
exempted from attaining the applicable score on the assessment 24208  
in social studies designated under division (B)(1) of section 24209  
3301.0710 of the Revised Code, any American history end-of- 24210  
course examination and any American government end-of-course 24211  
examination required under division (B) of section 3301.0712 of 24212  
the Revised Code if such an exemption is prescribed by rule of 24213  
the ~~state board~~ department under division (D) (3) of section 24214  
3301.0712 of the Revised Code, or the test in citizenship 24215  
designated under former division (B) of section 3301.0710 of the 24216  
Revised Code as it existed prior to September 11, 2001: 24217

(1) The person is not a citizen of the United States; 24218

(2) The person is not a permanent resident of the United 24219  
States; 24220

(3) The person indicates no intention to reside in the 24221  
United States after the completion of high school. 24222

(I) Notwithstanding division (D) of section 3311.19 and 24223  
division (D) of section 3311.52 of the Revised Code, this 24224  
section and section 3313.611 of the Revised Code do not apply to 24225  
the board of education of any joint vocational school district 24226  
or any cooperative education school district established 24227  
pursuant to divisions (A) to (C) of section 3311.52 of the 24228  
Revised Code. 24229

(J) Upon receipt of a notice under division (D) of section 3325.08 or division (D) of section 3328.25 of the Revised Code that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code.

(K) As used in this division, "English learner" has the same meaning as in division (C) (3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C) (3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

(L) (1) Any student described by division (A) (1) of this section who is subject to divisions (A) (1) to (3) of section 3313.618 of the Revised Code may be awarded a diploma without meeting the requirements prescribed by those divisions provided an individualized education program specifically exempts the student from meeting such requirement. This division does not negate the requirement for a student to take the assessments prescribed by section 3301.0710 or under division (B) of section 3301.0712 of the Revised Code, or alternate assessments required

by division (C) (1) of section 3301.0711 of the Revised Code, for 24260  
the purpose of assessing student progress as required by federal 24261  
law. 24262

(2) Any student described by division (A) (1) of this 24263  
section who is subject to division (B) of section 3313.618 of 24264  
the Revised Code may be awarded a diploma without meeting the 24265  
requirement prescribed by division (B) (1) of that section 24266  
provided the student's individualized education program 24267  
specifically exempts the student from meeting that requirement 24268  
and either division (L) (2) (a) or (b) of this section applies to 24269  
the student, as follows: 24270

(a) (i) The student took an alternate assessment in 24271  
mathematics and English language arts administered to the 24272  
student in accordance with division (C) (1) of section 3301.0711 24273  
of the Revised Code and failed to attain a score established by 24274  
the ~~state board~~ department on one or both assessments. 24275

(ii) The school district offered remedial support to the 24276  
student in each subject area in which the student did not attain 24277  
the established score and the student received that support. 24278

(iii) The student retook each alternate assessment in 24279  
which the student did not attain the established score and the 24280  
student did not attain the established score on the retake 24281  
assessment. 24282

(b) (i) The student took the Algebra I and English language 24283  
arts II end-of-course examinations and failed to attain the 24284  
competency score as determined under division (B) (10) of section 24285  
3301.0712 of the Revised Code on one or both examinations. 24286

(ii) The school district offered remedial support to the 24287  
student in each subject area in which the student did not attain 24288

the competency score and the student received that support. 24289

(iii) The student retook each examination in which the 24290

student did not attain the competency score and the student did 24291

not attain the competency score on the retake examination. 24292

**Sec. 3313.611.** (A) The ~~state board~~ department of education 24293

and workforce shall adopt, by rule, standards for awarding high 24294

school credit equivalent to credit for completion of high school 24295

academic and vocational education courses to applicants for 24296

diplomas under this section. The standards may permit high 24297

school credit to be granted to an applicant for any of the 24298

following: 24299

(1) Work experiences or experiences as a volunteer; 24300

(2) Completion of academic, vocational, or self- 24301

improvement courses offered to persons over the age of twenty- 24302

one by a chartered public or nonpublic school; 24303

(3) Completion of academic, vocational, or self- 24304

improvement courses offered by an organization, individual, or 24305

educational institution other than a chartered public or 24306

nonpublic school; 24307

(4) Other life experiences considered by the board to 24308

provide knowledge and learning experiences comparable to that 24309

gained in a classroom setting. 24310

(B) The board of education of any city, exempted village, 24311

or local school district that operates a high school shall grant 24312

a diploma of adult education to any applicant if all of the 24313

following apply: 24314

(1) The applicant is a resident of the district; 24315

(2) The applicant is over the age of twenty-one and has 24316

not been issued a diploma as provided in section 3313.61 of the Revised Code; 24317  
24318

(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B) (3) (a) or (b) of this section, as applicable. 24319  
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(a) Prior to July 1, 2014, the applicant either: 24322

(i) Has attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all of the assessments required by that division or was excused or exempted from any such assessment pursuant to section 3313.532 or was exempted from attaining the applicable score on any such assessment pursuant to division (H) or (L) of section 3313.61 of the Revised Code; 24323  
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(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 24330  
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(b) On or after July 1, 2014, has met the requirement prescribed by section 3313.618 of the Revised Code, except and only to the extent that the applicant is excused from some portion of that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of section 3313.61 of the Revised Code. 24332  
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(4) The district board determines, in accordance with the standards adopted under division (A) of this section, that the applicant has attained sufficient high school credits, including equivalent credits awarded under such standards, to qualify as having successfully completed the curriculum required by the district for graduation. 24338  
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(C) If a district board determines that an applicant is not eligible for a diploma under division (B) of this section, 24344  
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it shall inform the applicant of the reason the applicant is 24346  
ineligible and shall provide a list of any courses required for 24347  
the diploma for which the applicant has not received credit. An 24348  
applicant may reapply for a diploma under this section at any 24349  
time. 24350

(D) If a district board awards an adult education diploma 24351  
under this section, the president and treasurer of the board and 24352  
the superintendent of schools shall sign it. Each diploma shall 24353  
bear the date of its issuance, be in such form as the district 24354  
board prescribes, and be paid for from the district's general 24355  
fund, except that the ~~state board~~ department may by rule 24356  
prescribe standard language to be included on each diploma. 24357

(E) As used in this division, "English learner" has the 24358  
same meaning as in division (C) (3) of section 3301.0711 of the 24359  
Revised Code. 24360

Notwithstanding division (C) (3) of section 3301.0711 of 24361  
the Revised Code, no English learner who has not either attained 24362  
the applicable scores designated under division (B) (1) of 24363  
section 3301.0710 of the Revised Code on all the assessments 24364  
required by that division, or has not met the requirement 24365  
prescribed by section 3313.618 of the Revised Code, shall be 24366  
awarded a diploma under this section. 24367

**Sec. 3313.612.** (A) No nonpublic school chartered by the 24368  
~~state board~~ director of education and workforce shall grant a 24369  
high school diploma to any person unless, subject to section 24370  
3313.614 of the Revised Code, the person has met the assessment 24371  
requirements of division (A) (1) or (2) of this section, as 24372  
applicable. 24373

(1) If the person entered the ninth grade prior to July 1, 24374

2014, the person has attained at least the applicable scores 24375  
designated under division (B) (1) of section 3301.0710 of the 24376  
Revised Code on all the assessments required by that division, 24377  
or has satisfied the alternative conditions prescribed in 24378  
section 3313.615 of the Revised Code. 24379

(2) If the person entered the ninth grade on or after July 24380  
1, 2014, the person has met the requirement prescribed by 24381  
section 3313.618 or 3313.619 of the Revised Code. 24382

(B) This section does not apply to any of the following: 24383

(1) Any person with regard to any assessment from which 24384  
the person was excused pursuant to division (C) (1) (c) of section 24385  
3301.0711 of the Revised Code; 24386

(2) Except as provided in division (B) (4) of this section, 24387  
any person who attends a nonpublic school accredited through the 24388  
independent schools association of the central states, except 24389  
for a student attending the school under a state scholarship 24390  
program as defined in section 3301.0711 of the Revised Code; 24391

(3) Any person with regard to the social studies 24392  
assessment under division (B) (1) of section 3301.0710 of the 24393  
Revised Code, any American history end-of-course examination and 24394  
any American government end-of-course examination required under 24395  
division (B) of section 3301.0712 of the Revised Code if such an 24396  
exemption is prescribed by rule of the ~~state board~~ department of 24397  
education and workforce under division (D) (3) of section 24398  
3301.0712 of the Revised Code, or the citizenship test under 24399  
former division (B) of section 3301.0710 of the Revised Code as 24400  
it existed prior to September 11, 2001, if all of the following 24401  
apply: 24402

(a) The person is not a citizen of the United States; 24403

(b) The person is not a permanent resident of the United States; 24404  
24405

(c) The person indicates no intention to reside in the United States after completion of high school. 24406  
24407

(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L) (4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body. 24408  
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(C) As used in this division, "English learner" has the same meaning as in division (C) (3) of section 3301.0711 of the Revised Code. 24414  
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Notwithstanding division (C) (3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section. 24417  
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(D) The ~~state board~~ department shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section. 24424  
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(E) The department ~~of education~~ shall furnish the assessment administered by a nonpublic school pursuant to division (B) (1) of section 3301.0712 of the Revised Code. 24428  
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24430

**Sec. 3313.614.** (A) As used in this section, a person "fulfills the curriculum requirement for a diploma" at the time 24431  
24432

one of the following conditions is satisfied:	24433
(1) The person successfully completes the high school curriculum of a school district, a community school, a chartered nonpublic school, or a correctional institution.	24434 24435 24436
(2) The person successfully completes the individualized education program developed for the person under section 3323.08 of the Revised Code.	24437 24438 24439
(3) A board of education issues its determination under section 3313.611 of the Revised Code that the person qualifies as having successfully completed the curriculum required by the district.	24440 24441 24442 24443
(B) This division specifies the assessment requirements that must be fulfilled as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code.	24444 24445 24446 24447
(1) A person who fulfills the curriculum requirement for a diploma before September 15, 2000, is not required to pass any proficiency test or achievement test in science as a condition to receiving a diploma.	24448 24449 24450 24451
(2) A person who began ninth grade for the first time prior to July 1, 2003, is not required to pass the Ohio graduation test prescribed under division (B) (1) of section 3301.0710 or any assessment prescribed under division (B) (2) of that section in any subject as a condition to receiving a diploma once the person has passed the ninth grade proficiency test in the same subject, so long as the person passed the ninth grade proficiency test prior to September 15, 2008. However, any such person who passes the Ohio graduation test in any subject prior to passing the ninth grade proficiency test in the same	24452 24453 24454 24455 24456 24457 24458 24459 24460 24461

subject shall be deemed to have passed the ninth grade 24462  
proficiency test in that subject as a condition to receiving a 24463  
diploma. For this purpose, the ninth grade proficiency test in 24464  
citizenship substitutes for the Ohio graduation test in social 24465  
studies. If a person began ninth grade prior to July 1, 2003, 24466  
but does not pass a ninth grade proficiency test or the Ohio 24467  
graduation test in a particular subject before September 15, 24468  
2008, and passage of a test in that subject is a condition for 24469  
the person to receive a diploma, the person must pass the Ohio 24470  
graduation test instead of the ninth grade proficiency test in 24471  
that subject to receive a diploma. 24472

(3) (a) Except as provided in division (B) (3) (b) of this 24473  
section, a person who begins ninth grade for the first time on 24474  
or after July 1, 2003, in a school district, community school, 24475  
or chartered nonpublic school is not eligible to receive a 24476  
diploma based on passage of ninth grade proficiency tests. Each 24477  
such person who begins ninth grade prior to July 1, 2014, must 24478  
pass Ohio graduation tests to meet the assessment requirements 24479  
applicable to that person as a condition to receiving a diploma 24480  
or satisfy one of the conditions prescribed in division (B) (3) 24481  
(b) of this section. 24482

(b) A person who began ninth grade for the first time 24483  
prior to July 1, 2014, shall be eligible to receive a diploma if 24484  
the person meets the requirement prescribed by section 3313.618 24485  
or 3313.619 of the Revised Code. 24486

(c) A person who began ninth grade for the first time 24487  
prior to July 1, 2014, and who has not attained at least the 24488  
applicable scores designated under division (B) (1) of section 24489  
3301.0710 of the Revised Code on all the assessments required by 24490  
that division shall be eligible to receive a diploma if the 24491

person meets the requirement prescribed by rule of the ~~state-~~ 24492  
~~board department~~ of education and workforce as prescribed under 24493  
division (B) (3) (d) of this section. 24494

(d) ~~Not later than December 31, 2015, the state board of~~ 24495  
~~education~~ The department shall adopt rules prescribing the 24496  
manner in which a person who began ninth grade for the first 24497  
time prior to July 1, 2014, may be eligible for a high school 24498  
diploma by combining the requirement prescribed by section 24499  
3313.618 or 3313.619 of the Revised Code and the requirement to 24500  
attain at least the applicable scores designated under division 24501  
(B) (1) of section 3301.0710 of the Revised Code on the 24502  
assessments required by that division. The rules shall ensure 24503  
that the combined requirements require a demonstration of 24504  
mastery that is equivalent or greater to the expectations of the 24505  
assessments prescribed by division (B) (1) of section 3301.0710 24506  
of the Revised Code. The rules shall include the following: 24507

(i) The date by which a person who began ninth grade for 24508  
the first time prior to July 1, 2014, may be eligible for a high 24509  
school diploma under division (B) (3) (c) of this section; 24510

(ii) Methods of replacing individual assessments 24511  
prescribed by division (B) (1) of section 3301.0710 of the 24512  
Revised Code; 24513

(iii) Methods of integrating the pathways prescribed by 24514  
division (A) of section 3313.618 or section 3313.619 of the 24515  
Revised Code. 24516

(4) Except as provided in division (B) (3) (b) of this 24517  
section, a person who begins ninth grade on or after July 1, 24518  
2014, is not eligible to receive a diploma based on passage of 24519  
the Ohio graduation tests. Each such person must meet the 24520

requirement prescribed by section 3313.618 or 3313.619 of the Revised Code. 24521  
24522

(C) This division specifies the curriculum requirement 24523  
that shall be completed as a condition toward granting high 24524  
school diplomas under sections 3313.61, 3313.611, 3313.612, and 24525  
3325.08 of the Revised Code. 24526

(1) A person who is under twenty-two years of age when the 24527  
person fulfills the curriculum requirement for a diploma shall 24528  
complete the curriculum required by the school district or 24529  
school issuing the diploma for the first year that the person 24530  
originally enrolled in high school, except for a person who 24531  
qualifies for graduation from high school under either division 24532  
(D) or (F) of section 3313.603 of the Revised Code. 24533

(2) Once a person fulfills the curriculum requirement for 24534  
a diploma, the person is never required, as a condition of 24535  
receiving a diploma, to meet any different curriculum 24536  
requirements that take effect pending the person's passage of 24537  
proficiency tests or achievement tests or assessments, including 24538  
changes mandated by section 3313.603 of the Revised Code, the- 24539  
~~state board department~~, a school district board of education, or 24540  
a governing authority of a community school or chartered 24541  
nonpublic school. 24542

**Sec. 3313.615.** This section shall apply to diplomas 24543  
awarded after September 15, 2006, to students who are required 24544  
to take the five Ohio graduation tests prescribed by division 24545  
(B) (1) of section 3301.0710 of the Revised Code. This section 24546  
does not apply to any student who enters ninth grade for the 24547  
first time on or after July 1, 2014. 24548

(A) As an alternative to the requirement that a person 24549

attain the scores designated under division (B) (1) of section 24550  
3301.0710 of the Revised Code on all the assessments required 24551  
under that division in order to be eligible for a high school 24552  
diploma or an honors diploma under sections 3313.61, 3313.612, 24553  
or 3325.08 of the Revised Code or for a diploma of adult 24554  
education under section 3313.611 of the Revised Code, a person 24555  
who has attained at least the applicable scores designated under 24556  
division (B) (1) of section 3301.0710 of the Revised Code on all 24557  
but one of the assessments required by that division and from 24558  
which the person was not excused or exempted, pursuant to 24559  
division (L) of section 3313.61, division (B) (1) of section 24560  
3313.612, or section 3313.532 of the Revised Code, may be 24561  
awarded a diploma or honors diploma if the person has satisfied 24562  
all of the following conditions: 24563

(1) On the one assessment required under division (B) (1) 24564  
of section 3301.0710 of the Revised Code for which the person 24565  
failed to attain the designated score, the person missed that 24566  
score by ten points or less; 24567

(2) Has a ninety-seven per cent school attendance rate in 24568  
each of the last four school years, excluding any excused 24569  
absences; 24570

(3) Has not been expelled from school under section 24571  
3313.66 of the Revised Code in any of the last four school 24572  
years; 24573

(4) Has a grade point average of at least 2.5 out of 4.0, 24574  
or its equivalent as designated in rules adopted by the ~~state-~~ 24575  
~~board~~ department of education and workforce, in the subject area 24576  
of the assessment required under division (B) (1) of section 24577  
3301.0710 of the Revised Code for which the person failed to 24578  
attain the designated score; 24579

(5) Has completed the high school curriculum requirements 24580  
prescribed in section 3313.603 of the Revised Code or has 24581  
qualified under division (D) or (F) of that section; 24582

(6) Has taken advantage of any intervention programs 24583  
provided by the school district or school in the subject area 24584  
described in division (A) (4) of this section and has a ninety- 24585  
seven per cent attendance rate, excluding any excused absences, 24586  
in any of those programs that are provided at times beyond the 24587  
normal school day, school week, or school year or has received 24588  
comparable intervention services from a source other than the 24589  
school district or school; 24590

(7) Holds a letter recommending graduation from each of 24591  
the person's high school teachers in the subject area described 24592  
in division (A) (4) of this section and from the person's high 24593  
school principal. 24594

(B) ~~The state board of education~~ department shall 24595  
establish rules designating grade point averages equivalent to 24596  
the average specified in division (A) (4) of this section for use 24597  
by school districts and schools with different grading systems. 24598

(C) Any student who is exempt from attaining the 24599  
applicable score designated under division (B) (1) of section 24600  
3301.0710 of the Revised Code on the Ohio graduation test in 24601  
social studies pursuant to division (H) of section 3313.61 or 24602  
division (B) (3) of section 3313.612 of the Revised Code shall 24603  
not qualify for a high school diploma under this section, 24604  
unless, notwithstanding the exemption, the student attains the 24605  
applicable score on that assessment. If the student attains the 24606  
applicable score on that assessment, the student may qualify for 24607  
a diploma under this section in the same manner as any other 24608  
student who is required to take the five Ohio graduation tests 24609

prescribed by division (B) (1) of section 3301.0710 of the Revised Code. 24610  
24611

**Sec. 3313.618.** (A) In addition to the curriculum 24612  
requirements specified by the board of education of a school 24613  
district or governing authority of a chartered nonpublic school, 24614  
each student entering ninth grade for the first time on or after 24615  
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 24616  
one of the following conditions or the conditions prescribed 24617  
under division (B) of this section in order to qualify for a 24618  
high school diploma: 24619

(1) Be remediation-free, in accordance with standards 24620  
adopted under division (F) of section 3345.061 of the Revised 24621  
Code, on each of the nationally standardized assessments in 24622  
English, mathematics, and reading; 24623

(2) Attain a score specified under division (B) (5) (c) of 24624  
section 3301.0712 of the Revised Code on the end-of-course 24625  
examinations prescribed under division (B) of section 3301.0712 24626  
of the Revised Code. 24627

(3) Attain a score that demonstrates workforce readiness 24628  
and employability on a nationally recognized job skills 24629  
assessment selected by the ~~state board~~ department of education\_ 24630  
and workforce under division ~~(G)~~ (F) of section 3301.0712 of the 24631  
Revised Code and obtain either an industry-recognized credential 24632  
or a license issued by a state agency or board for practice in a 24633  
vocation that requires an examination for issuance of that 24634  
license. 24635

For the purposes of this division, the industry-recognized 24636  
credentials and licenses shall be as approved under section 24637  
3313.6113 of the Revised Code. 24638

A student may choose to qualify for a high school diploma 24639  
by satisfying any of the separate requirements prescribed by 24640  
divisions (A) (1) to (3) of this section. If the student's school 24641  
district or school does not administer the examination 24642  
prescribed by one of those divisions that the student chooses to 24643  
take to satisfy the requirements of this section, the school 24644  
district or school may require that student to arrange for the 24645  
applicable scores to be sent directly to the district or school 24646  
by the company or organization that administers the examination. 24647

(B) In addition to the curriculum requirements specified 24648  
by the district board or school governing authority, each 24649  
student entering ninth grade for the first time on or after July 24650  
1, 2019, shall satisfy the following conditions in order to 24651  
qualify for a high school diploma: 24652

(1) Attain a competency score as determined under division 24653  
(B) (10) of section 3301.0712 of the Revised Code on each of the 24654  
Algebra I and English language arts II end-of-course 24655  
examinations prescribed under division (B) (2) of section 24656  
3301.0712 of the Revised Code. 24657

School districts and chartered nonpublic schools shall 24658  
offer remedial support to any student who fails to attain a 24659  
competency score on one or both of the Algebra I and English 24660  
language arts II end-of-course examinations. 24661

Following the first administration of the exam, if a 24662  
student fails to attain a competency score on one or both of the 24663  
Algebra I and English language arts II end-of-course 24664  
examinations that student must retake the respective examination 24665  
at least once. 24666

If a student fails to attain a competency score on a 24667

retake examination, the student may demonstrate competency in 24668  
the failed subject area through one of the following options: 24669

(a) Earn course credit taken through the college credit 24670  
plus program established under Chapter 3365. of the Revised Code 24671  
in the failed subject area; 24672

(b) Complete two of the following options, one of which 24673  
must be foundational: 24674

(i) Foundational options to demonstrate competency, which 24675  
include earning a cumulative score of proficient or higher on 24676  
three or more state technical assessments aligned with section 24677  
3313.903 of the Revised Code in a single career pathway, 24678  
obtaining an industry-recognized credential, or group of 24679  
credentials, approved under section 3313.6113 of the Revised 24680  
Code that is at least equal to the total number of points 24681  
established under that section to qualify for a high school 24682  
diploma, obtaining a license approved under section 3313.6113 of 24683  
the Revised Code that is issued by a state agency or board for 24684  
practice in a vocation that requires an examination for issuance 24685  
of that license, completing a pre-apprenticeship aligned with 24686  
options established under section 3313.904 of the Revised Code 24687  
in the student's chosen career field, completing an 24688  
apprenticeship registered with the apprenticeship council 24689  
established under section 4139.02 of the Revised Code in the 24690  
student's chosen career field, or providing evidence of 24691  
acceptance into an apprenticeship program after high school that 24692  
is restricted to participants eighteen years of age or older; 24693

(ii) Supporting options to demonstrate competency, which 24694  
include completing two hundred fifty hours of a work-based 24695  
learning experience with evidence of positive evaluations, 24696  
obtaining an OhioMeansJobs-readiness seal under section 24697

3313.6112 of the Revised Code, or attaining a workforce 24698  
readiness score, as determined by the department ~~of education,~~ 24699  
on the nationally recognized job skills assessment selected by 24700  
the ~~state board department~~ under division ~~(G)~~ (F) of section 24701  
3301.0712 of the Revised Code. 24702

(c) Provide evidence that the student has enlisted in a 24703  
branch of the armed services of the United States as defined in 24704  
section 5910.01 of the Revised Code. 24705

(d) Be remediation-free, in accordance with standards 24706  
adopted under division (F) of section 3345.061 of the Revised 24707  
Code, in the failed subject area on a nationally standardized 24708  
assessment prescribed under division (B) (1) of section 3301.0712 24709  
of the Revised Code. For English language arts II, a student 24710  
must be remediation-free in the subjects of English and reading 24711  
on the nationally standardized assessment. 24712

Subject to division (L) (2) of section 3313.61 of the 24713  
Revised Code, for any students receiving special education and 24714  
related services under Chapter 3323. of the Revised Code, the 24715  
individualized education program developed for the student under 24716  
that chapter shall specify the manner in which the student will 24717  
participate in the assessments administered under this division 24718  
or an alternate assessment in accordance with division (C) (1) of 24719  
section 3301.0711 of the Revised Code. 24720

(2) Earn at least two of the state diploma seals 24721  
prescribed under division (A) of section 3313.6114 of the 24722  
Revised Code, at least one of which shall be any of the 24723  
following: 24724

(a) The state seal of biliteracy established under section 24725  
3313.6111 of the Revised Code; 24726

(b) The OhioMeansJobs-readiness seal established under 24727  
section 3313.6112 of the Revised Code; 24728

(c) One of the state diploma seals established under 24729  
divisions (C) (1) to (7) of section 3313.6114 of the Revised 24730  
Code. 24731

(C) (1) A student who transfers into an Ohio public or 24732  
chartered nonpublic high school from another state or enrolls in 24733  
such a high school after receiving home ~~instruction~~ education or 24734  
attending a nonchartered, nontax-supported school in the 24735  
previous school year shall meet the requirements of division (B) 24736  
or (D) of this section, as applicable, in order to qualify for a 24737  
high school diploma. However, any student subject to division 24738  
(B) of this section who transfers or enrolls after the start of 24739  
the student's twelfth grade year and fails to attain a 24740  
competency score on the Algebra I or English language arts II 24741  
end-of-course examination shall not be required to retake the 24742  
applicable examination prior to demonstrating competency in the 24743  
failed subject area under the options prescribed in divisions 24744  
(B) (1) (a) to (d) of this section. 24745

(2) The department shall prescribe standards that allow a 24746  
transfer student who, prior to the student's transfer, took an 24747  
assessment described in division (B) (1) or (2) of section 24748  
3301.0712 or section 3313.619 of the Revised Code to apply the 24749  
score from that assessment towards graduation requirements at 24750  
the student's new public or chartered nonpublic school. 24751

(D) Notwithstanding division (B) of this section, in 24752  
addition to the curriculum requirements specified by the school 24753  
governing authority, a chartered nonpublic school student 24754  
subject to division (L) (3) (a) (ii) of section 3301.0711 of the 24755  
Revised Code entering ninth grade for the first time on or after 24756

July 1, 2019, shall qualify for a high school diploma if the 24757  
student earns a remediation-free score in the areas of English, 24758  
mathematics, and reading, in accordance with standards adopted 24759  
under division (F) of section 3345.061 of the Revised Code, on a 24760  
nationally standardized assessment prescribed under division (B) 24761  
(1) of section 3301.0712 of the Revised Code. No such student 24762  
shall be required to take the Algebra I or English language arts 24763  
II end-of-course examination or earn diploma seals under this 24764  
section. 24765

(E) The ~~state board of education~~ department shall not 24766  
create or require any additional assessment for the granting of 24767  
any type of high school diploma other than as prescribed by this 24768  
section. Except as provided in sections 3313.6111, 3313.6112, 24769  
and 3313.6114 of the Revised Code, the ~~state board~~ department or 24770  
the ~~superintendent of public instruction~~ director of education 24771  
and workforce shall not create any endorsement or designation 24772  
that may be affiliated with a high school diploma. 24773

**Sec. 3313.619.** (A) In lieu of the assessment requirements 24774  
prescribed by division (A) of section 3313.618 of the Revised 24775  
Code or the requirements to demonstrate competency and earn 24776  
diploma seals prescribed by division (B) of that section, a 24777  
chartered nonpublic school may grant a high school diploma to a 24778  
student who attains at least the designated score on an 24779  
assessment approved by the department of education and workforce 24780  
under division (B) of this section and selected by the school's 24781  
governing authority. 24782

(B) For purposes of division (A) of this section, the 24783  
department shall approve assessments that meet the conditions 24784  
specified under division (C) of this section and shall designate 24785  
passing scores for each of those assessments. 24786

(C) Each assessment approved under division (B) of this section shall be nationally norm-referenced, have internal consistency reliability coefficients of at least "0.8," be standardized, have specific evidence of content, concurrent, or criterion validity, have evidence of norming studies in the previous ten years, have a measure of student achievement in core academic areas, and have high validity evidenced by the alignment of the assessment with nationally recognized content.

(D) Nothing in this section shall prohibit a chartered nonpublic school from granting a high school diploma to a student if the student satisfies the applicable requirements prescribed by section 3313.618 of the Revised Code.

**Sec. 3313.6110.** (A) A person who has completed the final year of instruction at home, as authorized under section ~~3321.04~~ 3321.042 of the Revised Code, and has successfully fulfilled the high school curriculum applicable to that person may be granted a high school diploma by the person's parent, guardian, or other person having charge or care of a child, as defined in division (A) (1) of section 3321.01 of the Revised Code.

~~(B) Beginning with diplomas issued on or after July 1, 2015, each diploma granted under division (A) of this section shall be accompanied by the official letter of excuse issued by the district superintendent for the student's final year of home education.~~

~~(C)~~ A person who has graduated from a nonchartered nonpublic school in Ohio and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school.

~~(D)~~ (C) Notwithstanding anything in the Revised Code to

the contrary, a diploma granted under this section shall serve 24816  
as proof of the successful completion of that person's 24817  
applicable high school curriculum and satisfactory to fulfill 24818  
any legal requirement to show such proof. 24819

~~(E)~~ (D) For the purposes of an application for employment, 24820  
a diploma granted under this section shall be considered proof 24821  
of completion of a high school education, regardless of whether 24822  
the person to which the diploma was granted participated in the 24823  
assessments prescribed by division (A) (1) or (B) (1) or (2) of 24824  
section 3301.0710 and section 3301.0712 of the Revised Code. 24825

~~(F)~~ (E) A diploma granted under division (A) of this 24826  
section may include a state seal of biliteracy, an 24827  
OhioMeansJobs-readiness seal, or a state diploma seal that may 24828  
be assigned to the student's diploma, by the parent, guardian, 24829  
or other person having charge or care of the student, in the 24830  
same manner as prescribed for diplomas and transcripts issued by 24831  
school districts and chartered nonpublic schools under sections 24832  
3313.6111, 3113.6112, and 3313.6114 of the Revised Code. 24833

**Sec. 3313.6111.** (A) The ~~state board~~ department of 24834  
education and workforce shall establish the state seal of 24835  
biliteracy, which may be attached or affixed to the high school 24836  
transcript of a student enrolled in a public or chartered 24837  
nonpublic school. The state seal of biliteracy shall demonstrate 24838  
the attainment of a high level of proficiency by a graduate of a 24839  
public or chartered nonpublic high school in one or more 24840  
languages in addition to English, sufficient for meaningful use 24841  
in college and a career. The purpose of the state seal of 24842  
biliteracy shall be to: 24843

(1) Encourage students to study languages; 24844

(2) Certify the attainment of biliteracy;	24845
(3) Provide employers with a method of identifying individuals with language and biliteracy skills;	24846 24847
(4) Provide institutions of higher education with an additional method to recognize applicants for admission;	24848 24849
(5) Prepare students with twenty-first century skills;	24850
(6) Recognize the value of foreign language and native language instruction in public schools; and	24851 24852
(7) Strengthen inter-group relationships, affirm the value of diversity, and honor the multiple cultures and languages of a community.	24853 24854 24855
(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.	24856 24857 24858 24859 24860 24861 24862 24863 24864 24865
(2) Each school district, community school, STEM school, college-preparatory boarding school, and chartered nonpublic school shall maintain appropriate records to identify students who have completed the requirements for earning a state seal of biliteracy as prescribed under division (C) (1) of this section, and if the district or school has a policy of attaching or affixing the state seal of biliteracy to student transcripts, the district or school shall make the appropriate designation on	24866 24867 24868 24869 24870 24871 24872 24873

the transcript of a student who completes the requirements. 24874

(C) The ~~state board of education~~ department shall do the 24875  
following: 24876

(1) Establish the requirements and criteria for earning a 24877  
state seal of biliteracy, including assessments of foreign 24878  
language and English proficiency. 24879

(2) ~~Direct the department of education to prepare~~ Prepare 24880  
and deliver to participating school districts, community 24881  
schools, STEM schools, college-preparatory boarding schools, and 24882  
chartered nonpublic schools an appropriate mechanism for 24883  
assigning a state seal of biliteracy on a student's transcript 24884  
indicating that the student has been assigned the seal; 24885

(3) ~~Direct the department to provide~~ Provide any other 24886  
information ~~the state board~~ it considers necessary for school 24887  
districts, community schools, STEM schools, college-preparatory 24888  
boarding schools, and chartered nonpublic schools to participate 24889  
in the assigning of a state seal of biliteracy; 24890

(4) Adopt rules in accordance with Chapter 119. of the 24891  
Revised Code to implement the provisions of this section. 24892

(D) A student shall not be charged a fee to be assigned a 24893  
state seal of biliteracy on their transcript. A student may be 24894  
required to pay a fee to demonstrate proficiency in a language, 24895  
including the cost of a standardized test to determine 24896  
proficiency in a language. 24897

(E) As used in this section, "foreign language" refers to 24898  
any language other than English, including modern languages, 24899  
Latin, American sign language, native American languages, and 24900  
native languages. 24901

**Sec. 3313.6112.** (A) The ~~superintendent of public~~ 24902  
~~instruction~~ department of education and workforce, in 24903  
consultation with the chancellor of higher education and the 24904  
governor's office of workforce transformation, shall establish 24905  
the OhioMeansJobs-readiness seal, which may be attached or 24906  
affixed to the high school diploma and transcript of a student 24907  
enrolled in a public or chartered nonpublic school. 24908

(B) A school district, community school established under 24909  
Chapter 3314. of the Revised Code, STEM school established under 24910  
Chapter 3326. of the Revised Code, college-preparatory boarding 24911  
school established under Chapter 3328. of the Revised Code, or 24912  
chartered nonpublic school shall attach or affix the 24913  
OhioMeansJobs-readiness seal to the diploma and transcript of a 24914  
student enrolled in the school who meets the requirements 24915  
prescribed under division (C)(1) of this section. 24916

(C) The ~~state superintendent~~ department of education and 24917  
workforce, in consultation with the chancellor and the 24918  
governor's office of workforce transformation, shall do the 24919  
following: 24920

(1) Establish the requirements and criteria for earning an 24921  
OhioMeansJobs-readiness seal, including demonstration of work- 24922  
readiness and work ethic competencies such as teamwork, problem- 24923  
solving, reliability, punctuality, and computer technology 24924  
competency; 24925

(2) Develop a standardized form for students to complete 24926  
and have validated prior to graduation by at least three 24927  
individuals, each of whom must be an employer, teacher, business 24928  
mentor, community leader, faith-based leader, school leader, or 24929  
coach of the student; 24930

(3) Prepare and deliver to all school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools an appropriate mechanism for assigning an OhioMeansJobs-readiness seal on a student's diploma and transcript indicating that the student has been assigned the seal;

(4) Provide any other information the ~~state superintendent~~ department considers necessary for school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools to assign an OhioMeansJobs-readiness seal.

(D) A student shall not be charged a fee to be assigned an OhioMeansJobs-readiness seal on the student's diploma and transcript.

**Sec. 3313.6113.** (A) The ~~superintendent of public instruction~~ director of education and workforce, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code. ~~The state superintendent shall appoint the members of the committee not later than January 1, 2018.~~

(B) The committee shall do the following:

(1) Establish criteria for acceptable industry-recognized credentials and licenses aligned with the in-demand jobs list published by the department of job and family services;

(2) Review the list of industry-recognized credentials and

licenses that was in existence on January 1, 2018, and update 24960  
the list as it considers necessary; 24961

(3) Review and update the list of industry-recognized 24962  
credentials and licenses at least biennially; 24963

(4) Assign a point value for each industry-recognized 24964  
credential and establish the total number of points for 24965  
industry-recognized credentials that a student must earn to 24966  
qualify for a high school diploma under sections 3313.618 and 24967  
3313.6114 of the Revised Code; 24968

(5) Update the list of industry-recognized credentials to 24969  
include a driver's license obtained by a student through a 24970  
driver education course offered by a school district in 24971  
accordance with section 3301.17 of the Revised Code. 24972

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 24973  
(D) (1) (j) (v) of section 3302.03 of the Revised Code, the 24974  
department of education and workforce shall include only those 24975  
students who earn an industry-recognized credential, or group of 24976  
credentials, at least equal to the total number of points 24977  
established by the committee under this section to qualify for a 24978  
high school diploma. 24979

**Sec. 3313.6114.** (A) The ~~state board~~ department of 24980  
education and workforce shall establish a system of state 24981  
diploma seals for the purposes of allowing a student to qualify 24982  
for graduation under section 3313.618 of the Revised Code. State 24983  
diploma seals may be attached or affixed to the high school 24984  
diploma of a student enrolled in a public or chartered nonpublic 24985  
school. The system of state diploma seals shall consist of all 24986  
of the following: 24987

(1) The state seal of biliteracy established under section 24988

3313.6111 of the Revised Code;	24989
(2) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;	24990 24991
(3) The state diploma seals prescribed under division (C) of this section.	24992 24993
(B) 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 shall attach or affix the state seals prescribed under division (C) of this section to the diploma and transcript of a student enrolled in the district or school who meets the requirements established under that division.	24994 24995 24996 24997 24998 24999 25000 25001
(C) The <del>state board</del> <u>department</u> shall establish all of the following state diploma seals:	25002 25003
(1) An industry-recognized credential seal. A student shall meet the requirement for this seal by doing either of the following:	25004 25005 25006
(a) Earning an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code that is both of the following:	25007 25008 25009
(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;	25010 25011 25012
(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.	25013 25014 25015
(b) Obtaining a license approved under section 3313.6113	25016

of the Revised Code that is issued by a state agency or board 25017  
for practice in a vocation that requires an examination for 25018  
issuance of that license. 25019

(2) A college-ready seal. A student shall meet the 25020  
requirement for this seal by attaining a score that is 25021  
remediation-free, in accordance with standards adopted under 25022  
division (F) of section 3345.061 of the Revised Code, on a 25023  
nationally standardized assessment prescribed under division (B) 25024  
(1) of section 3301.0712 of the Revised Code. 25025

(3) A military enlistment seal. A student shall meet the 25026  
requirement for this seal by doing either of the following: 25027

(a) Providing evidence that the student has enlisted in a 25028  
branch of the armed services of the United States as defined in 25029  
section 5910.01 of the Revised Code; 25030

(b) Participating in a junior reserve officer training 25031  
program approved by the congress of the United States under 25032  
title 10 of the United States Code. 25033

(4) A citizenship seal. A student shall meet the 25034  
requirement for this seal by doing any of the following: 25035

(a) Demonstrating at least a proficient level of skill as 25036  
prescribed under division (B) (5) (a) of section 3301.0712 of the 25037  
Revised Code on both the American history and American 25038  
government end-of-course examinations prescribed under division 25039  
(B) (2) of section 3301.0712 of the Revised Code; 25040

(b) Attaining a score level prescribed under division (B) 25041  
(5) (d) of section 3301.0712 of the Revised Code that is at least 25042  
the equivalent of a proficient level of skill in appropriate 25043  
advanced placement or international baccalaureate examinations 25044  
in lieu of the American history and American government end-of- 25045

course examinations;	25046
(c) In lieu of the American history and American government end-of-course examinations, attaining a final course grade that is the equivalent of a "B" or higher in either:	25047 25048 25049
(i) An American history course and an American government course that are offered by the student's high school;	25050 25051
(ii) Appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised Code.	25052 25053 25054
(d) In the case of a student who takes an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code, attaining a score established by the <del>state board</del> <u>department</u> on the alternate assessment in social studies;	25055 25056 25057 25058 25059
(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or who enrolls in an Ohio public or chartered nonpublic high school after receiving home <del>instruction</del> <u>education</u> or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in courses that correspond with the American history and American government end-of-course examinations and that the student completed in the state from which the student transferred or completed while receiving home <del>instruction</del> <u>education</u> or attending a nonchartered, nontax-supported school. Division (C)(4)(e) of this section does not apply to any such student with respect to an American history or American government course for which an end-of-course examination is associated that the student takes after enrolling in the high	25060 25061 25062 25063 25064 25065 25066 25067 25068 25069 25070 25071 25072 25073 25074

school.	25075
(5) A science seal. A student shall meet the requirement	25076
for this seal by doing any of the following:	25077
(a) Demonstrating at least a proficient level of skill as	25078
prescribed under division (B) (5) (a) of section 3301.0712 of the	25079
Revised Code on the science end-of-course examination prescribed	25080
under division (B) (2) of section 3301.0712 of the Revised Code;	25081
(b) Attaining a score level prescribed under division (B)	25082
(5) (d) of section 3301.0712 of the Revised Code that is at least	25083
the equivalent of a proficient level of skill in an appropriate	25084
advanced placement or international baccalaureate examination in	25085
lieu of the science end-of-course examination;	25086
(c) In lieu of the science end-of-course examination,	25087
attaining a final course grade that is the equivalent of a "B"	25088
or higher in either:	25089
(i) A science course listed in divisions (C) (5) (c) (i) to	25090
(iii) of section 3313.603 of the Revised Code that is offered by	25091
the student's high school;	25092
(ii) An appropriate course taken through the college	25093
credit plus program established under Chapter 3365. of the	25094
Revised Code.	25095
(d) In the case of a student who takes an alternate	25096
assessment in accordance with division (C) (1) of section	25097
3301.0711 of the Revised Code, attaining a score established by	25098
the <del>state board</del> <u>department</u> on the alternate assessment in	25099
science;	25100
(e) In the case of a student who transfers into an Ohio	25101
public or chartered nonpublic high school from another state or	25102

enrolls in an Ohio public or chartered nonpublic high school 25103  
after receiving home ~~instruction-education~~ or attending a 25104  
nonchartered, nontax-supported school in the previous school 25105  
year, attaining a final course grade that is the equivalent of a 25106  
"B" or higher in a course that corresponds with the science end- 25107  
of-course examination and that the student completed in the 25108  
state from which the student transferred or completed while 25109  
receiving home instruction or attending a nonchartered, nontax- 25110  
supported school. Division (C) (5) (e) of this section does not 25111  
apply to any such student who takes a science course for which 25112  
an end-of-course examination is associated after enrolling in 25113  
the high school. 25114

(6) An honors diploma seal. A student shall meet the 25115  
requirement for this seal by meeting the additional criteria for 25116  
an honors diploma under division (B) of section 3313.61 of the 25117  
Revised Code. 25118

(7) A technology seal. A student shall meet the 25119  
requirement for this seal by doing any of the following: 25120

(a) Subject to division (B) (5) (d) of section 3301.0712 of 25121  
the Revised Code, attaining a score level that is at least the 25122  
equivalent of a proficient level of skill in an appropriate 25123  
advanced placement or international baccalaureate examination; 25124

(b) Attaining a final course grade that is the equivalent 25125  
of a "B" or higher in an appropriate course taken through the 25126  
college credit plus program established under Chapter 3365. of 25127  
the Revised Code; 25128

(c) Completing a course offered through the student's 25129  
district or school that meets guidelines developed by the 25130  
~~department of education~~. However, a district or school shall not 25131

be required to offer a course that meets those guidelines- 25132  
~~developed by the department.~~ 25133

(d) In the case of a student who transfers into an Ohio 25134  
public or chartered nonpublic high school from another state or 25135  
enrolls in an Ohio public or chartered nonpublic high school 25136  
after receiving home ~~instruction-education~~ or attending a 25137  
nonchartered, nontax-supported school in the previous school 25138  
year, attaining a final course grade that is the equivalent of a 25139  
"B" or higher in an appropriate course, as determined by the 25140  
district or school, that the student completed in the state from 25141  
which the student transferred or completed while receiving home 25142  
~~instruction-education~~ or attending a nonchartered, nontax- 25143  
supported school. 25144

(8) A community service seal. A student shall meet the 25145  
requirement for this seal by completing a community service 25146  
project that is aligned with guidelines adopted by the student's 25147  
district board or school governing authority. 25148

(9) A fine and performing arts seal. A student shall meet 25149  
the requirement for this seal by demonstrating skill in the fine 25150  
or performing arts according to an evaluation that is aligned 25151  
with guidelines adopted by the student's district board or 25152  
school governing authority. 25153

(10) A student engagement seal. A student shall meet the 25154  
requirement for this seal by participating in extracurricular 25155  
activities such as athletics, clubs, or student government to a 25156  
meaningful extent, as determined by guidelines adopted by the 25157  
student's district board or school governing authority. 25158

(D) (1) Each district or school shall develop guidelines 25159  
for at least one of the state seals prescribed under divisions 25160

(C) (8) to (10) of this section. 25161

(2) For the purposes of determining whether a student who 25162  
transfers to a district or school has satisfied the state 25163  
diploma seal requirement under division (B) (2) of section 25164  
3313.618 of the Revised Code, each district or school shall 25165  
recognize a state diploma seal prescribed under divisions (C) (8) 25166  
to (10) of this section and earned by a student at another 25167  
district or a different public or chartered nonpublic school 25168  
regardless of whether the district or school to which the 25169  
student transfers has developed guidelines under this section 25170  
for that state seal. 25171

(3) In guidelines developed for a state diploma seal 25172  
prescribed under divisions (C) (8) to (10) of this section, each 25173  
district or school shall include a method to give, to the extent 25174  
feasible, a student who transfers into the district or school a 25175  
proportional amount of credit for any progress the student was 25176  
making toward earning that state seal at the school district or 25177  
different public or chartered nonpublic school from which the 25178  
student transfers. 25179

(E) Each district or school shall maintain appropriate 25180  
records to identify students who have met the requirements 25181  
prescribed under division (C) of this section for earning the 25182  
state seals established under that division. 25183

(F) The department shall prepare and deliver to each 25184  
district or school an appropriate mechanism for assigning a 25185  
state diploma seal established under division (C) of this 25186  
section. 25187

(G) A student shall not be charged a fee to be assigned a 25188  
state seal prescribed under division (C) of this section on the 25189

student's diploma and transcript. 25190

**Sec. 3313.64.** (A) As used in this section and in section 25191  
3313.65 of the Revised Code: 25192

(1) (a) Except as provided in division (A) (1) (b) of this 25193  
section, "parent" means either parent, unless the parents are 25194  
separated or divorced or their marriage has been dissolved or 25195  
annulled, in which case "parent" means the parent who is the 25196  
residential parent and legal custodian of the child. When a 25197  
child is in the legal custody of a government agency or a person 25198  
other than the child's natural or adoptive parent, "parent" 25199  
means the parent with residual parental rights, privileges, and 25200  
responsibilities. When a child is in the permanent custody of a 25201  
government agency or a person other than the child's natural or 25202  
adoptive parent, "parent" means the parent who was divested of 25203  
parental rights and responsibilities for the care of the child 25204  
and the right to have the child live with the parent and be the 25205  
legal custodian of the child and all residual parental rights, 25206  
privileges, and responsibilities. 25207

(b) When a child is the subject of a power of attorney 25208  
executed under sections 3109.51 to 3109.62 of the Revised Code, 25209  
"parent" means the grandparent designated as attorney in fact 25210  
under the power of attorney. When a child is the subject of a 25211  
caretaker authorization affidavit executed under sections 25212  
3109.64 to 3109.73 of the Revised Code, "parent" means the 25213  
grandparent that executed the affidavit. 25214

(2) "Legal custody," "permanent custody," and "residual 25215  
parental rights, privileges, and responsibilities" have the same 25216  
meanings as in section 2151.011 of the Revised Code. 25217

(3) "School district" or "district" means a city, local, 25218

or exempted village school district and excludes any school 25219  
operated in an institution maintained by the department of youth 25220  
services. 25221

(4) Except as used in division (C)(2) of this section, 25222  
"home" means a home, institution, foster home, group home, or 25223  
other residential facility in this state that receives and cares 25224  
for children, to which any of the following applies: 25225

(a) The home is licensed, certified, or approved for such 25226  
purpose by the state or is maintained by the department of youth 25227  
services. 25228

(b) The home is operated by a person who is licensed, 25229  
certified, or approved by the state to operate the home for such 25230  
purpose. 25231

(c) The home accepted the child through a placement by a 25232  
person licensed, certified, or approved to place a child in such 25233  
a home by the state. 25234

(d) The home is a children's home created under section 25235  
5153.21 or 5153.36 of the Revised Code. 25236

(5) "Agency" means all of the following: 25237

(a) A public children services agency; 25238

(b) An organization that holds a certificate issued by the 25239  
Ohio department of job and family services in accordance with 25240  
the requirements of section 5103.03 of the Revised Code and 25241  
assumes temporary or permanent custody of children through 25242  
commitment, agreement, or surrender, and places children in 25243  
family homes for the purpose of adoption; 25244

(c) Comparable agencies of other states or countries that 25245  
have complied with applicable requirements of section 2151.39 of 25246

the Revised Code or as applicable, sections 5103.20 to 5103.22 25247  
or 5103.23 to 5103.237 of the Revised Code. 25248

(6) A child is placed for adoption if either of the 25249  
following occurs: 25250

(a) An agency to which the child has been permanently 25251  
committed or surrendered enters into an agreement with a person 25252  
pursuant to section 5103.16 of the Revised Code for the care and 25253  
adoption of the child. 25254

(b) The child's natural parent places the child pursuant 25255  
to section 5103.16 of the Revised Code with a person who will 25256  
care for and adopt the child. 25257

(7) "Preschool child with a disability" has the same 25258  
meaning as in section 3323.01 of the Revised Code. 25259

(8) "Child," unless otherwise indicated, includes 25260  
preschool children with disabilities. 25261

(9) "Active duty" means active duty pursuant to an 25262  
executive order of the president of the United States, an act of 25263  
the congress of the United States, or section 5919.29 or 5923.21 25264  
of the Revised Code. 25265

(B) Except as otherwise provided in section 3321.01 of the 25266  
Revised Code for admittance to kindergarten and first grade, a 25267  
child who is at least five but under twenty-two years of age and 25268  
any preschool child with a disability shall be admitted to 25269  
school as provided in this division. 25270

(1) A child shall be admitted to the schools of the school 25271  
district in which the child's parent resides. 25272

(2) Except as provided in division (B) of section 2151.362 25273  
and section 3317.30 of the Revised Code, a child who does not 25274

reside in the district where the child's parent resides shall be 25275  
admitted to the schools of the district in which the child 25276  
resides if any of the following applies: 25277

(a) The child is in the legal or permanent custody of a 25278  
government agency or a person other than the child's natural or 25279  
adoptive parent. 25280

(b) The child resides in a home. 25281

(c) The child requires special education. 25282

(3) A child who is not entitled under division (B) (2) of 25283  
this section to be admitted to the schools of the district where 25284  
the child resides and who is residing with a resident of this 25285  
state with whom the child has been placed for adoption shall be 25286  
admitted to the schools of the district where the child resides 25287  
unless either of the following applies: 25288

(a) The placement for adoption has been terminated. 25289

(b) Another school district is required to admit the child 25290  
under division (B) (1) of this section. 25291

Division (B) of this section does not prohibit the board 25292  
of education of a school district from placing a child with a 25293  
disability who resides in the district in a special education 25294  
program outside of the district or its schools in compliance 25295  
with Chapter 3323. of the Revised Code. 25296

(C) A district shall not charge tuition for children 25297  
admitted under division (B) (1) or (3) of this section. If the 25298  
district admits a child under division (B) (2) of this section, 25299  
tuition shall be paid to the district that admits the child as 25300  
provided in divisions (C) (1) to (3) of this section, unless 25301  
division (C) (4) of this section applies to the child: 25302

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C) (2) (d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C) (2) (a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home

or vested legal or permanent custody of the child in the person 25332  
or government agency, whichever occurred first, one parent was 25333  
in a residential or correctional facility or a juvenile 25334  
residential placement and the other parent, if living and not in 25335  
such a facility or placement, was not known to reside in this 25336  
state, tuition shall be paid by the district determined under 25337  
division (D) of section 3313.65 of the Revised Code as the 25338  
district required to pay any tuition while the parent was in 25339  
such facility or placement; 25340

(e) If the department of education and workforce has 25341  
determined, pursuant to division (A) (2) of section 2151.362 of 25342  
the Revised Code, that a school district other than the one 25343  
named in the court's initial order, or in a prior determination 25344  
of the department, is responsible to bear the cost of educating 25345  
the child, the district so determined shall be responsible for 25346  
that cost. 25347

(3) If the child is not in the permanent or legal custody 25348  
of a government agency or person other than the child's parent 25349  
and the child resides in a home, tuition shall be paid by one of 25350  
the following: 25351

(a) The school district in which the child's parent 25352  
resides; 25353

(b) If the child's parent is not a resident of this state, 25354  
the home in which the child resides. 25355

(4) Division (C) (4) of this section applies to any child 25356  
who is admitted to a school district under division (B) (2) of 25357  
this section, resides in a home that is not a foster home, a 25358  
home maintained by the department of youth services, a detention 25359  
facility established under section 2152.41 of the Revised Code, 25360

or a juvenile facility established under section 2151.65 of the Revised Code, and receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing those services.

If a child to whom division (C)(4) of this section applies is a special education student, a district may choose whether to receive a tuition payment for that child under division (C)(4) of this section or to receive a payment for that child under section 3323.14 of the Revised Code. If a district chooses to receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C)(4) of this section.

If a child to whom division (C)(4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C)(4) of this section.

In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education and workforce, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised

Code to the district responsible to pay tuition and shall pay 25391  
that amount to the district providing the educational services 25392  
to the child. 25393

(D) Tuition required to be paid under divisions (C) (2) and 25394  
(3) (a) of this section shall be computed in accordance with 25395  
section 3317.08 of the Revised Code. Tuition required to be paid 25396  
under division (C) (3) (b) of this section shall be computed in 25397  
accordance with section 3317.081 of the Revised Code. If a home 25398  
fails to pay the tuition required by division (C) (3) (b) of this 25399  
section, the board of education providing the education may 25400  
recover in a civil action the tuition and the expenses incurred 25401  
in prosecuting the action, including court costs and reasonable 25402  
attorney's fees. If the prosecuting attorney or city director of 25403  
law represents the board in such action, costs and reasonable 25404  
attorney's fees awarded by the court, based upon the prosecuting 25405  
attorney's, director's, or one of their designee's time spent 25406  
preparing and presenting the case, shall be deposited in the 25407  
county or city general fund. 25408

(E) A board of education may enroll a child free of any 25409  
tuition obligation for a period not to exceed sixty days, on the 25410  
sworn statement of an adult resident of the district that the 25411  
resident has initiated legal proceedings for custody of the 25412  
child. 25413

(F) In the case of any individual entitled to attend 25414  
school under this division, no tuition shall be charged by the 25415  
school district of attendance and no other school district shall 25416  
be required to pay tuition for the individual's attendance. 25417  
Notwithstanding division (B), (C), or (E) of this section: 25418

(1) All persons at least eighteen but under twenty-two 25419  
years of age who live apart from their parents, support 25420

themselves by their own labor, and have not successfully 25421  
completed the high school curriculum or the individualized 25422  
education program developed for the person by the high school 25423  
pursuant to section 3323.08 of the Revised Code, are entitled to 25424  
attend school in the district in which they reside. 25425

(2) Any child under eighteen years of age who is married 25426  
is entitled to attend school in the child's district of 25427  
residence. 25428

(3) A child is entitled to attend school in the district 25429  
in which either of the child's parents is employed if the child 25430  
has a medical condition that may require emergency medical 25431  
attention. The parent of a child entitled to attend school under 25432  
division (F)(3) of this section shall submit to the board of 25433  
education of the district in which the parent is employed a 25434  
statement from the child's physician certifying that the child's 25435  
medical condition may require emergency medical attention. The 25436  
statement shall be supported by such other evidence as the board 25437  
may require. 25438

(4) Any child residing with a person other than the 25439  
child's parent is entitled, for a period not to exceed twelve 25440  
months, to attend school in the district in which that person 25441  
resides if the child's parent files an affidavit with the 25442  
superintendent of the district in which the person with whom the 25443  
child is living resides stating all of the following: 25444

(a) That the parent is serving outside of the state in the 25445  
armed services of the United States; 25446

(b) That the parent intends to reside in the district upon 25447  
returning to this state; 25448

(c) The name and address of the person with whom the child 25449

is living while the parent is outside the state. 25450

(5) Any child under the age of twenty-two years who, after 25451  
the death of a parent, resides in a school district other than 25452  
the district in which the child attended school at the time of 25453  
the parent's death is entitled to continue to attend school in 25454  
the district in which the child attended school at the time of 25455  
the parent's death for the remainder of the school year, subject 25456  
to approval of that district board. 25457

(6) A child under the age of twenty-two years who resides 25458  
with a parent who is having a new house built in a school 25459  
district outside the district where the parent is residing is 25460  
entitled to attend school for a period of time in the district 25461  
where the new house is being built. In order to be entitled to 25462  
such attendance, the parent shall provide the district 25463  
superintendent with the following: 25464

(a) A sworn statement explaining the situation, revealing 25465  
the location of the house being built, and stating the parent's 25466  
intention to reside there upon its completion; 25467

(b) A statement from the builder confirming that a new 25468  
house is being built for the parent and that the house is at the 25469  
location indicated in the parent's statement. 25470

(7) A child under the age of twenty-two years residing 25471  
with a parent who has a contract to purchase a house in a school 25472  
district outside the district where the parent is residing and 25473  
who is waiting upon the date of closing of the mortgage loan for 25474  
the purchase of such house is entitled to attend school for a 25475  
period of time in the district where the house is being 25476  
purchased. In order to be entitled to such attendance, the 25477  
parent shall provide the district superintendent with the 25478

following: 25479

(a) A sworn statement explaining the situation, revealing 25480  
the location of the house being purchased, and stating the 25481  
parent's intent to reside there; 25482

(b) A statement from a real estate broker or bank officer 25483  
confirming that the parent has a contract to purchase the house, 25484  
that the parent is waiting upon the date of closing of the 25485  
mortgage loan, and that the house is at the location indicated 25486  
in the parent's statement. 25487

The district superintendent shall establish a period of 25488  
time not to exceed ninety days during which the child entitled 25489  
to attend school under division (F) (6) or (7) of this section 25490  
may attend without tuition obligation. A student attending a 25491  
school under division (F) (6) or (7) of this section shall be 25492  
eligible to participate in interscholastic athletics under the 25493  
auspices of that school, provided the board of education of the 25494  
school district where the student's parent resides, by a formal 25495  
action, releases the student to participate in interscholastic 25496  
athletics at the school where the student is attending, and 25497  
provided the student receives any authorization required by a 25498  
public agency or private organization of which the school 25499  
district is a member exercising authority over interscholastic 25500  
sports. 25501

(8) A child whose parent is a full-time employee of a 25502  
city, local, or exempted village school district, or of an 25503  
educational service center, may be admitted to the schools of 25504  
the district where the child's parent is employed, or in the 25505  
case of a child whose parent is employed by an educational 25506  
service center, in the district that serves the location where 25507  
the parent's job is primarily located, provided the district 25508

board of education establishes such an admission policy by 25509  
resolution adopted by a majority of its members. Any such policy 25510  
shall take effect on the first day of the school year and the 25511  
effective date of any amendment or repeal may not be prior to 25512  
the first day of the subsequent school year. The policy shall be 25513  
uniformly applied to all such children and shall provide for the 25514  
admission of any such child upon request of the parent. No child 25515  
may be admitted under this policy after the first day of classes 25516  
of any school year. 25517

(9) A child who is with the child's parent under the care 25518  
of a shelter for victims of domestic violence, as defined in 25519  
section 3113.33 of the Revised Code, is entitled to attend 25520  
school free in the district in which the child is with the 25521  
child's parent, and no other school district shall be required 25522  
to pay tuition for the child's attendance in that school 25523  
district. 25524

The enrollment of a child in a school district under this 25525  
division shall not be denied due to a delay in the school 25526  
district's receipt of any records required under section 25527  
3313.672 of the Revised Code or any other records required for 25528  
enrollment. Any days of attendance and any credits earned by a 25529  
child while enrolled in a school district under this division 25530  
shall be transferred to and accepted by any school district in 25531  
which the child subsequently enrolls. The ~~state board~~ department 25532  
of education and workforce shall adopt rules to ensure 25533  
compliance with this division. 25534

(10) Any child under the age of twenty-two years whose 25535  
parent has moved out of the school district after the 25536  
commencement of classes in the child's senior year of high 25537  
school is entitled, subject to the approval of that district 25538

board, to attend school in the district in which the child 25539  
attended school at the time of the parental move for the 25540  
remainder of the school year and for one additional semester or 25541  
equivalent term. A district board may also adopt a policy 25542  
specifying extenuating circumstances under which a student may 25543  
continue to attend school under division (F)(10) of this section 25544  
for an additional period of time in order to successfully 25545  
complete the high school curriculum for the individualized 25546  
education program developed for the student by the high school 25547  
pursuant to section 3323.08 of the Revised Code. 25548

(11) As used in this division, "grandparent" means a 25549  
parent of a parent of a child. A child under the age of twenty- 25550  
two years who is in the custody of the child's parent, resides 25551  
with a grandparent, and does not require special education is 25552  
entitled to attend the schools of the district in which the 25553  
child's grandparent resides, provided that, prior to such 25554  
attendance in any school year, the board of education of the 25555  
school district in which the child's grandparent resides and the 25556  
board of education of the school district in which the child's 25557  
parent resides enter into a written agreement specifying that 25558  
good cause exists for such attendance, describing the nature of 25559  
this good cause, and consenting to such attendance. 25560

In lieu of a consent form signed by a parent, a board of 25561  
education may request the grandparent of a child attending 25562  
school in the district in which the grandparent resides pursuant 25563  
to division (F)(11) of this section to complete any consent form 25564  
required by the district, including any authorization required 25565  
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 25566  
Revised Code. Upon request, the grandparent shall complete any 25567  
consent form required by the district. A school district shall 25568  
not incur any liability solely because of its receipt of a 25569

consent form from a grandparent in lieu of a parent. 25570

Division (F) (11) of this section does not create, and 25571  
shall not be construed as creating, a new cause of action or 25572  
substantive legal right against a school district, a member of a 25573  
board of education, or an employee of a school district. This 25574  
section does not affect, and shall not be construed as 25575  
affecting, any immunities from defenses to tort liability 25576  
created or recognized by Chapter 2744. of the Revised Code for a 25577  
school district, member, or employee. 25578

(12) A child under the age of twenty-two years is entitled 25579  
to attend school in a school district other than the district in 25580  
which the child is entitled to attend school under division (B), 25581  
(C), or (E) of this section provided that, prior to such 25582  
attendance in any school year, both of the following occur: 25583

(a) The superintendent of the district in which the child 25584  
is entitled to attend school under division (B), (C), or (E) of 25585  
this section contacts the superintendent of another district for 25586  
purposes of this division; 25587

(b) The superintendents of both districts enter into a 25588  
written agreement that consents to the attendance and specifies 25589  
that the purpose of such attendance is to protect the student's 25590  
physical or mental well-being or to deal with other extenuating 25591  
circumstances deemed appropriate by the superintendents. 25592

While an agreement is in effect under this division for a 25593  
student who is not receiving special education under Chapter 25594  
3323. of the Revised Code and notwithstanding Chapter 3327. of 25595  
the Revised Code, the board of education of neither school 25596  
district involved in the agreement is required to provide 25597  
transportation for the student to and from the school where the 25598

student attends. 25599

A student attending a school of a district pursuant to 25600  
this division shall be allowed to participate in all student 25601  
activities, including interscholastic athletics, at the school 25602  
where the student is attending on the same basis as any student 25603  
who has always attended the schools of that district while of 25604  
compulsory school age. 25605

(13) All school districts shall comply with the "McKinney- 25606  
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 25607  
the education of homeless children. Each city, local, and 25608  
exempted village school district shall comply with the 25609  
requirements of that act governing the provision of a free, 25610  
appropriate public education, including public preschool, to 25611  
each homeless child. 25612

When a child loses permanent housing and becomes a 25613  
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 25614  
child who is such a homeless person changes temporary living 25615  
arrangements, the child's parent or guardian shall have the 25616  
option of enrolling the child in either of the following: 25617

(a) The child's school of origin, as defined in 42 25618  
U.S.C.A. 11432(g)(3)(C); 25619

(b) The school that is operated by the school district in 25620  
which the shelter where the child currently resides is located 25621  
and that serves the geographic area in which the shelter is 25622  
located. 25623

(14) A child under the age of twenty-two years who resides 25624  
with a person other than the child's parent is entitled to 25625  
attend school in the school district in which that person 25626  
resides if both of the following apply: 25627

(a) That person has been appointed, through a military power of attorney executed under section 574(a) of the "National Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, or through a comparable document necessary to complete a family care plan, as the parent's agent for the care, custody, and control of the child while the parent is on active duty as a member of the national guard or a reserve unit of the armed forces of the United States or because the parent is a member of the armed forces of the United States and is on a duty assignment away from the parent's residence.

(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school.

The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires.

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is

entitled to attend school under division (B) of this section. 25657

(I) (1) Notwithstanding anything to the contrary in this 25658  
section or section 3313.65 of the Revised Code, a child under 25659  
twenty-two years of age may attend school in the school district 25660  
in which the child, at the end of the first full week of October 25661  
of the school year, was entitled to attend school as otherwise 25662  
provided under this section or section 3313.65 of the Revised 25663  
Code, if at that time the child was enrolled in the schools of 25664  
the district but since that time the child or the child's parent 25665  
has relocated to a new address located outside of that school 25666  
district and within the same county as the child's or parent's 25667  
address immediately prior to the relocation. The child may 25668  
continue to attend school in the district, and at the school to 25669  
which the child was assigned at the end of the first full week 25670  
of October of the current school year, for the balance of the 25671  
school year. Division (I) (1) of this section applies only if 25672  
both of the following conditions are satisfied: 25673

(a) The board of education of the school district in which 25674  
the child was entitled to attend school at the end of the first 25675  
full week in October and of the district to which the child or 25676  
child's parent has relocated each has adopted a policy to enroll 25677  
children described in division (I) (1) of this section. 25678

(b) The child's parent provides written notification of 25679  
the relocation outside of the school district to the 25680  
superintendent of each of the two school districts. 25681

(2) At the beginning of the school year following the 25682  
school year in which the child or the child's parent relocated 25683  
outside of the school district as described in division (I) (1) 25684  
of this section, the child is not entitled to attend school in 25685  
the school district under that division. 25686

(3) Any person or entity owing tuition to the school 25687  
district on behalf of the child at the end of the first full 25688  
week in October, as provided in division (C) of this section, 25689  
shall continue to owe such tuition to the district for the 25690  
child's attendance under division (I) (1) of this section for the 25691  
lesser of the balance of the school year or the balance of the 25692  
time that the child attends school in the district under 25693  
division (I) (1) of this section. 25694

(4) A pupil who may attend school in the district under 25695  
division (I) (1) of this section shall be entitled to 25696  
transportation services pursuant to an agreement between the 25697  
district and the district in which the child or child's parent 25698  
has relocated unless the districts have not entered into such 25699  
agreement, in which case the child shall be entitled to 25700  
transportation services in the same manner as a pupil attending 25701  
school in the district under interdistrict open enrollment as 25702  
described in division (E) of section 3313.981 of the Revised 25703  
Code, regardless of whether the district has adopted an open 25704  
enrollment policy as described in division (B) (1) (b) or (c) of 25705  
section 3313.98 of the Revised Code. 25706

(J) This division does not apply to a child receiving 25707  
special education. 25708

A school district required to pay tuition pursuant to 25709  
division (C) (2) or (3) of this section or section 3313.65 of the 25710  
Revised Code shall have an amount deducted under division (C) of 25711  
section 3317.023 of the Revised Code equal to its own tuition 25712  
rate for the same period of attendance. A school district 25713  
entitled to receive tuition pursuant to division (C) (2) or (3) 25714  
of this section or section 3313.65 of the Revised Code shall 25715  
have an amount credited under division (C) of section 3317.023 25716

of the Revised Code equal to its own tuition rate for the same 25717  
period of attendance. If the tuition rate credited to the 25718  
district of attendance exceeds the rate deducted from the 25719  
district required to pay tuition, the department of education\_ 25720  
and workforce shall pay the district of attendance the 25721  
difference from amounts deducted from all districts' payments 25722  
under division (C) of section 3317.023 of the Revised Code but 25723  
not credited to other school districts under such division and 25724  
from appropriations made for such purpose. The treasurer of each 25725  
school district shall, by the fifteenth day of January and July, 25726  
furnish the ~~superintendent of public instruction~~ director of 25727  
education and workforce a report of the names of each child who 25728  
attended the district's schools under divisions (C) (2) and (3) 25729  
of this section or section 3313.65 of the Revised Code during 25730  
the preceding six calendar months, the duration of the 25731  
attendance of those children, the school district responsible 25732  
for tuition on behalf of the child, and any other information 25733  
that the ~~superintendent~~ director requires. 25734

Upon receipt of the report the ~~superintendent~~ director, 25735  
pursuant to division (C) of section 3317.023 of the Revised 25736  
Code, shall deduct each district's tuition obligations under 25737  
divisions (C) (2) and (3) of this section or section 3313.65 of 25738  
the Revised Code and pay to the district of attendance that 25739  
amount plus any amount required to be paid by the state. 25740

(K) In the event of a disagreement, the ~~superintendent of~~ 25741  
~~public instruction~~ director of education and workforce shall 25742  
determine the school district in which the parent resides. 25743

(L) Nothing in this section requires or authorizes, or 25744  
shall be construed to require or authorize, the admission to a 25745  
public school in this state of a pupil who has been permanently 25746

excluded from public school attendance by the ~~superintendent of~~ 25747  
~~public instruction director~~ pursuant to sections 3301.121 and 25748  
3313.662 of the Revised Code. 25749

(M) In accordance with division (B)(1) of this section, a 25750  
child whose parent is a member of the national guard or a 25751  
reserve unit of the armed forces of the United States and is 25752  
called to active duty, or a child whose parent is a member of 25753  
the armed forces of the United States and is ordered to a 25754  
temporary duty assignment outside of the district, may continue 25755  
to attend school in the district in which the child's parent 25756  
lived before being called to active duty or ordered to a 25757  
temporary duty assignment outside of the district, as long as 25758  
the child's parent continues to be a resident of that district, 25759  
and regardless of where the child lives as a result of the 25760  
parent's active duty status or temporary duty assignment. 25761  
However, the district is not responsible for providing 25762  
transportation for the child if the child lives outside of the 25763  
district as a result of the parent's active duty status or 25764  
temporary duty assignment. 25765

**Sec. 3313.642.** (A) Except as provided in division (B) of 25766  
this section and notwithstanding the provisions of sections 25767  
3313.48 and 3313.64 of the Revised Code, the board of education 25768  
of a city, exempted village, or local school district shall not 25769  
be required to furnish, free of charge, to the pupils attending 25770  
the public schools any materials used in a course of instruction 25771  
with the exception of the necessary textbooks or electronic 25772  
textbooks required to be furnished without charge pursuant to 25773  
section 3329.06 of the Revised Code. The board may, however, 25774  
make provision by appropriations transferred from the general 25775  
fund of the district or otherwise for furnishing free of charge 25776  
any materials used in a course of instruction to such pupils as 25777

it determines are in serious financial need of such materials. 25778

(B) No board of education of a school district shall 25779  
charge a fee to a pupil who is eligible for a free lunch under 25780  
the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 25781  
1751, as amended, and the "Child Nutrition Act of 1966," 80 25782  
Stat. 885, 42 U.S.C. 1771, as amended, for any materials needed 25783  
to enable the pupil to participate fully in a course of 25784  
instruction. The prohibition in this division against charging a 25785  
fee does not apply to any fee charged for any of the following: 25786

(1) Any materials needed to enable a pupil to participate 25787  
fully in extracurricular activities or in any pupil enrichment 25788  
program that is not a course of instruction; 25789

(2) Any tools, equipment, and materials that are necessary 25790  
for workforce-readiness training within a career-technical 25791  
education program that, to the extent the tools, equipment, and 25792  
materials are not consumed, may be retained by the student upon 25793  
course completion. 25794

(C) Boards of education may adopt rules and regulations 25795  
prescribing each of the following: 25796

(1) A schedule of fees for materials used in a course of 25797  
instruction; 25798

(2) A schedule of charges which may be imposed upon pupils 25799  
for the loss, damage, or destruction of school apparatus, 25800  
equipment, musical instruments, library material, textbooks, or 25801  
electronic textbooks required to be furnished without charge, 25802  
and for damage to school buildings. 25803

Except as provided in division (D) of this section, boards 25804  
of education may enforce the payment of such fees and charges by 25805  
withholding the grades and credits of the pupils concerned. 25806

(D) No board of education shall withhold the grades, 25807  
credits, official transcripts, diploma, IEPs, or 504 plans of a 25808  
pupil for nonpayment of fees for materials used in a course of 25809  
instruction imposed under division (C) (1) of this section, if a 25810  
complaint has been filed at any time in a juvenile court 25811  
alleging that the pupil is an abused, neglected, or dependent 25812  
child or if the pupil has been adjudicated an abused, neglected, 25813  
or dependent child. 25814

A board shall require that the grades, credits, official 25815  
transcripts, IEPs, or 504 plan of a pupil described in this 25816  
division be transferred immediately upon the receipt of either 25817  
another district's or school's request for those records under 25818  
section 3313.672 of the Revised Code or a juvenile judge's order 25819  
under section 2151.272 of the Revised Code. 25820

A board that is required to transfer records under 25821  
division (D) of this section may request a copy of any order 25822  
regarding the child's custody or placement issued pursuant to a 25823  
complaint filed under section 2151.27 of the Revised Code. 25824  
However, a board shall not withhold records required to be 25825  
transferred under that division pending receipt of a copy of the 25826  
order. 25827

(E) Each board of education annually shall report to the 25828  
department of education and workforce the number of pupils for 25829  
whom the board sends transcripts under division (D) of this 25830  
section and the total amount of unpaid fees lost due to 25831  
compliance with that division. 25832

(F) As used in this section: 25833

(1) "IEP" has the same meaning as in section 3323.01 of 25834  
the Revised Code. 25835

(2) "504 plan" means a plan based on an evaluation 25836  
conducted in accordance with section 504 of the "Rehabilitation 25837  
Act of 1973," 29 U.S.C. 794, as amended. 25838

**Sec. 3313.643.** Every student and teacher of a school, 25839  
college, or other educational institution shall wear industrial 25840  
quality eye protective devices at all times while participating 25841  
in or observing any of the following courses: 25842

(A) Vocational, technical, industrial arts, fine arts, 25843  
chemical, physical, or combined chemical-physical educational 25844  
activities, involving exposure to: 25845

(1) Hot molten metals or other molten materials; 25846

(2) Milling, sawing, drilling, turning, shaping, cutting, 25847  
grinding, buffing, or stamping of any solid materials; 25848

(3) Heat treatment, tempering, or kiln firing of any metal 25849  
or other materials; 25850

(4) Gas or electric arc welding or other forms of welding 25851  
processes; 25852

(5) Repair or servicing of any vehicle; 25853

(6) Caustic or explosive materials~~†.~~ 25854

(B) Chemical, physical, or combined chemical-physical 25855  
laboratories involving caustic or explosive materials, hot 25856  
liquids or solids, injurious radiations, or other hazards. 25857

Such devices may be furnished for all students and 25858  
teachers, purchased and sold at cost to students and teachers, 25859  
or made available for a moderate rental fee, and shall be 25860  
furnished for all visitors to such shops and laboratories. 25861

The ~~superintendent of public instruction,~~ director of 25862

education and workforce or any other appropriate educational 25863  
authority designated by the ~~superintendent~~director, shall 25864  
prepare and circulate to each public and private educational 25865  
institution in this state instructions and recommendations for 25866  
implementing the eye safety provisions of this section. The 25867  
bureau of workers' compensation shall ensure compliance with 25868  
this section. 25869

"Industrial quality eye protective devices" as used in 25870  
this section, means devices meeting the standards of the 25871  
American national standard practice for occupational and 25872  
educational eye and face protection, Z87.1-1968, approved by the 25873  
American national standards institute, inc., and subsequent 25874  
revisions thereof, provided such revisions are approved and 25875  
adopted by the industrial commission. 25876

**Sec. 3313.644.** The board of education of any school 25877  
district may contract with the state department of education and 25878  
workforce or other state agency or with any agency of the 25879  
federal government for the education or training of out-of- 25880  
school youth or adults regardless of their place of residence. 25881  
The board of education may permit the attendance, under such 25882  
contract, of such students or trainees who are not residents of 25883  
the school district only if the contract provides for the 25884  
reimbursement to the school district of the entire actual cost 25885  
of educating or training such nonresident students or trainees 25886  
and regardless of the ratio of nonresident students or trainees 25887  
to resident students or trainees. 25888

**Sec. 3313.645.** A board of education may admit to the 25889  
schools of its district, free of any tuition obligation, any 25890  
resident of the district not otherwise eligible to be admitted 25891  
who meets criteria established by the ~~state board~~ department of 25892

education and workforce. The ~~state board department~~ shall adopt 25893  
rules establishing criteria for the admission of persons to 25894  
schools under this division. The rules may authorize 25895  
restrictions or limitations on the classes or programs in which 25896  
such persons may participate. 25897

For participation in vocational education programs the 25898  
district operates or participates in pursuant to sections 25899  
3313.90 and 3313.91 of the Revised Code, a board of education 25900  
may admit the following individuals to the schools of its 25901  
district free of any tuition obligation and without regard to 25902  
age: 25903

(A) Any resident to the district who has successfully 25904  
completed the individualized education program developed for the 25905  
person by any high school pursuant to section 3323.08 of the 25906  
Revised Code; 25907

(B) Any person employed by the district in a position for 25908  
which a license issued by the state board of education under 25909  
section 3319.22 to 3319.31 of the Revised Code is not required 25910  
who seeks admission to a class or program related to the 25911  
person's position and is authorized by the district's 25912  
superintendent to be admitted to the class or program. The 25913  
superintendent shall determine whether the class or program is 25914  
related to the employee's position. 25915

**Sec. 3313.646.** (A) The board of education of a school 25916  
district, except a cooperative education district established 25917  
pursuant to section 3311.521 of the Revised Code, may establish 25918  
and operate a program to provide services to preschool-age 25919  
children, provided the board has demonstrated a need for the 25920  
program. A board may use school funds in support of preschool 25921  
programs. The board shall maintain, operate, and admit children 25922

to any such program pursuant to rules adopted by such board and 25923  
the rules of the ~~state board~~ department of education and 25924  
workforce adopted under sections 3301.52 to 3301.57 of the 25925  
Revised Code. 25926

A board of education may establish fees or tuition, which 25927  
may be graduated in proportion to family income, for 25928  
participation in a preschool program. In cases where payment of 25929  
fees or tuition would create a hardship for the child's parent 25930  
or guardian, the board may waive any such fees or tuition. 25931

(B) No board of education that is not receiving funds 25932  
under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 25933  
9831, on March 17, 1989, shall compete for funds under the "Head 25934  
Start Act" with any grantee receiving funds under that act. 25935

(C) A board of education may contract with any of the 25936  
following preschool providers to provide services to preschool- 25937  
age children, other than those services for which the district 25938  
is eligible to receive funding under section 3317.0213 of the 25939  
Revised Code: 25940

(1) Any organization receiving funds under the "Head Start 25941  
Act"; 25942

(2) Any nonsectarian eligible nonpublic school as defined 25943  
in division (H) of section 3301.52 of the Revised Code; 25944

(3) Any child care provider licensed under Chapter 5104. 25945  
of the Revised Code. 25946

Boards may contract to provide services to preschool-age 25947  
children only with such organizations whose staff meet the 25948  
requirements of rules adopted under section 3301.53 of the 25949  
Revised Code or those of the child development associate 25950  
credential established by the national association for the 25951

education of young children. 25952

(D) A contract entered into under division (C) of this 25953  
section may provide for the board of education to lease school 25954  
facilities to the preschool provider or to furnish 25955  
transportation, utilities, or staff for the preschool program. 25956

(E) The treasurer of any board of education operating a 25957  
preschool program pursuant to this section shall keep an account 25958  
of all funds used to operate the program in the same manner as 25959  
the treasurer would any other funds of the district pursuant to 25960  
this chapter. 25961

**Sec. 3313.647.** As used in this division, "graduate" means 25962  
a person who has received a diploma from a district pursuant to 25963  
section 3313.61 of the Revised Code. 25964

Pursuant to rules adopted by the ~~state board department of~~ 25965  
education and workforce, a city, local, exempted village, or 25966  
joint vocational school district may establish a policy 25967  
guaranteeing a specific level of competency of certain graduates 25968  
of the district. The guarantee policy shall specify that any 25969  
graduate meeting specified criteria established by the board is 25970  
capable of performing specified functions at a level established 25971  
in the policy. Any employer or potential employer of a graduate 25972  
who is guaranteed under such a policy may submit a written 25973  
statement to the board of education stating the guaranteed 25974  
graduate of its district does not meet the level of competency 25975  
specified in the district's guarantee policy. Upon receipt of 25976  
such statement the board of education shall provide an 25977  
opportunity for additional education to the graduate, regardless 25978  
of the graduate's age or place of residence, until such 25979  
individual attains the competency level specified in the policy. 25980  
No fee shall be charged to any person or government entity for 25981

such additional education. A school board may expend school 25982  
funds for a guarantee program; however, no student participating 25983  
in the program shall be included in the formula ADM of the 25984  
district as determined under section 3317.03 of the Revised Code 25985  
or included as a participant in any other program, if such 25986  
inclusion would result in additional state funds to the school 25987  
district. 25988

The ~~state board of education department~~ shall adopt rules 25989  
for the adoption of a policy under this section and for the 25990  
additional education program described under this section. 25991

**Sec. 3313.6410.** This section applies to any school that is 25992  
operated by a school district and in which the enrolled students 25993  
work primarily on assignments in nonclassroom-based learning 25994  
opportunities provided via an internet- or other computer-based 25995  
instructional method. 25996

(A) Any school to which this section applies shall 25997  
withdraw from the school any student who, for two consecutive 25998  
school years of enrollment in the school, has failed to 25999  
participate in the spring administration of any assessment 26000  
prescribed under section 3301.0710 or 3301.0712 of the Revised 26001  
Code for the student's grade level and was not excused from the 26002  
assessment pursuant to division (C) (1) or (3) of section 26003  
3301.0711 of the Revised Code, regardless of whether a waiver 26004  
was granted for the student under division (E) of section 26005  
3317.03 of the Revised Code. The school shall report any such 26006  
student's data verification code, as assigned pursuant to 26007  
section 3301.0714 of the Revised Code, to the department of 26008  
education and workforce to be added to the list maintained by 26009  
the department under section 3314.26 of the Revised Code. 26010

(B) No school to which this section applies shall receive 26011

any state funds under Chapter 3317. of the Revised Code for any 26012  
enrolled student whose data verification code appears on the 26013  
list maintained by the department under section 3314.26 of the 26014  
Revised Code. Notwithstanding any provision of the Revised Code 26015  
to the contrary, the parent of any such student shall pay 26016  
tuition to the school district that operates the school in an 26017  
amount equal to the state funds the district otherwise would 26018  
receive for that student, as determined by the department. A 26019  
school to which this section applies may withdraw any student 26020  
for whom the parent does not pay tuition as required by this 26021  
division. 26022

**Sec. 3313.65.** (A) As used in this section and section 26023  
3313.64 of the Revised Code: 26024

(1) A person is "in a residential facility" if the person 26025  
is a resident or a resident patient of an institution, home, or 26026  
other residential facility that is: 26027

(a) Licensed as a nursing home, residential care facility, 26028  
or home for the aging by the director of health under section 26029  
3721.02 of the Revised Code; 26030

(b) Maintained as a county home or district home by the 26031  
board of county commissioners or a joint board of county 26032  
commissioners under Chapter 5155. of the Revised Code; 26033

(c) Operated or administered by a board of alcohol, drug 26034  
addiction, and mental health services under section 340.037 of 26035  
the Revised Code, or provides residential care pursuant to 26036  
contracts made under section 340.036 of the Revised Code; 26037

(d) Maintained as a state institution for the mentally ill 26038  
under Chapter 5119. of the Revised Code; 26039

(e) Licensed by the department of mental health and 26040

addiction services under section 5119.33 or 5119.34 of the	26041
Revised Code;	26042
(f) Licensed as a residential facility by the department	26043
of developmental disabilities under section 5123.19 of the	26044
Revised Code;	26045
(g) Operated by the veteran's administration or another	26046
agency of the United States government;	26047
(h) Operated by the Ohio veterans' home.	26048
(2) A person is "in a correctional facility" if any of the	26049
following apply:	26050
(a) The person is an Ohio resident and is:	26051
(i) Imprisoned, as defined in section 1.05 of the Revised	26052
Code;	26053
(ii) Serving a term in a community-based correctional	26054
facility or a district community-based correctional facility;	26055
(iii) Required, as a condition of parole, a post-release	26056
control sanction, a community control sanction, transitional	26057
control, or early release from imprisonment, as a condition of	26058
shock parole or shock probation granted under the law in effect	26059
prior to July 1, 1996, or as a condition of a furlough granted	26060
under the version of section 2967.26 of the Revised Code in	26061
effect prior to March 17, 1998, to reside in a halfway house or	26062
other community residential center licensed under section	26063
2967.14 of the Revised Code or a similar facility designated by	26064
the court of common pleas that established the condition or by	26065
the adult parole authority.	26066
(b) The person is imprisoned in a state correctional	26067
institution of another state or a federal correctional	26068

institution but was an Ohio resident at the time the sentence 26069  
was imposed for the crime for which the person is imprisoned. 26070

(3) A person is "in a juvenile residential placement" if 26071  
the person is an Ohio resident who is under twenty-one years of 26072  
age and has been removed, by the order of a juvenile court, from 26073  
the place the person resided at the time the person became 26074  
subject to the court's jurisdiction in the matter that resulted 26075  
in the person's removal. 26076

(4) "Community control sanction" has the same meaning as 26077  
in section 2929.01 of the Revised Code. 26078

(5) "Post-release control sanction" has the same meaning 26079  
as in section 2967.01 of the Revised Code. 26080

(B) If the circumstances described in division (C) of this 26081  
section apply, the determination of what school district must 26082  
admit a child to its schools and what district, if any, is 26083  
liable for tuition shall be made in accordance with this 26084  
section, rather than section 3313.64 of the Revised Code. 26085

(C) A child who does not reside in the school district in 26086  
which the child's parent resides and for whom a tuition 26087  
obligation previously has not been established under division 26088  
(C) (2) of section 3313.64 of the Revised Code shall be admitted 26089  
to the schools of the district in which the child resides if at 26090  
least one of the child's parents is in a residential or 26091  
correctional facility or a juvenile residential placement and 26092  
the other parent, if living and not in such a facility or 26093  
placement, is not known to reside in this state. 26094

(D) Regardless of who has custody or care of the child, 26095  
whether the child resides in a home, or whether the child 26096  
receives special education, if a district admits a child under 26097

division (C) of this section, tuition shall be paid to that 26098  
district as follows: 26099

(1) If the child's parent is in a juvenile residential 26100  
placement, by the district in which the child's parent resided 26101  
at the time the parent became subject to the jurisdiction of the 26102  
juvenile court; 26103

(2) If the child's parent is in a correctional facility, 26104  
by the district in which the child's parent resided at the time 26105  
the sentence was imposed; 26106

(3) If the child's parent is in a residential facility, by 26107  
the district in which the parent resided at the time the parent 26108  
was admitted to the residential facility, except that if the 26109  
parent was transferred from another residential facility, 26110  
tuition shall be paid by the district in which the parent 26111  
resided at the time the parent was admitted to the facility from 26112  
which the parent first was transferred; 26113

(4) In the event of a disagreement as to which school 26114  
district is liable for tuition under division (C) (1), (2), or 26115  
(3) of this section, the ~~superintendent of public instruction~~ 26116  
director of education and workforce shall determine which 26117  
district shall pay tuition. 26118

(E) If a child covered by division (D) of this section 26119  
receives special education in accordance with Chapter 3323. of 26120  
the Revised Code, the tuition shall be paid in accordance with 26121  
section 3323.13 or 3323.14 of the Revised Code. Tuition for 26122  
children who do not receive special education shall be paid in 26123  
accordance with division (J) of section 3313.64 of the Revised 26124  
Code. 26125

**Sec. 3313.66.** (A) (1) Except as provided under division (B) 26126

(2) of this section, and subject to section 3313.668 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district, or the principal of a public school may suspend a pupil from school for not more than ten school days. The board of education of a city, exempted village, or local school district may adopt a policy granting assistant principals and other administrators the authority to suspend a pupil from school for a period of time as specified in the policy of the board of education, not to exceed ten school days. If at the time an out-of-school suspension is imposed there are fewer than ten school days remaining in the school year in which the incident that gives rise to the suspension takes place, the superintendent shall not apply any remaining part of the period of the suspension to the following school year. The superintendent may instead require the pupil to participate in a community service program or another alternative consequence for a number of hours equal to the remaining part of the period of the suspension. The pupil shall be required to begin the pupil's community service or alternative consequence during the first full week day of summer break. Each school district, in its discretion, may develop an appropriate list of alternative consequences. In the event that a pupil fails to complete community service or the assigned alternative consequence, the school district may determine the next course of action, which shall not include requiring the pupil to serve the remaining time of the out-of-school suspension at the beginning of the following school year.

No pupil shall be issued an out-of-school suspension unless prior to the suspension the superintendent or principal does both of the following:

(a) Gives the pupil written notice of the intention to

suspend the pupil and the reasons for the intended suspension 26158  
and, if the proposed suspension is based on a violation listed 26159  
in division (A) of section 3313.662 of the Revised Code and if 26160  
the pupil is sixteen years of age or older, includes in the 26161  
notice a statement that the superintendent may seek to 26162  
permanently exclude the pupil if the pupil is convicted of or 26163  
adjudicated a delinquent child for that violation; 26164

(b) Provides the pupil an opportunity to appear at an 26165  
informal hearing before the principal, assistant principal, 26166  
superintendent, or superintendent's designee and challenge the 26167  
reason for the intended suspension or otherwise to explain the 26168  
pupil's actions. 26169

(2) If a pupil is issued an in-school suspension, the 26170  
superintendent or principal shall ensure the pupil is serving 26171  
the suspension in a supervised learning environment. 26172

(3) Each school district board shall adopt a policy 26173  
establishing parameters for completing and grading assignments 26174  
missed because of a pupil's suspension. 26175

(a) The policy shall provide the pupil an opportunity to 26176  
do both of the following: 26177

(i) Complete any classroom assignments missed because of 26178  
the suspension; 26179

(ii) Receive at least partial credit for a completed 26180  
assignment. 26181

(b) The policy may permit grade reductions on account of 26182  
the pupil's suspension. 26183

(c) The policy shall prohibit the receipt of a failing 26184  
grade on a completed assignment solely on account of the pupil's 26185

suspension. 26186

(B) (1) Except as provided under division (B) (2), (3), or 26187  
(4) of this section, and subject to section 3313.668 of the 26188  
Revised Code, the superintendent of schools of a city, exempted 26189  
village, or local school district may expel a pupil from school 26190  
for a period not to exceed the greater of eighty school days or 26191  
the number of school days remaining in the semester or term in 26192  
which the incident that gives rise to the expulsion takes place, 26193  
unless the expulsion is extended pursuant to division (F) of 26194  
this section. If at the time an expulsion is imposed there are 26195  
fewer than eighty school days remaining in the school year in 26196  
which the incident that gives rise to the expulsion takes place, 26197  
the superintendent may apply any remaining part or all of the 26198  
period of the expulsion to the following school year. 26199

(2) (a) Unless a pupil is permanently excluded pursuant to 26200  
section 3313.662 of the Revised Code, the superintendent of 26201  
schools of a city, exempted village, or local school district 26202  
shall expel a pupil from school for a period of one year for 26203  
bringing a firearm to a school operated by the board of 26204  
education of the district or onto any other property owned or 26205  
controlled by the board, except that the superintendent may 26206  
reduce this requirement on a case-by-case basis in accordance 26207  
with the policy adopted by the board under section 3313.661 of 26208  
the Revised Code. 26209

(b) The superintendent of schools of a city, exempted 26210  
village, or local school district may expel a pupil from school 26211  
for a period of one year for bringing a firearm to an 26212  
interscholastic competition, an extracurricular event, or any 26213  
other school program or activity that is not located in a school 26214  
or on property that is owned or controlled by the district. The 26215

superintendent may reduce this disciplinary action on a case-by- 26216  
case basis in accordance with the policy adopted by the board 26217  
under section 3313.661 of the Revised Code. 26218

(c) Any expulsion pursuant to division (B)(2) of this 26219  
section shall extend, as necessary, into the school year 26220  
following the school year in which the incident that gives rise 26221  
to the expulsion takes place. As used in this division, 26222  
"firearm" has the same meaning as provided pursuant to the "Gun- 26223  
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 26224

(3) The board of education of a city, exempted village, or 26225  
local school district may adopt a resolution authorizing the 26226  
superintendent of schools to expel a pupil from school for a 26227  
period not to exceed one year for bringing a knife capable of 26228  
causing serious bodily injury to a school operated by the board, 26229  
onto any other property owned or controlled by the board, or to 26230  
an interscholastic competition, an extracurricular event, or any 26231  
other program or activity sponsored by the school district or in 26232  
which the district is a participant, or for possessing a firearm 26233  
or knife capable of serious bodily injury, at a school, on any 26234  
other property owned or controlled by the board, or at an 26235  
interscholastic competition, an extracurricular event, or any 26236  
other school program or activity, which firearm or knife was 26237  
initially brought onto school board property by another person. 26238  
The resolution may authorize the superintendent to extend such 26239  
an expulsion, as necessary, into the school year following the 26240  
school year in which the incident that gives rise to the 26241  
expulsion takes place. 26242

(4) The board of education of a city, exempted village, or 26243  
local school district may adopt a resolution establishing a 26244  
policy under section 3313.661 of the Revised Code that 26245

authorizes the superintendent of schools to expel a pupil from 26246  
school for a period not to exceed one year for committing an act 26247  
that is a criminal offense when committed by an adult and that 26248  
results in serious physical harm to persons as defined in 26249  
division (A) (5) of section 2901.01 of the Revised Code or 26250  
serious physical harm to property as defined in division (A) (6) 26251  
of section 2901.01 of the Revised Code while the pupil is at 26252  
school, on any other property owned or controlled by the board, 26253  
or at an interscholastic competition, an extracurricular event, 26254  
or any other school program or activity. Any expulsion under 26255  
this division shall extend, as necessary, into the school year 26256  
following the school year in which the incident that gives rise 26257  
to the expulsion takes place. 26258

(5) The board of education of any city, exempted village, 26259  
or local school district may adopt a resolution establishing a 26260  
policy under section 3313.661 of the Revised Code that 26261  
authorizes the superintendent of schools to expel a pupil from 26262  
school for a period not to exceed one year for making a bomb 26263  
threat to a school building or to any premises at which a school 26264  
activity is occurring at the time of the threat. Any expulsion 26265  
under this division shall extend, as necessary, into the school 26266  
year following the school year in which the incident that gives 26267  
rise to the expulsion takes place. 26268

(6) No pupil shall be expelled under division (B) (1), (2), 26269  
(3), (4), or (5) of this section unless, prior to the pupil's 26270  
expulsion, the superintendent does both of the following: 26271

(a) Gives the pupil and the pupil's parent, guardian, or 26272  
custodian written notice of the intention to expel the pupil; 26273

(b) Provides the pupil and the pupil's parent, guardian, 26274  
custodian, or representative an opportunity to appear in person 26275

before the superintendent or the superintendent's designee to 26276  
challenge the reasons for the intended expulsion or otherwise to 26277  
explain the pupil's actions. 26278

The notice required in this division shall include the 26279  
reasons for the intended expulsion, notification of the 26280  
opportunity of the pupil and the pupil's parent, guardian, 26281  
custodian, or representative to appear before the superintendent 26282  
or the superintendent's designee to challenge the reasons for 26283  
the intended expulsion or otherwise to explain the pupil's 26284  
action, and notification of the time and place to appear. The 26285  
time to appear shall not be earlier than three nor later than 26286  
five school days after the notice is given, unless the 26287  
superintendent grants an extension of time at the request of the 26288  
pupil or the pupil's parent, guardian, custodian, or 26289  
representative. If an extension is granted after giving the 26290  
original notice, the superintendent shall notify the pupil and 26291  
the pupil's parent, guardian, custodian, or representative of 26292  
the new time and place to appear. If the proposed expulsion is 26293  
based on a violation listed in division (A) of section 3313.662 26294  
of the Revised Code and if the pupil is sixteen years of age or 26295  
older, the notice shall include a statement that the 26296  
superintendent may seek to permanently exclude the pupil if the 26297  
pupil is convicted of or adjudicated a delinquent child for that 26298  
violation. 26299

(7) A superintendent of schools of a city, exempted 26300  
village, or local school district shall initiate expulsion 26301  
proceedings pursuant to this section with respect to any pupil 26302  
who has committed an act warranting expulsion under the 26303  
district's policy regarding expulsion even if the pupil has 26304  
withdrawn from school for any reason after the incident that 26305  
gives rise to the hearing but prior to the hearing or decision 26306

to impose the expulsion. If, following the hearing, the pupil 26307  
would have been expelled for a period of time had the pupil 26308  
still been enrolled in the school, the expulsion shall be 26309  
imposed for the same length of time as on a pupil who has not 26310  
withdrawn from the school. 26311

(C) (1) Subject to division (C) (2) of this section, if a 26312  
pupil's presence poses a continuing danger to persons or 26313  
property or an ongoing threat of disrupting the academic process 26314  
taking place either within a classroom or elsewhere on the 26315  
school premises, the superintendent or a principal or assistant 26316  
principal may remove a pupil from curricular activities or from 26317  
the school premises, and a teacher may remove a pupil from 26318  
curricular activities under the teacher's supervision, without 26319  
the notice and hearing requirements of division (A) or (B) of 26320  
this section. As soon as practicable after making such a 26321  
removal, the teacher shall submit in writing to the principal 26322  
the reasons for such removal. 26323

(2) A pupil in any of grades pre-kindergarten through 26324  
three may be removed pursuant to division (C) (1) of this section 26325  
only for the remainder of the school day and shall be permitted 26326  
to return to curricular and extracurricular activities on the 26327  
school day following the day in which the student was removed. 26328

(a) A school district or school that returns a student in 26329  
any of grades pre-kindergarten through three to curricular and 26330  
extracurricular activities on the next school day shall not be 26331  
required to follow division (C) (3) of this section with regard 26332  
to that student. 26333

(b) A school district shall not initiate a suspension or 26334  
expulsion proceeding against a student in any of grades pre- 26335  
kindergarten through three who was removed from a curricular or 26336

extracurricular activity under division (C) of this section 26337  
unless the student has committed an act described in division 26338  
(B) (1) (a) or (b) of section 3313.668 of the Revised Code. 26339

(3) If a pupil is removed under division (C) (1) or (2) of 26340  
this section from a curricular activity or from the school 26341  
premises, written notice of the hearing and of the reason for 26342  
the removal shall be given to the pupil as soon as practicable 26343  
prior to the hearing, which shall be held on the next school day 26344  
after the initial removal is ordered. The hearing shall be held 26345  
in accordance with division (A) of this section unless it is 26346  
probable that the pupil may be subject to expulsion, in which 26347  
case a hearing in accordance with division (B) of this section 26348  
shall be held, except that the hearing shall be held on the next 26349  
school day after the date of the initial removal. The individual 26350  
who ordered, caused, or requested the removal to be made shall 26351  
be present at the hearing. 26352

(4) If the superintendent or the principal reinstates a 26353  
pupil in a curricular activity under the teacher's supervision 26354  
prior to the hearing following a removal under this division, 26355  
the teacher, upon request, shall be given in writing the reasons 26356  
for such reinstatement. 26357

(D) The superintendent or principal, within one school day 26358  
after the time of a pupil's expulsion or suspension, shall 26359  
notify in writing the parent, guardian, or custodian of the 26360  
pupil of the expulsion or suspension. In the case of an 26361  
expulsion, the superintendent or principal, within one school 26362  
day after the time of a pupil's expulsion, also shall notify in 26363  
writing the treasurer of the board of education. Each notice 26364  
shall include the reasons for the expulsion or suspension, 26365  
notification of the right of the pupil or the pupil's parent, 26366

guardian, or custodian to appeal the expulsion or suspension to 26367  
the board of education or to its designee, to be represented in 26368  
all appeal proceedings, to be granted a hearing before the board 26369  
or its designee in order to be heard against the suspension or 26370  
expulsion, and to request that the hearing be held in executive 26371  
session, notification that the expulsion may be subject to 26372  
extension pursuant to division (F) of this section if the pupil 26373  
is sixteen years of age or older, and notification that the 26374  
superintendent may seek the pupil's permanent exclusion if the 26375  
suspension or expulsion was based on a violation listed in 26376  
division (A) of section 3313.662 of the Revised Code that was 26377  
committed when the child was sixteen years of age or older and 26378  
if the pupil is convicted of or adjudicated a delinquent child 26379  
for that violation. 26380

In accordance with the policy adopted by the board of 26381  
education under section 3313.661 of the Revised Code, the notice 26382  
provided under this division shall specify the manner and date 26383  
by which the pupil or the pupil's parent, guardian, or custodian 26384  
shall notify the board of the pupil's, parent's, guardian's, or 26385  
custodian's intent to appeal the expulsion or suspension to the 26386  
board or its designee. 26387

Any superintendent expelling a pupil under this section 26388  
for more than twenty school days or for any period of time if 26389  
the expulsion will extend into the following semester or school 26390  
year shall, in the notice required under this division, provide 26391  
the pupil and the pupil's parent, guardian, or custodian with 26392  
information about services or programs offered by public and 26393  
private agencies that work toward improving those aspects of the 26394  
pupil's attitudes and behavior that contributed to the incident 26395  
that gave rise to the pupil's expulsion. The information shall 26396  
include the names, addresses, and phone numbers of the 26397

appropriate public and private agencies. 26398

(E) A pupil or the pupil's parent, guardian, or custodian 26399  
may appeal the pupil's expulsion by a superintendent or 26400  
suspension by a superintendent, principal, assistant principal, 26401  
or other administrator to the board of education or to its 26402  
designee. If the pupil or the pupil's parent, guardian, or 26403  
custodian intends to appeal the expulsion or suspension to the 26404  
board or its designee, the pupil or the pupil's parent, 26405  
guardian, or custodian shall notify the board in the manner and 26406  
by the date specified in the notice provided under division (D) 26407  
of this section. The pupil or the pupil's parent, guardian, or 26408  
custodian may be represented in all appeal proceedings and shall 26409  
be granted a hearing before the board or its designee in order 26410  
to be heard against the suspension or expulsion. At the request 26411  
of the pupil or of the pupil's parent, guardian, custodian, or 26412  
attorney, the board or its designee may hold the hearing in 26413  
executive session but shall act upon the suspension or expulsion 26414  
only at a public meeting. The board, by a majority vote of its 26415  
full membership or by the action of its designee, may affirm the 26416  
order of suspension or expulsion, reinstate the pupil, or 26417  
otherwise reverse, vacate, or modify the order of suspension or 26418  
expulsion. 26419

The board or its designee shall make a verbatim record of 26420  
hearings held under this division. The decisions of the board or 26421  
its designee may be appealed under Chapter 2506. of the Revised 26422  
Code. 26423

This section shall not be construed to require notice and 26424  
hearing in accordance with division (A), (B), or (C) of this 26425  
section in the case of normal disciplinary procedures in which a 26426  
pupil is removed from a curricular activity for a period of less 26427

than one school day and is not subject to suspension or 26428  
expulsion. 26429

(F) (1) If a pupil is expelled pursuant to division (B) of 26430  
this section for committing any violation listed in division (A) 26431  
of section 3313.662 of the Revised Code and the pupil was 26432  
sixteen years of age or older at the time of committing the 26433  
violation, if a complaint, indictment, or information is filed 26434  
alleging that the pupil is a delinquent child based upon the 26435  
commission of the violation or the pupil is prosecuted as an 26436  
adult for the commission of the violation, and if the resultant 26437  
juvenile court or criminal proceeding is pending at the time 26438  
that the expulsion terminates, the superintendent of schools 26439  
that expelled the pupil may file a motion with the court in 26440  
which the proceeding is pending requesting an order extending 26441  
the expulsion for the lesser of an additional eighty days or the 26442  
number of school days remaining in the school year. Upon the 26443  
filing of the motion, the court immediately shall schedule a 26444  
hearing and give written notice of the time, date, and location 26445  
of the hearing to the superintendent and to the pupil and the 26446  
pupil's parent, guardian, or custodian. At the hearing, the 26447  
court shall determine whether there is reasonable cause to 26448  
believe that the pupil committed the alleged violation that is 26449  
the basis of the expulsion and, upon determining that reasonable 26450  
cause to believe the pupil committed the violation does exist, 26451  
shall grant the requested extension. 26452

(2) If a pupil has been convicted of or adjudicated a 26453  
delinquent child for a violation listed in division (A) of 26454  
section 3313.662 of the Revised Code for an act that was 26455  
committed when the child was sixteen years of age or older, if 26456  
the pupil has been expelled pursuant to division (B) of this 26457  
section for that violation, and if the board of education of the 26458

school district of the school from which the pupil was expelled 26459  
has adopted a resolution seeking the pupil's permanent 26460  
exclusion, the superintendent may file a motion with the court 26461  
that convicted the pupil or adjudicated the pupil a delinquent 26462  
child requesting an order to extend the expulsion until an 26463  
adjudication order or other determination regarding permanent 26464  
exclusion is issued by the ~~superintendent of public instruction~~ 26465  
director of education and workforce pursuant to section 3301.121 26466  
and division (D) of section 3313.662 of the Revised Code. Upon 26467  
the filing of the motion, the court immediately shall schedule a 26468  
hearing and give written notice of the time, date, and location 26469  
of the hearing to the superintendent of the school district, the 26470  
pupil, and the pupil's parent, guardian, or custodian. At the 26471  
hearing, the court shall determine whether there is reasonable 26472  
cause to believe the pupil's continued attendance in the public 26473  
school system may endanger the health and safety of other pupils 26474  
or school employees and, upon making that determination, shall 26475  
grant the requested extension. 26476

(G) The failure of the superintendent or the board of 26477  
education to provide the information regarding the possibility 26478  
of permanent exclusion in the notice required by divisions (A), 26479  
(B), and (D) of this section is not jurisdictional, and the 26480  
failure shall not affect the validity of any suspension or 26481  
expulsion procedure that is conducted in accordance with this 26482  
section or the validity of a permanent exclusion procedure that 26483  
is conducted in accordance with sections 3301.121 and 3313.662 26484  
of the Revised Code. 26485

(H) With regard to suspensions and expulsions pursuant to 26486  
divisions (A) and (B) of this section by the board of education 26487  
of any city, exempted village, or local school district, this 26488  
section shall apply to any student, whether or not the student 26489

is enrolled in the district, attending or otherwise 26490  
participating in any curricular program provided in a school 26491  
operated by the board or provided on any other property owned or 26492  
controlled by the board. 26493

(I) Whenever a student is expelled under this section, the 26494  
expulsion shall result in removal of the student from the 26495  
student's regular school setting. However, during the period of 26496  
the expulsion, the board of education of the school district 26497  
that expelled the student or any board of education admitting 26498  
the student during that expulsion period may provide educational 26499  
services to the student in an alternative setting. 26500

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 26501  
3313.64, and 3313.65 of the Revised Code, any school district, 26502  
after offering an opportunity for a hearing, may temporarily 26503  
deny admittance to any pupil if one of the following applies: 26504

(a) The pupil has been suspended from the schools of 26505  
another district under division (A) of this section and the 26506  
period of suspension, as established under that division, has 26507  
not expired; 26508

(b) The pupil has been expelled from the schools of 26509  
another district under division (B) of this section and the 26510  
period of the expulsion, as established under that division or 26511  
as extended under division (F) of this section, has not expired. 26512

If a pupil is temporarily denied admission under this 26513  
division, the pupil shall be admitted to school in accordance 26514  
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 26515  
Revised Code no later than upon expiration of the suspension or 26516  
expulsion period, as applicable. 26517

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 26518

and 3313.65 of the Revised Code, any school district, after 26519  
offering an opportunity for a hearing, may temporarily deny 26520  
admittance to any pupil if the pupil has been expelled or 26521  
otherwise removed for disciplinary purposes from a public school 26522  
in another state and the period of expulsion or removal has not 26523  
expired. If a pupil is temporarily denied admission under this 26524  
division, the pupil shall be admitted to school in accordance 26525  
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 26526  
Revised Code no later than the earlier of the following: 26527

(a) Upon expiration of the expulsion or removal period 26528  
imposed by the out-of-state school; 26529

(b) Upon expiration of a period established by the 26530  
district, beginning with the date of expulsion or removal from 26531  
the out-of-state school, that is no greater than the period of 26532  
expulsion that the pupil would have received under the policy 26533  
adopted by the district under section 3313.661 of the Revised 26534  
Code had the offense that gave rise to the expulsion or removal 26535  
by the out-of-state school been committed while the pupil was 26536  
enrolled in the district. 26537

(K) As used in this section: 26538

(1) "Permanently exclude" and "permanent exclusion" have 26539  
the same meanings as in section 3313.662 of the Revised Code. 26540

(2) "In-school suspension" means the pupil will serve all 26541  
of the suspension in a supervised learning environment within a 26542  
school setting. 26543

**Sec. 3313.662.** (A) The ~~superintendent of public~~ 26544  
~~instruction~~ director of education and workforce, pursuant to this 26545  
section and the adjudication procedures of section 3301.121 of 26546  
the Revised Code, may issue an adjudication order that 26547

permanently excludes a pupil from attending any of the public 26548  
schools of this state if the pupil is convicted of, or 26549  
adjudicated a delinquent child for, committing, when the pupil 26550  
was sixteen years of age or older, an act that would be a 26551  
criminal offense if committed by an adult and if the act is any 26552  
of the following: 26553

(1) A violation of section 2923.122 of the Revised Code; 26554

(2) A violation of section 2923.12 of the Revised Code, of 26555  
a substantially similar municipal ordinance, or of section 26556  
2925.03 of the Revised Code that was committed on property owned 26557  
or controlled by, or at an activity held under the auspices of, 26558  
a board of education of a city, local, exempted village, or 26559  
joint vocational school district; 26560

(3) A violation of section 2925.11 of the Revised Code, 26561  
other than a violation of that section that would be a minor 26562  
drug possession offense, that was committed on property owned or 26563  
controlled by, or at an activity held under the auspices of, the 26564  
board of education of a city, local, exempted village, or joint 26565  
vocational school district; 26566

(4) A violation of section 2903.01, 2903.02, 2903.03, 26567  
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 26568  
section 2907.12 of the Revised Code that was committed on 26569  
property owned or controlled by, or at an activity held under 26570  
the auspices of, a board of education of a city, local, exempted 26571  
village, or joint vocational school district, if the victim at 26572  
the time of the commission of the act was an employee of that 26573  
board of education; 26574

(5) Complicity in any violation described in division (A) 26575  
(1), (2), (3), or (4) of this section that was alleged to have 26576

been committed in the manner described in division (A) (1), (2), 26577  
(3), or (4) of this section, regardless of whether the act of 26578  
complicity was committed on property owned or controlled by, or 26579  
at an activity held under the auspices of, a board of education 26580  
of a city, local, exempted village, or joint vocational school 26581  
district. 26582

(B) A pupil may be suspended or expelled in accordance 26583  
with section 3313.66 of the Revised Code prior to being 26584  
permanently excluded from public school attendance under this 26585  
section and section 3301.121 of the Revised Code. 26586

(C) (1) If the superintendent of a city, local, exempted 26587  
village, or joint vocational school district in which a pupil 26588  
attends school obtains or receives proof that the pupil has been 26589  
convicted of committing when the pupil was sixteen years of age 26590  
or older a violation listed in division (A) of this section or 26591  
adjudicated a delinquent child for the commission when the pupil 26592  
was sixteen years of age or older of a violation listed in 26593  
division (A) of this section, the superintendent may issue to 26594  
the board of education of the school district a request that the 26595  
pupil be permanently excluded from public school attendance, if 26596  
both of the following apply: 26597

(a) After obtaining or receiving proof of the conviction 26598  
or adjudication, the superintendent or the superintendent's 26599  
designee determines that the pupil's continued attendance in 26600  
school may endanger the health and safety of other pupils or 26601  
school employees and gives the pupil and the pupil's parent, 26602  
guardian, or custodian written notice that the superintendent 26603  
intends to recommend to the board of education that the board 26604  
adopt a resolution requesting the ~~superintendent of public~~ 26605  
~~instruction~~ director of education and workforce to permanently 26606

exclude the pupil from public school attendance. 26607

(b) The superintendent or the superintendent's designee 26608  
forwards to the board of education the superintendent's written 26609  
recommendation that includes the determinations the 26610  
superintendent or designee made pursuant to division (C) (1) (a) 26611  
of this section and a copy of the proof the superintendent 26612  
received showing that the pupil has been convicted of or 26613  
adjudicated a delinquent child for a violation listed in 26614  
division (A) of this section that was committed when the pupil 26615  
was sixteen years of age or older. 26616

(2) Within fourteen days after receipt of a recommendation 26617  
from the superintendent pursuant to division (C) (1) (b) of this 26618  
section that a pupil be permanently excluded from public school 26619  
attendance, the board of education of a city, local, exempted 26620  
village, or joint vocational school district, after review and 26621  
consideration of all of the following available information, may 26622  
adopt a resolution requesting the ~~superintendent of public~~ 26623  
~~instruction~~ director of education and workforce to permanently 26624  
exclude the pupil who is the subject of the recommendation from 26625  
public school attendance: 26626

(a) The academic record of the pupil and a record of any 26627  
extracurricular activities in which the pupil previously was 26628  
involved; 26629

(b) The disciplinary record of the pupil and any available 26630  
records of the pupil's prior behavioral problems other than the 26631  
behavioral problems contained in the disciplinary record; 26632

(c) The social history of the pupil; 26633

(d) The pupil's response to the imposition of prior 26634  
discipline and sanctions imposed for behavioral problems; 26635

(e) Evidence regarding the seriousness of and any 26636  
aggravating factors related to the offense that is the basis of 26637  
the resolution seeking permanent exclusion; 26638

(f) Any mitigating circumstances surrounding the offense 26639  
that gave rise to the request for permanent exclusion; 26640

(g) Evidence regarding the probable danger posed to the 26641  
health and safety of other pupils or of school employees by the 26642  
continued presence of the pupil in a public school setting; 26643

(h) Evidence regarding the probable disruption of the 26644  
teaching of any school district's graded course of study by the 26645  
continued presence of the pupil in a public school setting; 26646

(i) Evidence regarding the availability of alternative 26647  
sanctions of a less serious nature than permanent exclusion that 26648  
would enable the pupil to remain in a public school setting 26649  
without posing a significant danger to the health and safety of 26650  
other pupils or of school employees and without posing a threat 26651  
of the disruption of the teaching of any district's graded 26652  
course of study. 26653

(3) If the board does not adopt a resolution requesting 26654  
the ~~superintendent of public instruction~~ director to permanently 26655  
exclude the pupil, it immediately shall send written notice of 26656  
that fact to the district superintendent who sought the 26657  
resolution, to the pupil who was the subject of the proposed 26658  
resolution, and to that pupil's parent, guardian, or custodian. 26659

(D) (1) Upon adoption of a resolution under division (C) of 26660  
this section, the board of education immediately shall forward 26661  
to the ~~superintendent of public instruction~~ director of 26662  
education and workforce the written resolution, proof of the 26663  
conviction or adjudication that is the basis of the resolution, 26664

a copy of the pupil's entire school record, and any other 26665  
relevant information and shall forward a copy of the resolution 26666  
to the pupil who is the subject of the recommendation and to 26667  
that pupil's parent, guardian, or custodian. 26668

(2) The board of education that adopted and forwarded the 26669  
resolution requesting the permanent exclusion of the pupil to 26670  
the ~~superintendent of public instruction~~ director promptly shall 26671  
designate a representative of the school district to present the 26672  
case for permanent exclusion to the superintendent or the 26673  
referee appointed by the superintendent. The representative of 26674  
the school district may be an attorney admitted to the practice 26675  
of law in this state. At the adjudication hearing held pursuant 26676  
to section 3301.121 of the Revised Code, the representative of 26677  
the school district shall present evidence in support of the 26678  
requested permanent exclusion. 26679

(3) Upon receipt of a board of education's resolution 26680  
requesting the permanent exclusion of a pupil from public school 26681  
attendance, the ~~superintendent of public instruction~~ director, in 26682  
accordance with the adjudication procedures of section 3301.121 26683  
of the Revised Code, promptly shall issue an adjudication order 26684  
that either permanently excludes the pupil from attending any of 26685  
the public schools of this state or that rejects the resolution 26686  
of the board of education. 26687

(E) Notwithstanding any provision of section 3313.64 of 26688  
the Revised Code or an order of any court of this state that 26689  
otherwise requires the admission of the pupil to a school, no 26690  
school official in a city, local, exempted village, or joint 26691  
vocational school district knowingly shall admit to any school 26692  
in the school district a pupil who has been permanently excluded 26693  
from public school attendance by the ~~superintendent of public~~ 26694

~~instruction~~director of education and workforce. 26695

(F) (1) (a) Upon determining that the school attendance of a 26696  
pupil who has been permanently excluded from public school 26697  
attendance no longer will endanger the health and safety of 26698  
other students or school employees, the superintendent of any 26699  
city, local, exempted village, or joint vocational school 26700  
district in which the pupil desires to attend school may issue 26701  
to the board of education of the school district a 26702  
recommendation, including the reasons for the recommendation, 26703  
that the permanent exclusion of a pupil be revoked and the pupil 26704  
be allowed to return to the public schools of the state. 26705

If any violation which in whole or in part gave rise to 26706  
the permanent exclusion of any pupil involved the pupil's 26707  
bringing a firearm to a school operated by the board of 26708  
education of a school district or onto any other property owned 26709  
or operated by such a board, no superintendent shall recommend 26710  
under this division an effective date for the revocation of the 26711  
pupil's permanent exclusion that is less than one year after the 26712  
date on which the last such firearm incident occurred. However, 26713  
on a case-by-case basis, a superintendent may recommend an 26714  
earlier effective date for such a revocation for any of the 26715  
reasons for which the superintendent may reduce the one-year 26716  
expulsion requirement in division (B) (2) of section 3313.66 of 26717  
the Revised Code. 26718

(b) Upon receipt of the recommendation of the 26719  
superintendent that a permanent exclusion of a pupil be revoked, 26720  
the board of education of a city, local, exempted village, or 26721  
joint vocational school district may adopt a resolution by a 26722  
majority vote of its members requesting the ~~superintendent of~~ 26723  
~~public instruction~~director of education and workforce to revoke 26724

the permanent exclusion of the pupil. Upon adoption of the 26725  
resolution, the board of education shall forward a copy of the 26726  
resolution, the reasons for the resolution, and any other 26727  
relevant information to the ~~superintendent of public~~ 26728  
~~instruction~~director. 26729

(c) Upon receipt of a resolution of a board of education 26730  
requesting the revocation of a permanent exclusion of a pupil, 26731  
the ~~superintendent of public instruction~~director, in accordance 26732  
with the adjudication procedures of Chapter 119. of the Revised 26733  
Code, shall issue an adjudication order that revokes the 26734  
permanent exclusion of the pupil from public school attendance 26735  
or that rejects the resolution of the board of education. 26736

(2) (a) A pupil who has been permanently excluded pursuant 26737  
to this section and section 3301.121 of the Revised Code may 26738  
request the superintendent of any city, local, exempted village, 26739  
or joint vocational school district in which the pupil desires 26740  
to attend school to admit the pupil on a probationary basis for 26741  
a period not to exceed ninety school days. Upon receiving the 26742  
request, the superintendent may enter into discussions with the 26743  
pupil and with the pupil's parent, guardian, or custodian or a 26744  
person designated by the pupil's parent, guardian, or custodian 26745  
to develop a probationary admission plan designed to assist the 26746  
pupil's probationary admission to the school. The plan may 26747  
include a treatment program, a behavioral modification program, 26748  
or any other program reasonably designed to meet the educational 26749  
needs of the child and the disciplinary requirements of the 26750  
school. 26751

If any violation which in whole or in part gave rise to 26752  
the permanent exclusion of the pupil involved the pupil's 26753  
bringing a firearm to a school operated by the board of 26754

education of any school district or onto any other property 26755  
owned or operated by such a board, no plan developed under this 26756  
division for the pupil shall include an effective date for the 26757  
probationary admission of the pupil that is less than one year 26758  
after the date on which the last such firearm incident occurred 26759  
except that on a case-by-case basis, a plan may include an 26760  
earlier effective date for such an admission for any of the 26761  
reasons for which the superintendent of the district may reduce 26762  
the one-year expulsion requirement in division (B) (2) of section 26763  
3313.66 of the Revised Code. 26764

(b) If the superintendent of a school district, a pupil, 26765  
and the pupil's parent, guardian, or custodian or a person 26766  
designated by the pupil's parent, guardian, or custodian agree 26767  
upon a probationary admission plan prepared pursuant to division 26768  
(F) (2) (a) of this section, the superintendent of the school 26769  
district shall issue to the board of education of the school 26770  
district a recommendation that the pupil be allowed to attend 26771  
school within the school district under probationary admission, 26772  
the reasons for the recommendation, and a copy of the agreed 26773  
upon probationary admission plan. Within fourteen days after the 26774  
board of education receives the recommendation, reasons, and 26775  
plan, the board may adopt the recommendation by a majority vote 26776  
of its members. If the board adopts the recommendation, the 26777  
pupil may attend school under probationary admission within that 26778  
school district for a period not to exceed ninety days or any 26779  
additional probationary period permitted under divisions (F) (2) 26780  
(d) and (e) of this section in accordance with the probationary 26781  
admission plan prepared pursuant to division (F) (2) (a) of this 26782  
section. 26783

(c) If a pupil who is permitted to attend school under 26784  
probationary admission pursuant to division (F) (2) (b) of this 26785

section fails to comply with the probationary admission plan 26786  
prepared pursuant to division (F) (2) (a) of this section, the 26787  
superintendent of the school district immediately may remove the 26788  
pupil from the school and issue to the board of education of the 26789  
school district a recommendation that the probationary admission 26790  
be revoked. Within five days after the board of education 26791  
receives the recommendation, the board may adopt the 26792  
recommendation to revoke the pupil's probationary admission by a 26793  
majority vote of its members. If a majority of the board does 26794  
not adopt the recommendation to revoke the pupil's probationary 26795  
admission, the pupil shall continue to attend school in 26796  
compliance with the pupil's probationary admission plan. 26797

(d) If a pupil who is permitted to attend school under 26798  
probationary admission pursuant to division (F) (2) (b) of this 26799  
section complies with the probationary admission plan prepared 26800  
pursuant to division (F) (2) (a) of this section, the pupil or the 26801  
pupil's parent, guardian, or custodian, at any time before the 26802  
expiration of the ninety-day probationary admission period, may 26803  
request the superintendent of the school district to extend the 26804  
terms and period of the pupil's probationary admission for a 26805  
period not to exceed ninety days or to issue a recommendation 26806  
pursuant to division (F) (1) of this section that the pupil's 26807  
permanent exclusion be revoked and the pupil be allowed to 26808  
return to the public schools of this state. 26809

(e) If a pupil is granted an extension of the pupil's 26810  
probationary admission pursuant to division (F) (2) (d) of this 26811  
section, the pupil or the pupil's parent, guardian, or 26812  
custodian, in the manner described in that division, may 26813  
request, and the superintendent and board, in the manner 26814  
described in that division, may recommend and grant, subsequent 26815  
probationary admission periods not to exceed ninety days each. 26816

If a pupil who is permitted to attend school under an extension 26817  
of a probationary admission plan complies with the probationary 26818  
admission plan prepared pursuant to the extension, the pupil or 26819  
the pupil's parent, guardian, or custodian may request a 26820  
revocation of the pupil's permanent exclusion in the manner 26821  
described in division (F) (2) (d) of this section. 26822

(f) Any extension of a probationary admission requested by 26823  
a pupil or a pupil's parent, guardian, or custodian pursuant to 26824  
divisions (F) (2) (d) or (e) of this section shall be subject to 26825  
the adoption and approval of a probationary admission plan in 26826  
the manner described in divisions (F) (2) (a) and (b) of this 26827  
section and may be terminated as provided in division (F) (2) (c) 26828  
of this section. 26829

(g) If the pupil has complied with any probationary 26830  
admission plan and the superintendent issues a recommendation 26831  
that seeks revocation of the pupil's permanent exclusion 26832  
pursuant to division (F) (1) of this section, the pupil's 26833  
compliance with any probationary admission plan may be 26834  
considered along with other relevant factors in any 26835  
determination or adjudication conducted pursuant to division (F) 26836  
(1) of this section. 26837

(G) (1) Except as provided in division (G) (2) of this 26838  
section, any information regarding the permanent exclusion of a 26839  
pupil shall be included in the pupil's official records and 26840  
shall be included in any records sent to any school district 26841  
that requests the pupil's records. 26842

(2) When a pupil who has been permanently excluded from 26843  
public school attendance reaches the age of twenty-two or when 26844  
the permanent exclusion of a pupil has been revoked, all school 26845  
districts that maintain records regarding the pupil's permanent 26846

exclusion shall remove all references to the exclusion from the 26847  
pupil's file and shall destroy them. 26848

A pupil who has reached the age of twenty-two or whose 26849  
permanent exclusion has been revoked may send a written notice 26850  
to the superintendent of any school district maintaining records 26851  
of the pupil's permanent exclusion requesting the superintendent 26852  
to ensure that the records are removed from the pupil's file and 26853  
destroyed. Upon receipt of the request and a determination that 26854  
the pupil is twenty-two years of age or older or that the 26855  
pupil's permanent exclusion has been revoked, the superintendent 26856  
shall ensure that the records are removed from the pupil's file 26857  
and destroyed. 26858

(H) (1) This section does not apply to any of the 26859  
following: 26860

(a) An institution that is a residential facility, that 26861  
receives and cares for children, that is maintained by the 26862  
department of youth services, and that operates a school 26863  
chartered by the ~~state board~~ director of education and workforce 26864  
under section 3301.16 of the Revised Code; 26865

(b) Any on-premises school operated by an out-of-home care 26866  
entity, other than a school district, that is chartered by the 26867  
~~state board~~ director of education and workforce under section 26868  
3301.16 of the Revised Code; 26869

(c) Any school operated in connection with an out-of-home 26870  
care entity or a nonresidential youth treatment program that 26871  
enters into a contract or agreement with a school district for 26872  
the provision of educational services in a setting other than a 26873  
setting that is a building or structure owned or controlled by 26874  
the board of education of the school district during normal 26875

school hours. 26876

(2) This section does not prohibit any person who has been 26877  
permanently excluded pursuant to this section and section 26878  
3301.121 of the Revised Code from seeking a certificate of high 26879  
school equivalence. A person who has been permanently excluded 26880  
may be permitted to participate in a course of study in 26881  
preparation for a high school equivalency test approved by the 26882  
department of education and workforce pursuant to division (B) 26883  
of section 3301.80 of the Revised Code, except that the person 26884  
shall not participate during normal school hours in that course 26885  
of study in any building or structure owned or controlled by the 26886  
board of education of a school district. 26887

(3) This section does not relieve any school district from 26888  
any requirement under section 2151.362 or 3313.64 of the Revised 26889  
Code to pay for the cost of educating any child who has been 26890  
permanently excluded pursuant to this section and section 26891  
3301.121 of the Revised Code. 26892

(I) As used in this section: 26893

(1) "Permanently exclude" means to forever prohibit an 26894  
individual from attending any public school in this state that 26895  
is operated by a city, local, exempted village, or joint 26896  
vocational school district. 26897

(2) "Permanent exclusion" means the prohibition of a pupil 26898  
forever from attending any public school in this state that is 26899  
operated by a city, local, exempted village, or joint vocational 26900  
school district. 26901

(3) "Out-of-home care" has the same meaning as in section 26902  
2151.011 of the Revised Code. 26903

(4) "Certificate of high school equivalence" has the same 26904

meaning as in section 4109.06 of the Revised Code. 26905

(5) "Nonresidential youth treatment program" means a 26906  
program designed to provide services to persons under the age of 26907  
eighteen in a setting that does not regularly provide long-term 26908  
overnight care, including settlement houses, diversion and 26909  
prevention programs, run-away centers, and alternative education 26910  
programs. 26911

(6) "Firearm" has the same meaning as provided pursuant to 26912  
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 26913  
8001(a)(2). 26914

(7) "Minor drug possession offense" has the same meaning 26915  
as in section 2925.01 of the Revised Code. 26916

**Sec. 3313.671.** (A)(1) Except as otherwise provided in 26917  
division (B) of this section, no pupil, at the time of initial 26918  
entry or at the beginning of each school year, to an elementary 26919  
or high school for which the ~~state board~~ director of education\_ 26920  
and workforce prescribes minimum standards pursuant to division 26921  
(D) of section 3301.07 of the Revised Code, shall be permitted 26922  
to remain in school for more than fourteen days unless the pupil 26923  
presents written evidence satisfactory to the person in charge 26924  
of admission, that the pupil has been immunized by a method of 26925  
immunization approved by the department of health pursuant to 26926  
section 3701.13 of the Revised Code against mumps, 26927  
poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and 26928  
rubella or is in the process of being immunized. 26929

(2) Except as provided in division (B) of this section, no 26930  
pupil who begins kindergarten at an elementary school subject to 26931  
the ~~state board of education's~~ director's minimum standards 26932  
shall be permitted to remain in school for more than fourteen 26933

days unless the pupil presents written evidence satisfactory to 26934  
the person in charge of admission that the pupil has been 26935  
immunized by a department of health-approved method of 26936  
immunization or is in the process of being immunized against 26937  
both of the following: 26938

(a) During or after the school year beginning in 1999, 26939  
hepatitis B; 26940

(b) During or after the school year beginning in 2006, 26941  
chicken pox. 26942

(3) Except as provided in division (B) of this section, 26943  
during and after the school year beginning in 2016, no pupil who 26944  
is the age or older than the age at which immunization against 26945  
meningococcal disease is recommended by the state department of 26946  
health shall be permitted to remain in a school subject to the 26947  
~~state board of education's~~ director's minimum standards for more 26948  
than fourteen days unless the pupil presents written evidence 26949  
satisfactory to the person in charge of admission that the pupil 26950  
has been immunized by a department of health-approved method of 26951  
immunization, or is in the process of being immunized, against 26952  
meningococcal disease. 26953

(4) As used in divisions (A) (1), (2), and (3) of this 26954  
section, "in the process of being immunized" means the pupil has 26955  
been immunized against mumps, rubeola, rubella, and chicken pox, 26956  
and if the pupil has not been immunized against poliomyelitis, 26957  
diphtheria, pertussis, tetanus, hepatitis B, and meningococcal 26958  
disease, the pupil has received at least the first dose of the 26959  
immunization sequence, and presents written evidence to the 26960  
pupil's building principal or chief administrative officer of 26961  
each subsequent dose required to obtain immunization at the 26962  
intervals prescribed by the director of health. Any student 26963

previously admitted under the "in process of being immunized" 26964  
provision and who has not complied with the immunization 26965  
intervals prescribed by the director of health shall be excluded 26966  
from school on the fifteenth day of the following school year. 26967  
Any student so excluded shall be readmitted upon showing 26968  
evidence to the student's building principal or chief 26969  
administrative officer of progress on the director of health's 26970  
interval schedule. 26971

(B) (1) A pupil who has had natural rubeola, and presents a 26972  
signed statement from the pupil's parent, guardian, or physician 26973  
to that effect, is not required to be immunized against rubeola. 26974

(2) A pupil who has had natural mumps, and presents a 26975  
signed statement from the pupil's parent, guardian, or physician 26976  
to that effect, is not required to be immunized against mumps. 26977

(3) A pupil who has had natural chicken pox, and presents 26978  
a signed statement from the pupil's parent, guardian, or 26979  
physician to that effect, is not required to be immunized 26980  
against chicken pox. 26981

(4) A pupil who presents a written statement of the 26982  
pupil's parent or guardian in which the parent or guardian 26983  
declines to have the pupil immunized for reasons of conscience, 26984  
including religious convictions, is not required to be 26985  
immunized. 26986

(5) A child whose physician certifies in writing that such 26987  
immunization against any disease is medically contraindicated is 26988  
not required to be immunized against that disease. 26989

(C) As used in this division, "chicken pox epidemic" means 26990  
the occurrence of cases of chicken pox in numbers greater than 26991  
expected in the school's population or for a particular period 26992

of time. 26993

Notwithstanding division (B) of this section, a school may 26994  
deny admission to a pupil otherwise exempted from the chicken 26995  
pox immunization requirement if the director of the state 26996  
department of health notifies the school's principal or chief 26997  
administrative officer that a chicken pox epidemic exists in the 26998  
school's population. The denial of admission shall cease when 26999  
the director notifies the principal or officer that the epidemic 27000  
no longer exists. 27001

The board of education or governing body of each school 27002  
subject to this section shall adopt a policy that prescribes 27003  
methods whereby the academic standing of a pupil who is denied 27004  
admission during a chicken pox epidemic may be preserved. 27005

(D) Boards of health, legislative authorities of municipal 27006  
corporations, and boards of township trustees on application of 27007  
the board of education of the district or proper authority of 27008  
any school affected by this section, shall provide at the public 27009  
expense, without delay, the means of immunization against mumps, 27010  
poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 27011  
and hepatitis B to pupils who are not so provided by their 27012  
parents or guardians. 27013

(E) The department of health shall specify the age at 27014  
which immunization against meningococcal disease, as required by 27015  
division (A)(3) of this section, is recommended, and approve a 27016  
method of immunization against meningococcal disease. 27017

**Sec. 3313.674.** (A) Except as provided in division (D) of 27018  
this section, the board of education of each city, exempted 27019  
village, or local school district and the governing authority of 27020  
each chartered nonpublic school may require each student 27021

enrolled in kindergarten, third grade, fifth grade, and ninth 27022  
grade to undergo a screening for body mass index and weight 27023  
status category. 27024

(B) The board or governing authority may provide any 27025  
screenings authorized by this section itself, contract with 27026  
another entity for provision of the screenings, or request the 27027  
parent or guardian of each student subject to the screening to 27028  
obtain the screening from a provider selected by the parent or 27029  
guardian and to submit the results to the board or governing 27030  
authority. If the board or governing authority provides the 27031  
screenings itself or contracts with another entity for provision 27032  
of the screenings, the board or governing authority shall 27033  
protect student privacy by ensuring that each student is 27034  
screened alone and not in the presence of other students or 27035  
staff. 27036

(C) Each school year, each board or governing authority 27037  
electing to require the screening shall provide the parent or 27038  
guardian of each student subject to the screening with 27039  
information about the screening program. If the board or 27040  
governing authority requests parents and guardians to obtain a 27041  
screening from a provider of their choosing, the board or 27042  
governing authority shall provide them with a list of providers 27043  
and information about screening services available in the 27044  
community to parents and guardians who cannot afford a private 27045  
provider. 27046

(D) If the parent or guardian of a student subject to the 27047  
screening signs and submits to the board or governing authority 27048  
a written statement indicating that the parent or guardian does 27049  
not wish to have the student undergo the screening, the board or 27050  
governing authority shall not require the student to be 27051

screened. 27052

(E) The board or governing authority shall notify the 27053  
parent or guardian of each student screened under this section 27054  
of any health risks associated with the student's results and 27055  
shall provide the parent or guardian with information about 27056  
appropriately addressing the risks. For this purpose, the 27057  
department of health, in consultation with the department of 27058  
education and workforce, shall develop a list of documents, 27059  
pamphlets, or other resources that may be distributed to parents 27060  
and guardians under this division. 27061

(F) The board or governing authority shall maintain the 27062  
confidentiality of each student's individual screening results 27063  
at all times. No board or governing authority shall report a 27064  
student's individual screening results to any person other than 27065  
the student's parent or guardian. 27066

(G) In a manner prescribed by rule of the director of 27067  
health, each board or governing authority electing to require 27068  
the screening shall report aggregated body mass index and weight 27069  
status category data collected under this section, and any other 27070  
demographic data required by the director, to the department of 27071  
health. In the case of a school district, data shall be 27072  
aggregated for the district as a whole and not for individual 27073  
schools within the district, unless the district operates only 27074  
one school. In the case of a chartered nonpublic school, data 27075  
shall be aggregated for the school as a whole. The department 27076  
annually may publish the data reported under this division, 27077  
aggregated by county. For each county in which a district, 27078  
community school, STEM school, or chartered nonpublic school has 27079  
elected not to require the screening for a school year for which 27080  
data is published, the department shall note that the data for 27081

the county in which the district or school is located is 27082  
incomplete. The department may share data reported under this 27083  
division with other governmental entities for the purpose of 27084  
monitoring population health, making reports, or public health 27085  
promotional activities. 27086

**Sec. 3313.71.** School physicians may make examinations, 27087  
which shall include tests to determine the existence of hearing 27088  
defects, and diagnoses of all children referred to them. They 27089  
may make such examination of teachers and other school employees 27090  
and inspection of school buildings as in their opinion the 27091  
protection of health of the pupils, teachers, and other school 27092  
employees requires. 27093

Boards of education shall require and provide, in 27094  
accordance with section 3313.67 of the Revised Code, such tests 27095  
and examinations for tuberculosis of pupils in selected grades 27096  
and of school employees as may be required by the director of 27097  
health. 27098

Boards may require annual tuberculin tests of any grades. 27099  
All pupils with positive reactions to the test shall have chest 27100  
x-rays and all positive reactions and x-ray findings shall be 27101  
reported promptly to the county record bureau of tuberculosis 27102  
cases provided for in section 339.74 of the Revised Code. Boards 27103  
shall waive the required test where a pupil presents a written 27104  
statement from the pupil's family physician certifying that such 27105  
test has been given and that such pupil is free from 27106  
tuberculosis in a communicable stage, or that such test is 27107  
inadvisable for medical reasons, or from the pupil's parent or 27108  
guardian objecting to such test because of religious 27109  
convictions. 27110

Whenever a pupil, teacher, or other school employee is 27111

found to be ill or suffering from tuberculosis in a communicable 27112  
stage or other communicable disease, the school physician shall 27113  
promptly send such pupil, teacher, or other school employee 27114  
home, with a statement, in the case of a pupil, to the pupil's 27115  
parents or guardian, briefly setting forth the discovered facts, 27116  
and advising that the family physician be consulted. School 27117  
physicians shall keep accurate card-index records of all 27118  
examinations, and said records, that they may be uniform 27119  
throughout the state, shall be according to the form prescribed 27120  
by the ~~state board~~ department of education and workforce, and 27121  
the reports shall be made according to the method of ~~said that~~ 27122  
form. If the parent or guardian of any pupil or any teacher or 27123  
other school employee, after notice from the board of education, 27124  
furnishes within two weeks thereafter the written certificate of 27125  
any reputable physician that the pupil, teacher, or other school 27126  
employee has been examined, in such cases the service of the 27127  
school physician shall be dispensed with, and such certificate 27128  
shall be furnished by such parent or guardian, as required by 27129  
the board of education. Such individual records shall not be 27130  
open to the public and shall be solely for the use of the boards 27131  
of education and boards of health officer. If any teacher or 27132  
other school employee is found to have tuberculosis in a 27133  
communicable stage or other communicable disease, the teacher's 27134  
or employee's employment shall be discontinued or suspended upon 27135  
such terms as to salary as the board deems just until the school 27136  
physician has certified to a recovery from such disease. The 27137  
methods of making the tuberculin tests and chest x-rays required 27138  
by this section shall be such as are approved by the director of 27139  
health. 27140

This section shall apply to all elementary and high 27141  
schools for which the ~~state board~~ director of education and 27142

workforce sets minimum standards pursuant to section 3301.07 of 27143  
the Revised Code. 27144

**Sec. 3313.7110.** (A) The board of education of each city, 27145  
local, exempted village, or joint vocational school district may 27146  
procure epinephrine autoinjectors for each school operated by 27147  
the district to have on the school premises for use in emergency 27148  
situations identified under division (C) (5) of this section by 27149  
doing one of the following: 27150

(1) Having a licensed health professional authorized to 27151  
prescribe drugs, acting in accordance with section 4723.483, 27152  
4730.433, or 4731.96 of the Revised Code, personally furnish the 27153  
epinephrine autoinjectors to the school or school district or 27154  
issue a prescription for them in the name of the school or 27155  
district; 27156

(2) Having the district's superintendent obtain a 27157  
prescriber-issued protocol that includes definitive orders for 27158  
epinephrine autoinjectors and the dosages of epinephrine to be 27159  
administered through them. 27160

A district board that elects to procure epinephrine 27161  
autoinjectors under this section is encouraged to maintain, at 27162  
all times, at least two epinephrine autoinjectors at each school 27163  
operated by the district. 27164

(B) A district board that elects to procure epinephrine 27165  
autoinjectors under this section shall require the district's 27166  
superintendent to adopt a policy governing their maintenance and 27167  
use. Before adopting the policy, the superintendent shall 27168  
consult with a licensed health professional authorized to 27169  
prescribe drugs. 27170

(C) The policy adopted under division (B) of this section 27171

shall do all of the following:	27172
(1) Identify the one or more locations in each school operated by the district in which an epinephrine autoinjector must be stored;	27173 27174 27175
(2) Specify the conditions under which an epinephrine autoinjector must be stored, replaced, and disposed;	27176 27177
(3) Specify the individuals employed by or under contract with the district board, in addition to a school nurse or an athletic trainer, licensed under Chapter 4755. of the Revised Code, who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C) (5) of this section;	27178 27179 27180 27181 27182 27183
(4) Specify any training that employees or contractors specified under division (C) (3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use an epinephrine autoinjector;	27184 27185 27186 27187
(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which a school nurse, athletic trainer, or other employees or contractors specified under division (C) (3) of this section may access and use an epinephrine autoinjector;	27188 27189 27190 27191 27192
(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;	27193 27194 27195
(7) Specify the individuals, in addition to students, school employees or contractors, and school visitors, to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C) (5) of this section.	27196 27197 27198 27199 27200

(D) (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 school or school district;

(b) A member of a district board of education;

(c) A district or school employee or contractor;

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, consults with a superintendent, or issues a protocol pursuant to this section.

(2) 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, district or 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.

(E) A school district board of education 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.

(F) A district board 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.	27230
(G) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.	27231 27232 27233
<b>Sec. 3313.7111.</b> (A) With the approval of its governing authority, a chartered or nonchartered nonpublic school may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 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 it were a school district.	27234 27235 27236 27237 27238 27239 27240
(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:	27241 27242 27243 27244 27245 27246
(a) A chartered or nonchartered nonpublic school;	27247
(b) A member of a chartered or nonchartered nonpublic school governing authority;	27248 27249
(c) An employee or contractor of the school;	27250
(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.	27251 27252 27253 27254
(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	27255 27256 27257

or nonchartered nonpublic school governing authority, chartered 27258  
or nonchartered nonpublic school employee or contractor, or 27259  
licensed health professional may be entitled to under any other 27260  
provision of the Revised Code or the common law of this state. 27261

(C) A chartered or nonchartered nonpublic school may 27262  
accept donations of epinephrine autoinjectors from a wholesale 27263  
distributor of dangerous drugs or a manufacturer of dangerous 27264  
drugs, as defined in section 4729.01 of the Revised Code, and 27265  
may accept donations of money from any person to purchase 27266  
epinephrine autoinjectors. 27267

(D) A chartered or nonchartered nonpublic school that 27268  
elects to procure epinephrine autoinjectors under this section 27269  
shall report to the department of education and workforce each 27270  
procurement and occurrence in which an epinephrine autoinjector 27271  
is used from the school's supply of epinephrine autoinjectors. 27272

**Sec. 3313.7112.** (A) As used in this section: 27273

(1) "Board of education" means a board of education of a 27274  
city, local, exempted village, or joint vocational school 27275  
district. 27276

(2) "Governing authority" means a governing authority of a 27277  
chartered nonpublic school. 27278

(3) "Licensed health care professional" means any of the 27279  
following: 27280

(a) A physician authorized under Chapter 4731. of the 27281  
Revised Code to practice medicine and surgery or osteopathic 27282  
medicine and surgery; 27283

(b) A registered nurse, advanced practice registered 27284  
nurse, or licensed practical nurse licensed under Chapter 4723. 27285

of the Revised Code;	27286
(c) A physician assistant licensed under Chapter 4730. of the Revised Code.	27287 27288
(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.	27289 27290 27291 27292
(5) "School employee" or "employee" means either of the following:	27293 27294
(a) A person employed by a board of education or governing authority;	27295 27296
(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.	27297 27298 27299 27300
(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:	27301 27302 27303 27304 27305
(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	27306 27307 27308
(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	27309 27310 27311 27312 27313

of the Revised Code;	27314
(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.	27315 27316 27317 27318
(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.	27319 27320 27321
(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:	27322 27323 27324 27325 27326 27327
(a) Checking and recording blood glucose levels and ketone levels or assisting the student with checking and recording these levels;	27328 27329 27330
(b) Responding to blood glucose levels that are outside of the student's target range;	27331 27332
(c) In the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed;	27333 27334
(d) Administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses;	27335 27336 27337
(e) Providing oral diabetes medications;	27338
(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;	27339 27340 27341

(g) Following the treating practitioner's instructions 27342  
regarding meals, snacks, and physical activity; 27343

(h) Administering diabetes medication, as long as the 27344  
conditions prescribed in division (C) of this section are 27345  
satisfied. 27346

(2) Not later than fourteen days after receipt of an order 27347  
signed by the treating practitioner of a student with diabetes, 27348  
the board of education or governing authority shall inform the 27349  
student's parent, guardian, or other person having care or 27350  
charge of the student that the student may be entitled to a 504 27351  
plan regarding the student's diabetes. The department of 27352  
education and workforce shall develop a 504 plan information 27353  
sheet for use by a board of education or governing authority 27354  
when informing a student's parent, guardian, or other person 27355  
having care or charge of the student that the student may be 27356  
entitled to a 504 plan regarding the student's diabetes. 27357

(C) Notwithstanding division (B) of section 3313.713 of 27358  
the Revised Code or any other provision of the Revised Code, 27359  
diabetes medication may be administered under this section by a 27360  
school nurse or, in the absence of a school nurse, a school 27361  
employee who is trained in diabetes care under division (E) of 27362  
this section. Medication administration may be provided under 27363  
this section only when the conditions prescribed in division (C) 27364  
of section 3313.713 of the Revised Code are satisfied. 27365

Notwithstanding division (D) of section 3313.713 of the 27366  
Revised Code, medication that is to be administered under this 27367  
section may be kept in an easily accessible location. 27368

(D) (1) The department of education and workforce shall 27369  
adopt nationally recognized guidelines, as determined by the 27370

department, for the training of school employees in diabetes 27371  
care for students. In doing so, the department shall consult 27372  
with the department of health, the American diabetes 27373  
association, and the Ohio school nurses association. The 27374  
department may consult with any other organizations as 27375  
determined appropriate by the department. 27376

(2) The guidelines shall address all of the following 27377  
issues: 27378

(a) Recognizing the symptoms of hypoglycemia and 27379  
hyperglycemia; 27380

(b) The appropriate treatment for a student who exhibits 27381  
the symptoms of hypoglycemia or hyperglycemia; 27382

(c) Recognizing situations that require the provision of 27383  
emergency medical assistance to a student; 27384

(d) Understanding the appropriate treatment for a student, 27385  
based on an order issued by the student's treating practitioner, 27386  
if the student's blood glucose level is not within the target 27387  
range indicated by the order; 27388

(e) Understanding the instructions in an order issued by a 27389  
student's treating practitioner concerning necessary 27390  
medications; 27391

(f) Performing blood glucose and ketone tests for a 27392  
student in accordance with an order issued by the student's 27393  
treating practitioner and recording the results of those tests; 27394

(g) Administering insulin, glucagon, or other medication 27395  
to a student in accordance with an order issued by the student's 27396  
treating practitioner and recording the results of the 27397  
administration; 27398

(h) Understanding the relationship between the diet 27399  
recommended in an order issued by a student's treating 27400  
practitioner and actions that may be taken if the recommended 27401  
diet is not followed. 27402

(E) (1) To ensure that a student with diabetes receives the 27403  
diabetes care specified in division (B) of this section, a board 27404  
of education or governing authority may provide training that 27405  
complies with the guidelines developed under division (D) of 27406  
this section to a school employee at each school attended by a 27407  
student with diabetes. With respect to any training provided, 27408  
all of the following apply: 27409

(a) The training shall be coordinated by a school nurse 27410  
or, if the school does not employ a school nurse, a licensed 27411  
health care professional with expertise in diabetes who is 27412  
approved by the school to provide the training. 27413

(b) The training shall take place prior to the beginning 27414  
of each school year or, as needed, not later than fourteen days 27415  
after receipt by the board of education or governing authority 27416  
of an order signed by the treating practitioner of a student 27417  
with diabetes. 27418

(c) On completion of the training, the board of education 27419  
or governing authority, in a manner it determines, shall 27420  
determine whether each employee trained is competent to provide 27421  
diabetes care. 27422

(d) The school nurse or approved licensed health care 27423  
professional with expertise in diabetes care shall promptly 27424  
provide all necessary follow-up training and supervision to an 27425  
employee who receives training. 27426

(2) The principal of a school attended by a student with 27427

diabetes or another school official authorized to act on behalf	27428
of the principal may distribute a written notice to each	27429
employee containing all of the following:	27430
(a) A statement that the school is required to provide	27431
diabetes care to a student with diabetes and is seeking	27432
employees who are willing to be trained to provide that care;	27433
(b) A description of the tasks to be performed;	27434
(c) A statement that participation is voluntary and that	27435
the school district or governing authority will not take action	27436
against an employee who does not agree to provide diabetes care;	27437
(d) A statement that training will be provided by a	27438
licensed health care professional to an employee who agrees to	27439
provide care;	27440
(e) A statement that a trained employee is immune from	27441
liability under division (J) of this section;	27442
(f) The name of the individual who should be contacted if	27443
an employee is interested in providing diabetes care.	27444
(3) No employee of a board of education or governing	27445
authority shall be subject to a penalty or disciplinary action	27446
under school or district policies for refusing to volunteer to	27447
be trained in diabetes care.	27448
(4) No board or governing authority shall discourage	27449
employees from agreeing to provide diabetes care under this	27450
section.	27451
(F) A board of education or governing authority may	27452
provide training in the recognition of hypoglycemia and	27453
hyperglycemia and actions to take in response to emergency	27454
situations involving these conditions to both of the following:	27455

(1) A school employee who has primary responsibility for supervising a student with diabetes during some portion of the school day; 27456  
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(2) A bus driver employed by a school district or chartered nonpublic school responsible for the transportation of a student with diabetes. 27459  
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(G) A student with diabetes shall be permitted to attend the school the student would otherwise attend if the student did not have diabetes and the diabetes care specified in division (B) of this section shall be provided at the school. A board of education or governing authority shall not restrict a student who has diabetes from attending the school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have an employee trained in diabetes care. The school shall not require or pressure a parent, guardian, or other person having care or charge of a student to provide diabetes care for the student with diabetes at school or school-related activities. 27462  
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(H) (1) Notwithstanding section 3313.713 of the Revised Code or any policy adopted under that section and except as provided in division (H) (2) of this section, on written request of the parent, guardian, or other person having care or charge of a student and authorization by the student's treating practitioner, a student with diabetes shall be permitted during regular school hours and school-sponsored activities to attend to the care and management of the student's diabetes in accordance with the order issued by the student's treating practitioner if the student's treating practitioner determines that the student is capable of performing diabetes care tasks. The student shall be permitted to perform diabetes care tasks in 27474  
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a classroom, in any area of the school or school grounds, and at 27486  
any school-related activity, and to possess on the student's 27487  
self at all times all necessary supplies and equipment to 27488  
perform these tasks. If the student or the parent, guardian, or 27489  
other person having care or charge of the student so requests, 27490  
the student shall have access to a private area for performing 27491  
diabetes care tasks. 27492

(2) If the student performs any diabetes care tasks or 27493  
uses medical equipment for purposes other than the student's own 27494  
care, the board of education or governing authority may revoke 27495  
the student's permission to attend to the care and management of 27496  
the student's diabetes. 27497

(I) (1) Notwithstanding any other provision of the Revised 27498  
Code to the contrary, a licensed health care professional shall 27499  
be permitted to provide training to a school employee under 27500  
division (E) of this section or to supervise the employee in 27501  
performing diabetes care tasks. 27502

(2) Nothing in this section diminishes the rights of 27503  
eligible students or the obligations of school districts or 27504  
governing authorities under the "Individuals with Disabilities 27505  
Education Act," 20 U.S.C. 1400 et seq., section 504 of the 27506  
"Rehabilitation Act," 29 U.S.C. 794, or the "Americans with 27507  
Disabilities Act," 42 U.S.C. 12101 et seq. 27508

(J) (1) A school or school district, a member of a board or 27509  
governing authority, or a district or school employee is not 27510  
liable in damages in a civil action for injury, death, or loss 27511  
to person or property allegedly arising from providing care or 27512  
performing duties under this section unless the act or omission 27513  
constitutes willful or wanton misconduct. 27514

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

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

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

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

(a) The number of students with diabetes enrolled in the school district or chartered nonpublic school during the previous school year;

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

(2) Not later than the last day of March of each year, the department shall issue a report summarizing the information received by the department under division (K) (1) of this section for the previous school year. The department shall make the

report available on its internet web site. 27544

**Sec. 3313.7113.** (A) As used in this section, "inhaler" 27545  
means a device that delivers medication to alleviate asthmatic 27546  
symptoms, is manufactured in the form of a metered dose inhaler 27547  
or dry powdered inhaler, and may include a spacer, holding 27548  
chamber, or other device that attaches to the inhaler and is 27549  
used to improve the delivery of the medication. 27550

(B) The board of education of each city, local, exempted 27551  
village, or joint vocational school district may procure 27552  
inhalers for each school operated by the district to have on the 27553  
school premises for use in emergency situations identified under 27554  
division (D) (5) of this section. A district board that elects to 27555  
procure inhalers under this section is encouraged to maintain, 27556  
at all times, at least two inhalers at each school operated by 27557  
the district. 27558

(C) A district board that elects to procure inhalers under 27559  
this section shall require the district's superintendent to 27560  
adopt a policy governing their maintenance and use. Before 27561  
adopting the policy, the superintendent shall consult with a 27562  
licensed health professional authorized to prescribe drugs, as 27563  
defined in section 4729.01 of the Revised Code. 27564

(D) A component of a policy adopted by a superintendent 27565  
under division (C) of this section shall be a prescriber-issued 27566  
protocol specifying definitive orders for inhalers, including 27567  
the dosages of medication to be administered through them, the 27568  
number of times that each inhaler may be used before disposal, 27569  
and the methods of disposal. The policy also shall do all of the 27570  
following: 27571

(1) Identify the one or more locations in each school 27572

operated by the district in which an inhaler must be stored;	27573
(2) Specify the conditions under which an inhaler must be stored, replaced, and disposed;	27574 27575
(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;	27576 27577 27578 27579 27580 27581
(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;	27582 27583 27584 27585
(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;	27586 27587 27588 27589 27590
(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;	27591 27592 27593 27594
(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.	27595 27596 27597 27598 27599
(E) A school or school district, a member of a district board of education, or a district or school employee or	27600 27601

contractor is not liable in damages in a civil action for 27602  
injury, death, or loss to person or property that allegedly 27603  
arises from an act or omission associated with procuring, 27604  
maintaining, accessing, or using an inhaler under this section, 27605  
unless the act or omission constitutes willful or wanton 27606  
misconduct. 27607

This section does not eliminate, limit, or reduce any 27608  
other immunity or defense that a school or school district, 27609  
member of a district board of education, or district or school 27610  
employee or contractor may be entitled to under Chapter 2744. or 27611  
any other provision of the Revised Code or under the common law 27612  
of this state. 27613

(F) A school district board of education may accept 27614  
donations of inhalers from a wholesale distributor of dangerous 27615  
drugs or a manufacturer of dangerous drugs, as defined in 27616  
section 4729.01 of the Revised Code, and may accept donations of 27617  
money from any person to purchase inhalers. 27618

(G) A district board that elects to procure inhalers under 27619  
this section shall report to the department of education and 27620  
workforce each procurement and occurrence in which an inhaler is 27621  
used from a school's supply of inhalers. 27622

**Sec. 3313.7114.** (A) As used in this section, "inhaler" has 27623  
the same meaning as in section 3313.7113 of the Revised Code. 27624

(B) With the approval of its governing authority, a 27625  
chartered or nonchartered nonpublic school may procure inhalers 27626  
in the manner prescribed by section 3313.7113 of the Revised 27627  
Code. A chartered or nonchartered nonpublic school that elects 27628  
to do so shall comply with all provisions of that section as if 27629  
it were a school district. 27630

(C) A chartered or nonchartered nonpublic school, a member of a chartered or nonchartered nonpublic school governing authority, or an employee or contractor of the school 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.

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

(E) A chartered or nonchartered nonpublic 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. 3313.7115.** (A) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

(B) The board of education of each city, local, exempted village, or joint vocational school district may procure injectable or nasally administered glucagon for each school operated by the district to have on the school premises for use in emergency situations identified under division (D) (5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to

prescribe drugs, acting in accordance with section 4723.484, 27660  
4730.434, or 4731.92 of the Revised Code, personally furnish the 27661  
injectable or nasally administered glucagon to the school or 27662  
school district or issue a prescription for the drug in the name 27663  
of the school or district; 27664

(2) Having the district's superintendent obtain a 27665  
prescriber-issued protocol that includes definitive orders for 27666  
injectable or nasally administered glucagon and the dosages to 27667  
be administered. 27668

A district board that elects to procure injectable or 27669  
nasally administered glucagon under this section is encouraged 27670  
to maintain, at all times, at least two doses of the drug at 27671  
each school operated by the district. 27672

(C) A district board that elects to procure injectable or 27673  
nasally administered glucagon under this section shall require 27674  
the district's superintendent to adopt a policy governing 27675  
maintenance and use of the drug. Before adopting the policy, the 27676  
superintendent shall consult with a licensed health professional 27677  
authorized to prescribe drugs. 27678

(D) The policy adopted under division (C) of this section 27679  
shall do all of the following: 27680

(1) Identify the one or more locations in each school 27681  
operated by the district in which injectable or nasally 27682  
administered glucagon must be stored; 27683

(2) Specify the conditions under which injectable or 27684  
nasally administered glucagon must be stored, replaced, and 27685  
disposed; 27686

(3) Specify the individuals employed by or under contract 27687  
with the district board, in addition to a school nurse licensed 27688

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;

(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;

(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;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered;

(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.

(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:

(a) A school or school district;

(b) A member of a district board of education;

(c) A district or school employee or contractor; 27718

(d) A licensed health professional authorized to prescribe 27719  
drugs who personally furnishes or prescribes injectable or 27720  
nasally administered glucagon, consults with a superintendent, 27721  
or issues a protocol pursuant to this section. 27722

(2) This section does not eliminate, limit, or reduce any 27723  
other immunity or defense that a school or school district, 27724  
member of a district board of education, district or school 27725  
employee or contractor, or licensed health professional may be 27726  
entitled to under Chapter 2744. or any other provision of the 27727  
Revised Code or under the common law of this state. 27728

(F) A school district board of education may accept 27729  
donations of injectable or nasally administered glucagon from a 27730  
wholesale distributor of dangerous drugs or manufacturer of 27731  
dangerous drugs, as defined in section 4729.01 of the Revised 27732  
Code, and may accept donations of money from any person to 27733  
purchase the drug. 27734

(G) A district board that elects to procure injectable or 27735  
nasally administered glucagon under this section shall report to 27736  
the department of education and workforce each procurement and 27737  
each occurrence in which a dose of the drug is used from a 27738  
school's supply. 27739

**Sec. 3313.7116.** (A) With the approval of its governing 27740  
authority, a chartered or nonchartered nonpublic school may 27741  
procure injectable or nasally administered glucagon in the 27742  
manner prescribed by section 3313.7115 of the Revised Code. A 27743  
chartered or nonchartered nonpublic school that elects to do so 27744  
shall comply with all provisions of that section as if it were a 27745  
school district. 27746

(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:	27747
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(a) A chartered or nonchartered nonpublic school;	27753
(b) A member of a chartered or nonchartered nonpublic school governing authority;	27754
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(c) An employee or contractor of the school;	27756
(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.	27757
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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.	27761
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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.	27768
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(D) A chartered or nonchartered nonpublic school that elects to procure injectable or nasally administered glucagon	27774
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under this section shall report to the department of education\_ 27776  
and workforce each procurement and each occurrence in which a 27777  
dose of the drug is used from the school's supply. 27778

**Sec. 3313.81.** The board of education of any city, exempted 27779  
village, or local school district may establish food service, 27780  
provide facilities and equipment, and pay operating costs in the 27781  
schools under its control for the preparation and serving of 27782  
lunches, and other meals or refreshments to the pupils, 27783  
employees of the board of education employed therein, and to 27784  
other persons taking part in or patronizing any activity in 27785  
connection with the schools. A board of education that operates 27786  
such a food service may also provide meals at cost to residents 27787  
of the school district who are sixty years of age or older or 27788  
may contract with public or private nonprofit organizations 27789  
providing services to the elderly to provide nutritious meals 27790  
for persons who are sixty years of age or older. Restrictions or 27791  
limitations upon the privileges or use of facilities by any 27792  
pupil, employee, person taking part in or patronizing a school- 27793  
related activity, or elderly person must be applied equally to 27794  
all pupils, all employees, all persons taking part in or 27795  
patronizing a school-related activity, or elderly persons, 27796  
respectively, except that a board may expend school funds other 27797  
than funds from federally reimbursed moneys or student payments 27798  
to provide meals at no charge to senior citizens performing 27799  
volunteer services in the district's schools in accordance with 28000  
a volunteer program approved by the board. 28001

Such facilities shall be under the management and control 28002  
of the board and the operation of such facilities for school 28003  
food service purposes or to provide meals for the elderly shall 28004  
not be for profit. In the operation of such facilities for 28005  
school food service purposes there shall be established a food 28006

service fund in the treasurer's cash journal, which shall be 27807  
separate from all other funds of the board. All receipts and 27808  
disbursements in connection with the operation of food service 27809  
for school food service purposes and the maintenance, 27810  
improvement, and purchase of equipment for school food service 27811  
purposes shall be paid directly into and disbursed from the food 27812  
service fund which shall be kept in a legally designated 27813  
depository of the board. Revenues for the operation, 27814  
maintenance, improvement, and purchase of equipment shall be 27815  
provided by the food service fund, appropriations transferred 27816  
from the general fund, federal funds, and from other proper 27817  
sources. Records of receipts and disbursements resulting from 27818  
the provision of meals for the elderly shall be separately 27819  
maintained, in accordance with section 3313.29 of the Revised 27820  
Code. 27821

The enforcement of this section shall be under 27822  
jurisdiction of the ~~state board~~ department of education and 27823  
workforce. 27824

**Sec. 3313.811.** No board, the principal or teacher of any 27825  
schoolroom, or class organization of any school district shall 27826  
sell or offer for sale, or supervise the sale of uniform school 27827  
supplies, foods, candies, or like supplies for profit on the 27828  
school premises except when the profit derived from such sale is 27829  
to be used for school purposes or for any activity in connection 27830  
with the school on whose premises such uniform school supplies, 27831  
food, candies, or supplies are sold or offered for sale. No 27832  
individual student or class of students, acting as an agent for 27833  
any person or group of persons directly connected with the 27834  
school shall sell or offer for sale for profit outside the 27835  
school building, any such articles, except when the profit 27836  
derived from such sale is to be used for school purposes or for 27837

any activity in connection with the school. 27838

Uniform school supplies are those adopted by the board for 27839  
use in the schools of the district. 27840

The enforcement of this section shall be under the 27841  
jurisdiction of the ~~state board~~ department of education and 27842  
workforce. 27843

The school district board of education shall provide 27844  
revolving accounts for the purchase and sale of uniform school 27845  
supplies either by appropriations from the general fund or 27846  
accumulation from sales or receipts. Such accounts shall be kept 27847  
separate from other transactions of the board. 27848

**Sec. 3313.813.** (A) As used in this section: 27849

(1) "Outdoor education center" means a public or nonprofit 27850  
private entity that provides to pupils enrolled in any public or 27851  
chartered nonpublic elementary or secondary school an outdoor 27852  
educational curriculum that the school considers to be part of 27853  
its educational program. 27854

(2) "Outside-school-hours care center" has the meaning 27855  
established in 7 C.F.R. 226.2. 27856

(B) The ~~state board~~ department of education and workforce 27857  
shall establish standards for a school lunch program, school 27858  
breakfast program, child and adult care food program, special 27859  
food service program for children, summer food service program 27860  
for children, special milk program for children, food service 27861  
equipment assistance program, and commodity distribution program 27862  
established under the "National School Lunch Act," 60 Stat. 230 27863  
(1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act 27864  
of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended. Any board of 27865  
education of a school district, nonprofit private school, 27866

outdoor education center, child care institution, outside- 27867  
school-hours care center, or summer camp desiring to participate 27868  
in such a program or required to participate under this section 27869  
shall, if eligible to participate under the "National School 27870  
Lunch Act," as amended, or the "Child Nutrition Act of 1966," as 27871  
amended, make application to the ~~state board of education~~ 27872  
department for assistance. The board shall administer the 27873  
allocation and distribution of all state and federal funds for 27874  
these programs. 27875

(C) The ~~state board of education~~ department shall require 27876  
the board of education of each school district to establish and 27877  
maintain a school breakfast, lunch, and summer food service 27878  
program pursuant to the "National School Lunch Act" and the 27879  
"Child Nutrition Act of 1966," as described in divisions (C) (1) 27880  
to (4) of this section. 27881

(1) The ~~state board~~ department shall require the board of 27882  
education in each school district to establish a breakfast 27883  
program in every school where at least one-fifth of the pupils 27884  
in the school are eligible under federal requirements for free 27885  
breakfasts and to establish a lunch program in every school 27886  
where at least one-fifth of the pupils are eligible for free 27887  
lunches. The board of education required to establish a 27888  
breakfast program under this division may make a charge in 27889  
accordance with federal requirements for each reduced price 27890  
breakfast or paid breakfast to cover the cost incurred in 27891  
providing that meal. 27892

(2) The ~~state board~~ department shall require the board of 27893  
education in each school district to establish a breakfast 27894  
program in every school in which the parents of at least one- 27895  
half of the children enrolled in the school have requested that 27896

the breakfast program be established. The board of education 27897  
required to establish a program under this division may make a 27898  
charge in accordance with federal requirements for each meal to 27899  
cover all or part of the costs incurred in establishing such a 27900  
program. 27901

A breakfast program established under division (C) (1) or 27902  
(2) of this section shall be operated in accordance with section 27903  
3313.818 of the Revised Code in any school meeting the 27904  
conditions prescribed by that section. 27905

(3) The ~~state board~~ department shall require the board of 27906  
education in each school district to establish one of the 27907  
following for summer intervention services described in division 27908  
(D) of section 3301.0711 or provided under section 3313.608 of 27909  
the Revised Code, and any other summer intervention program 27910  
required by law: 27911

(a) An extension of the school breakfast program pursuant 27912  
to the "National School Lunch Act" and the "Child Nutrition Act 27913  
of 1966"; 27914

(b) An extension of the school lunch program pursuant to 27915  
those acts; 27916

(c) A summer food service program pursuant to those acts. 27917

(4) (a) If the board of education of a school district 27918  
determines that, for financial reasons, it cannot comply with 27919  
division (C) (1) or (3) of this section, the district board may 27920  
choose not to comply with either or both divisions, except as 27921  
provided in divisions (C) (4) (b) and (c) of this section. The 27922  
district board publicly shall communicate to the residents of 27923  
the district, in the manner it determines appropriate, its 27924  
decision not to comply. 27925

(b) If a district board chooses not to comply with 27926  
division (C)(1) of this section, the ~~state board~~ department 27927  
nevertheless shall require the district board to establish a 27928  
breakfast program in every school where at least one-third of 27929  
the pupils in the school are eligible under federal requirements 27930  
for free breakfasts and to establish a lunch program in every 27931  
school where at least one-third of the pupils are eligible for 27932  
free lunches. The district board may make a charge in accordance 27933  
with federal requirements for each reduced price breakfast or 27934  
paid breakfast to cover the cost incurred in providing that 27935  
meal. 27936

(c) If the board of education of a school district chooses 27937  
not to comply with division (C)(3) of this section, the ~~state~~ 27938  
~~board~~ department nevertheless shall require the district board 27939  
to permit an approved summer food service program sponsor to use 27940  
school facilities located in a school building attendance area 27941  
where at least one-half of the pupils are eligible for free 27942  
lunches. 27943

The department ~~of education~~ shall post in a prominent 27944  
location on the department's web site a list of approved summer 27945  
food service program sponsors that may use school facilities 27946  
under this division. 27947

Subject to the provisions of sections 3313.75 and 3313.77 27948  
of the Revised Code, a school district may charge the summer 27949  
food service program sponsor a reasonable fee for the use of 27950  
school facilities that may include the actual cost of custodial 27951  
services, charges for the use of school equipment, and a 27952  
prorated share of the utility costs as determined by the 27953  
district board. A school district shall require the summer food 27954  
service program sponsor to indemnify and hold harmless the 27955

district from any potential liability resulting from the 27956  
operation of the summer food service program under this 27957  
division. For this purpose, the district shall either add the 27958  
summer food service program sponsor, as an additional insured 27959  
party, to the district's existing liability insurance policy or 27960  
require the summer food service program sponsor to submit 27961  
evidence of a separate liability insurance policy, for an amount 27962  
approved by the district board. The summer food service program 27963  
sponsor shall be responsible for any costs incurred in obtaining 27964  
coverage under either option. 27965

(d) If a school district cannot for good cause comply with 27966  
the requirements of division (C) (2) or (4) (b) or (c) of this 27967  
section at the time the ~~state board~~ department determines that a 27968  
district is subject to these requirements, the ~~state board~~ 27969  
department shall grant a reasonable extension of time. Good 27970  
cause for an extension of time shall include, but need not be 27971  
limited to, economic impossibility of compliance with the 27972  
requirements at the time the ~~state board~~ department determines 27973  
that a district is subject to them. 27974

(D) (1) The ~~state board~~ department shall accept the 27975  
application of any outdoor education center in the state making 27976  
application for participation in a program pursuant to division 27977  
(B) of this section. 27978

(2) For purposes of participation in any program pursuant 27979  
to this section, the board shall certify any outdoor education 27980  
center making application as an educational unit that is part of 27981  
the educational system of the state, if the center: 27982

(a) Meets the definition of an outdoor education center; 27983

(b) Provides its outdoor education curriculum to pupils on 27984

an overnight basis so that pupils are in residence at the center 27985  
for more than twenty-four consecutive hours; 27986

(c) Operates under public or nonprofit private ownership 27987  
in a single building or complex of buildings. 27988

(3) The board shall approve any outdoor education center 27989  
certified under this division for participation in the program 27990  
for which the center is making application on the same basis as 27991  
any other applicant for that program. 27992

(E) Any school district board of education or chartered 27993  
nonpublic school that participates in a breakfast program 27994  
pursuant to this section may offer breakfast to pupils in their 27995  
classrooms during the school day. However, any school that is 27996  
subject to section 3313.818 of the Revised Code shall offer 27997  
breakfast to pupils in accordance with that section. 27998

(F) Notwithstanding anything in this section to the 27999  
contrary, in each fiscal year in which the general assembly 28000  
appropriates funds for purposes of this division, the board of 28001  
education of each school district and each chartered nonpublic 28002  
school that participates in a breakfast program pursuant to this 28003  
section shall provide a breakfast free of charge to each pupil 28004  
who is eligible under federal requirements for a reduced price 28005  
breakfast. 28006

**Sec. 3313.814.** (A) As used in this section and sections 28007  
3313.816 and 3313.817 of the Revised Code: 28008

(1) "A la carte item" means an individually priced food or 28009  
beverage item that is available for sale to students through any 28010  
of the following: 28011

(a) A school food service program; 28012

(b) A vending machine located on school property;	28013
(c) A store operated by the school, a student association, or other school-sponsored organization.	28014 28015
"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.	28016 28017 28018 28019 28020 28021 28022 28023 28024 28025 28026
(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.	28027 28028 28029 28030
(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.	28031 28032 28033 28034 28035
(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.	28036 28037 28038
(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	28039 28040 28041

U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 28042  
80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 28043  
criteria for reimbursement established by the United States 28044  
department of agriculture. 28045

(6) "School food service program" means a school food 28046  
service program operated under section 3313.81 or 3313.813 of 28047  
the Revised Code. 28048

(B) Each school district board of education and each 28049  
chartered nonpublic school governing authority shall adopt and 28050  
enforce nutrition standards governing the types of food and 28051  
beverages that may be sold on the premises of its schools, and 28052  
specifying the time and place each type of food or beverage may 28053  
be sold. 28054

(1) In adopting the standards, the board or governing 28055  
authority shall do all of the following: 28056

(a) Consider the nutritional value of each food or 28057  
beverage; 28058

(b) Consult with a dietitian licensed under Chapter 4759. 28059  
of the Revised Code, a dietetic technician registered by the 28060  
commission on dietetic registration, or a school nutrition 28061  
specialist certified or credentialed by the school nutrition 28062  
association. The person with whom the board or governing 28063  
authority consults may be an employee of the board or governing 28064  
authority, a person contracted by the board or governing 28065  
authority, or a volunteer, provided the person meets the 28066  
requirements of this division. 28067

(c) Consult the dietary guidelines for Americans jointly 28068  
developed by the United States department of agriculture and the 28069  
United States department of health and human services and, to 28070

the maximum extent possible, incorporate the guidelines into the standards. 28071  
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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. 28073  
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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. 28076  
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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. 28080  
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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. 28089  
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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;	28129
(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;	28130 28131 28132
(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.	28133 28134 28135 28136 28137
(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.	28138 28139 28140 28141
(C) When the department provides software under this section, each public and chartered nonpublic school shall comply with all of the following requirements:	28142 28143 28144
(1) No a la carte food item shall be in the lowest rated category of foods designated by the software.	28145 28146
(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:	28147 28148 28149 28150 28151 28152 28153 28154 28155
(a) A school food service program;	28156

(b) A vending machine located on school property;	28157
(c) A store operated by the school, a student association, or other school-sponsored organization.	28158 28159
(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:	28160 28161 28162
(a) It contains at least five grams of protein.	28163
(b) It contains at least ten per cent of the recommended daily value of fiber.	28164 28165
(c) It contains at least ten per cent of the recommended daily value of calcium.	28166 28167
(d) It contains at least ten per cent of the recommended daily value of iron.	28168 28169
(e) It contains at least ten per cent of the recommended daily value of vitamin A.	28170 28171
(f) It contains at least ten per cent of the recommended daily value of vitamin C.	28172 28173
(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.	28174 28175 28176 28177 28178
<b>Sec. 3313.818.</b> (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:	28179 28180 28181 28182 28183

(a) In the first school year after ~~the effective date of~~ 28184  
~~this section~~ October 17, 2019, the program shall apply to any 28185  
public school in which seventy per cent or more of the students 28186  
enrolled in the school during the previous school year were 28187  
eligible under federal requirements for free or reduced-price 28188  
breakfasts or lunches. 28189

(b) In the second school year after ~~the effective date of~~ 28190  
~~this section~~ October 17, 2019, the program shall apply to any 28191  
public school in which sixty per cent or more of the students 28192  
enrolled in the school during the previous school year were 28193  
eligible under federal requirements for free or reduced-price 28194  
breakfasts or lunches. 28195

(c) In the third school year after the enactment date of 28196  
this section and every school year thereafter, the program shall 28197  
apply to any public school in which fifty per cent or more of 28198  
the students enrolled in the school during the previous school 28199  
year were eligible under federal requirements for free or 28200  
reduced-price breakfasts or lunches. 28201

(2) The district superintendent or building principal, in 28202  
consultation with the building staff, shall determine the model 28203  
for serving breakfast under the program. Each breakfast served 28204  
under the program shall comply with federal meal patterns and 28205  
nutritional standards and with section 3313.814 of the Revised 28206  
Code. A school district board of education may make a charge in 28207  
accordance with federal requirements for each meal to cover all 28208  
or part of the costs incurred in operating the program. 28209

(B) The department shall publish a list of public schools 28210  
that meet the conditions of division (A) of this section. The 28211  
department shall offer technical assistance to school districts 28212  
and schools regarding the implementation of a school breakfast 28213

program that complies with this section and the submission of 28214  
claims for reimbursement under the federal school breakfast 28215  
program. 28216

(C) (1) The department shall monitor each school 28217  
participating in the program and ensure that each participating 28218  
school complies with the requirements of this section. 28219

(2) If the board of education of a school district 28220  
determines that, for financial reasons, a school under the 28221  
board's control cannot comply with the requirements of this 28222  
section or the board already has a successful breakfast program 28223  
or partnership in place, the district board may choose not to 28224  
comply with those requirements. 28225

(D) Not later than the thirty-first day of December of 28226  
each school year, the department shall provide statistical 28227  
reports on its web site that specify the number and percentage 28228  
of students participating in school breakfast programs 28229  
disaggregated by school district and individual schools, 28230  
including community schools, established under Chapter 3314. of 28231  
the Revised Code, and STEM schools, established under Chapter 28232  
3326. of the Revised Code. 28233

(E) Not later than the thirty-first day of December of 28234  
each school year, the department shall prepare a report on the 28235  
implementation and effectiveness of the program established 28236  
under this section and submit the report to the general 28237  
assembly, in accordance with section 101.68 of the Revised Code, 28238  
and to the governor. The report shall include: 28239

(1) The number of students and participation rates in the 28240  
free and reduced-price breakfast programs under this section for 28241  
each school building; 28242

(2) The type of breakfast model used by each school building participating in the breakfast program;	28243 28244
(3) The number of students and participation rates in free or reduced-price lunch for each school building.	28245 28246
<b>Sec. 3313.821.</b> The <del>superintendent of public instruction</del> <u>department of education and workforce</u> , 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 <del>state superintendent</del> <u>department</u> shall include at least the following requirements:	28247 28248 28249 28250 28251 28252 28253 28254 28255
(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.	28256 28257 28258 28259 28260
(B) Each plan developed pursuant to division (A) of this section shall be filed with the department of education <u>and workforce</u> .	28261 28262 28263
(C) Each business advisory council shall meet with its school board at least quarterly.	28264 28265
(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.	28266 28267 28268 28269 28270 28271

**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 28302  
specified in the agreement. The district board of education 28303  
shall reimburse the educational service center governing board 28304  
pursuant to division (H) of this section. 28305

(C) Any agreement entered into pursuant to this section 28306  
shall be filed with the department of education and workforce by 28307  
the first day of July of the school year for which the agreement 28308  
is in effect. 28309

(D) (1) An agreement for services from an educational 28310  
service center entered into under this section may be terminated 28311  
by the school district board of education, at its option, by 28312  
notifying the governing board of the service center by March 1, 28313  
2012, or by the first day of January of any odd-numbered year 28314  
thereafter, that the district board intends to terminate the 28315  
agreement in that year, and that termination shall be effective 28316  
on the thirtieth day of June of that year. The failure of a 28317  
district board to notify an educational service center of its 28318  
intent to terminate an agreement by March 1, 2012, shall result 28319  
in renewal of the existing agreement for the following school 28320  
year. Thereafter, the failure of a district board to notify an 28321  
educational service center of its intent to terminate an 28322  
agreement by the first day of January of an odd-numbered year 28323  
shall result in renewal of the existing agreement for the 28324  
following two school years. 28325

(2) If the school district that terminates an agreement 28326  
for services under division (D) (1) of this section is also 28327  
subject to the requirement of division (B) (1) of this section, 28328  
the district board shall enter into a new agreement with any 28329  
educational service center so that the new agreement is 28330  
effective on the first day of July of that same year. 28331

(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 28362  
that the educational service center with which the district 28363  
previously had an agreement is no longer paid a state operating 28364  
subsidy for providing services to that district. 28365

(H) Pursuant to division (B) of section 3317.023 of the 28366  
Revised Code, the department annually shall deduct from each 28367  
school district that enters into an agreement with an 28368  
educational service center under this section, and pay to the 28369  
service center, an amount equal to six dollars and fifty cents 28370  
times the school district's total student count. The district 28371  
board of education, or the district superintendent acting on 28372  
behalf of the district board, may agree to pay an amount in 28373  
excess of six dollars and fifty cents per student in total 28374  
student count. If a majority of the boards of education, or 28375  
superintendents acting on behalf of the boards, of the districts 28376  
that entered into an agreement under this section approve an 28377  
amount in excess of six dollars and fifty cents per student in 28378  
total student count, each district shall pay the excess amount 28379  
to the service center. 28380

(I) (1) An educational service center may enter into a 28381  
contract to purchase supplies, materials, equipment, and 28382  
services, which may include those specified in division (B) of 28383  
this section or Chapter 3312. of the Revised Code, or the 28384  
delivery of such services, on behalf of a school district or 28385  
political subdivision that has entered into an agreement with 28386  
the service center under this section or section 3313.844, 28387  
3313.845, or 3313.846 of the Revised Code. 28388

(2) Purchases made by a school district or political 28389  
subdivision that has entered into an agreement with the service 28390  
center as described in this division are exempt from competitive 28391

bidding required by law for the purchase of supplies, materials, 28392  
equipment, or services. No political subdivision shall make any 28393  
purchase under this division when the political subdivision has 28394  
received bids for such purchase, unless the same terms, 28395  
conditions, and specifications at a lower price can be made for 28396  
such purchase under this division. 28397

(J) Any school district, community school, or STEM school 28398  
that has entered into an agreement with an educational service 28399  
center under this section or section 3313.844 or 3313.845 of the 28400  
Revised Code shall be in compliance with federal law and exempt 28401  
from competitive bidding requirements for personnel-based 28402  
services pursuant to the authority granted to the Ohio 28403  
department of education and workforce under federal law, 28404  
provided the service center has met the following conditions: 28405

(1) It is in compliance with division (F) of this section. 28406

(2) It has been designated "high performing" under rule of 28407  
~~the state board of education department.~~ 28408

(3) It has been found to be substantially in compliance 28409  
with audit rules and guidelines in its most recent audit by the 28410  
auditor of state. 28411

(K) For purposes of this section, a school district's 28412  
"total student count" means the average daily student enrollment 28413  
reported on the most recent report card issued for the district 28414  
pursuant to section 3302.03 of the Revised Code. 28415

**Sec. 3313.844.** The governing authority of a community 28416  
school established under Chapter 3314. of the Revised Code and 28417  
the governing board of an educational service center may enter 28418  
into an agreement, through adoption of identical resolutions, 28419  
under which the service center board will provide services to 28420

the community school. Services provided under the agreement and 28421  
the amount and manner in which the community school will pay for 28422  
such services shall be mutually agreed to by the school's 28423  
governing authority and the service center board, and shall be 28424  
specified in the service agreement. If specified in the 28425  
agreement as the manner of payment, the department of education\_ 28426  
and workforce shall pay the service center the amount due to it 28427  
under the agreement and shall deduct that amount from the 28428  
payments made to the community school under Chapter 3314. of the 28429  
Revised Code. Any agreement entered into under this section 28430  
shall be valid only if a copy is filed with the department. 28431

**Sec. 3313.845.** The board of education of a city, exempted 28432  
village, local, or joint vocational school district and the 28433  
governing board of an educational service center may enter into 28434  
an agreement under which the educational service center will 28435  
provide services to the school district. Services provided under 28436  
the agreement and the amount to be paid for such services shall 28437  
be mutually agreed to by the district board of education and the 28438  
service center governing board, and shall be specified in the 28439  
agreement. Payment for services specified in the agreement shall 28440  
be made pursuant to the terms of that agreement. If specified in 28441  
the agreement as the manner of payment, the department of 28442  
education and workforce shall pay the service center the amount 28443  
due to it under the agreement and shall deduct that amount from 28444  
the payments made to the city, exempted village, local, or joint 28445  
vocational school district under Chapter 3317. of the Revised 28446  
Code. Any agreement entered into pursuant to this section shall 28447  
be valid only if a copy is filed with the department. 28448

The authority granted under this section to the boards of 28449  
education of city, exempted village, and local school districts 28450  
is in addition to the authority granted to such boards under 28451

section 3313.843 of the Revised Code. 28452

**Sec. 3313.846.** The governing board of an educational 28453  
service center may enter into a contract with any political 28454  
subdivision as defined in section 2744.01 of the Revised Code, 28455  
not including school districts, community schools, or STEM 28456  
schools contracting for services under section 3313.843, 28457  
3313.844, 3313.845, or 3326.45 of the Revised Code, under which 28458  
the educational service center will provide services to the 28459  
political subdivision. Services provided under the contract and 28460  
the amount to be paid for such services shall be mutually agreed 28461  
to by the parties and shall be specified in the contract. The 28462  
political subdivision shall directly pay an educational service 28463  
center for services specified in the contract. The board of the 28464  
educational service center shall file a copy of each contract 28465  
entered into under this section with the department of education 28466  
and workforce by the first day the contract is in effect. 28467

**Sec. 3313.90.** As used in this section, "formula ADM" has 28468  
the same meaning as in section 3317.02 of the Revised Code. 28469  
Notwithstanding division (D) of section 3311.19 and division (D) 28470  
of section 3311.52 of the Revised Code, the provisions of this 28471  
section that apply to a city school district do not apply to any 28472  
joint vocational or cooperative education school district. 28473

(A) Except as provided in division (B) of this section, 28474  
each city, local, and exempted village school district shall, by 28475  
one of the following means, provide to students enrolled in 28476  
grades seven through twelve career-technical education adequate 28477  
to prepare a student enrolled therein for an occupation: 28478

(1) Establishing and maintaining a career-technical 28479  
education program that meets standards adopted by the ~~state~~ 28480  
~~board~~ department of education and workforce; 28481

(2) Being a member of a joint vocational school district 28482  
that meets standards adopted by the ~~state board~~ department; 28483

(3) Contracting for career-technical education with a 28484  
joint vocational school district or another school district that 28485  
meets the standards adopted by the ~~state board~~ department. 28486

The standards of the ~~state board of education~~ department 28487  
shall include criteria for the participation by nonpublic 28488  
students in career-technical education programs without 28489  
financial assessment, charge, or tuition to such student except 28490  
such assessments, charges, or tuition paid by resident public 28491  
school students in such programs. Such nonpublic school students 28492  
shall be included in the formula ADM of the school district 28493  
maintaining the career-technical education program as part-time 28494  
students in proportion to the time spent in the career-technical 28495  
education program. 28496

By the thirtieth day of October of each year, the 28497  
~~superintendent of public instruction~~ director of education and 28498  
workforce shall determine and certify to the superintendent of 28499  
each school district subject to this section either that the 28500  
district is in compliance with the requirements of this section 28501  
for the current school year or that the district is not in 28502  
compliance. If the ~~superintendent~~ director certifies that the 28503  
district is not in compliance, ~~he~~ the director shall notify the 28504  
board of education of the district of the actions necessary to 28505  
bring the district into compliance with this section. 28506

In meeting standards established by the ~~state board of~~ 28507  
~~education~~ department, school districts, where practicable, shall 28508  
provide career-technical education programs in high schools. A 28509  
minimum enrollment of fifteen hundred students in grades nine 28510  
through twelve is established as a base for comprehensive 28511

career-technical education course offerings. Beginning with the 28512  
2015-2016 school year, this base shall increase to a minimum 28513  
enrollment of two thousand two hundred fifty students in grades 28514  
seven through twelve. A school district may meet this 28515  
requirement alone, through a cooperative arrangement pursuant to 28516  
section 3313.92 of the Revised Code, through school district 28517  
consolidation, by membership in a joint vocational school 28518  
district, by contract with a school district, by contract with a 28519  
school licensed by any state agency established by the Revised 28520  
Code which school operates its courses offered for contracting 28521  
with public schools under standards as to staffing and 28522  
facilities comparable to those prescribed by the ~~state board of~~ 28523  
~~education department~~ for public schools provided no instructor 28524  
in such courses shall be required to be certificated by the 28525  
~~state department of education~~, or in a combination of such ways. 28526  
Exceptions to the minimum enrollment prescribed by this section 28527  
may be made by the ~~state board of education department~~ based on 28528  
sparsity of population or other factors indicating that 28529  
comprehensive educational and career-technical education 28530  
programs as required by this section can be provided through an 28531  
alternate plan. 28532

(B) If the board of education of a city, local, or 28533  
exempted village school district adopts a resolution that 28534  
specifies the district's intent not to provide career-technical 28535  
education to students enrolled in grades seven and eight for a 28536  
particular school year and submits that resolution to the 28537  
department by the thirtieth day of September of that school 28538  
year, the department shall waive the requirement for that 28539  
district to provide career-technical education to students 28540  
enrolled in grades seven and eight for that particular school 28541  
year. 28542

<b>Sec. 3313.902.</b> (A) As used in this section:	28543
(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of higher education.	28544 28545 28546
(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section.	28547 28548 28549
(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.	28550 28551 28552
(4) An eligible student's "career pathway training program amount" means the following:	28553 28554
(a) If the student is enrolled in a tier one career pathway training program, \$4,800;	28555 28556
(b) If the student is enrolled in a tier two career pathway training program, \$3,200;	28557 28558
(c) If the student is enrolled in a tier three career pathway training program, \$1,600.	28559 28560
(5) "Eligible institution" means any of the following:	28561
(a) A community college established under Chapter 3354. of the Revised Code;	28562 28563
(b) A technical college established under Chapter 3357. of the Revised Code;	28564 28565
(c) A state community college established under Chapter 3358. of the Revised Code;	28566 28567
(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.	28568 28569

(6) "Eligible student" means an individual who is at least twenty years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.

(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education and workforce.

(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.

(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department.

(10) An eligible student's "work readiness training amount" means the following:

(a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$1,500.

(b) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$750.

(B) The adult diploma pilot program is hereby established to permit an eligible institution to obtain approval from the ~~superintendent of public instruction~~ department of education and

workforce and the chancellor to develop and offer a program of study that allows an eligible student to obtain a high school diploma. A program shall be eligible for this approval if it satisfies all of the following requirements:

(1) The program allows an eligible student to complete the requirements for obtaining a high school diploma that are specified in rules adopted ~~by the superintendent~~ under division (E) of this section while also completing requirements for an approved industry credential or certificate.

(2) The program includes career advising and outreach.

(3) The program includes opportunities for students to receive a competency-based education.

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the ~~state board of education~~ department shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted ~~by the superintendent~~ under division (E) of this section.

(D) (1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:

(The student's career pathway training program amount + the student's work readiness training amount) X 1.2

(2) Except as provided in division (D) (4) of this section, the department shall pay the amount calculated for an eligible student under division (D) (1) of this section to the approved institution in which the student is enrolled in the following

manner: 28628

(a) Twenty-five per cent of the amount calculated under 28629  
division (D) (1) of this section shall be paid to the approved 28630  
institution after the student successfully completes the first 28631  
third of the approved program of study, as determined by the 28632  
department; 28633

(b) Twenty-five per cent of the amount calculated under 28634  
division (D) (1) of this section shall be paid to the approved 28635  
institution after the student successfully completes the second 28636  
third of the approved program of study, as determined by the 28637  
department; 28638

(c) Fifty per cent of the amount calculated under division 28639  
(D) (1) of this section shall be paid to the approved institution 28640  
after the student successfully completes the final third of the 28641  
approved program of study, as determined by the department. 28642

(3) Of the amount paid to an approved institution under 28643  
division (D) (2) of this section, the institution may use the 28644  
amount that is in addition to the student's career pathway 28645  
training amount and the student's work readiness training amount 28646  
for the associated services of the approved program of study. 28647  
These services include counseling, advising, assessment, and 28648  
other services as determined or required by the department. 28649

(4) If the ~~superintendent~~ department and the chancellor 28650  
determine that ~~is it~~ it is appropriate for an entity other than 28651  
the department to make full or partial payments for an eligible 28652  
student under division (D) (2) of this section, that entity shall 28653  
make those payments and the department shall not make those 28654  
payments. 28655

(E) The ~~superintendent~~ director of education and workforce, 28656

in consultation with the chancellor, shall adopt rules for the 28657  
implementation of the adult diploma pilot program, including all 28658  
of the following: 28659

(1) The requirements for applying for program approval; 28660

(2) The requirements for obtaining a high school diploma 28661  
through the program, including the requirement to obtain a 28662  
passing score on an assessment that is appropriate for the 28663  
career pathway training program that is being completed by the 28664  
eligible student, and the date on which these requirements take 28665  
effect; 28666

(3) The assessment or assessments that may be used to 28667  
complete the assessment requirement for each career pathway 28668  
training program under division (E) (2) of this section and the 28669  
score that must be obtained on each assessment in order to pass 28670  
the assessment; 28671

(4) Guidelines regarding the funding of the program under 28672  
division (D) of this section, including a method of funding for 28673  
students who transfer from one approved institution to another 28674  
approved institution prior to completing an approved program of 28675  
study; 28676

(5) Circumstances under which an eligible student may be 28677  
charged for tuition, supplies, or associated fees while enrolled 28678  
in an approved institution's approved program of study; 28679

(6) A requirement that an eligible student may not be 28680  
charged for tuition, supplies, or associated fees while enrolled 28681  
in an approved institution's approved program of study except in 28682  
the circumstances described under division (E) (5) of this 28683  
section; 28684

(7) The payment of federal funds that are to be used by 28685

approved programs of study at approved institutions. 28686

**Sec. 3313.903.** Except as otherwise required under federal 28687  
law, the department of education and workforce shall consider an 28688  
industry-recognized credential, as approved under section 28689  
3313.6113 of the Revised Code, or a license issued by a state 28690  
agency or board for practice in a vocation that requires an 28691  
examination for issuance of that license as an acceptable 28692  
measure of technical skill attainment and shall not require a 28693  
student with such credential or license to take additional 28694  
technical assessments. 28695

Additionally, the department shall not require a student 28696  
who has participated in or will be participating in a 28697  
credentialing assessment aligned to the student's career- 28698  
technical education program or has participated in or will be 28699  
participating in taking an examination for issuance of such a 28700  
license aligned to the student's career-technical education 28701  
program to take additional technical assessments. 28702

However, if the student does not participate in the 28703  
credentialing assessment or license examination, the student 28704  
shall take the applicable technical assessments prescribed by 28705  
the department. 28706

The department shall develop, in consultation with the 28707  
Ohio association for career and technical education, the Ohio 28708  
association of career-technical superintendents, the Ohio 28709  
association of city career-technical schools, and other 28710  
stakeholders, procedures for identifying industry-recognized 28711  
credentials and licenses aligned to a student's career-technical 28712  
education program that can be used as an acceptable measure of 28713  
technical skill, and for identifying students in the process of 28714  
earning such credentials and licenses. The department shall 28715

consider the possibility of attaining college credit as a factor 28716  
when identifying an acceptable measure of technical skill. 28717

Not later than the thirty-first day of May of each year, 28718  
the department shall, in consultation with the Ohio association 28719  
for career and technical education, the Ohio association of 28720  
career-technical superintendents, and the Ohio association of 28721  
comprehensive and compact career-technical schools, update a 28722  
list developed by the department regarding technical assessments 28723  
subject to this section. 28724

As used in this section, "technical assessments" shall not 28725  
include the nationally recognized job skills assessment 28726  
prescribed under division ~~(G)~~ (F) of section 3301.0712 of the 28727  
Revised Code. 28728

Nothing in this section shall exempt a student who wishes 28729  
to qualify for a high school diploma under division (A) (3) of 28730  
section 3313.618 of the Revised Code from the requirement to 28731  
attain a specified score on that assessment in order to qualify 28732  
for a high school diploma under that section. 28733

**Sec. 3313.904.** The department of education and workforce 28734  
and the department of job and family services, in consultation 28735  
with the governor's office of workforce transformation, shall 28736  
establish an option for career-technical education students to 28737  
participate in pre-apprenticeship training programs that impart 28738  
the skills and knowledge needed for successful participation in 28739  
a registered apprenticeship occupation course. 28740

**Sec. 3313.905.** (A) Southern state community college shall 28741  
establish and maintain, for a period of five years, the Ohio 28742  
code-scholar pilot program to address technical workforce needs. 28743

(B) Not later than July 31, 2021, southern state community 28744

college shall appoint a program coordinator who shall be 28745  
responsible for all of the following, as well as any other 28746  
responsibilities as determined by the southern state community 28747  
college board of trustees: 28748

(1) Form a coalition and act as the liaison between 28749  
southern state community college and the coalition to develop 28750  
the pilot program. 28751

The coalition shall include members from the following: 28752

(a) The department of education and workforce; 28753

(b) Educators in grades kindergarten through twelve; 28754

(c) Career technical education staff; 28755

(d) Educational service center staff; 28756

(e) Representatives of post-secondary institutions in the 28757  
areas in which the pilot program is operating; 28758

(f) Federally and state-funded research organizations, as 28759  
determined by the southern state community college board of 28760  
trustees and the program coordinator; 28761

(g) Local businesses in the areas in which the pilot 28762  
program is operating, as determined by the southern state 28763  
community college board of trustees and the program coordinator. 28764

(2) In collaboration with the coalition, as described in 28765  
division (B)(1) of this section, develop a curriculum for grades 28766  
seven through twelve to be utilized by the pilot program that 28767  
focuses on industry standards in the field of computer sciences, 28768  
including coding, and is divided as follows: 28769

(a) For grades seven and eight, a focus on career 28770  
exploration, career readiness initiatives, and an introduction 28771

to coding and computer sciences;	28772
(b) For grades nine through twelve, a focus on	28773
intermediate and advanced coding, computer sciences, and the	28774
potential for industry level credentialing.	28775
(3) Submit an annual report to southern state community	28776
college regarding the progress and implementation of the pilot	28777
program;	28778
(4) Determine the manner in which the pilot program shall	28779
recruit school districts and other participants for the fall of	28780
2021 from the following counties:	28781
(a) Southern Ohio, specifically, Fayette, Clinton, Adams,	28782
and Highland counties;	28783
(b) Brown county;	28784
(c) Pike county.	28785
(5) Develop a structured timeline by which the pilot	28786
program shall operate over the five-year period, with full	28787
administration beginning in the fall of 2022;	28788
(6) Determine the manner in which to incorporate the	28789
college credit plus program as established under Chapter 3365.	28790
of the Revised Code within the pilot program;	28791
(7) In collaboration with the designated department,	28792
advisor, and instructor, as appointed by southern state	28793
community college, develop a system for the articulation of	28794
credits earned under the pilot program and align them into a	28795
for-credit program at southern state community college;	28796
(8) Act as fiscal operator of the pilot program.	28797
(C) Upon completion of the pilot program, southern state	28798

community college, in collaboration with the program 28799  
coordinator, shall submit a full report and any legislative 28800  
recommendations to the General Assembly, in accordance with 28801  
section 101.68 of the Revised Code, regarding the outcomes of 28802  
the pilot program. 28803

**Sec. 3313.906.** (A) As used in this section, "digital 28804  
learning" has the same meaning as in section 3301.079 of the 28805  
Revised Code. 28806

(B) The ~~state board~~ department of education and workforce 28807  
shall permit each career-technical education program approved 28808  
under section 3317.161 of the Revised Code to provide remote or 28809  
digital learning opportunities to students on a full-time or 28810  
hybrid basis to the extent practicable. 28811

**Sec. 3313.91.** Notwithstanding division (D) of section 28812  
3311.19 and division (D) of section 3311.52 of the Revised Code, 28813  
the provisions of this section and section 3313.911 of the 28814  
Revised Code that apply to a city school district do not apply 28815  
to any joint vocational or cooperative education school district 28816  
unless otherwise specified. 28817

The board of education of any city, local, exempted 28818  
village, or joint vocational school district may contract with 28819  
any public agency, board, or bureau, or with any private 28820  
individual or firm for the purchase of any vocational education 28821  
or vocational rehabilitation service for any resident of the 28822  
district under the age of twenty-one years and may pay for such 28823  
services with public funds. Any such vocational education or 28824  
vocational rehabilitation service shall meet the same 28825  
requirements, including those for teachers, facilities, and 28826  
equipment, as those required of the public schools and be 28827  
approved by the ~~state~~ department of education and workforce. 28828

The ~~state board of education department~~ may assign city, 28829  
local, or exempted village school districts to joint vocational 28830  
districts and pursuant to ~~state board~~ the department's rules, 28831  
shall require such districts to enter into contractual 28832  
agreements pursuant to section 3313.90 of the Revised Code so 28833  
that special education students as well as others may receive 28834  
suitable vocational services. Such rules shall prescribe a 28835  
formula under which the district that contracts to receive the 28836  
services agrees to pay an annual fee to the district providing 28837  
the vocational education program. The amount of the fee shall be 28838  
computed in accordance with a formula prescribed by ~~state board~~ 28839  
the department's rule, but the rule shall permit the 28840  
~~superintendent of public instruction~~ director of education and 28841  
workforce to prescribe a lower fee than the amount required to 28842  
be paid by the formula in cases where ~~he~~ the director 28843  
determines either that the approved vocational course offerings 28844  
of the district that is to pay the fee are of sufficient breadth 28845  
to warrant a lower annual fee, or that the situation warrants a 28846  
lower annual fee. 28847

**Sec. 3313.911.** The ~~state board~~ department of education and 28848  
workforce may ~~adopt a resolution assigning~~ assign a city, 28849  
exempted village, or local school district that is not a part of 28850  
a joint vocational school district to membership in a joint 28851  
vocational school district. ~~A copy of the resolution~~ The 28852  
department shall ~~be certified to notify~~ the board of education 28853  
of the joint vocational school district and the board of 28854  
education of the district proposed to be assigned of the 28855  
assignment. The board of education of the joint vocational 28856  
school district shall advertise ~~a copy of the resolution~~ the 28857  
assignment in a newspaper of general circulation in the district 28858  
proposed to be assigned once each week for two weeks, or as 28859

provided in section 7.16 of the Revised Code, immediately 28860  
following the certification of the ~~resolution~~assignment to the 28861  
board. The assignment shall take effect on the ninety-first day 28862  
after the ~~state board adopts the resolution~~ department notifies 28863  
the board, unless prior to that date qualified electors residing 28864  
in the school district proposed for assignment, equal in number 28865  
to ten per cent of the qualified electors of that district 28866  
voting at the last general election, file a petition against the 28867  
assignment. 28868

The petition of referendum shall be filed with the 28869  
treasurer of the board of education of the district proposed to 28870  
be assigned to the joint vocational school district. The 28871  
treasurer shall give the person presenting the petition a 28872  
receipt showing the time of day, date, and purpose of the 28873  
petition. The treasurer shall cause the board of elections to 28874  
determine the sufficiency of signatures on the petition and if 28875  
the signatures are found to be sufficient, shall present the 28876  
petition to the board of education of the district. The board of 28877  
education shall promptly certify the question to the board of 28878  
elections for the purpose of having the question placed on the 28879  
ballot at the next general, primary, or special election not 28880  
earlier than sixty days after the date of the certification. 28881

Only those qualified electors residing in the district 28882  
proposed for assignment to the joint vocational school district 28883  
are qualified to vote on the question. If a majority of the 28884  
electors voting on the question vote against the assignment, it 28885  
shall not take place, and the ~~state board of education~~ 28886  
department shall require the district to contract with the joint 28887  
vocational school district or another school district as 28888  
authorized by section 3313.91 of the Revised Code. 28889

If a majority of the electors voting on the question do 28890  
not vote against the assignment, the assignment shall take 28891  
immediate effect, and the board of education of the joint 28892  
vocational school district shall notify the county auditor of 28893  
the county in which the school district becoming a part of the 28894  
joint vocational school district is located to have any 28895  
outstanding levy of the joint vocational school district spread 28896  
over the territory of the school district that has become a part 28897  
of the joint vocational school district. 28898

The assignment of a school district to a joint vocational 28899  
school district pursuant to this section is subject to any 28900  
agreements made between the board of education of the assigned 28901  
school district and the board of education of the joint 28902  
vocational school district. Such an agreement may include 28903  
provisions for a payment by the assigned school district to the 28904  
joint vocational school district of an amount to be contributed 28905  
toward the cost of the existing facilities of the joint 28906  
vocational school district. 28907

**Sec. 3313.92.** (A) The boards of education of any two or 28908  
more school districts may, subject to the approval of the 28909  
~~superintendent of public instruction~~department of education and 28910  
workforce, enter into agreements for the joint or cooperative 28911  
construction, acquisition, or improvement of any building, 28912  
structure, or facility benefiting the parties thereto, 28913  
including, without limitation, schools and classrooms for the 28914  
purpose of Chapter 3323. of the Revised Code, and for the 28915  
management, operation, occupancy, use, maintenance, or repair 28916  
thereof, or for the joint or cooperative participation in 28917  
programs, projects, activities, or services in connection with 28918  
such buildings, structures, or facilities, including 28919  
participation in the Ohio education computer network established 28920

by section 3301.075 of the Revised Code. 28921

(B) Any agreement entered into under authority of this 28922  
section shall, where appropriate, provide for: 28923

(1) The method by which the building, structure, or 28924  
facility shall be constructed, acquired, or improved and by 28925  
which it shall be managed, occupied, maintained, and repaired, 28926  
and specifically a designation of one of the boards of education 28927  
to take and have exclusive charge of any and all details of 28928  
construction, acquisition, or improvement, including any 28929  
advertising for bids and the award of any construction or 28930  
improvement contract pursuant to the law applicable to such 28931  
board of education; 28932

(2) The manner in which the title to the buildings, 28933  
structures, or facilities, including the sites and interests in 28934  
real estate necessary therefor, is to be held by one or more of 28935  
such boards of education; 28936

(3) The management or administration of any such programs, 28937  
projects, activities, services, or joint exercise of powers, 28938  
which may include management or administration by one of said 28939  
boards of education; 28940

(4) The manner of apportionment or sharing of all of the 28941  
costs, or specified classes of costs, including without 28942  
limitation costs of planning, construction, acquisition, 28943  
improvement, management, operation, maintenance, or repair of 28944  
such buildings, structures, or facilities, or of planning and 28945  
conducting such programs or projects, or obtaining such 28946  
services, which apportionment or sharing may be based on fixed 28947  
amounts, or on ratios or formulas, or affected through tuitions 28948  
to be contributed by the parties or in such manner therein 28949

provided.	28950
(C) Any agreement entered into under authority of this	28951
section may provide for:	28952
(1) An orderly process for making determinations as to	28953
planning, execution, implementation, and operation, which may	28954
include provisions for a committee, board, or commission, and	28955
for representation thereon;	28956
(2) Securing necessary personnel, including participation	28957
of teachers and other personnel from the respective school	28958
districts;	28959
(3) Standards or conditions for the admission or	28960
participation of students and others, including students from	28961
other school districts;	28962
(4) Conditions for admittance of other school districts to	28963
participation under the agreement;	28964
(5) Fixing or establishing the method of determining	28965
special charges to be made for particular services or materials;	28966
(6) The manner of amending, supplementing, terminating, or	28967
withdrawal or removal of any party from, the agreement, and the	28968
term of the agreement or an indefinite term;	28969
(7) Designation of the applicants for or recipients of any	28970
state, federal, or other aid, assistance, or loans available by	28971
reason of any activities conducted under the agreement;	28972
(8) Designation of one or more of the participating boards	28973
of education to maintain, prepare, and submit, on behalf of all	28974
parties to the agreement, any or all records and reports with	28975
regard to the activities conducted under the agreement,	28976
including without limitation those required under sections	28977

3301.14, 3313.50, 3319.32 to 3319.37, 3321.12, 3323.08, and	28978
3323.13 of the Revised Code;	28979
(9) Such other matters as the parties thereto may agree	28980
upon for the purposes of division (A) of this section.	28981
(D) For the purpose of paying or contributing its share	28982
under an agreement made under this section, a board of education	28983
may:	28984
(1) Appropriate any moneys from its general fund, and from	28985
any other funds not otherwise restricted by law, including funds	28986
for permanent improvements of such board of education where the	28987
contribution is to be made toward the cost of permanent	28988
improvements under the agreement;	28989
(2) Issue bonds, and notes in anticipation thereof, under	28990
Chapter 133. and section 3311.20 of the Revised Code for any	28991
permanent improvement, as defined in section 133.01 of the	28992
Revised Code, to be provided under such agreement;	28993
(3) Levy taxes, and issue notes in anticipation thereof,	28994
under Chapters 3311. and 5705. of the Revised Code pertaining to	28995
such board of education, provided that the purpose of such levy	28996
may include the provision of funds for either or both permanent	28997
improvements and current operating expenses required as the	28998
share of such board of education under such agreement;	28999
(4) Contribute real and personal property for use under	29000
such agreement without necessity for competitive bidding on	29001
disposition of such property.	29002
(E) Funds provided by the parties to an agreement entered	29003
into under this section, whether by appropriation, the levy of	29004
taxes, the issuance of bonds or notes, or otherwise, shall be	29005
transferred to and placed in a separate fund or funds of such	29006

participating board of education as is designated the fiscal 29007  
agent for such purpose under the agreement, shall be 29008  
appropriated to and shall be applied for the purposes provided 29009  
in such agreement, and shall be subject to audit and, pursuant 29010  
to any determinations to be made as provided under such 29011  
agreement, shall be deposited, invested, and disbursed under the 29012  
provisions of law applicable to the board of education in whose 29013  
custody those funds are held; and the records and reports of 29014  
such board of education under Chapter 117. of the Revised Code 29015  
with respect to those funds shall be sufficient without 29016  
necessity for reports thereon by the other boards of education 29017  
participating under such agreement. 29018

(F) As used in this section, "construction, acquisition, 29019  
or improvement of any building, structure, or facility" also 29020  
includes acquisition of real estate and interests in real estate 29021  
therefor, site improvements, and furniture, furnishings, and 29022  
equipment therefor. Buildings, structures, or facilities 29023  
constructed, acquired, or improved under this section may, 29024  
subject to the agreement, be used for any lawful purpose by each 29025  
party so long as the use thereof is an authorized proper use for 29026  
that party. 29027

(G) Any agreement entered into under this section shall be 29028  
subject to any laws hereafter enacted making express reference 29029  
therein to this section and requiring the transfer of any 29030  
functions exercised or properties held under such agreement to 29031  
any public officer, board, or body heretofore or hereafter 29032  
established, or requiring the termination of such agreement, or 29033  
otherwise affecting the agreement. 29034

(H) The powers granted in this section are supplementary 29035  
to, and not in derogation of or restriction upon, all other 29036

powers of boards of education of school districts, and are to be 29037  
liberally construed to permit the achievement of the objectives 29038  
of this section and to permit the boards of education to take 29039  
advantage of federal grant and loan programs, provided that the 29040  
exercise of such powers shall be subject to such audit and 29041  
regulation as would be applicable if exercised under any other 29042  
provision of the Revised Code. 29043

**Sec. 3313.941.** (A) As used in this section, "state agency" 29044  
means every organized body, office, or agency established by the 29045  
laws or constitution of this state for the exercise of any 29046  
function of state government. 29047

(B) Whenever a school district board of education collects 29048  
racial data for the students enrolled in the school district or 29049  
whenever the department of education and workforce or any other 29050  
state agency collects or requires the collection and reporting 29051  
of racial data for students enrolled in any chartered public or 29052  
nonpublic school, the data collection shall include a 29053  
multiracial category. 29054

For the purpose of reporting student racial data required 29055  
by the federal government, if the federal standards for 29056  
reporting student racial data do not include a multiracial 29057  
category, both of the following apply: 29058

(1) Students identified as multiracial for state or 29059  
district purposes also shall be identified by an appropriate 29060  
federal category. 29061

(2) The parent, guardian, or custodian of each student 29062  
shall have the opportunity to designate the appropriate federal 29063  
racial category for the student. 29064

**Sec. 3313.97.** Notwithstanding division (D) of section 29065

3311.19 and division (D) of section 3311.52 of the Revised Code, 29066  
this section does not apply to any joint vocational or 29067  
cooperative education school district. 29068

(A) As used in this section: 29069

(1) "Parent" has the same meaning as in section 3313.64 of 29070  
the Revised Code. 29071

(2) "Alternative school" means a school building other 29072  
than the one to which a student is assigned by the district 29073  
superintendent. 29074

(3) "IEP" has the same meaning as in section 3323.01 of 29075  
the Revised Code. 29076

(B) The board of education of each city, local, and 29077  
exempted village school district shall adopt an open enrollment 29078  
policy allowing students entitled to attend school in the 29079  
district pursuant to section 3313.64 or 3313.65 of the Revised 29080  
Code to enroll in an alternative school. Each policy shall 29081  
provide for the following: 29082

(1) Application procedures, including deadlines for 29083  
application and for notification of students and principals of 29084  
alternative schools whenever a student's application is 29085  
accepted. The policy shall require a student to apply only if 29086  
the student wishes to attend an alternative school. 29087

(2) The establishment of district capacity limits by grade 29088  
level, school building, and education program; 29089

(3) A requirement that students enrolled in a school 29090  
building or living in any attendance area of the school building 29091  
established by the superintendent or board be given preference 29092  
over applicants; 29093

(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	29094 29095
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.	29096 29097 29098
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting applicants to alternative schools shall not include:	29099 29100 29101
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	29102 29103
(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;	29104 29105 29106 29107 29108
(3) A requirement that the student be proficient in the English language;	29109 29110
(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.	29111 29112 29113 29114 29115 29116 29117
(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	29118 29119 29120 29121 29122

school bus stop designated in accordance with the board's 29123  
transportation policy or unless the board is required to provide 29124  
additional transportation to the student in accordance with a 29125  
court-approved desegregation plan. 29126

(2) A district board shall provide transportation to any 29127  
student described in 20 U.S.C. 6316(b)(1)(F) to the extent 29128  
required by division ~~(E)~~ (D) of section 3302.04 of the Revised 29129  
Code, except that no district board shall be required to provide 29130  
transportation to any such student after the school in which the 29131  
student was enrolled immediately prior to enrolling in the 29132  
alternative school makes adequate yearly progress, as defined in 29133  
section 3302.01 of the Revised Code, for two consecutive school 29134  
years. 29135

(E) Each school board shall provide information about the 29136  
policy adopted under this section and the application procedures 29137  
and deadlines to the parent of each student in the district and 29138  
to the general public. 29139

(F) The ~~state board~~ department of education and workforce 29140  
shall monitor school districts to ensure compliance with this 29141  
section and the districts' policies. 29142

**Sec. 3313.974.** As used in this section and in sections 29143  
3313.975 to 3313.979 of the Revised Code: 29144

(A) "Individualized education program" and "child with a 29145  
disability" have the same meanings as in section 3323.01 of the 29146  
Revised Code. 29147

(B) "Separately educated student with a disability" means 29148  
a child with a disability who has an individualized education 29149  
program providing for the student to spend at least half of each 29150  
school day in a class or setting separated from nondisabled 29151

students. 29152

(C) "Low-income family" means a family whose income is 29153  
below the level which the ~~superintendent of public instruction-~~ 29154  
department of education and workforce shall establish. 29155

(D) "Parent" has the same meaning as in section 3313.98 of 29156  
the Revised Code. 29157

(E) "Registered private school" means a school registered 29158  
with the ~~superintendent of public instruction-~~director of 29159  
education and workforce pursuant to section 3313.976 of the 29160  
Revised Code. 29161

(F) "Alternative school" means a registered private school 29162  
located in a school district or a public school located in an 29163  
adjacent school district. 29164

(G) "Tutorial assistance" means instructional services 29165  
provided to a student outside of regular school hours approved 29166  
by the commission on school choice pursuant to section 3313.976 29167  
of the Revised Code. 29168

**Sec. 3313.975.** As used in this section and in sections 29169  
3313.976 to 3313.979 of the Revised Code, "the pilot project 29170  
school district" or "the district" means any school district 29171  
included in the pilot project scholarship program pursuant to 29172  
this section. 29173

(A) The ~~superintendent of public instruction-~~director of 29174  
education and workforce shall establish a-implement the pilot 29175  
project scholarship program and shall include in such program 29176  
any school districts that are or have ever been under federal 29177  
court order requiring supervision and operational management of 29178  
the district by the state superintendent or director. The 29179  
program shall provide for a number of students residing in any 29180

such district to receive scholarships to attend alternative 29181  
schools, and for an equal number of students to receive tutorial 29182  
assistance grants while attending public school in any such 29183  
district. 29184

(B) The ~~state superintendent~~ director shall establish an 29185  
application process and deadline for accepting applications from 29186  
students residing in the district to participate in the 29187  
scholarship program. In the initial year of the program students 29188  
may only use a scholarship to attend school in grades 29189  
kindergarten through third. 29190

The ~~state superintendent~~ director shall award as many 29191  
scholarships and tutorial assistance grants as can be funded 29192  
given the amount appropriated for the program. 29193

(C) (1) The pilot project program shall continue in effect 29194  
each year that the general assembly has appropriated sufficient 29195  
money to fund scholarships and tutorial assistance grants. In 29196  
each year the program continues, new students may receive 29197  
scholarships in grades kindergarten to twelve. A student who has 29198  
received a scholarship may continue to receive one until the 29199  
student has completed grade twelve. 29200

(2) If the general assembly discontinues the scholarship 29201  
program, all students who are attending an alternative school 29202  
under the pilot project shall be entitled to continued 29203  
admittance to that specific school through all grades that are 29204  
provided in such school, under the same conditions as when they 29205  
were participating in the pilot project. The ~~state~~ 29206  
~~superintendent~~ director shall continue to make scholarship 29207  
payments in accordance with section 3317.022 of the Revised Code 29208  
for students who remain enrolled in an alternative school under 29209  
this provision in any year that funds have been appropriated for 29210

this purpose. 29211

If funds are not appropriated, the tuition charged to the 29212  
parents of a student who remains enrolled in an alternative 29213  
school under this provision shall not be increased beyond the 29214  
amount equal to the amount of the scholarship plus any 29215  
additional amount charged that student's parent in the most 29216  
recent year of attendance as a participant in the pilot project, 29217  
except that tuition for all the students enrolled in such school 29218  
may be increased by the same percentage. 29219

(D) Notwithstanding sections 124.39 and 3311.83 of the 29220  
Revised Code, if the pilot project school district experiences a 29221  
decrease in enrollment due to participation in a state-sponsored 29222  
scholarship program pursuant to sections 3313.974 to 3313.979 of 29223  
the Revised Code, the district board of education may enter into 29224  
an agreement with any teacher it employs to provide to that 29225  
teacher severance pay or early retirement incentives, or both, 29226  
if the teacher agrees to terminate the employment contract with 29227  
the district board, provided any collective bargaining agreement 29228  
in force pursuant to Chapter 4117. of the Revised Code does not 29229  
prohibit such an agreement for termination of a teacher's 29230  
employment contract. 29231

**Sec. 3313.976.** (A) No private school may receive 29232  
scholarship payments from parents pursuant to section 3317.022 29233  
of the Revised Code until the chief administrator of the private 29234  
school registers the school with the ~~superintendent of public~~ 29235  
~~instruction~~ director of education and workforce. The ~~state~~ 29236  
~~superintendent~~ director shall register any school that meets the 29237  
following requirements: 29238

(1) The school does any of the following: 29239

(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district;	29240 29241 29242
(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:	29243 29244 29245
(i) Located in a municipal corporation with a population of fifteen thousand or more;	29246 29247
(ii) Located within five miles of the border of the pilot project school district.	29248 29249
(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:	29250 29251 29252 29253
(i) Located in a municipal corporation with a population of greater than ten thousand but less than thirteen thousand;	29254 29255
(ii) Located within five miles of the border of the pilot project school district;	29256 29257
(iii) Located in the same county as the pilot project school district.	29258 29259
(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;	29260 29261 29262 29263 29264 29265
(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except	29266 29267

that the ~~state superintendent~~ director at the ~~superintendent's~~ director's discretion may register nonchartered nonpublic schools meeting the other requirements of this division; 29268  
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(4) The school does not discriminate on the basis of race, religion, or ethnic background; 29271  
29272

(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; 29273  
29274  
29275

(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; 29276  
29277  
29278

(7) The school does not provide false or misleading information about the school to parents, students, or the general public; 29279  
29280  
29281

(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. 29282  
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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 29289  
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division. The school shall permit such tuition, at the 29297  
discretion of the parent, to be satisfied by the family's 29298  
provision of in-kind contributions or services. 29299

(10) The school agrees not to charge any tuition to 29300  
families of students in grades nine through twelve receiving a 29301  
scholarship in excess of the actual tuition charge of the school 29302  
less the scholarship amount established pursuant to division (A) 29303  
(11) (a) of section 3317.022 of the Revised Code, excluding any 29304  
increase described in that division. 29305

(11) It annually administers the applicable assessments 29306  
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 29307  
Revised Code to each scholarship student enrolled in the school 29308  
in accordance with section 3301.0711 or 3301.0712 of the Revised 29309  
Code and reports to the department of education the results of 29310  
each such assessment administered to each scholarship student, 29311  
unless one of the following applies to the student: 29312

(a) The student is excused from taking that assessment 29313  
under federal law, the student's individualized education 29314  
program, or division (C) (1) (c) (i) of section 3301.0711 of the 29315  
Revised Code. 29316

(b) The student is enrolled in a chartered nonpublic 29317  
school that meets the conditions specified in division (K) (2) or 29318  
(L) (4) of section 3301.0711 of the Revised Code. 29319

(c) The student is enrolled in any of grades three to 29320  
eight and takes an alternative standardized assessment under 29321  
division (K) (1) of section 3301.0711 of the Revised Code. 29322

(d) The student is excused from taking the assessment 29323  
prescribed under division (B) (1) of section 3301.0712 of the 29324  
Revised Code pursuant to division (C) (1) (c) (ii) of section 29325

3301.0711 of the Revised Code. 29326

(B) The ~~state superintendent~~ director shall revoke the 29327  
registration of any school if, after a hearing, the 29328  
~~superintendent~~ director determines that the school is in 29329  
violation of any of the provisions of division (A) of this 29330  
section. 29331

(C) Any public school located in a school district 29332  
adjacent to the pilot project school district may receive 29333  
scholarship payments on behalf of parents pursuant to section 29334  
3317.022 of the Revised Code if the superintendent of the 29335  
district in which such public school is located notifies the 29336  
~~state superintendent~~ director prior to the first day of March 29337  
that the district intends to admit students from the pilot 29338  
project school district for the ensuing school year pursuant to 29339  
section 3327.06 of the Revised Code. 29340

(D) Any parent wishing to purchase tutorial assistance 29341  
from any person or governmental entity pursuant to the pilot 29342  
project program under sections 3313.974 to 3313.979 of the 29343  
Revised Code shall apply to the ~~state superintendent~~ director. 29344  
The ~~state superintendent~~ director shall approve providers who 29345  
appear to possess the capability of furnishing the instructional 29346  
services they are offering to provide. 29347

**Sec. 3313.978.** (A) Annually by the first day of November, 29348  
the ~~superintendent of public instruction~~ director of education 29349  
and workforce shall notify the pilot project school district of 29350  
the number of initial scholarships that the ~~state superintendent~~ 29351  
director will be awarding in each of grades kindergarten through 29352  
twelve. 29353

The ~~state superintendent~~ director shall provide 29354

information about the scholarship program to all students 29355  
residing in the district and shall accept applications from any 29356  
such students during the application period established under 29357  
division (H) of this section. 29358

(1) A student receiving a pilot project scholarship may 29359  
utilize it at an alternative public school by notifying the 29360  
district superintendent, of the name of the public school in an 29361  
adjacent school district to which the student has been accepted 29362  
pursuant to section 3327.06 of the Revised Code. 29363

(2) A student may decide to utilize a pilot project 29364  
scholarship at a registered private school in the district if 29365  
all of the following conditions are met: 29366

(a) The parent makes an application on behalf of the 29367  
student to a registered private school. 29368

(b) The registered private school notifies the parent and 29369  
the ~~state superintendent~~ director as follows that the student 29370  
has been admitted: 29371

(i) By the school pursuant to division (A) of section 29372  
3313.977 of the Revised Code; 29373

(ii) By the school pursuant to division (C) of section 29374  
3313.977 of the Revised Code. 29375

(c) The student actually enrolls in the registered private 29376  
school to which the student was first admitted or in another 29377  
registered private school in the district or in a public school 29378  
in an adjacent school district. 29379

(B) The ~~state superintendent~~ director of education and 29380  
workforce shall also award in any school year tutorial 29381  
assistance grants to a number of students equal to the number of 29382

students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the ~~state superintendent~~ director by the first day of the school year in which the assistance will be used. The ~~state superintendent~~ director shall award assistance grants in accordance with criteria the ~~superintendent~~ director shall establish.

(C) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual charges for such assistance or:

(1) Before fiscal year 2007, a percentage established by the ~~state superintendent~~ director, not to exceed twenty per cent, of the amount of the pilot project school district's average basic scholarship amount;

(2) In fiscal year 2007 and thereafter, four hundred dollars.

(D) (1) Annually by the first day of November, the ~~state superintendent~~ director shall estimate the maximum per-pupil scholarship amounts for the ensuing school year. The ~~state superintendent~~ director shall make this estimate available to the general public at the offices of the district board of education together with the forms required by division (D) (2) of this section.

(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 29441  
shall assign a code to that student and submit the code to the 29442  
department or parent by a date specified by the department. If 29443  
the district does not assign a code to the student by the 29444  
specified date, the department shall assign a code to the 29445  
student. 29446

The department annually shall submit to each school 29447  
district the name and data verification code of each student 29448  
residing in the district who is entering kindergarten, who has 29449  
been awarded a scholarship under the program, and for whom the 29450  
department has assigned a code under this division. 29451

(3) The department shall not release any data verification 29452  
code that it receives under division (E) of this section to any 29453  
person except as provided by law. 29454

(F) Any document relative to the pilot project scholarship 29455  
program that the department holds in its files that contains 29456  
both a student's name or other personally identifiable 29457  
information and the student's data verification code shall not 29458  
be a public record under section 149.43 of the Revised Code. 29459

(G) (1) The department annually shall compile the scores 29460  
attained by scholarship students enrolled in registered private 29461  
schools on the assessments administered to the students pursuant 29462  
to division (A) (11) of section 3313.976 of the Revised Code. The 29463  
scores shall be aggregated as follows: 29464

(a) By school district, which shall include all 29465  
scholarship students residing in the pilot project school 29466  
district who are enrolled in a registered private school and 29467  
were required to take an assessment pursuant to division (A) (11) 29468  
of section 3313.976 of the Revised Code; 29469

(b) By registered private school, which shall include all 29470  
scholarship students enrolled in that school who were required 29471  
to take an assessment pursuant to division (A)(11) of section 29472  
3313.976 of the Revised Code. 29473

(2) The department shall disaggregate the student 29474  
performance data described in division (G)(1) of this section 29475  
according to the following categories: 29476

(a) Grade level; 29477

(b) Race and ethnicity; 29478

(c) Gender; 29479

(d) Students who have participated in the scholarship 29480  
program for three or more years; 29481

(e) Students who have participated in the scholarship 29482  
program for more than one year and less than three years; 29483

(f) Students who have participated in the scholarship 29484  
program for one year or less; 29485

(g) Economically disadvantaged students. 29486

(3) The department shall post the student performance data 29487  
required under divisions (G)(1) and (2) of this section on its 29488  
web site and shall include that data in the information about 29489  
the scholarship program provided to students under division (A) 29490  
of this section. In reporting student performance data under 29491  
this division, the department shall not include any data that is 29492  
statistically unreliable or that could result in the 29493  
identification of individual students. For this purpose, the 29494  
department shall not report performance data for any group that 29495  
contains less than ten students. 29496

(4) The department shall provide the parent of each 29497  
scholarship student enrolled in a registered private school with 29498  
information comparing the student's performance on the 29499  
assessments administered pursuant to division (A)(11) of section 29500  
3313.976 of the Revised Code with the average performance of 29501  
similar students enrolled in the building operated by the pilot 29502  
project school district that the scholarship student would 29503  
otherwise attend. In calculating the performance of similar 29504  
students, the department shall consider age, grade, race and 29505  
ethnicity, gender, and socioeconomic status. 29506

(H) The department shall open the application period on 29507  
the first day of February prior to the first day of July of the 29508  
school year for which a scholarship is sought. Not later than 29509  
forty-five days after an applicant submits to the department of 29510  
education and workforce a completed application, the department 29511  
~~of education~~ shall determine whether that applicant is eligible 29512  
for a scholarship and notify the applicant whether or not the 29513  
applicant is eligible. The department ~~of education~~ shall award a 29514  
scholarship to each student with an approved application. 29515  
However, for any application submitted after the beginning of 29516  
the school year, the department ~~of education~~ shall prorate the 29517  
amount of the awarded scholarship based on how much of the 29518  
school year remains. 29519

**Sec. 3313.979.** Each grant to be used for payments to an 29520  
approved tutorial assistance provider is payable to the approved 29521  
tutorial assistance provider. 29522

(A) By the fifteenth day of each month of the school year 29523  
that any scholarship students are enrolled in a registered 29524  
private school, the chief administrator of that school shall 29525  
notify the ~~state superintendent~~ director of education and 29526

<u>workforce of:</u>	29527
(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;	29528 29529 29530 29531 29532
(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.	29533 29534 29535 29536 29537 29538
(B) Whenever an approved provider provides tutorial assistance to a student, the <del>state superintendent</del> <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.	29539 29540 29541 29542 29543 29544 29545 29546 29547 29548 29549
<b>Sec. 3313.98.</b> 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.	29550 29551 29552 29553 29554 29555

(A) As used in this section and sections 3313.981 to	29556
3313.983 of the Revised Code:	29557
(1) "Parent" means either of the natural or adoptive	29558
parents of a student, except under the following conditions:	29559
(a) When the marriage of the natural or adoptive parents	29560
of the student has been terminated by a divorce, dissolution of	29561
marriage, or annulment or the natural or adoptive parents of the	29562
student are living separate and apart under a legal separation	29563
decree and the court has issued an order allocating the parental	29564
rights and responsibilities with respect to the student,	29565
"parent" means the residential parent as designated by the court	29566
except that "parent" means either parent when the court issues a	29567
shared parenting decree.	29568
(b) When a court has granted temporary or permanent	29569
custody of the student to an individual or agency other than	29570
either of the natural or adoptive parents of the student,	29571
"parent" means the legal custodian of the child.	29572
(c) When a court has appointed a guardian for the student,	29573
"parent" means the guardian of the student.	29574
(2) "Native student" means a student entitled under	29575
section 3313.64 or 3313.65 of the Revised Code to attend school	29576
in a district adopting a resolution under this section.	29577
(3) "Adjacent district" means a city, exempted village, or	29578
local school district having territory that abuts the territory	29579
of a district adopting a resolution under this section.	29580
(4) "Adjacent district student" means a student entitled	29581
under section 3313.64 or 3313.65 of the Revised Code to attend	29582
school in an adjacent district.	29583

(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 29613  
establishing for the school district one of the following 29614  
policies: 29615

(a) A policy that entirely prohibits the enrollment of 29616  
students from adjacent districts or other districts, other than 29617  
students for whom tuition is paid in accordance with section 29618  
3317.08 of the Revised Code; 29619

(b) A policy that permits enrollment of students from all 29620  
adjacent districts in accordance with policy statements 29621  
contained in the resolution; 29622

(c) A policy that permits enrollment of students from all 29623  
other districts in accordance with policy statements contained 29624  
in the resolution. 29625

(2) A policy permitting enrollment of students from 29626  
adjacent or from other districts, as applicable, shall provide 29627  
for all of the following: 29628

(a) Application procedures, including deadlines for 29629  
application and for notification of students and the 29630  
superintendent of the applicable district whenever an adjacent 29631  
or other district student's application is approved. 29632

(b) Procedures for admitting adjacent or other district 29633  
applicants free of any tuition obligation to the district's 29634  
schools, including, but not limited to: 29635

(i) The establishment of district capacity limits by grade 29636  
level, school building, and education program; 29637

(ii) A requirement that all native students wishing to be 29638  
enrolled in the district will be enrolled and that any adjacent 29639  
or other district students previously enrolled in the district 29640

shall receive preference over first-time applicants; 29641

(iii) Procedures to ensure that an appropriate racial 29642  
balance is maintained in the district schools. 29643

(C) Except as provided in section 3313.982 of the Revised 29644  
Code, the procedures for admitting adjacent or other district 29645  
students, as applicable, shall not include: 29646

(1) Any requirement of academic ability, or any level of 29647  
athletic, artistic, or other extracurricular skills; 29648

(2) Limitations on admitting applicants because of 29649  
disability, except that a board may refuse to admit a student 29650  
receiving services under Chapter 3323. of the Revised Code, if 29651  
the services described in the student's IEP are not available in 29652  
the district's schools; 29653

(3) A requirement that the student be proficient in the 29654  
English language; 29655

(4) Rejection of any applicant because the student has 29656  
been subject to disciplinary proceedings, except that if an 29657  
applicant has been suspended or expelled by the student's 29658  
district for ten consecutive days or more in the term for which 29659  
admission is sought or in the term immediately preceding the 29660  
term for which admission is sought, the procedures may include a 29661  
provision denying admission of such applicant. 29662

(D) (1) Each school board permitting only enrollment of 29663  
adjacent district students shall provide information about the 29664  
policy adopted under this section, including the application 29665  
procedures and deadlines, to the superintendent and the board of 29666  
education of each adjacent district and, upon request, to the 29667  
parent of any adjacent district student. 29668

(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. 29698

(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. 29699  
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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. 29709  
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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. 29718  
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**Sec. 3313.981.** (A) The ~~state board~~ department of education and workforce shall adopt rules requiring all of the following: 29722  
29723

(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: 29724  
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29726

(a) The number of adjacent district or other district students in grades kindergarten through twelve, as applicable,	29727
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;	29728 29729 29730 29731 29732 29733 29734
(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;	29735 29736 29737 29738 29739 29740
(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;	29741 29742 29743
(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;	29744 29745 29746 29747
(e) Each native student's date of enrollment in an adjacent or other district.	29748 29749
(2) The board of education of each joint vocational school district to annually report to the department all of the following:	29750 29751 29752
(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;	29753 29754 29755

(b) The full-time equivalent number of adjacent district 29756  
or other district joint vocational students enrolled in each 29757  
category of career-technical education programs or classes 29758  
described in section 3317.014 of the Revised Code; 29759

(c) For each adjacent district or other district joint 29760  
vocational student, the city, exempted village, or local school 29761  
district in which the student is also enrolled. 29762

(3) Prior to the end of each reporting period specified in 29763  
section 3317.03 of the Revised Code, the superintendent of each 29764  
city, local, or exempted village school district that admits 29765  
adjacent district or other district students who are in grades 29766  
kindergarten through twelve, adjacent district or other district 29767  
students who are preschool children with disabilities, or 29768  
adjacent district or other district joint vocational students in 29769  
accordance with a policy adopted under division (B) of section 29770  
3313.98 of the Revised Code to report to the department ~~of~~ 29771  
~~education~~ each adjacent or other district's students and where 29772  
those students who are enrolled in the superintendent's district 29773  
under the policy are entitled to attend school under section 29774  
3313.64 or 3313.65 of the Revised Code. 29775

The rules shall provide for the method of counting 29776  
students who are enrolled for part of a school year in an 29777  
adjacent or other district or as an adjacent district or other 29778  
district joint vocational student. 29779

(B) From the payments made to a city, exempted village, or 29780  
local school district under Chapter 3317. of the Revised Code 29781  
and, if necessary, from the payments made to the district under 29782  
sections 321.24 and 323.156 of the Revised Code, the department 29783  
~~of education~~ shall annually subtract, for each native student 29784  
who is a preschool child with a disability reported under 29785

division (A) (1) of this section who is enrolled in an adjacent 29786  
or other district pursuant to policies adopted by such a 29787  
district under division (B) of section 3313.98 of the Revised 29788  
Code, \$4,000. 29789

(C) To the payments made to a city, exempted village, or 29790  
local school district under Chapter 3317. of the Revised Code, 29791  
the department ~~of education~~ shall annually add, for each 29792  
adjacent district or other district student who is a preschool 29793  
child with a disability reported under division (A) (1) of this 29794  
section who is enrolled in the district, \$4,000. 29795

(D) No city, exempted village, or local school district 29796  
shall receive a payment under division (C) of this section for a 29797  
student if for the same school year that student is counted in 29798  
the district's enrollment certified under section 3317.03 of the 29799  
Revised Code. 29800

(E) Upon request of a parent, and provided the board 29801  
offers transportation to native students of the same grade level 29802  
and distance from school under section 3327.01 of the Revised 29803  
Code, a city, exempted village, or local school board enrolling 29804  
an adjacent or other district student shall provide 29805  
transportation for the student within the boundaries of the 29806  
board's district, except that the board shall be required to 29807  
pick up and drop off a nonhandicapped student only at a regular 29808  
school bus stop designated in accordance with the board's 29809  
transportation policy. Pursuant to rules of the ~~state board of~~ 29810  
~~education~~ department, such board may reimburse the parent from 29811  
funds received for pupil transportation under section 3317.0212 29812  
of the Revised Code, or other provisions of law, for the 29813  
reasonable cost of transportation from the student's home to the 29814  
designated school bus stop if the student's family has an income 29815

below the federal poverty line. 29816

**Sec. 3313.982.** Notwithstanding division (C)(1) of section 29817  
3313.97 and division (C)(1) of section 3313.98 of the Revised 29818  
Code: 29819

(A) Any school district board operating any schools on 29820  
October 1, 1989, admission to which was restricted to students 29821  
possessing certain academic, athletic, artistic, or other 29822  
skills, may continue to restrict admission to such schools. 29823

(B) Any district board that did not operate any schools 29824  
described by division (A) of this section on October 1, 1989, 29825  
and that desires to begin restricting admission to any school on 29826  
the basis of student academic, athletic, artistic, or other 29827  
skills, may submit a plan proposing such restricted admission to 29828  
the ~~state board~~ department of education. If the ~~board~~ department 29829  
finds that the plan will generally promote increased educational 29830  
opportunities for students in the district and will not unduly 29831  
restrict opportunities for some students, it may approve the 29832  
plan and the district board may implement it during the next 29833  
ensuing school year. 29834

**Sec. 3314.011.** (A) Every community school established 29835  
under this chapter shall have a designated fiscal officer. 29836  
Except as provided for in division (C) of this section, the 29837  
fiscal officer shall be employed by or engaged under a contract 29838  
with the governing authority of the community school. 29839

(B) Except as otherwise provided in section 3.061 of the 29840  
Revised Code, the auditor of state shall require that the fiscal 29841  
officer of any community school, before entering upon duties as 29842  
fiscal officer of the school, execute a bond in an amount and 29843  
with surety to be approved by the governing authority of the 29844

school, payable to the state, conditioned for the faithful 29845  
performance of all the official duties required of the fiscal 29846  
officer. The bond shall be deposited with the governing 29847  
authority of the school, and a copy thereof, certified by the 29848  
governing authority, shall be filed with the county auditor. 29849

(C) Prior to assuming the duties of fiscal officer, the 29850  
fiscal officer designated under this section shall be licensed 29851  
under section 3301.074 of the Revised Code. Any person serving 29852  
as a fiscal officer of a community school on March 22, 2013, who 29853  
is not licensed as a treasurer shall be permitted to serve as a 29854  
fiscal officer for not more than one year following March 22, 29855  
2013. Beginning on that date and thereafter, no community school 29856  
shall permit any individual to serve as a fiscal officer without 29857  
a license as required by this section. 29858

(D) (1) The governing authority of a community school may 29859  
adopt a resolution waiving the requirement that the governing 29860  
authority is the party responsible to employ or contract with 29861  
the designated fiscal officer, as prescribed by division (A) of 29862  
this section, so long as the school's sponsor also approves the 29863  
resolution. The resolution shall be valid for one year. A new 29864  
resolution shall be adopted for each year that the governing 29865  
authority wishes to waive this requirement, so long as the 29866  
school's sponsor also approves the resolution. 29867

No resolution adopted pursuant to this division may waive 29868  
the requirement for a community school to have a designated 29869  
fiscal officer. 29870

(2) If the governing authority adopts a resolution 29871  
pursuant to division (D) (1) of this section, the school's 29872  
designated fiscal officer annually shall meet with the governing 29873  
authority to review the school's financial status. 29874

(3) The governing authority shall submit to the department of education and workforce a copy of each resolution adopted pursuant to division (D)(1) of this section.

**Sec. 3314.012.** (A) ~~Within ninety days of September 28, 1999, the superintendent of public instruction~~ The director of education and workforce shall appoint representatives of the department of education and workforce, including employees who work with the education management information system, to a committee to develop report card models for community schools. The committee shall design model report cards appropriate for the various types of community schools approved to operate in the state. Sufficient models shall be developed to reflect the variety of grade levels served and the missions of the state's community schools. All models shall include both financial and academic data. ~~The initial models shall be developed by March 31, 2000.~~

(B) Except as provided in section 3314.017 of the Revised Code, the department of education and workforce shall issue an annual report card for each community school, regardless of how long the school has been in operation. The report card shall report the academic and financial performance of the school utilizing one of the models developed under division (A) of this section. The report card shall include all information applicable to school buildings under section 3302.03 of the Revised Code. The ratings a community school receives under section 3302.03 of the Revised Code for its first two full school years shall not be considered toward automatic closure of the school under section 3314.35 of the Revised Code or any other matter that is based on report card ratings.

(C) Upon receipt of a copy of a contract between a sponsor

and a community school entered into under this chapter, the 29905  
department of education shall notify the community school of the 29906  
specific model report card that will be used for that school. 29907

(D) Report cards shall be distributed to the parents of 29908  
all students in the community school, to the members of the 29909  
board of education of the school district in which the community 29910  
school is located, and to any person who requests one from the 29911  
department. 29912

**Sec. 3314.013.** (A) Until May 22, 2013, no internet- or 29913  
computer-based community school shall operate unless the school 29914  
was open for instruction as of May 1, 2005. No entity described 29915  
in division (C) (1) of section 3314.02 of the Revised Code shall 29916  
enter into a contract to sponsor an internet- or computer-based 29917  
community school, including a conversion school, between May 1, 29918  
2005, and May 22, 2013, except as follows: 29919

(1) The entity may renew a contract that the entity 29920  
entered into with an internet- or computer-based community 29921  
school prior to May 1, 2005, if the school was open for 29922  
operation as of that date. 29923

(2) The entity may assume sponsorship of an existing 29924  
internet- or computer-based community school that was formerly 29925  
sponsored by another entity and may enter into a contract with 29926  
that community school in accordance with section 3314.03 of the 29927  
Revised Code. 29928

If a sponsor entered into a contract with an internet- or 29929  
computer-based community school, including a conversion school, 29930  
but the school was not open for operation as of May 1, 2005, the 29931  
contract shall be void and the entity shall not enter into 29932  
another contract with the school until May 22, 2013. 29933

(B) (1) Beginning on July 1, 2013, up to five new internet- 29934  
or computer-based community schools may open each year, subject 29935  
to approval of the ~~superintendent of public instruction~~ director 29936  
of education and workforce under division (B) (2) of this 29937  
section. 29938

(2) The ~~superintendent of public instruction~~ director 29939  
shall approve applications for new internet- or computer-based 29940  
community schools from only those applicants demonstrating 29941  
experience and quality. 29942

The ~~state board~~ department of education and workforce 29943  
shall adopt rules prescribing measures to determine experience 29944  
and quality of applicants in accordance with Chapter 119. of the 29945  
Revised Code. The measures shall include, but not be limited to, 29946  
the following considerations: 29947

- (a) The sponsor's experience with online schools; 29948
- (b) The operator's experience with online schools; 29949
- (c) The sponsor's and operator's previous record for 29950  
student performance; 29951
- (d) A preference for operators with previous experience in 29952  
Ohio. 29953

~~The state board shall adopt the rules so that they are~~ 29954  
~~effective May 22, 2013.~~ 29955

(3) The ~~department of education~~ shall notify any new 29956  
internet- or computer-based community school governed by 29957  
division (B) of this section of whether the ~~superintendent~~ 29958  
director has approved or disapproved the school's application to 29959  
open for the 2013-2014 school year not later than July 1, 2013. 29960  
Notwithstanding the dates prescribed for adoption and signing on 29961

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;	29992
(2) Approve entities to be sponsors of community schools;	29993
(3) Monitor and evaluate, as required under section	29994
3314.016 of the Revised Code, the effectiveness of any and all	29995
sponsors in their oversight of the schools with which they have	29996
contracted;	29997
(4) By December thirty-first of each year, issue a report	29998
to the governor, the speaker of the house of representatives,	29999
the president of the senate, and the chairpersons of the house	30000
and senate committees principally responsible for education	30001
matters regarding the effectiveness of academic programs,	30002
operations, and legal compliance and of the financial condition	30003
of all community schools established under this chapter and on	30004
the performance of community school sponsors;	30005
(5) From time to time, make legislative recommendations to	30006
the general assembly designed to enhance the operation and	30007
performance of community schools.	30008
(B) (1) Except as provided in sections 3314.021 and	30009
3314.027 of the Revised Code, no entity shall enter into a	30010
preliminary agreement under division (C) (2) of section 3314.02	30011
of the Revised Code or renew an existing contract to sponsor a	30012
community school until it has received approval from the	30013
department of <del>education</del> to sponsor community schools under this	30014
chapter and has entered into a written agreement with the	30015
department regarding the manner in which the entity will conduct	30016
such sponsorship.	30017
On and after July 1, 2017, each entity that sponsors a	30018
community school in this state, except for an entity described	30019
in sections 3314.021 and 3314.027 of the Revised Code, shall	30020

attain approval from the department in order to continue 30021  
sponsoring schools regardless of whether that entity intends to 30022  
enter into a preliminary agreement or renew an existing 30023  
contract. 30024

All new and renewed agreements between the department and 30025  
a sponsor shall contain specific language addressing the 30026  
parameters under which the department can intervene and 30027  
potentially revoke sponsorship authority in the event that the 30028  
sponsor is unwilling or unable to fulfill its obligations. 30029  
Additionally, each agreement shall set forth any territorial 30030  
restrictions and limits on the number of schools that entity may 30031  
sponsor, provide for an annual evaluation process, and include a 30032  
stipulation permitting the department to modify the agreement 30033  
under the following circumstances: 30034

(a) Poor fiscal management; 30035

(b) Lack of academic progress. 30036

(2) The initial term of a sponsor's agreement with the 30037  
department shall be for up to five years. 30038

(a) An agreement entered into with the department pursuant 30039  
to this section may be renewed for a term of up to ten years 30040  
using the following criteria: 30041

(i) The academic performance of students enrolled in each 30042  
community school the entity sponsors, as determined by the 30043  
department pursuant to division (B) (1) (a) of section 3314.016 of 30044  
the Revised Code; 30045

(ii) The sponsor's adherence to quality practices, as 30046  
determined by the department pursuant to division (B) (1) (b) of 30047  
section 3314.016 of the Revised Code; 30048

(iii) The sponsor's compliance with all applicable laws and administrative rules. 30049  
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(b) Each agreement between the department and a sponsor shall specify that entities with an overall rating of "exemplary" for at least two consecutive years shall not be subject to the limit on the number of community schools the entity may sponsor or any territorial restrictions on sponsorship, for so long as that entity continues to be rated "exemplary." 30051  
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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. 30058  
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Subject to section 3314.016 of the Revised Code, an entity 30078

that sponsors community schools may enter into preliminary 30079  
agreements and sponsor up to one hundred schools, provided each 30080  
school and the contract for sponsorship meets the requirements 30081  
of this chapter. 30082

(3) The ~~state board of education~~ department shall 30083  
determine, pursuant to criteria specified in rules adopted in 30084  
accordance with Chapter 119. of the Revised Code, whether the 30085  
mission proposed to be specified in the contract of a community 30086  
school to be sponsored by a state university board of trustees 30087  
or the board's designee under division (C)(1)(e) of section 30088  
3314.02 of the Revised Code complies with the requirements of 30089  
that division. Such determination of the ~~state board~~ department 30090  
is final. 30091

(4) The ~~state board of education~~ department shall 30092  
determine, pursuant to criteria specified in rules adopted in 30093  
accordance with Chapter 119. of the Revised Code, if any tax- 30094  
exempt entity under section 501(c)(3) of the Internal Revenue 30095  
Code that is proposed to be a sponsor of a community school is 30096  
an education-oriented entity for purpose of satisfying the 30097  
condition prescribed in division (C)(1)(f)(iii) of section 30098  
3314.02 of the Revised Code. Such determination of the ~~state-~~ 30099  
~~board~~ department is final. 30100

(C) If at any time the ~~state board of education~~ department 30101  
finds that a sponsor is not in compliance or is no longer 30102  
willing to comply with its contract with any community school or 30103  
with the department's rules for sponsorship, the ~~state board or-~~ 30104  
~~designee~~ department shall conduct a hearing in accordance with 30105  
Chapter 119. of the Revised Code on that matter. If after the 30106  
hearing, the ~~state board or designee~~ department has confirmed 30107  
the original finding, ~~the department of education~~ it may revoke 30108

the sponsor's approval to sponsor community schools. In that 30109  
case, the department's office of Ohio school sponsorship, 30110  
established under section 3314.029 of the Revised Code, may 30111  
assume the sponsorship of any schools with which the sponsor has 30112  
contracted until the earlier of the expiration of two school 30113  
years or until a new sponsor as described in division (C) (1) of 30114  
section 3314.02 of the Revised Code is secured by the school's 30115  
governing authority. The office of Ohio school sponsorship may 30116  
extend the term of the contract in the case of a school for 30117  
which it has assumed sponsorship under this division as 30118  
necessary to accommodate the term of the department's 30119  
authorization to sponsor the school specified in this division. 30120  
Community schools sponsored under this division shall not apply 30121  
to the limit on directly authorized community schools under 30122  
division (A) (3) of section 3314.029 of the Revised Code. 30123  
However, nothing in this division shall preclude a community 30124  
school affected by this division from applying for sponsorship 30125  
under that section. 30126

(D) The decision of the department to disapprove an entity 30127  
for sponsorship of a community school or to revoke approval for 30128  
such sponsorship under division (C) of this section, may be 30129  
appealed by the entity in accordance with section 119.12 of the 30130  
Revised Code. 30131

(E) The department shall adopt procedures for use by a 30132  
community school governing authority and sponsor when the school 30133  
permanently closes and ceases operation, which shall include at 30134  
least procedures for data reporting to the department, handling 30135  
of student records, distribution of assets in accordance with 30136  
section 3314.074 of the Revised Code, and other matters related 30137  
to ceasing operation of the school. 30138

(F) (1) In lieu of revoking a sponsor's authority to sponsor community schools under division (C) of this section, if the department finds that a sponsor is not in compliance with applicable laws and administrative rules, the department shall declare in a written notice to the sponsor the specific laws or rules, or both, for which the sponsor is noncompliant. A sponsor notified under division (F) (1) of this section shall respond to the department not later than fourteen days after the notification with a proposed plan to remedy the conditions for which the sponsor was found to be noncompliant. The department shall approve or disapprove the plan not later than fourteen days after receiving it. If the plan is disapproved, the sponsor may submit a revised plan to the department not later than fourteen days after receiving notification of disapproval from the department or not later than sixty days after the date the sponsor received notification of noncompliance from the department, whichever is earlier. The department shall approve or disapprove the revised plan not later than fourteen days after receiving it or not later than sixty days after the date the sponsor received notification of noncompliance from the department, whichever is earlier. A sponsor may continue to make revisions by the deadlines prescribed in division (F) (1) of this section to any revised plan that is disapproved by the department until the sixtieth day after the date the sponsor received notification of noncompliance from the department.

If a plan or a revised plan is approved, the sponsor shall implement it not later than sixty days after the date the sponsor received notification of noncompliance from the department or not later than thirty days after the plan is approved, whichever is later. If a sponsor does not respond to the department or implement an approved compliance plan by the

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 30199  
sponsors a community school, regardless of whether section 30200  
3314.021 or 3314.027 of the Revised Code exempts the entity from 30201  
the requirement to be approved for sponsorship under divisions 30202  
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 30203  
office of Ohio school sponsorship established under section 30204  
3314.029 of the Revised Code shall be rated under division (B) 30205  
of this section, but divisions (A) and (C) of this section do 30206  
not apply to the office. 30207

(A) An entity that sponsors a community school shall be 30208  
permitted to enter into contracts under section 3314.03 of the 30209  
Revised Code to sponsor additional community schools only if the 30210  
entity meets all of the following criteria: 30211

(1) The entity is in compliance with all provisions of 30212  
this chapter requiring sponsors of community schools to report 30213  
data or information to the department of education and 30214  
workforce. 30215

(2) The entity is not rated as "ineffective" under 30216  
division (B) (6) of this section. 30217

(3) Except as set forth in sections 3314.021 and 3314.027 30218  
of the Revised Code, the entity has received approval from and 30219  
entered into an agreement with the department ~~of education~~ 30220  
pursuant to section 3314.015 of the Revised Code. 30221

(B) (1) The department shall develop and implement an 30222  
evaluation system that annually rates and assigns an overall 30223  
rating to each entity that sponsors a community school. The 30224  
department, not later than the first day of February of each 30225  
year, shall post on the department's web site the framework for 30226  
the evaluation system, including technical documentation that 30227

the department intends to use to rate sponsors for the next 30228  
school year. The department shall solicit public comment on the 30229  
evaluation system for thirty consecutive days. Not later than 30230  
the first day of April of each year, the department shall 30231  
compile and post on the department's web site all public 30232  
comments that were received during the public comment period. 30233  
The evaluation system shall be posted on the department's web 30234  
site by the fifteenth day of July of each school year. Any 30235  
changes to the evaluation system after that date shall take 30236  
effect the following year. The evaluation system shall be based 30237  
on the following components: 30238

(a) Academic performance of students enrolled in community 30239  
schools sponsored by the same entity. The academic performance 30240  
component shall be derived from the performance measures 30241  
prescribed for the state report cards under section 3302.03 or 30242  
3314.017 of the Revised Code, and shall be based on the 30243  
performance of the schools for the school year for which the 30244  
evaluation is conducted. In addition to the academic performance 30245  
for a specific school year, the academic performance component 30246  
shall also include year-to-year changes in the overall sponsor 30247  
portfolio. For a community school for which no graded 30248  
performance measures are applicable or available, the department 30249  
shall use nonreport card performance measures specified in the 30250  
contract between the community school and the sponsor under 30251  
division (A) (4) of section 3314.03 of the Revised Code. 30252

(b) Adherence by a sponsor to the quality practices 30253  
prescribed by the department under division (B) (3) of this 30254  
section. For a sponsor that was rated "effective" or "exemplary" 30255  
on its most recent rating, the department may evaluate that 30256  
sponsor's adherence to quality practices once over a period of 30257  
three years. If the department elects to evaluate a sponsor once 30258

over a period of three years, the most recent rating for a 30259  
sponsor's adherence to quality practices shall be used when 30260  
determining an annual overall rating conducted under this 30261  
section. 30262

(c) Compliance with all applicable laws and administrative 30263  
rules by an entity that sponsors a community school. 30264

Under the evaluation system prescribed under division (B) 30265  
(1) of this section, the department shall not assign an overall 30266  
rating of "ineffective" or lower to an entity that sponsors a 30267  
community school solely because that entity received no points 30268  
on one of the components prescribed under that division. 30269

(2) In calculating an academic performance component, the 30270  
department shall exclude all community schools that have been in 30271  
operation for not more than two full school years and all 30272  
community schools described in division (A) (4) (b) of section 30273  
3314.35 of the Revised Code. However, the academic performance 30274  
of the community schools described in division (A) (4) (b) of 30275  
section 3314.35 of the Revised Code shall be reported, but shall 30276  
not be used as a factor when determining a sponsoring entity's 30277  
rating under this section. 30278

(3) The department, in consultation with entities that 30279  
sponsor community schools, shall prescribe quality practices for 30280  
community school sponsors and develop an instrument to measure 30281  
adherence to those quality practices. The quality practices 30282  
shall be based on standards developed by the national 30283  
association of charter school authorizers or any other 30284  
nationally organized community school organization. 30285

(4) (a) The department may permit peer review of a 30286  
sponsor's adherence to the quality practices prescribed under 30287

division (B) (3) of this section. Peer reviewers shall be limited 30288  
to individuals employed by sponsors rated "effective" or 30289  
"exemplary" on the most recent ratings conducted under this 30290  
section. 30291

(b) The department shall require individuals participating 30292  
in peer review under division (B) (4) (a) of this section to 30293  
complete training approved or established by the department. 30294

(c) The department may enter into an agreement with 30295  
another entity to provide training to individuals conducting 30296  
peer review of sponsors. Prior to entering into an agreement 30297  
with an entity, the department shall review and approve of the 30298  
entity's training program. 30299

(5) The ~~state board~~ director of education and workforce 30300  
shall adopt rules in accordance with Chapter 119. of the Revised 30301  
Code prescribing standards for measuring compliance with 30302  
applicable laws and rules under division (B) (1) (c) of this 30303  
section. 30304

(6) The department annually shall rate all entities that 30305  
sponsor community schools as either "exemplary," "effective," 30306  
"ineffective," or "poor," based on the components prescribed by 30307  
division (B) of this section, where each component is weighted 30308  
equally. A separate rating shall be given by the department for 30309  
each component of the evaluation system. 30310

The department shall publish the ratings between the first 30311  
day of October and the fifteenth day of November. 30312

Prior to the publication of the final ratings, the 30313  
department shall designate and provide notice of a period of at 30314  
least ten business days during which each sponsor may review the 30315  
information used by the department to determine the sponsor's 30316

rating on the components prescribed by division (B) (1) of this 30317  
section. If the sponsor believes there is an error in the 30318  
department's evaluation, the sponsor may request adjustments to 30319  
the rating of any of those components based on documentation 30320  
previously submitted as part of an evaluation. The sponsor shall 30321  
provide to the department any necessary evidence or information 30322  
to support the requested adjustments. The department shall 30323  
review the evidence and information, determine whether an 30324  
adjustment is valid, and promptly notify the sponsor of its 30325  
determination and reasons. If any adjustments to the data could 30326  
result in a change to the rating on the applicable component or 30327  
to the overall rating, the department shall recalculate the 30328  
ratings prior to publication. 30329

The department shall provide training on an annual basis 30330  
regarding the evaluation system prescribed under this section. 30331  
The training shall, at a minimum, describe methodology, 30332  
timelines, and data required for the evaluation system. The 30333  
first training session shall occur not later than March 2, 2016. 30334  
Beginning in 2018, the training shall be made available to each 30335  
entity that sponsors a community school by the fifteenth day of 30336  
July of each year and shall include guidance on any changes made 30337  
to the evaluation system. 30338

(7) (a) Entities with an overall rating of "exemplary" for 30339  
the two most recent years in which the entity was evaluated may 30340  
take advantage of the following incentives: 30341

(i) Renewal of the written agreement with the department, 30342  
not to exceed ten years, provided that the entity consents to 30343  
continued evaluation of adherence to quality practices as 30344  
described in division (B) (1) (b) of this section; 30345

(ii) The ability to extend the term of the contract 30346

between the sponsoring entity and the community school beyond 30347  
the term described in the written agreement with the department; 30348

(iii) An exemption from the preliminary agreement and 30349  
contract adoption and execution deadline requirements prescribed 30350  
in division (D) of section 3314.02 of the Revised Code; 30351

(iv) An exemption from the automatic contract expiration 30352  
requirement, should a new community school fail to open by the 30353  
thirtieth day of September of the calendar year in which the 30354  
community school contract is executed; 30355

(v) No limit on the number of community schools the entity 30356  
may sponsor; 30357

(vi) No territorial restrictions on sponsorship. 30358

An entity may continue to sponsor any community schools 30359  
with which it entered into agreements under division (B) (7) (a) 30360  
(v) or (vi) of this section while rated "exemplary," 30361  
notwithstanding the fact that the entity later receives a lower 30362  
overall rating. 30363

(b) Entities with an overall rating of "exemplary" or 30364  
"effective" for the three most recent years in which the entity 30365  
was evaluated shall be evaluated by the department once every 30366  
three years. 30367

(c) (i) Entities that receive an overall rating of 30368  
"ineffective" shall be prohibited from sponsoring any new or 30369  
additional community schools during the time in which the 30370  
sponsor is rated as "ineffective" and shall be subject to a 30371  
quality improvement plan based on correcting the deficiencies 30372  
that led to the "ineffective" rating, with timelines and 30373  
benchmarks that have been established by the department. 30374

(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. 30406  
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(C) If the governing authority of a community school enters into a contract with a sponsor prior to the date on which the sponsor is prohibited from sponsoring additional schools under division (A) of this section and the school has not opened for operation as of that date, that contract shall be void and the school shall not open until the governing authority secures a new sponsor by entering into a contract with the new sponsor under section 3314.03 of the Revised Code. However, the department's office of Ohio school sponsorship, established under section 3314.029 of the Revised Code, may assume the sponsorship of the school until the earlier of the expiration of two school years or until a new sponsor is secured by the school's governing authority. A community school sponsored by the department under this division shall not be included when calculating the maximum number of directly authorized community schools permitted under division (A) (3) of section 3314.029 of the Revised Code. 30408  
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(D) When an entity's authority to sponsor schools is revoked pursuant to division (B) (7) (c) or (d) of this section, the office of Ohio school sponsorship shall assume sponsorship of any schools with which the original sponsor has contracted for the remainder of that school year. The office may continue sponsoring those schools until the earlier of: 30425  
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(1) The expiration of two school years from the time that sponsorship is revoked; 30431  
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(2) When a new sponsor is secured by the governing authority pursuant to division (C) (1) of section 3314.02 of the Revised Code. 30433  
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Any community school sponsored under this division shall 30436  
not be counted for purposes of directly authorized community 30437  
schools under division (A) (3) of section 3314.029 of the Revised 30438  
Code. 30439

(E) The department shall recalculate the rating for the 30440  
2017-2018 school year for each sponsor of a community school 30441  
that receives recalculated ratings pursuant to division (I) of 30442  
section 3314.017 of the Revised Code. 30443

**Sec. 3314.017.** (A) The ~~state board~~ department of education 30444  
and workforce shall prescribe by rules, adopted in accordance 30445  
with Chapter 119. of the Revised Code, an academic performance 30446  
rating and report card system that satisfies the requirements of 30447  
this section for community schools that primarily serve students 30448  
enrolled in dropout prevention and recovery programs as 30449  
described in division (A) (4) (a) of section 3314.35 of the 30450  
Revised Code, to be used in lieu of the system prescribed under 30451  
sections 3302.03 and 3314.012 of the Revised Code beginning with 30452  
the 2012-2013 school year. Each such school shall comply with 30453  
the testing and reporting requirements of the system as 30454  
prescribed by the ~~state board~~ department. 30455

(B) Nothing in this section shall at any time relieve a 30456  
school from its obligations under the "No Child Left Behind Act 30457  
of 2001" to make "adequate yearly progress," as both that act 30458  
and that term are defined in section 3302.01 of the Revised 30459  
Code, or a school's amenability to the provisions of section 30460  
3302.04 or 3302.041 of the Revised Code. The department ~~of~~ 30461  
~~education~~ shall continue to report each school's performance as 30462  
required by the act and to enforce applicable sanctions under 30463  
section 3302.04 or 3302.041 of the Revised Code. 30464

(C) The rules adopted by the ~~state board~~ department shall 30465

prescribe the following performance indicators for the rating	30466
and report card system required by this section:	30467
(1) Graduation rate for each of the following student	30468
cohorts:	30469
(a) The number of students who graduate in four years or	30470
less with a regular high school diploma divided by the number of	30471
students who form the adjusted cohort for the graduating class;	30472
(b) The number of students who graduate in five years with	30473
a regular high school diploma divided by the number of students	30474
who form the adjusted cohort for the four-year graduation rate;	30475
(c) The number of students who graduate in six years with	30476
a regular high school diploma divided by the number of students	30477
who form the adjusted cohort for the four-year graduation rate;	30478
(d) The number of students who graduate in seven years	30479
with a regular high school diploma divided by the number of	30480
students who form the adjusted cohort for the four-year	30481
graduation rate;	30482
(e) The number of students who graduate in eight years	30483
with a regular high school diploma divided by the number of	30484
students who form the adjusted cohort for the four-year	30485
graduation rate.	30486
(2) The percentage of twelfth-grade students currently	30487
enrolled in the school who have attained the designated passing	30488
score on all of the state high school achievement assessments	30489
required under division (B) (1) of section 3301.0710 of the	30490
Revised Code or the cumulative performance score on the end-of-	30491
course examinations prescribed under division (B) (2) of section	30492
3301.0712 of the Revised Code, whichever applies, and other	30493
students enrolled in the school, regardless of grade level, who	30494

are within three months of their twenty-second birthday and have 30495  
attained the designated passing score on all of the state high 30496  
school achievement assessments or the cumulative performance 30497  
score on the end-of-course examinations, whichever applies, by 30498  
their twenty-second birthday; 30499

(3) Annual measurable objectives as defined in section 30500  
3302.01 of the Revised Code; 30501

(4) Growth in student achievement in reading, or 30502  
mathematics, or both as measured by separate nationally norm- 30503  
referenced assessments that have developed appropriate standards 30504  
for students enrolled in dropout prevention and recovery 30505  
programs, adopted or approved by the ~~state board~~ department. 30506

(D) (1) The ~~state board's~~ department's rules shall 30507  
prescribe the expected performance levels and benchmarks for 30508  
each of the indicators prescribed by division (C) of this 30509  
section based on the data gathered by the department under 30510  
division (G) of this section. Based on a school's level of 30511  
attainment or nonattainment of the expected performance levels 30512  
and benchmarks for each of the indicators, the department shall 30513  
rate each school in one of the following categories: 30514

(a) Exceeds standards; 30515

(b) Meets standards; 30516

(c) Does not meet standards. 30517

(2) The ~~state board's~~ department's rules shall establish 30518  
all of the following: 30519

(a) Not later than June 30, 2013, performance levels and 30520  
benchmarks for the indicators described in divisions (C) (1) to 30521  
(3) of this section; 30522

(b) Not later than December 31, 2014, both of the	30523
following:	30524
(i) Performance levels and benchmarks for the indicator	30525
described in division (C) (4) of this section;	30526
(ii) Standards for awarding a community school described	30527
in division (A) (4) (a) of section 3314.35 of the Revised Code an	30528
overall designation, which shall be calculated as follows:	30529
(I) Thirty per cent of the score shall be based on the	30530
indicators described in division (C) (1) of this section that are	30531
applicable to the school year for which the overall designation	30532
is granted.	30533
(II) Thirty per cent of the score shall be based on the	30534
indicators described in division (C) (4) of this section.	30535
(III) Twenty per cent of the score shall be based on the	30536
indicators described in division (C) (2) of this section.	30537
(IV) Twenty per cent of the score shall be based on the	30538
indicators described in division (C) (3) of this section.	30539
(3) If both of the indicators described in divisions (C)	30540
(1) and (2) of this section improve by ten per cent for two	30541
consecutive years, a school shall be rated not less than "meets	30542
standards."	30543
The rating and the relevant performance data for each	30544
school shall be posted on the department's web site, and a copy	30545
of the rating and data shall be provided to the governing	30546
authority of the community school.	30547
(E) (1) For the 2012-2013 school year, the department shall	30548
issue a report card including the following performance	30549
measures, but without a performance rating as described in	30550

divisions (D) (1) (a) to (c) of this section, for each community	30551
school described in division (A) (4) (a) of section 3314.35 of the	30552
Revised Code:	30553
(a) The graduation rates as described in divisions (C) (1)	30554
(a) to (c) of this section;	30555
(b) The percentage of twelfth-grade students and other	30556
students who have attained a designated passing score on high	30557
school achievement assessments as described in division (C) (2)	30558
of this section;	30559
(c) The statewide average for the graduation rates and	30560
assessment passage rates described in divisions (C) (1) (a) to (c)	30561
and (C) (2) of this section;	30562
(d) Annual measurable objectives described in division (C)	30563
(3) of this section.	30564
(2) For the 2013-2014 school year, the department shall	30565
issue a report card including the following performance measures	30566
for each community school described in division (A) (4) (a) of	30567
section 3314.35 of the Revised Code:	30568
(a) The graduation rates described in divisions (C) (1) (a)	30569
to (d) of this section, including a performance rating as	30570
described in divisions (D) (1) (a) to (c) of this section;	30571
(b) The percentage of twelfth-grade students and other	30572
students who have attained a designated passing score on high	30573
school achievement assessments as described in division (C) (2)	30574
of this section, including a performance rating as described in	30575
divisions (D) (1) (a) to (c) of this section;	30576
(c) Annual measurable objectives described in division (C)	30577
(3) of this section, including a performance rating as described	30578

in divisions (D) (1) (a) to (c) of this section;	30579
(d) Both of the following without an assigned rating:	30580
(i) Growth in annual student achievement in reading and mathematics described in division (C) (4) of this section, if available;	30581 30582 30583
(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.	30584 30585 30586
(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:	30587 30588 30589 30590 30591 30592 30593
(a) The graduation rates as described in division (C) (1) of this section;	30594 30595
(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;	30596 30597 30598 30599
(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;	30600 30601 30602
(d) Growth in annual student achievement in reading and mathematics as described in division (C) (4) of this section;	30603 30604
(e) An overall performance designation for the school calculated under rules adopted under division (D) (2) of this	30605 30606

section. 30607

The department shall also include student outcome data, 30608  
including postsecondary credit earned, nationally recognized 30609  
career or technical certification, military enlistment, job 30610  
placement, attendance rate, and progress on closing achievement 30611  
gaps for each school. This information shall not be included in 30612  
the calculation of a school's performance rating. 30613

(F) Not later than the thirty-first day of July of each 30614  
year, the department shall submit preliminary report card data 30615  
for overall academic performance for each performance measure 30616  
prescribed in division (E) (3) of this section for each community 30617  
school to which this section applies. 30618

(G) In developing the rating and report card system 30619  
required by this section, during the 2012-2013 and 2013-2014 30620  
school years, the department shall gather and analyze data as 30621  
determined necessary from each community school described in 30622  
division (A) (4) (a) of section 3314.35 of the Revised Code. Each 30623  
such school shall cooperate with the department by supplying 30624  
requested data and administering required assessments, including 30625  
sample assessments for purposes of measuring student achievement 30626  
growth as described in division (C) (4) of this section. The 30627  
department shall consult with stakeholder groups in performing 30628  
its duties under this division. 30629

The department shall also identify one or more states that 30630  
have established or are in the process of establishing similar 30631  
academic performance rating systems for dropout prevention and 30632  
recovery programs and consult with the departments of education 30633  
of those states in developing the system required by this 30634  
section. 30635

(H) ~~Not later than December 31, 2014, the state board~~ The 30636  
department shall review the performance levels and benchmarks 30637  
for performance indicators in the report card issued under this 30638  
section and may revise them based on the data collected under 30639  
division (G) of this section. 30640

(I) For the purposes of division (F) of section 3314.351 30641  
of the Revised Code, the department shall recalculate the 30642  
ratings for each school under division (E) (3) of this section 30643  
for the 2017-2018 school year and calculate the ratings under 30644  
that division for the 2018-2019 school year using the indicators 30645  
prescribed by division (C) of this section, as it exists on and 30646  
after July 18, 2019. 30647

**Sec. 3314.02.** (A) As used in this chapter: 30648

(1) "Sponsor" means the board of education of a school 30649  
district or the governing board of an educational service center 30650  
that agrees to the conversion of all or part of a school or 30651  
building under division (B) of this section, or an entity listed 30652  
in division (C) (1) of this section, which has been approved by 30653  
the department of education and workforce to sponsor community 30654  
schools or is exempted by section 3314.021 or 3314.027 of the 30655  
Revised Code from obtaining approval, and with which the 30656  
governing authority of a community school enters into a contract 30657  
under section 3314.03 of the Revised Code. 30658

(2) "Pilot project area" means the school districts 30659  
included in the territory of the former community school pilot 30660  
project established by former Section 50.52 of Am. Sub. H.B. No. 30661  
215 of the 122nd general assembly. 30662

(3) "Challenged school district" means any of the 30663  
following: 30664

(a) A school district that is part of the pilot project area;	30665 30666
(b) A school district that meets one of the following conditions:	30667 30668
(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;	30669 30670 30671 30672
(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;	30673 30674 30675 30676 30677
(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;	30678 30679 30680 30681 30682 30683 30684
(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.	30685 30686 30687 30688 30689 30690
(c) A big eight school district;	30691
(d) A school district ranked in the lowest five per cent of school districts according to performance index score under	30692 30693

section 3302.21 of the Revised Code. 30694

(4) "Big eight school district" means a school district 30695  
that for fiscal year 1997 had both of the following: 30696

(a) A percentage of children residing in the district and 30697  
participating in the predecessor of Ohio works first greater 30698  
than thirty per cent, as reported pursuant to section 3317.10 of 30699  
the Revised Code; 30700

(b) An average daily membership greater than twelve 30701  
thousand, as reported pursuant to former division (A) of section 30702  
3317.03 of the Revised Code. 30703

(5) "New start-up school" means a community school other 30704  
than one created by converting all or part of an existing public 30705  
school or educational service center building, as designated in 30706  
the school's contract pursuant to division (A)(17) of section 30707  
3314.03 of the Revised Code. 30708

(6) "Urban school district" means one of the state's 30709  
twenty-one urban school districts as defined in division (O) of 30710  
section 3317.02 of the Revised Code as that section existed 30711  
prior to July 1, 1998. 30712

(7) "Internet- or computer-based community school" means a 30713  
community school established under this chapter in which the 30714  
enrolled students work primarily from their residences on 30715  
assignments in nonclassroom-based learning opportunities 30716  
provided via an internet- or other computer-based instructional 30717  
method that does not rely on regular classroom instruction or 30718  
via comprehensive instructional methods that include internet- 30719  
based, other computer-based, and noncomputer-based learning 30720  
opportunities unless a student receives career-technical 30721  
education under section 3314.086 of the Revised Code. 30722

A community school that operates mainly as an internet- or 30723  
computer-based community school and provides career-technical 30724  
education under section 3314.086 of the Revised Code shall be 30725  
considered an internet- or computer-based community school, even 30726  
if it provides some classroom-based instruction, so long as it 30727  
provides instruction via the methods described in this division. 30728

(8) "Operator" or "management company" means either of the 30729  
following: 30730

(a) An individual or organization that manages the daily 30731  
operations of a community school pursuant to a contract between 30732  
the operator or management company and the school's governing 30733  
authority; 30734

(b) A nonprofit organization that provides programmatic 30735  
oversight and support to a community school under a contract 30736  
with the school's governing authority and that retains the right 30737  
to terminate its affiliation with the school if the school fails 30738  
to meet the organization's quality standards. 30739

(9) "Alliance municipal school district" has the same 30740  
meaning as in section 3311.86 of the Revised Code. 30741

(B) (1) Any person or group of individuals may initially 30742  
propose under this division the conversion of all or a portion 30743  
of a public school to a community school. The proposal shall be 30744  
made to the board of education of the city, local, exempted 30745  
village, or joint vocational school district in which the public 30746  
school is proposed to be converted. 30747

(2) Any person or group of individuals may initially 30748  
propose under this division the conversion of all or a portion 30749  
of a building operated by an educational service center to a 30750  
community school. The proposal shall be made to the governing 30751

board of the service center. 30752

On or after July 1, 2017, except as provided in section 30753  
3314.027 of the Revised Code, any educational service center 30754  
that sponsors a community school shall be approved by and enter 30755  
into a written agreement with the department as described in 30756  
section 3314.015 of the Revised Code. 30757

(3) Upon receipt of a proposal, and after an agreement has 30758  
been entered into pursuant to section 3314.015 of the Revised 30759  
Code, a board may enter into a preliminary agreement with the 30760  
person or group proposing the conversion of the public school or 30761  
service center building, indicating the intention of the board 30762  
to support the conversion to a community school. A proposing 30763  
person or group that has a preliminary agreement under this 30764  
division may proceed to finalize plans for the school, establish 30765  
a governing authority for the school, and negotiate a contract 30766  
with the board. Provided the proposing person or group adheres 30767  
to the preliminary agreement and all provisions of this chapter, 30768  
the board shall negotiate in good faith to enter into a contract 30769  
in accordance with section 3314.03 of the Revised Code and 30770  
division (C) of this section. 30771

(4) The sponsor of a conversion community school proposed 30772  
to open in an alliance municipal school district shall be 30773  
subject to approval by the department of education and workforce 30774  
for sponsorship of that school using the criteria established 30775  
under division (A) of section 3311.87 of the Revised Code. 30776

Division (B) (4) of this section does not apply to a 30777  
sponsor that, on or before September 29, 2015, was exempted 30778  
under section 3314.021 or 3314.027 of the Revised Code from the 30779  
requirement to be approved for sponsorship under divisions (A) 30780  
(2) and (B) (1) of section 3314.015 of the Revised Code. 30781

(5) A school established in accordance with division (B) 30782  
of this section that later enters into a sponsorship contract 30783  
with an entity that is not a school district or educational 30784  
service center shall, at the time of entering into the new 30785  
contract, be deemed a community school established in accordance 30786  
with division (C) of this section. 30787

(C) (1) Provided all other conditions of sponsorship and 30788  
governance are satisfied, any person or group of individuals may 30789  
propose under this division the establishment of a new start-up 30790  
school regardless of the school's proposed location. The 30791  
proposal may be made to any of the following entities: 30792

(a) The board of education of the district in which the 30793  
school is proposed to be located; 30794

(b) The board of education of any joint vocational school 30795  
district with territory in the county in which is located the 30796  
majority of the territory of the district in which the school is 30797  
proposed to be located; 30798

(c) The board of education of any other city, local, or 30799  
exempted village school district having territory in the same 30800  
county where the district in which the school is proposed to be 30801  
located has the major portion of its territory; 30802

(d) The governing board of any educational service center, 30803  
regardless of the location of the proposed school, may sponsor a 30804  
new start-up school if all of the following are satisfied: 30805

(i) If applicable, it satisfies the requirements of 30806  
division (E) of section 3311.86 of the Revised Code; 30807

(ii) It is approved to do so by the department; 30808

(iii) It enters into an agreement with the department 30809

under section 3314.015 of the Revised Code. 30810

(e) A sponsoring authority designated by the board of 30811  
trustees of any of the thirteen state universities listed in 30812  
section 3345.011 of the Revised Code or the board of trustees 30813  
itself as long as a mission of the proposed school to be 30814  
specified in the contract under division (A) (2) of section 30815  
3314.03 of the Revised Code and as approved by the department 30816  
under division (B) (3) of section 3314.015 of the Revised Code 30817  
will be the practical demonstration of teaching methods, 30818  
educational technology, or other teaching practices that are 30819  
included in the curriculum of the university's teacher 30820  
preparation program approved by the ~~state board of education~~ 30821  
chancellor of higher education; 30822

(f) Any qualified tax-exempt entity under section 501(c) 30823  
(3) of the Internal Revenue Code as long as all of the following 30824  
conditions are satisfied: 30825

(i) The entity has been in operation for at least five 30826  
years prior to applying to be a community school sponsor. 30827

(ii) The entity has assets of at least five hundred 30828  
thousand dollars and a demonstrated record of financial 30829  
responsibility. 30830

(iii) The department has determined that the entity is an 30831  
education-oriented entity under division (B) (4) of section 30832  
3314.015 of the Revised Code and the entity has a demonstrated 30833  
record of successful implementation of educational programs. 30834

(iv) The entity is not a community school. 30835

(g) The mayor of a city in which the majority of the 30836  
territory of a school district to which section 3311.60 of the 30837  
Revised Code applies is located, regardless of whether that 30838

district has created the position of independent auditor as 30839  
prescribed by that section. The mayor's sponsorship authority 30840  
under this division is limited to community schools that are 30841  
located in that school district. Such mayor may sponsor 30842  
community schools only with the approval of the city council of 30843  
that city, after establishing standards with which community 30844  
schools sponsored by the mayor must comply, and after entering 30845  
into a sponsor agreement with the department as prescribed under 30846  
section 3314.015 of the Revised Code. The mayor shall establish 30847  
the standards for community schools sponsored by the mayor not 30848  
later than one hundred eighty days after July 15, 2013, and 30849  
shall submit them to the department upon their establishment. 30850  
The department shall approve the mayor to sponsor community 30851  
schools in the district, upon receipt of an application by the 30852  
mayor to do so. Not later than ninety days after the 30853  
department's approval of the mayor as a community school 30854  
sponsor, the department shall enter into the sponsor agreement 30855  
with the mayor. 30856

Any entity described in division (C) (1) of this section 30857  
may enter into a preliminary agreement pursuant to division (C) 30858  
(2) of this section with the proposing person or group, provided 30859  
that entity has been approved by and entered into a written 30860  
agreement with the department pursuant to section 3314.015 of 30861  
the Revised Code. 30862

(2) A preliminary agreement indicates the intention of an 30863  
entity described in division (C) (1) of this section to sponsor 30864  
the community school. A proposing person or group that has such 30865  
a preliminary agreement may proceed to finalize plans for the 30866  
school, establish a governing authority as described in division 30867  
(E) of this section for the school, and negotiate a contract 30868  
with the entity. Provided the proposing person or group adheres 30869

to the preliminary agreement and all provisions of this chapter, 30870  
the entity shall negotiate in good faith to enter into a 30871  
contract in accordance with section 3314.03 of the Revised Code. 30872

(3) A new start-up school that is established in a school 30873  
district described in either division (A) (3) (b) or (d) of this 30874  
section may continue in existence once the school district no 30875  
longer meets the conditions described in either division, 30876  
provided there is a valid contract between the school and a 30877  
sponsor. 30878

(4) A copy of every preliminary agreement entered into 30879  
under this division shall be filed with the ~~superintendent of~~ 30880  
~~public instruction~~director of education and workforce. 30881

(D) A majority vote of the board of a sponsoring entity 30882  
and a majority vote of the members of the governing authority of 30883  
a community school shall be required to adopt a contract and 30884  
convert the public school or educational service center building 30885  
to a community school or establish the new start-up school. 30886  
Beginning September 29, 2005, adoption of the contract shall 30887  
occur not later than the fifteenth day of March, and signing of 30888  
the contract shall occur not later than the fifteenth day of 30889  
May, prior to the school year in which the school will open. The 30890  
governing authority shall notify the department of education and 30891  
workforce when the contract has been signed. Subject to sections 30892  
3314.013 and 3314.016 of the Revised Code, an unlimited number 30893  
of community schools may be established in any school district 30894  
provided that a contract is entered into for each community 30895  
school pursuant to this chapter. 30896

(E) (1) As used in this division, "immediate relatives" are 30897  
limited to spouses, children, parents, grandparents, and 30898  
siblings, as well as in-laws residing in the same household as 30899

the person serving on the governing authority. 30900

Each new start-up community school established under this 30901  
chapter shall be under the direction of a governing authority 30902  
which shall consist of a board of not less than five 30903  
individuals. 30904

(2) (a) No person shall serve on the governing authority or 30905  
operate the community school under contract with the governing 30906  
authority under any of the following circumstances: 30907

(i) The person owes the state any money or is in a dispute 30908  
over whether the person owes the state any money concerning the 30909  
operation of a community school that has closed. 30910

(ii) The person would otherwise be subject to division (B) 30911  
of section 3319.31 of the Revised Code with respect to refusal, 30912  
limitation, or revocation of a license to teach, if the person 30913  
were a licensed educator. 30914

(iii) The person has pleaded guilty to or been convicted 30915  
of theft in office under section 2921.41 of the Revised Code, or 30916  
has pleaded guilty to or been convicted of a substantially 30917  
similar offense in another state. 30918

(b) No person shall serve on the governing authority or 30919  
engage in the financial day-to-day management of the community 30920  
school under contract with the governing authority unless and 30921  
until that person has submitted to a criminal records check in 30922  
the manner prescribed by section 3319.39 of the Revised Code. 30923

(c) Each sponsor of a community school shall annually 30924  
verify that a finding for recovery has not been issued by the 30925  
auditor of state against any individual or individuals who 30926  
propose to create a community school or any member of the 30927  
governing authority, the operator, or any employee of each 30928

community school with responsibility for fiscal operations or 30929  
authorization to expend money on behalf of the school. 30930

(3) No person shall serve on the governing authorities of 30931  
more than five start-up community schools at the same time 30932  
unless both of the following apply: 30933

(a) The person serves in a volunteer capacity and receives 30934  
no compensation under division (E) (5) of this section from any 30935  
governing authority on which the person serves. 30936

(b) For any school that has an operator, the operator is a 30937  
nonprofit organization. 30938

(4) (a) For a community school established under this 30939  
chapter that is not sponsored by a school district or an 30940  
educational service center, no present or former member, or 30941  
immediate relative of a present or former member, of the 30942  
governing authority shall be an owner, employee, or consultant 30943  
of the community school's sponsor or operator, unless at least 30944  
one year has elapsed since the conclusion of the person's 30945  
membership on the governing authority. 30946

(b) For a community school established under this chapter 30947  
that is sponsored by a school district or an educational service 30948  
center, no present or former member, or immediate relative of a 30949  
present or former member, of the governing authority shall: 30950

(i) Be an officer of the district board or service center 30951  
governing board that serves as the community school's sponsor, 30952  
unless at least one year has elapsed since the conclusion of the 30953  
person's membership on the governing authority; 30954

(ii) Serve as an employee of, or a consultant for, the 30955  
department, division, or section of the sponsoring district or 30956  
service center that is directly responsible for sponsoring 30957

community schools, or have supervisory authority over such a department, division, or section, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority.

(5) The governing authority of a start-up or conversion community school may provide by resolution for the compensation of its members. However, no individual who serves on the governing authority of a start-up or conversion community school shall be compensated more than one hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center.

(7) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates employed by any of the following within the previous three years:

(a) The sponsor or operator of that community school;

(b) A school district or educational service center that has contracted with that community school;	30987 30988
(c) A vendor that is or has engaged in business with that community school.	30989 30990
(8) No person who is a member of a school district board of education shall serve on the governing authority of any community school.	30991 30992 30993
(F) (1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date.	30994 30995 30996 30997 30998 30999
(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that was not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed.	31000 31001 31002 31003 31004 31005 31006
(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school.	31007 31008 31009 31010 31011 31012
(4) <del>On and after the effective date of this amendment, the</del> <u>The department of education and workforce</u> shall not restrict the establishment of a new start-up community school to those	31013 31014 31015

located in a challenged school district as was required by this 31016  
section prior to ~~the effective date of this amendment~~September 31017  
30, 2021. 31018

**Sec. 3314.021.** (A) This section applies to any entity that 31019  
is exempt from taxation under section 501(c)(3) of the Internal 31020  
Revenue Code and that satisfies the conditions specified in 31021  
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 31022  
Revised Code but does not satisfy the condition specified in 31023  
division (C)(1)(f)(i) of that section. 31024

(B) Notwithstanding division (C)(1)(f)(i) of section 31025  
3314.02 of the Revised Code, and subject to division (D)(2) of 31026  
this section, an entity described in division (A) of this 31027  
section may do both of the following without obtaining the 31028  
department of ~~education's~~education and workforce's initial 31029  
approval of its sponsorship under divisions (A)(2) and (B)(1) of 31030  
section 3314.015 of the Revised Code: 31031

(1) Succeed the board of trustees of a state university 31032  
located in the pilot project area or that board's designee as 31033  
the sponsor of a community school established under this 31034  
chapter; 31035

(2) Continue to sponsor that school in conformance with 31036  
the terms of the contract between the board of trustees or its 31037  
designee and the governing authority of the community school and 31038  
renew that contract as provided in division (E) of section 31039  
3314.03 of the Revised Code. 31040

(C) The entity that succeeds the board of trustees or the 31041  
board's designee as sponsor of a community school under division 31042  
(B) of this section also may enter into contracts to sponsor 31043  
other community schools regardless of the proposed school's 31044

location, without obtaining the department's initial approval of 31045  
its sponsorship of those schools under divisions (A) (2) and (B) 31046  
(1) of section 3314.015 of the Revised Code as long as the 31047  
contracts conform with and the entity complies with all other 31048  
requirements of this chapter. 31049

(D) (1) Regardless of the entity's authority to sponsor 31050  
community schools without the initial approval of the 31051  
department, the entity is under the continuing oversight of the 31052  
department in accordance with rules adopted under section 31053  
3314.015 of the Revised Code. 31054

(2) If an entity described in division (A) of this section 31055  
receives a rating below "effective" under division (B) of 31056  
section 3314.016 of the Revised Code for two or more consecutive 31057  
years, that entity shall receive approval from the department ~~of~~ 31058  
~~education~~ to sponsor community schools and enter into a written 31059  
agreement with the department in accordance with division (B) (1) 31060  
of section 3314.015 of the Revised Code prior to entering into 31061  
any further preliminary agreements under division (C) (2) of 31062  
section 3314.02 of the Revised Code or renewing any existing 31063  
contract to sponsor a community school. 31064

(E) (1) As used in division (E) of this section: 31065

(a) "Board of trustees" means a board of trustees of a 31066  
state university located in the pilot project area. 31067

(b) "Rating" means a sponsor rating under section 3314.016 31068  
of the Revised Code. 31069

(2) Notwithstanding anything to the contrary in division 31070  
(B) (7) (b) of section 3314.016 of the Revised Code, for the 31071  
purposes of that division, the department shall consider an 31072  
entity that succeeded a board of trustees as the sponsor of a 31073

community school in accordance with division (B) (1) of this 31074  
section to have received the same rating for the 2016-2017 31075  
school year as the board of trustees, provided all of the 31076  
following apply: 31077

(a) The department assigned the board of trustees a rating 31078  
of either "effective" or "exemplary" for the 2016-2017 school 31079  
year. 31080

(b) The department did not assign the entity its own 31081  
rating for the 2016-2017 school year. 31082

(c) The department assigned the entity its own rating for 31083  
the 2017-2018 school year. 31084

**Sec. 3314.023.** A sponsor shall provide monitoring, 31085  
oversight, and technical assistance to each school that it 31086  
sponsors. In order to provide monitoring, oversight, and 31087  
technical assistance, a representative of the sponsor of a 31088  
community school shall meet with the governing authority or 31089  
fiscal officer of the school and shall review the financial and 31090  
enrollment records of the school at least once every month. Not 31091  
later than ten days after each review, the sponsor shall provide 31092  
the governing authority and fiscal officer with a written report 31093  
regarding the review. Copies of those financial and enrollment 31094  
records shall be furnished to the community school sponsor and 31095  
operator, members of the governing authority, and the fiscal 31096  
officer designated in section 3314.011 of the Revised Code on a 31097  
monthly basis. 31098

If a community school closes or is permanently closed, the 31099  
designated fiscal officer shall deliver all financial and 31100  
enrollment records to the school's sponsor within thirty days of 31101  
the school's closure. If the fiscal officer fails to provide the 31102

records in a timely manner, or fails to faithfully perform any 31103  
of the fiscal officer's other duties, the sponsor has the right 31104  
of action against the fiscal officer to compel delivery of all 31105  
financial and enrollment records of the school and shall, if 31106  
necessary, seek recovery of any funds owed as a result of any 31107  
finding of recovery by the auditor of state against the fiscal 31108  
officer. 31109

For purposes of this chapter, "monitoring, oversight, and 31110  
technical assistance" shall include the following: 31111

(A) Monitoring the community school's compliance with all 31112  
laws applicable to the school and with the terms of the 31113  
contract; 31114

(B) Monitoring and evaluating the academic and fiscal 31115  
performance and the organization and operation of the community 31116  
school on at least an annual basis. The evaluation of a school's 31117  
academic and fiscal performance shall be based on the 31118  
performance requirements specified in the contract between the 31119  
sponsor and the governing authority under section 3314.03 of the 31120  
Revised Code, the state report cards issued for the school under 31121  
section 3302.03 or 3314.017 of the Revised Code, and any other 31122  
analysis conducted by the department of education and workforce. 31123

(C) Reporting on an annual basis the results of the 31124  
evaluation conducted under division (D) (2) of section 3314.03 of 31125  
the Revised Code to the department of education and workforce 31126  
and to the parents of students enrolled in the community school; 31127

(D) Providing technical assistance to the community school 31128  
in complying with laws applicable to the school and terms of the 31129  
contract; 31130

(E) Taking steps to intervene in the school's operation to 31131

correct problems in the school's overall performance, declaring 31132  
the school to be on probationary status pursuant to section 31133  
3314.073 of the Revised Code, suspending the operation of the 31134  
school pursuant to section 3314.072 of the Revised Code, or 31135  
terminating the contract of the school pursuant to section 31136  
3314.07 of the Revised Code as determined necessary by the 31137  
sponsor; 31138

(F) Having in place a plan of action to be undertaken in 31139  
the event the community school experiences financial 31140  
difficulties or closes prior to the end of a school year. 31141

(G) Other activities designed to specifically benefit the 31142  
community school the entity sponsors. 31143

**Sec. 3314.025.** (A) Beginning with the 2016-2017 school 31144  
year, each sponsor of a community school shall submit, not later 31145  
than the fifteenth day of August of each year, a report to the 31146  
department of education and workforce, using the format and 31147  
manner prescribed by the department as set forth in division (B) 31148  
of this section, describing the amount and type of expenditures 31149  
made to provide monitoring, oversight, and technical assistance 31150  
to the community schools it sponsors. The report shall also be 31151  
submitted to the governing authority of the community school. 31152

(B) Not later than ninety days after the effective date of 31153  
this section, the department shall establish requirements and a 31154  
reporting procedure to aid each sponsor in complying with 31155  
division (A) of this section. The department shall require that 31156  
each report include at least the following types of expenditures 31157  
made to provide oversight, monitoring, and technical assistance 31158  
to the community school it sponsors: 31159

(1) Employee salaries, wages, benefits, and other 31160

compensation;	31161
(2) All purchased or contracted services;	31162
(3) Materials and supplies;	31163
(4) Equipment, furniture, and fixtures;	31164
(5) Facilities;	31165
(6) Other expenditures.	31166
(C) The report submitted under this section shall be a	31167
factor when evaluating a sponsor's compliance with applicable	31168
law and administrative rules as prescribed under division (B) (1)	31169
(c) of section 3314.016 of the Revised Code. The report also may	31170
be used as a factor when evaluating a sponsor's adherence to	31171
quality practices as prescribed under division (B) (1) (b) of that	31172
section.	31173
<b>Sec. 3314.027.</b> Notwithstanding the requirement for initial	31174
approval of sponsorship by the department of education <u>and</u>	31175
<u>workforce</u> prescribed in divisions (A) (2) and (B) (1) of section	31176
3314.015 of the Revised Code and any geographical restriction or	31177
mission requirement prescribed in division (C) (1) of section	31178
3314.02 of the Revised Code, an entity that has entered into a	31179
contract to sponsor a community school on April 8, 2003, may	31180
continue to sponsor the school in conformance with the terms of	31181
that contract and also may enter into new contracts to sponsor	31182
community schools after April 8, 2003, as long as the contracts	31183
conform to and the entity complies with all other provisions of	31184
this chapter.	31185
Regardless of the entity's authority to sponsor community	31186
schools without the initial approval of the department, each	31187
entity described in this section is under the continuing	31188

oversight of the department in accordance with rules adopted 31189  
under section 3314.015 of the Revised Code. 31190

If an entity to which this section applies receives a 31191  
rating below "effective" under division (B) of section 3314.016 31192  
of the Revised Code for two or more consecutive years, that 31193  
entity shall receive approval from the department of education\_ 31194  
and workforce to sponsor community schools and enter into a 31195  
written agreement with the department in accordance with 31196  
division (B)(1) of section 3314.015 of the Revised Code prior to 31197  
entering into any further preliminary agreements under division 31198  
(C)(2) of section 3314.02 of the Revised Code or renewing any 31199  
existing contract to sponsor a community school. 31200

**Sec. 3314.029.** This section establishes the Ohio school 31201  
sponsorship program. The department of education and workforce 31202  
shall establish an office of Ohio school sponsorship to perform 31203  
the department's duties prescribed by this section. 31204

(A)(1) Notwithstanding anything to the contrary in this 31205  
chapter, any person, group of individuals, or entity may apply 31206  
to the department for direct authorization to establish a 31207  
community school and, upon approval of the application, may 31208  
establish the school. Notwithstanding anything to the contrary 31209  
in this chapter, the governing authority of an existing 31210  
community school, upon the expiration or termination of its 31211  
contract with the school's sponsor entered into under section 31212  
3314.03 of the Revised Code, may apply to the department for 31213  
direct authorization to continue operating the school and, upon 31214  
approval of the application, may continue to operate the school. 31215  
The department may establish a format and deadlines for an 31216  
application. 31217

Each application submitted to the department shall include 31218

the following:	31219
(a) Evidence that the applicant will be able to comply with division (C) of this section;	31220 31221
(b) A statement indicating that the applicant agrees to comply with all applicable provisions of this chapter, including the requirement to be established as a nonprofit corporation or public benefit corporation in accordance with division (A) (1) of section 3314.03 of the Revised Code;	31222 31223 31224 31225 31226
(c) A statement attesting that no unresolved finding of recovery has been issued by the auditor of state against any person, group of individuals, or entity that is a party to the application and that no person who is party to the application has been a member of the governing authority of any community school that has permanently closed and against which an unresolved finding of recovery has been issued by the auditor of state. In the case of an application submitted by the governing authority of an existing community school, a person who is party to the application shall include each individual member of that governing authority.	31227 31228 31229 31230 31231 31232 31233 31234 31235 31236 31237
(d) A statement that the school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;	31238 31239 31240 31241
(e) A statement of whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school. If it is a converted public school or service center building, the statement shall include a specification of any duties or responsibilities of an employer that the board of	31242 31243 31244 31245 31246 31247

education or service center governing board that operated the 31248  
school or building before conversion is delegating to the 31249  
governing authority of the community school with respect to all 31250  
or any specified group of employees, provided the delegation is 31251  
not prohibited by a collective bargaining agreement applicable 31252  
to such employees. 31253

(f) A statement that the school's teachers will be 31254  
licensed in the manner prescribed by division (A) (10) of section 31255  
3314.03 of the Revised Code; 31256

(g) A statement that the school will comply with all of 31257  
the provisions of law enumerated in divisions (A) (11) (d) and (e) 31258  
of section 3314.03 of the Revised Code and of division (A) (11) 31259  
(h) of that section, if applicable; 31260

(h) A statement that the school's graduation and 31261  
curriculum requirements will comply with division (A) (11) (f) of 31262  
section 3314.03 of the Revised Code; 31263

(i) A description of each of the following: 31264

(i) The school's mission and educational program, the 31265  
characteristics of the students the school is expected to 31266  
attract, the ages and grade levels of students, and the focus of 31267  
the curriculum; 31268

(ii) The school's governing authority, which shall be in 31269  
compliance with division (E) of section 3314.02 of the Revised 31270  
Code; 31271

(iii) The school's admission and dismissal policies, which 31272  
shall be in compliance with divisions (A) (5) and (6) of section 31273  
3314.03 of the Revised Code; 31274

(iv) The school's business plan, including a five-year 31275

financial forecast;	31276
(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school;	31277 31278 31279
(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	31280 31281 31282 31283
(vii) The facilities to be used by the school and their locations;	31284 31285
(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code.	31286 31287 31288 31289 31290 31291
(2) Subject to division (A) (3) of this section, the department may approve or deny an application, taking into consideration the standards for quality authorizing, capacity requirements, financial constraints, or any other criteria it determines necessary and appropriate. <del>The department shall adopt the criteria not later than sixty days after the effective date of this amendment.</del> The department shall assign each applicant school a rating established for a new start-up community school or an existing community school, as applicable.	31292 31293 31294 31295 31296 31297 31298 31299 31300
<del>The department of education</del> shall annually publish on its web site the criteria it uses to approve or deny an application submitted pursuant to this section.	31301 31302 31303
(3) For each of five school years, beginning with the	31304

school year that begins in the calendar year in which this 31305  
section takes effect, the department may approve up to twenty 31306  
applications for community schools to be established or to 31307  
continue operation under division (A) of this section; however, 31308  
of the twenty applications that may be approved each school 31309  
year, only up to five may be for the establishment of new 31310  
schools. 31311

(4) Notwithstanding division (A) (2) of this section, the 31312  
department may deny an application submitted by the governing 31313  
authority of an existing community school, if a previous sponsor 31314  
of that school did not renew its contract or terminated its 31315  
contract with the school entered into under section 3314.03 of 31316  
the Revised Code. 31317

(5) In the case of a proposed new community school to be 31318  
located in an alliance municipal school district, the department 31319  
shall not approve the application of that community school 31320  
unless both of the following apply: 31321

(a) The department approves the application using the 31322  
requirements of divisions (A) (1) (a) to (h) of this section and 31323  
the criteria developed under division (A) (2) of this section. 31324

(b) The department has determined that the applicant has 31325  
requested and received a recommendation from the alliance in the 31326  
manner prescribed by divisions (E) (1) and (2) of section 3311.86 31327  
of the Revised Code. 31328

As used in this section, "alliance municipal school 31329  
district" and "alliance" have the same meanings as in section 31330  
3311.86 of the Revised Code. 31331

(B) The department and the governing authority of each 31332  
community school authorized under this section shall enter into 31333

a contract under section 3314.03 of the Revised Code. 31334  
Notwithstanding division (A) (13) of that section, the contract 31335  
with an existing community school may begin at any time during 31336  
the academic year. The length of the initial contract of any 31337  
community school under this section may be for any term up to 31338  
five years. The contract may be renewed in accordance with 31339  
division (E) of that section. The contract may provide for the 31340  
school's governing authority to pay a fee for oversight and 31341  
monitoring of the school that does not exceed three per cent of 31342  
the total amount of payments for operating expenses that the 31343  
school receives from the state. 31344

(C) The department may require a community school 31345  
authorized under this section to post and file with the 31346  
~~superintendent of public instruction~~ director of education and 31347  
workforce a bond payable to the state or to file with the ~~state~~ 31348  
~~superintendent~~ director a guarantee, which shall be used to pay 31349  
the state any moneys owed by the community school in the event 31350  
the school closes. 31351

(D) Except as otherwise provided in this section, a 31352  
community school authorized under this section shall comply with 31353  
all applicable provisions of this chapter. The department may 31354  
take any action that a sponsor may take under this chapter to 31355  
enforce the school's compliance with this division and the terms 31356  
of the contract entered into under division (B) of this section. 31357

(E) Not later than December 31, 2012, and annually 31358  
thereafter, the department shall issue a report on the program, 31359  
including information about the number of community schools 31360  
participating in the program and their compliance with the 31361  
provisions of this chapter. In its fifth report, the department 31362  
shall include a complete evaluation of the program and 31363

recommendations regarding the program's continuation. Each 31364  
report shall be provided to the general assembly, in accordance 31365  
with section 101.68 of the Revised Code, and to the governor. 31366

**Sec. 3314.0211.** (A) No community school to which either of 31367  
the following applies shall be eligible to merge with one or 31368  
more other community schools under this section: 31369

(1) The school has met the performance criteria for 31370  
required closure specified in division (A) of section 3314.35 or 31371  
division (A) of section 3314.351 of the Revised Code for at 31372  
least one of the two most recent school years. 31373

(2) The school has been notified of the sponsor's intent 31374  
to terminate or not renew the school's contract pursuant to 31375  
section 3314.07 of the Revised Code. 31376

(B) Two or more community schools may merge upon the 31377  
adoption of a resolution by the governing authority of each 31378  
school involved in the merger. Any merger shall take effect on 31379  
the first day of July of the year specified in the resolution. 31380

(C) Not less than sixty days prior to the effective date 31381  
of a merger under division (B) of this section, each community 31382  
school involved in the merger shall do both of the following: 31383

(1) Provide a copy of the resolution to the school's 31384  
sponsor; 31385

(2) Notify the department of education and workforce of 31386  
all of the following: 31387

(a) The impending merger; 31388

(b) The effective date of the merger; 31389

(c) The school that will be designated as the surviving 31390

school in accordance with section 1702.41 of the Revised Code;	31391
(d) The entity that will sponsor the surviving school.	31392
(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.	31393 31394 31395 31396
(E) No sponsor shall do either of the following:	31397
(1) Assign the sponsor's existing contract with a merging community school to the sponsor of the surviving community school;	31398 31399 31400
(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section.	31401 31402 31403
Division (E) of this section shall not apply to the office of Ohio school sponsorship established under section 3314.029 of the Revised Code.	31404 31405 31406
(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.	31407 31408 31409
(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.	31410 31411 31412 31413 31414 31415
(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code.	31416 31417 31418

**Sec. 3314.03.** A copy of every contract entered into under 31419  
this section shall be filed with the ~~superintendent~~ director of- 31420  
~~public instruction~~ education and workforce. The department of 31421  
education and workforce shall make available on its web site a 31422  
copy of every approved, executed contract filed with the 31423  
~~superintendent~~ director under this section. 31424

(A) Each contract entered into between a sponsor and the 31425  
governing authority of a community school shall specify the 31426  
following: 31427

(1) That the school shall be established as either of the 31428  
following: 31429

(a) A nonprofit corporation established under Chapter 31430  
1702. of the Revised Code, if established prior to April 8, 31431  
2003; 31432

(b) A public benefit corporation established under Chapter 31433  
1702. of the Revised Code, if established after April 8, 2003. 31434

(2) The education program of the school, including the 31435  
school's mission, the characteristics of the students the school 31436  
is expected to attract, the ages and grades of students, and the 31437  
focus of the curriculum; 31438

(3) The academic goals to be achieved and the method of 31439  
measurement that will be used to determine progress toward those 31440  
goals, which shall include the statewide achievement 31441  
assessments; 31442

(4) Performance standards, including but not limited to 31443  
all applicable report card measures set forth in section 3302.03 31444  
or 3314.017 of the Revised Code, by which the success of the 31445  
school will be evaluated by the sponsor; 31446

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	31447 31448 31449
(6) (a) Dismissal procedures;	31450
(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.	31451 31452 31453 31454 31455 31456
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	31457 31458
(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.	31459 31460 31461 31462 31463 31464
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	31465 31466
(a) A detailed description of each facility used for instructional purposes;	31467 31468
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	31469 31470
(c) The annual mortgage principal and interest payments that are paid by the school;	31471 31472
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the	31473 31474

operator, if any. 31475

(10) Qualifications of teachers, including a requirement 31476  
that the school's classroom teachers be licensed in accordance 31477  
with sections 3319.22 to 3319.31 of the Revised Code, except 31478  
that a community school may engage noncertificated persons to 31479  
teach up to twelve hours or forty hours per week pursuant to 31480  
section 3319.301 of the Revised Code. 31481

(11) That the school will comply with the following 31482  
requirements: 31483

(a) The school will provide learning opportunities to a 31484  
minimum of twenty-five students for a minimum of nine hundred 31485  
twenty hours per school year. 31486

(b) The governing authority will purchase liability 31487  
insurance, or otherwise provide for the potential liability of 31488  
the school. 31489

(c) The school will be nonsectarian in its programs, 31490  
admission policies, employment practices, and all other 31491  
operations, and will not be operated by a sectarian school or 31492  
religious institution. 31493

(d) The school will comply with sections 9.90, 9.91, 31494  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 31495  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 31496  
3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 31497  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 31498  
3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 31499  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 31500  
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 31501  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 31502  
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 31503

3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 31504  
3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 31505  
3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 31506  
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 31507  
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 31508  
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 31509  
and 4167. of the Revised Code as if it were a school district 31510  
and will comply with section 3301.0714 of the Revised Code in 31511  
the manner specified in section 3314.17 of the Revised Code. 31512

(e) The school shall comply with Chapter 102. and section 31513  
2921.42 of the Revised Code. 31514

(f) The school will comply with sections 3313.61, 31515  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 31516  
Revised Code, except that for students who enter ninth grade for 31517  
the first time before July 1, 2010, the requirement in sections 31518  
3313.61 and 3313.611 of the Revised Code that a person must 31519  
successfully complete the curriculum in any high school prior to 31520  
receiving a high school diploma may be met by completing the 31521  
curriculum adopted by the governing authority of the community 31522  
school rather than the curriculum specified in Title XXXIII of 31523  
the Revised Code or any rules of the ~~state board of education~~ 31524  
department. Beginning with students who enter ninth grade for 31525  
the first time on or after July 1, 2010, the requirement in 31526  
sections 3313.61 and 3313.611 of the Revised Code that a person 31527  
must successfully complete the curriculum of a high school prior 31528  
to receiving a high school diploma shall be met by completing 31529  
the requirements prescribed in section 3313.6027 and division 31530  
(C) of section 3313.603 of the Revised Code, unless the person 31531  
qualifies under division (D) or (F) of that section. Each school 31532  
shall comply with the plan for awarding high school credit based 31533  
on demonstration of subject area competency, and beginning with 31534

the 2017-2018 school year, with the updated plan that permits 31535  
students enrolled in seventh and eighth grade to meet curriculum 31536  
requirements based on subject area competency adopted by the 31537  
~~state board of education department~~ under divisions (J) (1) and 31538  
(2) of section 3313.603 of the Revised Code. Beginning with the 31539  
2018-2019 school year, the school shall comply with the 31540  
framework for granting units of high school credit to students 31541  
who demonstrate subject area competency through work-based 31542  
learning experiences, internships, or cooperative education 31543  
developed by the department under division (J) (3) of section 31544  
3313.603 of the Revised Code. 31545

(g) The school governing authority will submit within four 31546  
months after the end of each school year a report of its 31547  
activities and progress in meeting the goals and standards of 31548  
divisions (A) (3) and (4) of this section and its financial 31549  
status to the sponsor and the parents of all students enrolled 31550  
in the school. 31551

(h) The school, unless it is an internet- or computer- 31552  
based community school, will comply with section 3313.801 of the 31553  
Revised Code as if it were a school district. 31554

(i) If the school is the recipient of moneys from a grant 31555  
awarded under the federal race to the top program, Division (A), 31556  
Title XIV, Sections 14005 and 14006 of the "American Recovery 31557  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 31558  
the school will pay teachers based upon performance in 31559  
accordance with section 3317.141 and will comply with section 31560  
3319.111 of the Revised Code as if it were a school district. 31561

(j) If the school operates a preschool program that is 31562  
licensed by the department ~~of education~~ under sections 3301.52 31563  
to 3301.59 of the Revised Code, the school shall comply with 31564

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; 31593  
31594

(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; 31595  
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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; 31606  
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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: 31609  
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located; 31615  
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(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located; 31617  
31618  
31619

(c) Permit the enrollment of students who reside in any other district in the state. 31620  
31621

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

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

(22) A provision recognizing both of the following:

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

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

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

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. ~~However, the sponsor~~

~~shall not be required to take any action described in division~~ 31651  
~~(F) of section 3302.04 of the Revised Code.~~ 31652

(25) Beginning in the 2006-2007 school year, the school 31653  
will open for operation not later than the thirtieth day of 31654  
September each school year, unless the mission of the school as 31655  
specified under division (A) (2) of this section is solely to 31656  
serve dropouts. In its initial year of operation, if the school 31657  
fails to open by the thirtieth day of September, or within one 31658  
year after the adoption of the contract pursuant to division (D) 31659  
of section 3314.02 of the Revised Code if the mission of the 31660  
school is solely to serve dropouts, the contract shall be void. 31661

(26) Whether the school's governing authority is planning 31662  
to seek designation for the school as a STEM school equivalent 31663  
under section 3326.032 of the Revised Code; 31664

(27) That the school's attendance and participation 31665  
policies will be available for public inspection; 31666

(28) That the school's attendance and participation 31667  
records shall be made available to the department of education, 31668  
auditor of state, and school's sponsor to the extent permitted 31669  
under and in accordance with the "Family Educational Rights and 31670  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 31671  
and any regulations promulgated under that act, and section 31672  
3319.321 of the Revised Code; 31673

(29) If a school operates using the blended learning 31674  
model, as defined in section 3301.079 of the Revised Code, all 31675  
of the following information: 31676

(a) An indication of what blended learning model or models 31677  
will be used; 31678

(b) A description of how student instructional needs will 31679

be determined and documented;	31680
(c) The method to be used for determining competency,	31681
granting credit, and promoting students to a higher grade level;	31682
(d) The school's attendance requirements, including how	31683
the school will document participation in learning	31684
opportunities;	31685
(e) A statement describing how student progress will be	31686
monitored;	31687
(f) A statement describing how private student data will	31688
be protected;	31689
(g) A description of the professional development	31690
activities that will be offered to teachers.	31691
(30) A provision requiring that all moneys the school's	31692
operator loans to the school, including facilities loans or cash	31693
flow assistance, must be accounted for, documented, and bear	31694
interest at a fair market rate;	31695
(31) A provision requiring that, if the governing	31696
authority contracts with an attorney, accountant, or entity	31697
specializing in audits, the attorney, accountant, or entity	31698
shall be independent from the operator with which the school has	31699
contracted.	31700
(32) A provision requiring the governing authority to	31701
adopt an enrollment and attendance policy that requires a	31702
student's parent to notify the community school in which the	31703
student is enrolled when there is a change in the location of	31704
the parent's or student's primary residence.	31705
(33) A provision requiring the governing authority to	31706
adopt a student residence and address verification policy for	31707

students enrolling in or attending the school. 31708

(B) The community school shall also submit to the sponsor 31709  
a comprehensive plan for the school. The plan shall specify the 31710  
following: 31711

(1) The process by which the governing authority of the 31712  
school will be selected in the future; 31713

(2) The management and administration of the school; 31714

(3) If the community school is a currently existing public 31715  
school or educational service center building, alternative 31716  
arrangements for current public school students who choose not 31717  
to attend the converted school and for teachers who choose not 31718  
to teach in the school or building after conversion; 31719

(4) The instructional program and educational philosophy 31720  
of the school; 31721

(5) Internal financial controls. 31722

When submitting the plan under this division, the school 31723  
shall also submit copies of all policies and procedures 31724  
regarding internal financial controls adopted by the governing 31725  
authority of the school. 31726

(C) A contract entered into under section 3314.02 of the 31727  
Revised Code between a sponsor and the governing authority of a 31728  
community school may provide for the community school governing 31729  
authority to make payments to the sponsor, which is hereby 31730  
authorized to receive such payments as set forth in the contract 31731  
between the governing authority and the sponsor. The total 31732  
amount of such payments for monitoring, oversight, and technical 31733  
assistance of the school shall not exceed three per cent of the 31734  
total amount of payments for operating expenses that the school 31735

receives from the state. 31736

(D) The contract shall specify the duties of the sponsor 31737  
which shall be in accordance with the written agreement entered 31738  
into with the department ~~of education~~ under division (B) of 31739  
section 3314.015 of the Revised Code and shall include the 31740  
following: 31741

(1) Monitor the community school's compliance with all 31742  
laws applicable to the school and with the terms of the 31743  
contract; 31744

(2) Monitor and evaluate the academic and fiscal 31745  
performance and the organization and operation of the community 31746  
school on at least an annual basis; 31747

(3) Report on an annual basis the results of the 31748  
evaluation conducted under division (D)(2) of this section to 31749  
the department ~~of education~~ and to the parents of students 31750  
enrolled in the community school; 31751

(4) Provide technical assistance to the community school 31752  
in complying with laws applicable to the school and terms of the 31753  
contract; 31754

(5) Take steps to intervene in the school's operation to 31755  
correct problems in the school's overall performance, declare 31756  
the school to be on probationary status pursuant to section 31757  
3314.073 of the Revised Code, suspend the operation of the 31758  
school pursuant to section 3314.072 of the Revised Code, or 31759  
terminate the contract of the school pursuant to section 3314.07 31760  
of the Revised Code as determined necessary by the sponsor; 31761

(6) Have in place a plan of action to be undertaken in the 31762  
event the community school experiences financial difficulties or 31763  
closes prior to the end of a school year. 31764

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

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

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

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

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

(3) A stipulation of which entity owns all community

school facilities and property including, but not limited to, 31794  
equipment, furniture, fixtures, instructional materials and 31795  
supplies, computers, printers, and other digital devices 31796  
purchased by the governing authority or operator. Any 31797  
stipulation regarding property ownership shall comply with the 31798  
requirements of section 3314.0210 of the Revised Code. 31799

(B) (1) The operator with which the governing authority of 31800  
a community school contracts for services shall not lease any 31801  
parcel of real property to that community school until an 31802  
independent professional in the real estate field verifies via 31803  
addendum that at the time the lease was agreed to, the lease was 31804  
commercially reasonable. 31805

(2) The independent professional described in division (B) 31806  
(1) of this section shall be immune from civil liability for any 31807  
decision rendered pursuant to this section. 31808

(C) Beginning with the 2016-2017 school year, the 31809  
governing authority of a community school, with the assistance 31810  
of the school's designated fiscal officer, shall adopt an annual 31811  
budget by the thirty-first day of October of each year. 31812

~~Not later than ninety days after the effective date of~~ 31813  
~~this section, the~~ The department of education and workforce 31814  
shall develop a format for annual budgets of community schools. 31815  
The format shall prescribe inclusion of the following 31816  
information in a school's budget: 31817

(1) Administrative costs for the community school as a 31818  
whole; 31819

(2) Instructional services costs for each category of 31820  
service provided directly to students, compiled and reported in 31821  
terms of average expenditure per pupil receiving the service; 31822

(3) The cost of instructional support services, such as 31823  
services provided by a speech-language pathologist, classroom 31824  
aide, multimedia aide, or librarian, provided directly to 31825  
students; 31826

(4) The cost of administrative support services, such as 31827  
the cost of personnel that develop the curriculum and the cost 31828  
of personnel supervising or coordinating the delivery of the 31829  
instructional services; 31830

(5) The cost of support or extracurricular services costs 31831  
for services directly provided to students; 31832

(6) The cost of services provided directly to students by 31833  
a nonlicensed employee related to support or extracurricular 31834  
services, such as janitorial services, cafeteria services, or 31835  
services of a sports trainer; 31836

(7) The cost of administrative services related to support 31837  
or extracurricular services, such as the cost of any licensed or 31838  
unlicensed employees that develop, supervise, coordinate, or 31839  
otherwise are involved in administrating or aiding the delivery 31840  
of services. 31841

(D) The governing authority of a community school shall be 31842  
the sole entity responsible for the adoption of the school's 31843  
annual budget, but the governing authority shall adopt such 31844  
budget with the assistance of the school's designated fiscal 31845  
officer. 31846

**Sec. 3314.034.** (A) Subject to division (B) of this 31847  
section, any community school to which either of the following 31848  
conditions apply shall be prohibited from entering into a 31849  
contract with a new sponsor: 31850

(1) The community school has received, on the most recent 31851

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 that was granted. 31881  
31882
- (4) The department grants the school's request pursuant to division (C) of this section. 31883  
31884
- (C) A school shall submit a request to change sponsors under this section not later than on the fifteenth day of February of the year in which the school wishes to do so. The department shall grant or deny the request not later than thirty days after the department receives it. If the department denies the request, the community school may submit an appeal to the ~~state board of education, which~~ director of education and workforce who shall hold a hearing in accordance with Chapter 119. of the Revised Code. The community school shall file its notice of appeal to the ~~state board~~ director not later than ten days after receiving the decision from the department. The ~~state board~~ director shall conduct the hearing not later than thirty days after receiving the school's notice of appeal and act upon the determination of the hearing officer not later than the twenty-fifth day of June of the year in which the school wishes to change sponsors. 31885  
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- (D) Factors to be considered during a hearing held pursuant to division (C) of this section include, but are not limited to, the following: 31901  
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- (1) The school's impact on the students and the community or communities it serves; 31904  
31905
- (2) The quality and quantity of academic and administrative support the school receives from its current sponsor to help the school to improve; 31906  
31907  
31908
- (3) The sponsor's annual evaluations of the community 31909

school under division (D) (2) of section 3314.03 of the Revised Code for the previous three years;	31910 31911
(4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;	31912 31913 31914
(5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;	31915 31916 31917
(6) The fiscal stability of the school;	31918
(7) The results of any audits of the school by the auditor of state;	31919 31920
(8) The length of time the school has been under the oversight of its current sponsor;	31921 31922
(9) The number of times the school has changed sponsors prior to the current request;	31923 31924
(10) Parent and student satisfaction rates as demonstrated by surveys, if available.	31925 31926
<b>Sec. 3314.035.</b> 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 <u>and workforce</u> .	31927 31928 31929 31930 31931 31932
<b>Sec. 3314.038.</b> Each community school shall annually submit to the department of education <u>and workforce</u> 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	31933 31934 31935 31936 31937

Revised Code.	31938
<b>Sec. 3314.039.</b> The department of education <u>and workforce</u>	31939
shall compile and publish the following information, for each	31940
year since the 2010-2011 school year, in a simple, easily	31941
accessible location on its web site:	31942
(A) A single document identifying each community school	31943
that has closed during each year and the reason for the closure	31944
of each school;	31945
(B) A single document for each entity that submitted an	31946
application to sponsor schools that contains the following,	31947
where applicable:	31948
(1) The entity's application and most recent evaluation;	31949
(2) A designation of whether the entity's application was	31950
approved or denied;	31951
(3) All documentation used in determining whether to	31952
approve or deny the entity's application;	31953
(4) A short statement describing the rationale used in	31954
approving or denying the entity's application.	31955
(C) A single document containing the following	31956
information:	31957
(1) A list of all sponsor ratings for each school year for	31958
which ratings are available;	31959
(2) A list of each sponsor that is prohibited, as of the	31960
thirty-first day of December of each school year, from	31961
sponsoring new schools;	31962
(3) A list of each sponsor that sponsors or has sponsored	31963
a school that is or was subject to closure, and the reason for	31964

that closure. 31965

(D) The department shall update the document required 31966  
pursuant to division (A) of this section on an annual basis. 31967

**Sec. 3314.041.** The governing authority of each community 31968  
school and any operator of such school shall distribute to 31969  
parents of students of the school upon their enrollment in the 31970  
school the following statement in writing: 31971

"The \_\_\_\_\_ (here fill in name of the school) 31972  
school is a community school established under Chapter 3314. of 31973  
the Revised Code. The school is a public school and students 31974  
enrolled in and attending the school are required to take 31975  
proficiency tests and other examinations prescribed by law. In 31976  
addition, there may be other requirements for students at the 31977  
school that are prescribed by law. Students who have been 31978  
excused from the compulsory attendance law for the purpose of 31979  
home education as defined by the Administrative Code shall no 31980  
longer be excused for that purpose upon their enrollment in a 31981  
community school. For more information about this matter contact 31982  
the school administration or the Ohio Department of Education\_ 31983  
and Workforce." 31984

**Sec. 3314.05.** (A) The contract between the community 31985  
school and the sponsor shall specify the facilities to be used 31986  
for the community school and the method of acquisition. Except 31987  
as provided in divisions (B) (3) and (4) of this section, no 31988  
community school shall be established in more than one school 31989  
district under the same contract. 31990

(B) Division (B) of this section shall not apply to 31991  
internet- or computer-based community schools. 31992

(1) A community school may be located in multiple 31993

facilities under the same contract only if the limitations on 31994  
availability of space prohibit serving all the grade levels 31995  
specified in the contract in a single facility or division (B) 31996  
(2), (3), or (4) of this section applies to the school. The 31997  
school shall not offer the same grade level classrooms in more 31998  
than one facility. 31999

(2) A community school may be located in multiple 32000  
facilities under the same contract and, notwithstanding division 32001  
(B) (1) of this section, may assign students in the same grade 32002  
level to multiple facilities, as long as all of the following 32003  
apply: 32004

(a) The governing authority has entered into and maintains 32005  
a contract with an operator of the type described in division 32006  
(A) (8) (b) of section 3314.02 of the Revised Code. 32007

(b) The contract with that operator qualified the school 32008  
to be established pursuant to division (A) of former section 32009  
3314.016 of the Revised Code. 32010

(c) The school's rating under section 3302.03 of the 32011  
Revised Code does not fall below a combination of any of the 32012  
following for two or more consecutive years: 32013

(i) A rating of "in need of continuous improvement" under 32014  
section 3302.03 of the Revised Code, as that section existed 32015  
prior to March 22, 2013; 32016

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015- 32017  
2016 school years, a rating of "C" for both the performance 32018  
index score under division (A) (1) (b) or (B) (1) (b) and the value- 32019  
added dimension under division (A) (1) (e) or (B) (1) (e) of section 32020  
3302.03 of the Revised Code; or if the building serves only 32021  
grades ten through twelve, the building received a grade of "C" 32022

for the performance index score under division (A) (1) (b) or (B) 32023  
(1) (b) of section 3302.03 of the Revised Code; 32024

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 32025  
2020-2021 school years, an overall grade of "C" under division 32026  
(C) (3) of section 3302.03 of the Revised Code or an overall 32027  
performance designation of "meets standards" under division (E) 32028  
(3) (e) of section 3314.017 of the Revised Code; 32029

(iv) For the 2021-2022 school year and any school year 32030  
thereafter, an overall performance rating of three stars under 32031  
division (D) (3) of section 3302.03 of the Revised Code or an 32032  
overall performance designation of "meets standards" under 32033  
division (E) (3) (e) of section 3314.017 of the Revised Code. 32034

(3) On and after September 30, 2021, a new start-up 32035  
community school may be established in two school districts 32036  
under the same contract regardless of the proposed location of 32037  
either district if both of the following apply: 32038

(a) The school operates not more than one facility in each 32039  
school district and, in accordance with division (B) (1) of this 32040  
section, the school does not offer the same grade level 32041  
classrooms in both facilities; and 32042

(b) Transportation between the two facilities does not 32043  
require more than thirty minutes of direct travel time as 32044  
measured by school bus. 32045

(4) A community school may be located in multiple 32046  
facilities under the same contract and, notwithstanding division 32047  
(B) (1) of this section, may assign students in the same grade 32048  
level to multiple facilities, as long as both of the following 32049  
apply: 32050

(a) The facilities are all located in the same county or 32051

in any county adjacent to the county in which the community 32052  
school's primary facility is located. 32053

(b) Either of the following conditions are satisfied: 32054

(i) The community school is sponsored by a board of 32055  
education of a city, local, or exempted village school district 32056  
having territory in the same county where the facilities of the 32057  
community school are located or in any county adjacent to the 32058  
county in which the community school's primary facility is 32059  
located; 32060

(ii) The community school is managed by an operator. 32061

In the case of a community school to which division (B) (4) 32062  
of this section applies and that maintains facilities in more 32063  
than one school district, the school's governing authority shall 32064  
designate one of those districts to be considered the school's 32065  
primary location and the district in which the school is located 32066  
for the purposes of division (A) (19) of section 3314.03 and 32067  
divisions (C) and (H) of section 3314.06 of the Revised Code and 32068  
for all other purposes of this chapter and shall notify the 32069  
department of that designation. 32070

(5) Any facility used for a community school shall meet 32071  
all health and safety standards established by law for school 32072  
buildings. 32073

(C) In the case where a community school is proposed to be 32074  
located in a facility owned by a school district or educational 32075  
service center, the facility may not be used for such community 32076  
school unless the district or service center board owning the 32077  
facility enters into an agreement for the community school to 32078  
utilize the facility. Use of the facility may be under any terms 32079  
and conditions agreed to by the district or service center board 32080

and the school. 32081

(D) Two or more separate community schools may be located 32082  
in the same facility. 32083

(E) In the case of a community school that is located in 32084  
multiple facilities, beginning July 1, 2012, the department 32085  
shall assign a unique identification number to the school and to 32086  
each facility maintained by the school. Each number shall be 32087  
used for identification purposes only. Nothing in this division 32088  
shall be construed to require the department to calculate the 32089  
amount of funds paid under this chapter, or to compute any data 32090  
required for the report cards issued under section 3314.012 of 32091  
the Revised Code, for each facility separately. The department 32092  
shall make all such calculations or computations for the school 32093  
as a whole. 32094

(F) (1) In the case of a community school that exists prior 32095  
to September 30, 2021, to which division (B) (3) of this section 32096  
applies, if only one of the school districts in which the school 32097  
is established was located in a challenged school district prior 32098  
to September 30, 2021, that district continues to be considered 32099  
the school's primary location and the district in which the 32100  
school is located for the purposes of division (A) (19) of 32101  
section 3314.03 and divisions (C) and (H) of section 3314.06 of 32102  
the Revised Code and for all other purposes of this chapter 32103  
unless and until the school's governing authority designates a 32104  
different school district as the school's primary location in 32105  
accordance with division (F) (2) of this section. If both of the 32106  
school districts in which the school is established were 32107  
challenged school districts on that date, and the primary 32108  
location was already designated by the school's governing 32109  
authority pursuant to the requirements of this section as it 32110

existed prior to ~~the~~ September 30, 2021, that designation 32111  
remains unless and until the school's governing authority 32112  
designates a different primary location. 32113

(2) (a) On and after September 30, 2021, when a new start- 32114  
up community school is established in two school districts under 32115  
the same contract, the school's governing authority shall 32116  
designate one of those districts to be considered the school's 32117  
primary location and the district in which the school is located 32118  
for the purposes of division (A) (19) of section 3314.03 and 32119  
divisions (C) and (H) of section 3314.06 of the Revised Code and 32120  
for all other purposes of this chapter and shall notify the 32121  
department of education and workforce of that designation. 32122

(b) A community school governing authority that elects to 32123  
modify a community school's primary location, whether in 32124  
accordance with division (F) (1) of this section or otherwise, 32125  
shall notify the department of that modification. 32126

**Sec. 3314.06.** The governing authority of each community 32127  
school established under this chapter shall adopt admission 32128  
procedures that specify the following: 32129

(A) That, except as otherwise provided in this section, 32130  
admission to the school shall be open to any individual age five 32131  
to twenty-two entitled to attend school pursuant to section 32132  
3313.64 or 3313.65 of the Revised Code in a school district in 32133  
the state. 32134

Additionally, except as otherwise provided in this 32135  
section, admission to the school may be open on a tuition basis 32136  
to any individual age five to twenty-two who is not a resident 32137  
of this state. The school shall not receive state funds under 32138  
section 3317.022 of the Revised Code for any student who is not 32139

a resident of this state. 32140

An individual younger than five years of age may be 32141  
admitted to the school in accordance with division (A)(2) of 32142  
section 3321.01 of the Revised Code. The school shall receive 32143  
funds for an individual admitted under that division in the 32144  
manner provided under section 3317.022 of the Revised Code. 32145

If the school operates a program that uses the Montessori 32146  
method endorsed by the American Montessori society, the 32147  
Montessori accreditation council for teacher education, or the 32148  
association Montessori internationale as its primary method of 32149  
instruction, admission to the school may be open to individuals 32150  
younger than five years of age but the school shall not receive 32151  
funds under section 3317.022 of the Revised Code for those 32152  
individuals. Notwithstanding anything to the contrary in this 32153  
chapter, individuals younger than five years of age who are 32154  
enrolled in a Montessori program shall be offered at least four 32155  
hundred fifty-five hours of learning opportunities per school 32156  
year. 32157

If the school operates a preschool program that is 32158  
licensed by the department of education and workforce under 32159  
sections 3301.52 to 3301.59 of the Revised Code, admission to 32160  
the school may be open to individuals who are younger than five 32161  
years of age, but the school shall not receive funds under this 32162  
chapter for those individuals. 32163

(B)(1) That admission to the school may be limited to 32164  
students who have attained a specific grade level or are within 32165  
a specific age group; to students that meet a definition of "at- 32166  
risk," as defined in the contract; to residents of a specific 32167  
geographic area within the district, as defined in the contract; 32168  
or to separate groups of autistic students and nondisabled 32169

students, as authorized in section 3314.061 of the Revised Code 32170  
and as defined in the contract. 32171

(2) For purposes of division (B)(1) of this section, "at- 32172  
risk" students may include those students identified as gifted 32173  
students under section 3324.03 of the Revised Code. 32174

(C) Whether enrollment is limited to students who reside 32175  
in the district in which the school is located or is open to 32176  
residents of other districts, as provided in the policy adopted 32177  
pursuant to the contract. 32178

(D)(1) That there will be no discrimination in the 32179  
admission of students to the school on the basis of race, creed, 32180  
color, disability, or sex except that: 32181

(a) The governing authority may do either of the following 32182  
for the purpose described in division (G) of this section: 32183

(i) Establish a single-gender school for either sex; 32184

(ii) Establish single-gender schools for each sex under 32185  
the same contract, provided substantially equal facilities and 32186  
learning opportunities are offered for both boys and girls. Such 32187  
facilities and opportunities may be offered for each sex at 32188  
separate locations. 32189

(b) The governing authority may establish a school that 32190  
simultaneously serves a group of students identified as autistic 32191  
and a group of students who are not disabled, as authorized in 32192  
section 3314.061 of the Revised Code. However, unless the total 32193  
capacity established for the school has been filled, no student 32194  
with any disability shall be denied admission on the basis of 32195  
that disability. 32196

(2) That upon admission of any student with a disability, 32197

the community school will comply with all federal and state laws 32198  
regarding the education of students with disabilities. 32199

(E) That the school may not limit admission to students on 32200  
the basis of intellectual ability, measures of achievement or 32201  
aptitude, or athletic ability, except that a school may limit 32202  
its enrollment to students as described in division (B) of this 32203  
section. 32204

(F) That the community school will admit the number of 32205  
students that does not exceed the capacity of the school's 32206  
programs, classes, grade levels, or facilities. 32207

(G) That the purpose of single-gender schools that are 32208  
established shall be to take advantage of the academic benefits 32209  
some students realize from single-gender instruction and 32210  
facilities and to offer students and parents residing in the 32211  
district the option of a single-gender education. 32212

(H) That, except as otherwise provided under division (B) 32213  
of this section or section 3314.061 of the Revised Code, if the 32214  
number of applicants exceeds the capacity restrictions of 32215  
division (F) of this section, students shall be admitted by lot 32216  
from all those submitting applications, except preference shall 32217  
be given to students attending the school the previous year and 32218  
to students who reside in the district in which the school is 32219  
located. Preference may be given to siblings of students 32220  
attending the school the previous year. Preference also may be 32221  
given to students who are the children of full-time staff 32222  
members employed by the school, provided the total number of 32223  
students receiving this preference is less than five per cent of 32224  
the school's total enrollment. 32225

Notwithstanding divisions (A) to (H) of this section, in 32226

the event the racial composition of the enrollment of the 32227  
community school is violative of a federal desegregation order, 32228  
the community school shall take any and all corrective measures 32229  
to comply with the desegregation order. 32230

**Sec. 3314.072.** The provisions of this section are enacted 32231  
to promote the public health, safety, and welfare by 32232  
establishing procedures under which the governing authorities of 32233  
community schools established under this chapter will be held 32234  
accountable for their compliance with the terms of the contracts 32235  
they enter into with their school's sponsors and the law 32236  
relating to the school's operation. Suspension of the operation 32237  
of a school imposed under this section is intended to encourage 32238  
the governing authority's compliance with the terms of the 32239  
school's contract and the law and is not intended to be an 32240  
alteration of the terms of that contract. 32241

(A) If a sponsor of a community school established under 32242  
this chapter suspends the operation of that school pursuant to 32243  
procedures set forth in this section, the governing authority 32244  
shall not operate that school while the suspension is in effect. 32245  
Any such suspension shall remain in effect until the sponsor 32246  
notifies the governing authority that it is no longer in effect. 32247  
The contract of a school of which operation is suspended under 32248  
this section also may be subject to termination or nonrenewal 32249  
under section 3314.07 of the Revised Code. 32250

(B) If at any time conditions at the school do not comply 32251  
with a health and safety standard established by law for school 32252  
buildings, the sponsor shall immediately suspend the operation 32253  
of the school pursuant to procedures set forth in division (D) 32254  
of this section. If the sponsor fails to take action to suspend 32255  
the operation of a school to which this division applies, the 32256

department of education and workforce may take such action. 32257

(C) (1) For any of the reasons prescribed in ~~division\_~~ 32258  
divisions (B) (1) (a) to (d) of section 3314.07 of the Revised 32259  
Code, the sponsor of a community school established under this 32260  
chapter may suspend the operation of the school only if it first 32261  
issues to the governing authority notice of the sponsor's intent 32262  
to suspend the operation of the contract. Such notice shall 32263  
explain the reasons for the sponsor's intent to suspend 32264  
operation of the contract and shall provide the school's 32265  
governing authority with five business days to submit to the 32266  
sponsor a proposal to remedy the conditions cited as reasons for 32267  
the suspension. 32268

(2) The sponsor shall promptly review any proposed remedy 32269  
timely submitted by the governing authority and either approve 32270  
or disapprove the remedy. If the sponsor disapproves the remedy 32271  
proposed by the governing authority, if the governing authority 32272  
fails to submit a proposed remedy in the manner prescribed by 32273  
the sponsor, or if the governing authority fails to implement 32274  
the remedy as approved by the sponsor, the sponsor may suspend 32275  
operation of the school pursuant to procedures set forth in 32276  
division (D) of this section. 32277

(D) (1) If division (B) of this section applies or if the 32278  
sponsor of a community school established under this chapter 32279  
decides to suspend the operation of a school as permitted in 32280  
division (C) (2) of this section, the sponsor shall promptly send 32281  
written notice to the governing authority stating that the 32282  
operation of the school is immediately suspended, and explaining 32283  
the specific reasons for the suspension. The notice shall state 32284  
that the governing authority has five business days to submit a 32285  
proposed remedy to the conditions cited as reasons for the 32286

suspension or face potential contract termination. 32287

(2) Upon receipt of the notice of suspension prescribed 32288  
under division (D) (1) of this section, the governing authority 32289  
shall immediately notify the employees of the school and the 32290  
parents of the students enrolled in the school of the suspension 32291  
and the reasons therefore, and shall cease all school operations 32292  
on the next business day. 32293

(E) (1) Beginning with the 2013-2014 school year, if the 32294  
sponsor of a community school suspends the operation of that 32295  
school pursuant to procedures set forth in this section, the 32296  
school's contract with the sponsor under section 3314.03 of the 32297  
Revised Code shall become void, if the governing authority of 32298  
the school fails to provide a proposal to remedy the conditions 32299  
cited by the sponsor as reasons for the suspension, to the 32300  
satisfaction of the sponsor, by the thirtieth day of September 32301  
of the school year immediately following the school year in 32302  
which the operation of school was suspended. 32303

(2) If, prior to ~~the effective date of this amendment~~ 32304  
September 29, 2013, the sponsor of a community school has 32305  
suspended the operation of the school, the contract with the 32306  
sponsor under section 3314.03 of the Revised Code shall become 32307  
void if the governing authority of the school fails to provide 32308  
by September 30, 2014, a proposal to remedy the conditions cited 32309  
by the sponsor as reasons for the suspension, to the 32310  
satisfaction of the sponsor. 32311

**Sec. 3314.074.** Divisions (A) and (B) of this section apply 32312  
only to the extent permitted under Chapter 1702. of the Revised 32313  
Code. 32314

(A) If any community school established under this chapter 32315

permanently closes and ceases its operation as a community 32316  
school, the assets of that school shall be distributed first to 32317  
the retirement funds of employees of the school, employees of 32318  
the school, and private creditors who are owed compensation, and 32319  
then any remaining funds shall be paid to the department of 32320  
education and workforce for redistribution to the school 32321  
districts in which the students who were enrolled in the school 32322  
at the time it ceased operation were entitled to attend school 32323  
under section 3313.64 or 3313.65 of the Revised Code. The amount 32324  
distributed to each school district shall be proportional to the 32325  
district's share of the total enrollment in the community 32326  
school. For any community school that closes after fiscal year 32327  
2021, any remaining funds shall be paid to the department ~~of~~ 32328  
~~education~~ and deposited into the state general revenue fund. 32329

(B) If a community school closes and ceases to operate as 32330  
a community school and the school has received computer hardware 32331  
or software from the former Ohio SchoolNet commission or the 32332  
former eTech Ohio commission, such hardware or software shall be 32333  
turned over to the department ~~of education~~, which shall 32334  
redistribute the hardware and software, to the extent such 32335  
redistribution is possible, to school districts in conformance 32336  
with the provisions of the programs as they were operated and 32337  
administered by the former eTech Ohio commission. 32338

(C) If the assets of the school are insufficient to pay 32339  
all persons or entities to whom compensation is owed, the 32340  
prioritization of the distribution of the assets to individual 32341  
persons or entities within each class of payees may be 32342  
determined by decree of a court in accordance with this section 32343  
and Chapter 1702. of the Revised Code. 32344

(D) A community school that engages in a merger or 32345

consolidation pursuant to division (B) of section 1702.41 of the Revised Code and becomes a single public benefit corporation shall not be required to distribute assets pursuant to divisions (A), (B), and (C) of this section, provided that the governing authority of the community school created by the merger or consolidation enters into a contract for sponsorship under section 3314.03 of the Revised Code with an entity rated "effective" or higher by the department ~~of education~~ pursuant to section 3314.016 of the Revised Code.

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

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

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

(B) The ~~state board~~ department of education and workforce shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:

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

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

(3) The number of students reported under division (B) (2) of this section receiving special education and related services

pursuant to an IEP for a disability described in each of	32375
divisions (A) to (F) of section 3317.013 of the Revised Code;	32376
(4) The full-time equivalent number of students reported	32377
under divisions (B)(1) and (2) of this section who are enrolled	32378
in career-technical education programs or classes described in	32379
each of divisions (A)(1) to (5) of section 3317.014 of the	32380
Revised Code that are provided by the community school;	32381
(5) The number of students reported under divisions (B)(1)	32382
and (2) of this section who are not reported under division (B)	32383
(4) of this section but who are enrolled in career-technical	32384
education programs or classes described in each of divisions (A)	32385
(1) to (5) of section 3317.014 of the Revised Code at a joint	32386
vocational school district or another district in the career-	32387
technical planning district to which the school is assigned;	32388
(6) The number of students reported under divisions (B)(1)	32389
and (2) of this section who are category one to three English	32390
learners described in each of divisions (A) to (C) of section	32391
3317.016 of the Revised Code;	32392
(7) The number of students reported under divisions (B)(1)	32393
and (2) of this section who are economically disadvantaged, as	32394
defined by the department. A student shall not be categorically	32395
excluded from the number reported under division (B)(7) of this	32396
section based on anything other than family income.	32397
(8) For each student, the city, exempted village, or local	32398
school district in which the student is entitled to attend	32399
school under section 3313.64 or 3313.65 of the Revised Code.	32400
(9) The number of students enrolled in a preschool program	32401
operated by the school that is licensed by the department <del>of</del>	32402
<del>education</del> under sections 3301.52 to 3301.59 of the Revised Code	32403

who are not receiving special education and related services 32404  
pursuant to an IEP. 32405

A school district board and a community school governing 32406  
authority shall include in their respective reports under 32407  
division (B) of this section any child admitted in accordance 32408  
with division (A) (2) of section 3321.01 of the Revised Code. 32409

A governing authority of a community school shall not 32410  
include in its report under divisions (B) (1) to (9) of this 32411  
section any student for whom tuition is charged under division 32412  
(F) of this section. 32413

(C) (1) (a) If a community school's costs for a fiscal year 32414  
for a student receiving special education and related services 32415  
pursuant to an IEP for a disability described in divisions (B) 32416  
to (F) of section 3317.013 of the Revised Code exceed the 32417  
threshold catastrophic cost for serving the student as specified 32418  
in division (B) of section 3317.0214 of the Revised Code, the 32419  
school may submit to the ~~superintendent of public instruction~~ 32420  
director of education and workforce documentation, as prescribed 32421  
by the ~~superintendent~~ director, of all its costs for that 32422  
student. Upon submission of documentation for a student of the 32423  
type and in the manner prescribed, the department shall pay to 32424  
the community school an amount equal to the school's costs for 32425  
the student in excess of the threshold catastrophic costs. 32426

(b) The community school shall report under division (C) 32427  
(1) (a) of this section, and the department shall pay for, only 32428  
the costs of educational expenses and the related services 32429  
provided to the student in accordance with the student's 32430  
individualized education program. Any legal fees, court costs, 32431  
or other costs associated with any cause of action relating to 32432  
the student may not be included in the amount. 32433

(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 department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division (A) (7) of section 3317.022 of the Revised Code may be spent.

(3) Notwithstanding anything to the contrary in section 3313.90 of the Revised Code, except as provided in division (C) (5) of this section, all funds received under division (A) (7) of section 3317.022 of the Revised Code shall be spent in the following manner:

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

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

(4) A community school shall spend the funds it receives

under division (A) (4) of section 3317.022 of the Revised Code in 32464  
accordance with section 3317.25 of the Revised Code. 32465

(5) The department may waive the requirement in division 32466  
(C) (3) of this section for any community school that exclusively 32467  
provides one or more career-technical workforce development 32468  
programs in arts and communications that are not equipment- 32469  
intensive, as determined by the department. 32470

(6) For fiscal years 2022 and 2023, a community school 32471  
shall spend the funds it receives under division (A) (5) of 32472  
section 3317.022 of the Revised Code only for services for 32473  
English learners. 32474

(D) A board of education sponsoring a community school may 32475  
utilize local funds to make enhancement grants to the school or 32476  
may agree, either as part of the contract or separately, to 32477  
provide any specific services to the community school at no cost 32478  
to the school. 32479

(E) A community school may not levy taxes or issue bonds 32480  
secured by tax revenues. 32481

(F) No community school shall charge tuition for the 32482  
enrollment of any student who is a resident of this state. A 32483  
community school may charge tuition for the enrollment of any 32484  
student who is not a resident of this state. 32485

(G) (1) (a) A community school may borrow money to pay any 32486  
necessary and actual expenses of the school in anticipation of 32487  
the receipt of any portion of the payments to be received by the 32488  
school pursuant to section 3317.022 of the Revised Code. The 32489  
school may issue notes to evidence such borrowing. The proceeds 32490  
of the notes shall be used only for the purposes for which the 32491  
anticipated receipts may be lawfully expended by the school. 32492

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities. 32493  
32494

(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. 32495  
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(H) The department ~~of education~~ shall adjust the amounts paid under section 3317.022 of the Revised Code to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The ~~state board of education~~ ~~within ninety days after April 8, 2003,~~ department shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under section 3317.022 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools as provided under section 3317.022 of the Revised Code. For purposes of this division: 32498  
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(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. 32509  
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(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 32513  
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student, "learning opportunities" shall be defined in the 32523  
contract, which shall describe both classroom-based and non- 32524  
classroom-based learning opportunities and shall be in 32525  
compliance with criteria and documentation requirements for 32526  
student participation which shall be established by the 32527  
department. Any student's instruction time in non-classroom- 32528  
based learning opportunities shall be certified by an employee 32529  
of the community school. A student's enrollment shall be 32530  
considered to cease on the date on which any of the following 32531  
occur: 32532

(a) The community school receives documentation from a 32533  
parent terminating enrollment of the student. 32534

(b) The community school is provided documentation of a 32535  
student's enrollment in another public or private school. 32536

(c) The community school ceases to offer learning 32537  
opportunities to the student pursuant to the terms of the 32538  
contract with the sponsor or the operation of any provision of 32539  
this chapter. 32540

Except as otherwise specified in this paragraph, beginning 32541  
in the 2011-2012 school year, any student who completed the 32542  
prior school year in an internet- or computer-based community 32543  
school shall be considered to be enrolled in the same school in 32544  
the subsequent school year until the student's enrollment has 32545  
ceased as specified in division (H) (2) of this section. The 32546  
department shall continue paying amounts for the student under 32547  
section 3317.022 of the Revised Code without interruption at the 32548  
start of the subsequent school year. However, if the student 32549  
without a legitimate excuse fails to participate in the first 32550  
seventy-two consecutive hours of learning opportunities offered 32551  
to the student in that subsequent school year, the student shall 32552

be considered not to have re-enrolled in the school for that 32553  
school year and the department shall recalculate the payments to 32554  
the school for that school year to account for the fact that the 32555  
student is not enrolled. 32556

(3) The department shall determine each community school 32557  
student's percentage of full-time equivalency based on the 32558  
percentage of learning opportunities offered by the community 32559  
school to that student, reported either as number of hours or 32560  
number of days, is of the total learning opportunities offered 32561  
by the community school to a student who attends for the 32562  
school's entire school year. However, no internet- or computer- 32563  
based community school shall be credited for any time a student 32564  
spends participating in learning opportunities beyond ten hours 32565  
within any period of twenty-four consecutive hours. Whether it 32566  
reports hours or days of learning opportunities, each community 32567  
school shall offer not less than nine hundred twenty hours of 32568  
learning opportunities during the school year. 32569

(4) With respect to the calculation of full-time 32570  
equivalency under division (H) (3) of this section, the 32571  
department shall waive the number of hours or days of learning 32572  
opportunities not offered to a student because the community 32573  
school was closed during the school year due to disease 32574  
epidemic, hazardous weather conditions, law enforcement 32575  
emergencies, inoperability of school buses or other equipment 32576  
necessary to the school's operation, damage to a school 32577  
building, or other temporary circumstances due to utility 32578  
failure rendering the school building unfit for school use, so 32579  
long as the school was actually open for instruction with 32580  
students in attendance during that school year for not less than 32581  
the minimum number of hours required by this chapter. The 32582  
department shall treat the school as if it were open for 32583

instruction with students in attendance during the hours or days 32584  
waived under this division. 32585

(I) The department of education and workforce shall reduce 32586  
the amounts paid under section 3317.022 of the Revised Code to 32587  
reflect payments made to colleges under section 3365.07 of the 32588  
Revised Code. 32589

(J) (1) No student shall be considered enrolled in any 32590  
internet- or computer-based community school or, if applicable 32591  
to the student, in any community school that is required to 32592  
provide the student with a computer pursuant to division (C) of 32593  
section 3314.22 of the Revised Code, unless both of the 32594  
following conditions are satisfied: 32595

(a) The student possesses or has been provided with all 32596  
required hardware and software materials and all such materials 32597  
are operational so that the student is capable of fully 32598  
participating in the learning opportunities specified in the 32599  
contract between the school and the school's sponsor as required 32600  
by division (A) (23) of section 3314.03 of the Revised Code; 32601

(b) The school is in compliance with division (A) of 32602  
section 3314.22 of the Revised Code, relative to such student. 32603

(2) In accordance with policies adopted by the 32604  
~~superintendent of public instruction~~department of education and 32605  
workforce, in consultation with the auditor of state, the 32606  
department shall reduce the amounts otherwise payable under 32607  
section 3317.022 of the Revised Code to any community school 32608  
that includes in its program the provision of computer hardware 32609  
and software materials to any student, if such hardware and 32610  
software materials have not been delivered, installed, and 32611  
activated for each such student in a timely manner or other 32612

educational materials or services have not been provided 32613  
according to the contract between the individual community 32614  
school and its sponsor. 32615

The ~~superintendent of public instruction~~ director and the 32616  
auditor of state shall jointly establish a method for auditing 32617  
any community school to which this division pertains to ensure 32618  
compliance with this section. 32619

The ~~superintendent~~ director, auditor of state, and the 32620  
governor shall jointly make recommendations to the general 32621  
assembly for legislative changes that may be required to assure 32622  
fiscal and academic accountability for such schools. 32623

(K) (1) If the department determines that a review of a 32624  
community school's enrollment is necessary, such review shall be 32625  
completed and written notice of the findings shall be provided 32626  
to the governing authority of the community school and its 32627  
sponsor within ninety days of the end of the community school's 32628  
fiscal year, unless extended for a period not to exceed thirty 32629  
additional days for one of the following reasons: 32630

(a) The department and the community school mutually agree 32631  
to the extension. 32632

(b) Delays in data submission caused by either a community 32633  
school or its sponsor. 32634

(2) If the review results in a finding that additional 32635  
funding is owed to the school, such payment shall be made within 32636  
thirty days of the written notice. If the review results in a 32637  
finding that the community school owes moneys to the state, the 32638  
following procedure shall apply: 32639

(a) Within ten business days of the receipt of the notice 32640  
of findings, the community school may appeal the department's 32641

determination to the ~~state board of education or its designee\_~~ 32642  
director. 32643

(b) The ~~board or its designee~~ director shall conduct an 32644  
informal hearing on the matter within thirty days of receipt of 32645  
such an appeal and shall issue a decision within fifteen days of 32646  
the conclusion of the hearing. 32647

(c) ~~If the board has enlisted a designee to conduct the~~ 32648  
~~hearing, the designee shall certify its decision to the board.~~ 32649  
~~The board may accept the decision of the designee or may reject~~ 32650  
~~the decision of the designee and issue its own decision on the~~ 32651  
~~matter.~~ 32652

~~(d)~~ Any decision made by the ~~board~~ director under this 32653  
division is final. 32654

(3) If it is decided that the community school owes moneys 32655  
to the state, the department shall deduct such amount from the 32656  
school's future payments in accordance with guidelines issued by 32657  
the ~~superintendent of public instruction~~ director. 32658

(L) The department shall not pay to a community school 32659  
under section 3317.022 of the Revised Code any amount for any of 32660  
the following: 32661

(1) Any student who has graduated from the twelfth grade 32662  
of a public or nonpublic high school; 32663

(2) Any student who is not a resident of the state; 32664

(3) Any student who was enrolled in the community school 32665  
during the previous school year when assessments were 32666  
administered under section 3301.0711 of the Revised Code but did 32667  
not take one or more of the assessments required by that section 32668  
and was not excused pursuant to division (C) (1) or (3) of that 32669

section, unless the ~~superintendent of public instruction~~ 32670  
director grants the student a waiver from the requirement to 32671  
take the assessment and a parent is not paying tuition for the 32672  
student pursuant to section 3314.26 of the Revised Code. The 32673  
~~superintendent~~ director may grant a waiver only for good cause 32674  
in accordance with rules adopted by the ~~state board of education~~ 32675  
department. 32676

(4) Any student who has attained the age of twenty-two 32677  
years, except for veterans of the armed services whose 32678  
attendance was interrupted before completing the recognized 32679  
twelve-year course of the public schools by reason of induction 32680  
or enlistment in the armed forces and who apply for enrollment 32681  
in a community school not later than four years after 32682  
termination of war or their honorable discharge. If, however, 32683  
any such veteran elects to enroll in special courses organized 32684  
for veterans for whom tuition is paid under federal law, or 32685  
otherwise, the department shall not pay to a community school 32686  
under section 3317.022 of the Revised Code any amount for that 32687  
veteran. 32688

**Sec. 3314.081.** To the extent permitted by federal law, the 32689  
department of education and workforce shall include community 32690  
schools established under this chapter in its annual allocation 32691  
of federal moneys under Title I of the "Elementary and Secondary 32692  
Education Act of 1965," 20 U.S.C. 6301, et seq. 32693

**Sec. 3314.083.** If the department of education and 32694  
workforce pays a joint vocational school district under division 32695  
(C) (3) of section 3317.16 of the Revised Code for excess costs 32696  
of providing special education and related services to a student 32697  
with a disability who is enrolled in a community school, as 32698  
calculated under division (C) (1) of that section, the department 32699

shall deduct the amount of that payment from the amount 32700  
calculated for payment to the community school under section 32701  
3317.022 of the Revised Code. 32702

**Sec. 3314.087.** (A) As used in this section: 32703

(1) "Career-technical program" means career-technical 32704  
programs or classes described in division (A) (1), (2), (3), (4), 32705  
or (5) of section 3317.014 of the Revised Code in which a 32706  
student is enrolled. 32707

(2) "Category one through five career-technical education 32708  
ADM," and "FTE basis" have the same meanings as in section 32709  
3317.02 of the Revised Code. 32710

(3) "Resident school district" means the city, exempted 32711  
village, or local school district in which a student is entitled 32712  
to attend school under section 3313.64 or 3313.65 of the Revised 32713  
Code. 32714

(B) Notwithstanding anything to the contrary in this 32715  
chapter or Chapter 3317. of the Revised Code, a student enrolled 32716  
in a community school may simultaneously enroll in the career- 32717  
technical program operated by the career-technical planning 32718  
district to which the student's resident district belongs. On an 32719  
FTE basis, the student's resident school district shall count 32720  
the student in the category one through five career-technical 32721  
education ADM for the proportion of the time the student is 32722  
enrolled in a career-technical program of the career-technical 32723  
planning district to which the student's resident district 32724  
belongs and, accordingly, the department of education and 32725  
workforce shall calculate funds under Chapter 3317. of the 32726  
Revised Code for the resident district attributable to the 32727  
student for the proportion of time the student attends the 32728

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 32759  
transportation. 32760

(4) The sponsor of the community school also has signed 32761  
the agreement. 32762

(B) (1) For the school year that begins on July 1, 2007, a 32763  
school district is not required to provide transportation for 32764  
any native student enrolled in a community school, if the 32765  
community school during the previous school year transported the 32766  
students enrolled in the school or arranged for the students' 32767  
transportation, even if that arrangement consisted of having 32768  
parents transport their children to and from the school, but did 32769  
not enter into an agreement to transport or arrange for 32770  
transportation for those students under division (A) of this 32771  
section, and if the governing authority of the community school 32772  
by July 15, 2007, submits written notification to the district 32773  
board of education stating that the governing authority is 32774  
accepting responsibility for providing or arranging for the 32775  
transportation of the district's native students to and from the 32776  
community school. 32777

(2) Except as provided in division (B) (4) of this section, 32778  
for any school year subsequent to the school year that begins on 32779  
July 1, 2007, a school district is not required to provide 32780  
transportation for any native student enrolled in a community 32781  
school if the governing authority of the community school, by 32782  
the first day of August, submits written notification to the 32783  
district board of education stating that the governing authority 32784  
is accepting responsibility for providing or arranging for the 32785  
transportation of the district's native students to and from the 32786  
community school. If the governing authority of the community 32787  
school has previously accepted responsibility for providing or 32788

arranging for the transportation of a district's native students 32789  
to and from the community school, under division (B) (1) or (2) 32790  
of this section, and has since relinquished that responsibility 32791  
under division (B) (3) of this section, the governing authority 32792  
shall not accept that responsibility again unless the district 32793  
board consents to the governing authority's acceptance of that 32794  
responsibility. 32795

(3) A governing authority's acceptance of responsibility 32796  
under division (B) (1) or (2) of this section shall cover an 32797  
entire school year, and shall remain in effect for subsequent 32798  
school years unless the governing authority submits written 32799  
notification to the district board that the governing authority 32800  
is relinquishing the responsibility. However, a governing 32801  
authority shall not relinquish responsibility for transportation 32802  
before the end of a school year, and shall submit the notice 32803  
relinquishing responsibility by the thirty-first day of January, 32804  
in order to allow the school district reasonable time to prepare 32805  
transportation for its native students enrolled in the school. 32806

(4) (a) For any school year that begins on or after July 1, 32807  
2014, a school district is not required to provide 32808  
transportation for any native student enrolled in a community 32809  
school scheduled to open for operation in the current school 32810  
year, if the governing authority of the community school, by the 32811  
fifteenth day of April of the previous school year, submits 32812  
written notification to the district board of education stating 32813  
that the governing authority is accepting responsibility for 32814  
providing or arranging for the transportation of the district's 32815  
native students to and from the community school. 32816

(b) The governing authority of a community school that 32817  
accepts responsibility for transporting its students under 32818

division (B) (4) (a) of this section shall comply with divisions 32819  
(B) (2) and (3) of this section to renew or relinquish that 32820  
authority for subsequent school years. 32821

(C) (1) A community school governing authority that enters 32822  
into an agreement under division (A) of this section, or that 32823  
accepts responsibility under division (B) of this section, shall 32824  
provide or arrange transportation free of any charge for each of 32825  
its enrolled students who is required to be transported under 32826  
section 3327.01 of the Revised Code. The governing authority 32827  
shall report to the department of education and workforce the 32828  
number of students transported or for whom transportation is 32829  
arranged under this section in accordance with rules adopted by 32830  
~~the state board of education~~ department. 32831

(2) The governing authority may provide or arrange 32832  
transportation for any other enrolled student who is not 32833  
eligible for transportation in accordance with division (C) (1) 32834  
of this section and may charge a fee for such service up to the 32835  
actual cost of the service. 32836

(3) Notwithstanding anything to the contrary in division 32837  
(C) (1) or (2) of this section, a community school governing 32838  
authority shall provide or arrange transportation free of any 32839  
charge for any disabled student enrolled in the school for whom 32840  
the student's individualized education program developed under 32841  
Chapter 3323. of the Revised Code specifies transportation. 32842

(D) A community school shall use payments received under 32843  
division (H) of section 3317.0212 of the Revised Code solely to 32844  
pay the costs of providing or arranging for the transportation 32845  
of students who are eligible as specified in section 3327.01 of 32846  
the Revised Code and division (C) (1) of this section, which may 32847  
include payments to a parent, guardian, or other person in 32848

charge of a child in lieu of transportation. 32849

(E) Except when arranged through payment to a parent, 32850  
guardian, or person in charge of a child, transportation 32851  
provided or arranged for by a community school pursuant to an 32852  
agreement under this section is subject to all provisions of the 32853  
Revised Code, and all rules adopted under the Revised Code, 32854  
pertaining to the construction, design, equipment, and operation 32855  
of school buses and other vehicles transporting students to and 32856  
from school. The drivers and mechanics of the vehicles are 32857  
subject to all provisions of the Revised Code, and all rules 32858  
adopted under the Revised Code, pertaining to drivers and 32859  
mechanics of such vehicles. The community school also shall 32860  
comply with sections 3313.201, 3327.09, and 3327.10 of the 32861  
Revised Code, division (B) of section 3327.16 of the Revised 32862  
Code and, subject to division (C)(1) of this section, sections 32863  
3327.01 and 3327.02 of the Revised Code, as if it were a school 32864  
district. 32865

**Sec. 3314.10.** (A)(1) The governing authority of any 32866  
community school established under this chapter may employ 32867  
teachers and nonteaching employees necessary to carry out its 32868  
mission and fulfill its contract. 32869

(2) Except as provided under division (A)(3) of this 32870  
section, employees hired under this section may organize and 32871  
collectively bargain pursuant to Chapter 4117. of the Revised 32872  
Code. Notwithstanding division (D)(1) of section 4117.06 of the 32873  
Revised Code, a unit containing teaching and nonteaching 32874  
employees employed under this section shall be considered an 32875  
appropriate unit. Except as provided in divisions (B)(2)(b) and 32876  
(c) of section 3307.01 of the Revised Code and in section 32877  
3309.013 of the Revised Code, employment under this section is 32878

subject to either Chapter 3307. or 3309. of the Revised Code. 32879

(3) If a school is created by converting all or part of an 32880  
existing public school rather than by establishment of a new 32881  
start-up school, at the time of conversion, the employees of the 32882  
community school shall remain part of any collective bargaining 32883  
unit in which they were included immediately prior to the 32884  
conversion and shall remain subject to any collective bargaining 32885  
agreement for that unit in effect on the first day of July of 32886  
the year in which the community school initially begins 32887  
operation and shall be subject to any subsequent collective 32888  
bargaining agreement for that unit, unless a petition is 32889  
certified as sufficient under division (A) (6) of this section 32890  
with regard to those employees. Any new employees of the 32891  
community school shall also be included in the unit to which 32892  
they would have been assigned had not the conversion taken place 32893  
and shall be subject to the collective bargaining agreement for 32894  
that unit unless a petition is certified as sufficient under 32895  
division (A) (6) of this section with regard to those employees. 32896

Notwithstanding division (B) of section 4117.01 of the 32897  
Revised Code, the board of education of a school district and 32898  
not the governing authority of a community school shall be 32899  
regarded, for purposes of Chapter 4117. of the Revised Code, as 32900  
the "public employer" of the employees of a conversion community 32901  
school subject to a collective bargaining agreement pursuant to 32902  
division (A) (3) of this section unless a petition is certified 32903  
under division (A) (6) of this section with regard to those 32904  
employees. Only on and after the effective date of a petition 32905  
certified as sufficient under division (A) (6) of this section 32906  
shall division (A) (2) of this section apply to those employees 32907  
of that community school and only on and after the effective 32908  
date of that petition shall Chapter 4117. of the Revised Code 32909

apply to the governing authority of that community school with 32910  
regard to those employees. 32911

(4) Notwithstanding sections 4117.03 to 4117.18 of the 32912  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 32913  
133 of the 115th general assembly, the employees of a conversion 32914  
community school who are subject to a collective bargaining 32915  
agreement pursuant to division (A)(3) of this section shall 32916  
cease to be subject to that agreement and all subsequent 32917  
agreements pursuant to that division and shall cease to be part 32918  
of the collective bargaining unit that is subject to that and 32919  
all subsequent agreements, if a majority of the employees of 32920  
that community school who are subject to that collective 32921  
bargaining agreement sign and submit to the state employment 32922  
relations board a petition requesting all of the following: 32923

(a) That all the employees of the community school who are 32924  
subject to that agreement be removed from the bargaining unit 32925  
that is subject to that agreement and be designated by the state 32926  
employment relations board as a new and separate bargaining unit 32927  
for purposes of Chapter 4117. of the Revised Code; 32928

(b) That the employee organization certified as the 32929  
exclusive representative of the employees of the bargaining unit 32930  
from which the employees are to be removed be certified as the 32931  
exclusive representative of the new and separate bargaining unit 32932  
for purposes of Chapter 4117. of the Revised Code; 32933

(c) That the governing authority of the community school 32934  
be regarded as the "public employer" of these employees for 32935  
purposes of Chapter 4117. of the Revised Code. 32936

(5) Notwithstanding sections 4117.03 to 4117.18 of the 32937  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 32938

133 of the 115th general assembly, the employees of a conversion 32939  
community school who are subject to a collective bargaining 32940  
agreement pursuant to division (A) (3) of this section shall 32941  
cease to be subject to that agreement and all subsequent 32942  
agreements pursuant to that division, shall cease to be part of 32943  
the collective bargaining unit that is subject to that and all 32944  
subsequent agreements, and shall cease to be represented by any 32945  
exclusive representative of that collective bargaining unit, if 32946  
a majority of the employees of the community school who are 32947  
subject to that collective bargaining agreement sign and submit 32948  
to the state employment relations board a petition requesting 32949  
all of the following: 32950

(a) That all the employees of the community school who are 32951  
subject to that agreement be removed from the bargaining unit 32952  
that is subject to that agreement; 32953

(b) That any employee organization certified as the 32954  
exclusive representative of the employees of that bargaining 32955  
unit be decertified as the exclusive representative of the 32956  
employees of the community school who are subject to that 32957  
agreement; 32958

(c) That the governing authority of the community school 32959  
be regarded as the "public employer" of these employees for 32960  
purposes of Chapter 4117. of the Revised Code. 32961

(6) Upon receipt of a petition under division (A) (4) or 32962  
(5) of this section, the state employment relations board shall 32963  
check the sufficiency of the signatures on the petition. If the 32964  
signatures are found sufficient, the board shall certify the 32965  
sufficiency of the petition and so notify the parties involved, 32966  
including the board of education, the governing authority of the 32967  
community school, and any exclusive representative of the 32968

bargaining unit. The changes requested in a certified petition 32969  
shall take effect on the first day of the month immediately 32970  
following the date on which the sufficiency of the petition is 32971  
certified under division (A) (6) of this section. 32972

(B) (1) The board of education of each city, local, and 32973  
exempted village school district sponsoring a community school 32974  
and the governing board of each educational service center in 32975  
which a community school is located shall adopt a policy that 32976  
provides a leave of absence of at least three years to each 32977  
teacher or nonteaching employee of the district or service 32978  
center who is employed by a conversion or new start-up community 32979  
school sponsored by the district or located in the district or 32980  
center for the period during which the teacher or employee is 32981  
continuously employed by the community school. The policy shall 32982  
also provide that any teacher or nonteaching employee may return 32983  
to employment by the district or service center if the teacher 32984  
or employee leaves or is discharged from employment with the 32985  
community school for any reason, unless, in the case of a 32986  
teacher, the board of the district or service center determines 32987  
that the teacher was discharged for a reason for which the board 32988  
would have sought to discharge the teacher under section 3311.82 32989  
or 3319.16 of the Revised Code, in which case the board may 32990  
proceed to discharge the teacher utilizing the procedures of 32991  
that section. Upon termination of such a leave of absence, any 32992  
seniority that is applicable to the person shall be calculated 32993  
to include all of the following: all employment by the district 32994  
or service center prior to the leave of absence; all employment 32995  
by the community school during the leave of absence; and all 32996  
employment by the district or service center after the leave of 32997  
absence. The policy shall also provide that if any teacher 32998  
holding valid certification returns to employment by the 32999

district or service center upon termination of such a leave of 33000  
absence, the teacher shall be restored to the previous position 33001  
and salary or to a position and salary similar thereto. If, as a 33002  
result of teachers returning to employment upon termination of 33003  
such leaves of absence, a school district or educational service 33004  
center reduces the number of teachers it employs, it shall make 33005  
such reductions in accordance with section 3319.171 of the 33006  
Revised Code. 33007

Unless a collective bargaining agreement providing 33008  
otherwise is in effect for an employee of a conversion community 33009  
school pursuant to division (A)(3) of this section, an employee 33010  
on a leave of absence pursuant to this division shall remain 33011  
eligible for any benefits that are in addition to benefits under 33012  
Chapter 3307. or 3309. of the Revised Code provided by the 33013  
district or service center to its employees provided the 33014  
employee pays the entire cost associated with such benefits, 33015  
except that personal leave and vacation leave cannot be accrued 33016  
for use as an employee of a school district or service center 33017  
while in the employ of a community school unless the district or 33018  
service center board adopts a policy expressly permitting this 33019  
accrual. 33020

(2) While on a leave of absence pursuant to division (B) 33021  
(1) of this section, a conversion community school shall permit 33022  
a teacher to use sick leave accrued while in the employ of the 33023  
school district from which the leave of absence was taken and 33024  
prior to commencing such leave. If a teacher who is on such a 33025  
leave of absence uses sick leave so accrued, the cost of any 33026  
salary paid by the community school to the teacher for that time 33027  
shall be reported to the department of education and workforce. 33028  
The cost of employing a substitute teacher for that time shall 33029  
be paid by the community school. The department of education and 33030

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 Code.

A school district providing a leave of absence and employee benefits to a person pursuant to this division is not liable for any action of that person while the person is on such leave and employed by a community school.

**Sec. 3314.101.** (A) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code.

(B) If a person who is employed by a community school established under this chapter or by an operator is arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 of the Revised Code, if the person holds a license, or an offense listed in division (B) (1) of section 3319.39 of the Revised Code, if the person does not hold a license, the chief administrator of the community school in which that person works shall suspend that person from all duties that require the care, custody, or control of a child during the pendency of the criminal action against the person. If the person who is arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code is the chief administrator of the community school, the governing authority of the school shall suspend the chief administrator from all duties that require the

care, custody, or control of a child. 33061

(C) When a person who holds a license is suspended in 33062  
accordance with this section, the chief administrator or 33063  
governing authority that imposed the suspension promptly shall 33064  
report the person's suspension to the department of education\_ 33065  
and workforce and state board of education. The report shall 33066  
include the offense for which the person was arrested, summoned, 33067  
or indicted. 33068

**Sec. 3314.11.** (A) The governing authority of each 33069  
community school established under this chapter monthly shall 33070  
review the residency records of students enrolled in that 33071  
community school. Upon the enrollment of each student and on an 33072  
annual basis, the governing authority shall verify to the 33073  
department of education and workforce the school district in 33074  
which the student is entitled to attend school under section 33075  
3313.64 or 3313.65 of the Revised Code. 33076

The school district may review the determination made by 33077  
the community school under division (A) of this section. 33078

(B) (1) For purposes of its initial reporting of the school 33079  
districts in which its students are entitled to attend school, 33080  
the governing authority of a community school shall adopt a 33081  
policy that prescribes the number of documents listed in 33082  
division (E) of this section required to verify a student's 33083  
residency. This policy shall supersede any policy concerning the 33084  
number of documents for initial residency verification adopted 33085  
by the district the student is entitled to attend. 33086

(2) For purposes of the annual reporting of the school 33087  
districts in which its students are entitled to attend school, 33088  
the governing authority of a community school shall adopt a 33089

policy that prescribes the information required to verify a student's residency. This information may be obtained through any type of document, including any of the documents listed in division (E) of this section, or any type of communication with a government official authorized to provide such information.

(C) For purposes of making the determinations required under this section, the school district in which a parent or child resides is the location the parent or student has established as the primary residence and where substantial family activity takes place.

(D) If a community school's determination under division (A) of this section of the school district a student is entitled to attend under section 3313.64 or 3313.65 of the Revised Code differs from a district's determination, the community school that made the determination under division (A) of this section shall provide the school district with documentation of the student's residency and shall make a good faith effort to accurately identify the correct residence of the student.

(E) For purposes of this section, the following documents may serve as evidence of primary residence:

(1) A deed, mortgage, lease, current home owner's or renter's insurance declaration page, or current real property tax bill;

(2) A utility bill or receipt of utility installation issued within ninety days of enrollment;

(3) A paycheck or paystub issued to the parent or student within ninety days of the date of enrollment that includes the address of the parent's or student's primary residence;

(4) The most current available bank statement issued to

the parent or student that includes the address of the parent's 33119  
or student's primary residence; 33120

(5) Any other official document issued to the parent or 33121  
student that includes the address of the parent's or student's 33122  
primary residence. The ~~superintendent of public instruction~~ 33123  
department shall develop guidelines for determining what 33124  
qualifies as an "official document" under this division. 33125

(F) When a student loses permanent housing and becomes a 33126  
homeless child or youth, as defined in 42 U.S.C. 11434a, or when 33127  
a child who is such a homeless child or youth changes temporary 33128  
living arrangements, the district in which the student is 33129  
entitled to attend school shall be determined in accordance with 33130  
division (F) (13) of section 3313.64 of the Revised Code and the 33131  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et 33132  
seq. 33133

(G) In the event of a disagreement as to which school 33134  
district a student is entitled to attend, the community school, 33135  
after complying with division (D) of this section, but not more 33136  
than sixty days after the monthly deadline established by the 33137  
department ~~of education~~ for reporting of community school 33138  
enrollment, may present the matter to the ~~superintendent of~~ 33139  
~~public instruction~~ director of education and workforce. Not later 33140  
than thirty days after the community school presents the matter, 33141  
the ~~state superintendent~~ director, or the ~~state superintendent's~~ 33142  
director's designee, shall determine which district the student 33143  
is entitled to attend and shall direct any necessary adjustments 33144  
to payments under section 3317.022 of the Revised Code based on 33145  
that determination. 33146

**Sec. 3314.12.** On or before the first day of November each 33147  
year, the sponsor of each community school established under 33148

this chapter shall submit to the department of education and 33149  
workforce, in accordance with guidelines adopted by the 33150  
department for purposes of this section, a report that describes 33151  
the special education and related services provided by that 33152  
school to enrolled students during the previous fiscal year and 33153  
the school's expenditures for those services. 33154

**Sec. 3314.143.** (A) With the approval of its governing 33155  
authority, a community school established under this chapter may 33156  
procure epinephrine autoinjectors in the manner prescribed by 33157  
section 3313.7110 of the Revised Code. A community school that 33158  
elects to do so shall comply with all provisions of that section 33159  
as if it were a school district. 33160

(B) (1) The following are not liable in damages in a civil 33161  
action for injury, death, or loss to person or property that 33162  
allegedly arises from an act or omission associated with 33163  
procuring, maintaining, accessing, or using an epinephrine 33164  
autoinjector under this section, unless the act or omission 33165  
constitutes willful or wanton misconduct: 33166

(a) A community school; 33167

(b) A member of a community school governing authority; 33168

(c) A community school employee or contractor; 33169

(d) A licensed health professional authorized to prescribe 33170  
drugs who personally furnishes or prescribes epinephrine 33171  
autoinjectors, provides a consultation, or issues a protocol 33172  
pursuant to this section. 33173

(2) This division does not eliminate, limit, or reduce any 33174  
other immunity or defense that a community school or governing 33175  
authority, member of a community school governing authority, 33176  
community school employee or contractor, or licensed health 33177

professional may be entitled to under Chapter 2744. or any other 33178  
provision of the Revised Code or under the common law of this 33179  
state. 33180

(C) A community school may accept donations of epinephrine 33181  
autoinjectors from a wholesale distributor of dangerous drugs or 33182  
a manufacturer of dangerous drugs, as defined in section 4729.01 33183  
of the Revised Code, and may accept donations of money from any 33184  
person to purchase epinephrine autoinjectors. 33185

(D) A community school that elects to procure epinephrine 33186  
autoinjectors under this section shall report to the department 33187  
of education and workforce each procurement and occurrence in 33188  
which an epinephrine autoinjector is used from the school's 33189  
supply of epinephrine autoinjectors. 33190

**Sec. 3314.144.** (A) As used in this section, "inhaler" has 33191  
the same meaning as in section 3313.7113 of the Revised Code. 33192

(B) With the approval of its governing authority, a 33193  
community school may procure inhalers in the manner prescribed 33194  
by section 3313.7113 of the Revised Code. A community school 33195  
that elects to do so shall comply with all provisions of that 33196  
section as if it were a school district. 33197

(C) A community school, a member of a community school 33198  
governing authority, or a community school employee or 33199  
contractor is not liable in damages in a civil action for 33200  
injury, death, or loss to person or property that allegedly 33201  
arises from an act or omission associated with procuring, 33202  
maintaining, accessing, or using an inhaler under this section, 33203  
unless the act or omission constitutes willful or wanton 33204  
misconduct. 33205

This division does not eliminate, limit, or reduce any 33206

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.

(D) A community school may accept donations of inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(E) A community 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. 3314.147.** (A) With the approval of its governing authority, a community school established under this chapter may procure injectable or nasally administered glucagon in the manner prescribed by section 3313.7115 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 injectable or nasally administered glucagon 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 33236  
drugs who personally furnishes or prescribes injectable or 33237  
nasally administered glucagon, provides a consultation, or 33238  
issues a protocol pursuant to this section. 33239

(2) This division does not eliminate, limit, or reduce any 33240  
other immunity or defense that a community school or governing 33241  
authority, member of a community school governing authority, 33242  
community school employee or contractor, or licensed health 33243  
professional may be entitled to under Chapter 2744. or any other 33244  
provision of the Revised Code or under the common law of this 33245  
state. 33246

(C) A community school may accept donations of injectable 33247  
or nasally administered glucagon from a wholesale distributor of 33248  
dangerous drugs or a manufacturer of dangerous drugs, as defined 33249  
in section 4729.01 of the Revised Code, and may accept donations 33250  
of money from any person to purchase the drug. 33251

(D) A community school that elects to procure injectable 33252  
or nasally administered glucagon under this section shall report 33253  
to the department of education and workforce each procurement 33254  
and each occurrence in which a dose of the drug is used from the 33255  
school's supply. 33256

**Sec. 3314.17.** (A) Each community school established under 33257  
this chapter shall participate in the statewide education 33258  
management information system established under section 33259  
3301.0714 of the Revised Code. All provisions of that section 33260  
and the rules adopted under that section apply to each community 33261  
school as if it were a school district, except as modified for 33262  
community schools under division (B) of this section. Each 33263  
community school shall comply with division (C) of section 33264  
3301.0723 of the Revised Code. 33265

(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 academic schedule and financing of community schools. The guidelines, however, shall not modify the actual data required to be reported under that section.

(C) Each fiscal officer appointed under section 3314.011 of the Revised Code is responsible for annually reporting the community school's data under section 3301.0714 of the Revised Code. If the ~~superintendent of public instruction~~ director of education and workforce determines that a community school fiscal officer has willfully failed to report data or has willfully reported erroneous, inaccurate, or incomplete data in any year, or has negligently reported erroneous, inaccurate, or incomplete data in the current and any previous year, the ~~superintendent~~ director may impose a civil penalty of one hundred dollars on the fiscal officer after providing the officer with notice and an opportunity for a hearing in accordance with Chapter 119. of the Revised Code. The ~~superintendent's~~ director's authority to impose civil penalties under this division does not preclude the state board of education from suspending or revoking the license of a community school employee under division (N) of section 3301.0714 of the Revised Code.

(D) No community school shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the

department. 33297

**Sec. 3314.18.** (A) Subject to division (C) of this section, 33298  
the governing authority of each community school shall establish 33299  
a breakfast program pursuant to the "National School Lunch Act," 33300  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 33301  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 33302  
amended, if at least one-fifth of the pupils in the school are 33303  
eligible under federal requirements for free breakfasts, and 33304  
shall establish a lunch program pursuant to those acts if at 33305  
least one-fifth of the pupils are eligible for free lunches. The 33306  
governing authority required to establish a breakfast program 33307  
under this division may make a charge in accordance with federal 33308  
requirements for each reduced price breakfast or paid breakfast 33309  
to cover the cost incurred in providing that meal. 33310

A breakfast program established under this section shall 33311  
be operated in accordance with section 3313.818 of the Revised 33312  
Code in any community school meeting the conditions prescribed 33313  
by that section. 33314

(B) Subject to division (C) of this section, the governing 33315  
authority of each community school shall establish one of the 33316  
following for summer intervention services described in division 33317  
(D) of section 3301.0711 or provided under section 3313.608 of 33318  
the Revised Code, and any other summer intervention program 33319  
required by law: 33320

(1) An extension of the school breakfast program pursuant 33321  
to the "National School Lunch Act" and the "Child Nutrition Act 33322  
of 1966"; 33323

(2) An extension of the school lunch program pursuant to 33324  
those acts; 33325

(3) A summer food service program pursuant to those acts. 33326

(C) If the governing authority of a community school 33327  
determines that, for financial reasons, it cannot comply with 33328  
division (A) or (B) of this section, the governing authority may 33329  
choose not to comply with either or both divisions. In that 33330  
case, the governing authority shall communicate to the parents 33331  
of its students, in the manner it determines appropriate, its 33332  
decision not to comply. 33333

(D) The governing authority of each community school 33334  
required to establish a school breakfast, school lunch, or 33335  
summer food service program under this section shall apply for 33336  
state and federal funds allocated by the ~~state board~~ department 33337  
of education and workforce under division (B) of section 33338  
3313.813 of the Revised Code and shall comply with the ~~state~~ 33339  
~~board's department's~~ standards adopted under that division. 33340

(E) The governing authority of any community school 33341  
required to establish a breakfast program under this section or 33342  
that elects to participate in a breakfast program pursuant to 33343  
the "National School Lunch Act" and the "Child Nutrition Act of 33344  
1966" may offer breakfast to pupils in their classrooms during 33345  
the school day. However, any community school that is subject to 33346  
section 3313.818 of the Revised Code shall offer breakfast to 33347  
pupils in accordance with that section. 33348

(F) Notwithstanding anything in this section to the 33349  
contrary, in each fiscal year in which the general assembly 33350  
appropriates funds for purposes of this division, the governing 33351  
authority of each community school required to establish a 33352  
breakfast program under this section or that elects to 33353  
participate in a breakfast program pursuant to the "National 33354  
School Lunch Act" and the "Child Nutrition Act of 1966" shall 33355

provide a breakfast free of charge to each pupil who is eligible 33356  
under federal requirements for a reduced price breakfast. 33357

(G) This section does not apply to internet- or computer- 33358  
based community schools. 33359

**Sec. 3314.19.** The sponsor of each community school shall 33360  
provide the following assurances in writing to the department of 33361  
education and workforce not later than ten business days prior 33362  
to the opening of the school's first year of operation or, if 33363  
the school is not an internet- or computer-based community 33364  
school and it changes the building from which it operates, the 33365  
opening of the first year it operates from the new building: 33366

(A) That a current copy of the contract between the 33367  
sponsor and the governing authority of the school entered into 33368  
under section 3314.03 of the Revised Code has been filed with 33369  
the department and that any subsequent modifications to that 33370  
contract will be filed with the department; 33371

(B) That the school has submitted to the sponsor a plan 33372  
for providing special education and related services to students 33373  
with disabilities and has demonstrated the capacity to provide 33374  
those services in accordance with Chapter 3323. of the Revised 33375  
Code and federal law; 33376

(C) That the school has a plan and procedures for 33377  
administering the achievement and diagnostic assessments 33378  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 33379  
the Revised Code; 33380

(D) That school personnel have the necessary training, 33381  
knowledge, and resources to properly use and submit information 33382  
to all databases maintained by the department for the collection 33383  
of education data, including the education management 33384

information system established under section 3301.0714 of the Revised Code in accordance with methods and timelines established under section 3314.17 of the Revised Code;

(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system;

(F) That the school will enroll at least the minimum number of students required by division (A) (11) (a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided;

(G) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except for noncertificated persons engaged to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code;

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code;

(I) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing authority members;

(J) That the school holds all of the following:

(1) Proof of property ownership or a lease for the facilities used by the school;

(2) A certificate of occupancy;

(3) Liability insurance for the school, as required by division (A) (11) (b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's

facilities, staff, and governing authority against risk;	33413
(4) A satisfactory health and safety inspection;	33414
(5) A satisfactory fire inspection;	33415
(6) A valid food permit, if applicable.	33416
(K) That the sponsor has conducted a pre-opening site	33417
visit to the school for the school year for which the assurances	33418
are provided;	33419
(L) That the school has designated a date it will open for	33420
the school year for which the assurances are provided that is in	33421
compliance with division (A) (25) of section 3314.03 of the	33422
Revised Code;	33423
(M) That the school has met all of the sponsor's	33424
requirements for opening and any other requirements of the	33425
sponsor.	33426
(N) That, for any school that operates using the blended	33427
learning model, as defined in section 3301.079 of the Revised	33428
Code, the sponsor has reviewed the following information,	33429
submitted by the school:	33430
(1) An indication of what blended learning model or models	33431
will be used;	33432
(2) A description of how student instructional needs will	33433
be determined and documented;	33434
(3) The method to be used for determining competency,	33435
granting credit, and promoting students to a higher grade level;	33436
(4) The school's attendance requirements, including how	33437
the school will document participation in learning	33438
opportunities;	33439

(5) A statement describing how student progress will be monitored; 33440  
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(6) A statement describing how private student data will be protected; 33442  
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(7) A description of the professional development activities that will be offered to teachers. 33444  
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**Sec. 3314.191.** Notwithstanding any provision to the contrary in the Revised Code, the department of education and workforce shall make no payment under section 3317.022 of the Revised Code to a community school opening for its first year of operation until the sponsor of that school confirms all of the following: 33446  
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(A) The school is in compliance with the provisions described in divisions (A), (H), (I), and (J) (3) of section 3314.19 of the Revised Code. 33452  
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(B) The sponsor has approved the financial controls required by the comprehensive plan for the school under division (B) (5) of section 3314.03 of the Revised Code. 33455  
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(C) The school facilities will be ready and open for use by the date prescribed in the contract entered into under section 3314.03 of the Revised Code, and the sponsor has reviewed any lease, purchase agreement, permits required by statute or contract, and construction plans. 33458  
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(D) The chief administrator of the community school actively is managing daily operations at the school. 33463  
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(E) The projected enrollment reported to the department is accurate. 33465  
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**Sec. 3314.20.** (A) As used in this section: 33467

- (1) "Base enrollment" for an internet- or computer-based community school means either of the following: 33468  
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- (a) If the school was open for instruction on ~~the~~ 33470  
~~effective date of this section September 29, 2013,~~ the number of 33471  
students enrolled in the school at the end of the 2012-2013 33472  
school year; 33473
- (b) If the school opens for instruction after ~~the~~ 33474  
~~effective date of this section September 29, 2013,~~ one thousand 33475  
students. 33476
- (2) "Enrollment limit" for an internet- or computer-based 33477  
community school means the following: 33478
- (a) For the 2014-2015 school year, the base enrollment 33479  
increased by the prescribed annual rate of growth, as calculated 33480  
by the department of education and workforce. 33481
- (b) For the 2015-2016 school year and each school year 33482  
thereafter, the previous school year's enrollment limit 33483  
increased by the prescribed annual rate of growth, as calculated 33484  
by the department. 33485
- (3) "Prescribed annual rate of growth" for an internet- or 33486  
computer-based community school means either of the following: 33487
- (a) For a school with an enrollment limit equal to or 33488  
greater than three thousand students, fifteen per cent. 33489
- (b) For a school with an enrollment limit of less than 33490  
three thousand students, twenty-five per cent. 33491
- (B) Beginning in the 2014-2015 school year, no internet- 33492  
or computer-based community school shall enroll more students 33493  
than the number permitted by its enrollment limit. 33494

(C) If, in any school year, an internet- or computer-based community school enrolls more students than permitted under the enrollment limit, the department shall deduct from the community school the amount of state funds credited to the community school attributable to each student enrolled in excess of the enrollment limit, as determined by the department.

**Sec. 3314.21.** (A) As used in this section:

(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.

(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.

(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject.

(B)(1) It is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students in person throughout the school year.

(2) Each internet- or computer-based community school shall retain an affiliation with at least one full-time teacher of record licensed in accordance with division (A)(10) of section 3314.03 of the Revised Code.

(3) Each student enrolled in an internet- or computer-based community school shall be assigned to at least one teacher of record. No teacher of record shall be primarily responsible for the academic development and achievement of more than one hundred twenty-five students enrolled in the internet- or

computer-based community school that has retained that teacher. 33524

(C) For any internet- or computer-based community school, 33525  
the contract between the sponsor and the governing authority of 33526  
the school described in section 3314.03 of the Revised Code 33527  
shall specify each of the following: 33528

(1) A requirement that the school use a filtering device 33529  
or install filtering software that protects against internet 33530  
access to materials that are obscene or harmful to juveniles on 33531  
each computer provided to students for instructional use. The 33532  
school shall provide such device or software at no cost to any 33533  
student who works primarily from the student's residence on a 33534  
computer obtained from a source other than the school. 33535

(2) A plan for fulfilling the intent of the general 33536  
assembly specified in division (B)(1) of this section. The plan 33537  
shall indicate the number of times teachers will visit each 33538  
student throughout the school year and the manner in which those 33539  
visits will be conducted. 33540

(3) That the school will set up a central base of 33541  
operation and the sponsor will maintain a representative within 33542  
fifty miles of that base of operation to provide monitoring and 33543  
assistance. 33544

(D)(1) Annually, each internet- or computer-based 33545  
community school shall prepare and submit to the department of 33546  
education and workforce, in a time and manner prescribed by the 33547  
department, a report that contains information about all of the 33548  
following: 33549

(a) Classroom size; 33550

(b) The ratio of teachers to students per classroom; 33551

(c) The number of student-teacher meetings conducted in person or by video conference; 33552  
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(d) Any other information determined necessary by the department. 33554  
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(2) The department annually shall prepare and ~~submit to the state board of education~~ issue a report that contains the information received under division (D) (1) of this section. 33556  
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**Sec. 3314.22.** (A) (1) Each child enrolled in an internet- or computer-based community school is entitled to a computer supplied by the school; however, the parent of any child enrolled in the school may waive this entitlement in the manner specified in division (A) (3) of this section. In no case shall an internet- or computer-based community school provide a stipend or other substitute to an enrolled child or the child's parent in lieu of supplying a computer to the child. The prohibition contained in the preceding sentence is intended to clarify the meaning of this division as it existed prior to September 29, 2005, and is not intended to change that meaning in any way. 33559  
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(2) Notwithstanding division (A) (1) of this section, if more than one child living in a single residence is enrolled in an internet- or computer-based community school, at the option of the parent of those children, the school may supply less than one computer per child, as long as at least one computer is supplied to the residence. An internet- or computer-based community school may supply no computer at all only if the parent has waived the entitlement prescribed in division (A) (1) of this section in the manner specified in division (A) (3) of this section. The parent may amend the decision to accept less than one computer per child anytime during the school year, and, 33571  
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in such case, within thirty days after the parent notifies the school of such amendment, the school shall provide any additional computers requested by the parent up to the number necessary to comply with division (A) (1) of this section.

(3) The parent of any child enrolled in an internet- or computer-based community school may waive the entitlement to one computer per child, and have no computer at all supplied by the school, if the school and parent set forth that waiver in writing with both parties attesting that there is a computer available to the child in the child's residence with sufficient hardware, software, programming, and connectivity so that the child may fully participate in all of the learning opportunities offered to the child by the school. The parent may amend the decision to waive the entitlement at any time during the school year and, in such case, within thirty days after the parent notifies the school of that decision, the school shall provide any additional computers requested by the parent up to the number necessary to comply with division (A) (1) of this section, regardless of whether there is any change in the conditions attested to in the waiver.

(4) A copy of a waiver executed under division (A) (3) of this section shall be retained by the internet- or computer-based community school and the parent who attested to the conditions prescribed in that division. The school shall submit a copy of the waiver to the department of education and workforce immediately upon execution of the waiver.

(5) The school shall notify the ~~department of education,~~ in the manner specified by the department, of any parent's decision under division (A) (2) of this section to accept less than one computer per child or the parent's amendment to that

decision, and of any parent's decision to amend the waiver 33612  
executed under division (A) (3) of this section. 33613

(B) Each internet- or computer-based community school 33614  
shall provide to each parent who is considering enrolling the 33615  
parent's child in the school and to the parent of each child 33616  
already enrolled in the school a written notice of the 33617  
provisions prescribed in division (A) of this section. 33618

(C) If a community school that is not an internet- or 33619  
computer-based community school provides any of its enrolled 33620  
students with nonclassroom-based learning opportunities provided 33621  
via an internet- or other computer-based instructional method 33622  
and requires such students to participate in any of those 33623  
learning opportunities from their residences, the school shall 33624  
be subject to this section and division (C) (1) of section 33625  
3314.21 of the Revised Code relative to each such student in the 33626  
same manner as an internet- or computer-based community school, 33627  
unless both of the following conditions apply to the student: 33628

(1) The nonclassroom-based learning opportunities in which 33629  
the student is required to participate from the student's 33630  
residence are supplemental in nature or do not constitute a 33631  
significant portion of the total classroom-based and 33632  
nonclassroom-based learning opportunities provided to the 33633  
student by the school; 33634

(2) The student's residence is equipped with a computer 33635  
available for the student's use. 33636

**Sec. 3314.232.** The ~~superintendent of public instruction~~ 33637  
department of education and workforce shall establish by rule 33638  
adopted in accordance with Chapter 119. of the Revised Code 33639  
standards for learning management software to be used by 33640

internet- and computer-based community schools. 33641

**Sec. 3314.24.** (A) On or after July 1, 2004, no internet- 33642  
or computer-based community school shall enter into a contract 33643  
with a nonpublic school to use or rent any facility space at the 33644  
nonpublic school for the provision of instructional services to 33645  
students enrolled in the internet- or computer-based community 33646  
school. 33647

(B) If an internet- or computer-based community school has 33648  
a contract with a nonpublic school as described in division (A) 33649  
of this section, the department of education and workforce shall 33650  
not make any payments under section 3317.022 of the Revised Code 33651  
to the internet- or computer-based community school for any 33652  
student who is enrolled in the internet- or computer-based 33653  
community school and receives any instructional services from 33654  
the internet- or computer-based community school at the 33655  
nonpublic school. 33656

**Sec. 3314.26.** (A) Each internet- or computer-based 33657  
community school shall withdraw from the school any student who, 33658  
for two consecutive school years of enrollment in the school, 33659  
has failed to participate in the spring administration of any 33660  
assessment prescribed under section 3301.0710 or 3301.0712 of 33661  
the Revised Code for the student's grade level and was not 33662  
excused from the assessment pursuant to division (C)(1) or (3) 33663  
of section 3301.0711 of the Revised Code, regardless of whether 33664  
a waiver was granted for the student under division (L)(3) of 33665  
section 3314.08 of the Revised Code. The school shall report any 33666  
such student's data verification code, as assigned pursuant to 33667  
section 3301.0714 of the Revised Code, to the department of 33668  
education and workforce. The department shall maintain a list of 33669  
all data verification codes reported under this division and 33670

section 3313.6410 of the Revised Code and provide that list to 33671  
each internet- or computer-based community school and to each 33672  
school to which section 3313.6410 of the Revised Code applies. 33673

(B) No internet- or computer-based community school shall 33674  
receive any state funds under this chapter for any enrolled 33675  
student whose data verification code appears on the list 33676  
maintained by the department under division (A) of this section. 33677

Notwithstanding any provision of the Revised Code to the 33678  
contrary, the parent of any such student shall pay tuition to 33679  
the internet- or computer-based community school in an amount 33680  
equal to the state funds the school otherwise would receive for 33681  
that student, as determined by the department. An internet- or 33682  
computer-based community school may withdraw any student for 33683  
whom the parent does not pay tuition as required by this 33684  
division. 33685

**Sec. 3314.27.** No student enrolled in an internet- or 33686  
computer-based community school may participate in more than ten 33687  
hours of learning opportunities in any period of twenty-four 33688  
consecutive hours. Any time such a student participates in 33689  
learning opportunities beyond the limit prescribed in this 33690  
section shall not count toward the annual minimum number of 33691  
hours required to be provided to that student as prescribed in 33692  
division (A)(11)(a) of section 3314.03 of the Revised Code. If 33693  
any internet- or computer-based community school requires its 33694  
students to participate in learning opportunities on the basis 33695  
of days rather than hours, one day shall consist of a minimum of 33696  
five hours of such participation. 33697

Each internet- or computer-based community school shall 33698  
keep an accurate record of each individual student's 33699  
participation in learning opportunities each day. The record 33700

shall be kept in such a manner that the information contained 33701  
within it easily can be submitted to the department of education 33702  
and workforce, upon request by the department or the auditor of 33703  
state. 33704

**Sec. 3314.271.** (A) Each internet- or computer-based 33705  
community school shall offer a student orientation course and 33706  
shall notify each student who enrolls in that school of that 33707  
student's opportunity to participate in the student orientation 33708  
course. 33709

(B) The department of education and workforce shall 33710  
provide guidance to internet- or computer-based community 33711  
schools for developing and delivering the orientation course. 33712

(C) Each internet- or computer-based community school may, 33713  
at the time of a particular student's enrollment in that school, 33714  
ask the student's parent or guardian to estimate the length of 33715  
time the student will attend the school. Any information 33716  
collected pursuant to this division shall be included in an 33717  
aggregated format in the school's annual report required by 33718  
division (A) (11) (g) of section 3314.03 of the Revised Code. 33719

(D) Each internet- or computer-based community school, on 33720  
a periodic basis throughout each school year, shall communicate 33721  
with each student's parent, guardian, or custodian regarding the 33722  
performance and progress of that student. Each internet- or 33723  
computer-based community school also shall provide opportunities 33724  
for parent-teacher conferences, shall document the school's 33725  
requests for such conferences, and may permit students to 33726  
participate in the conferences. Parent-teacher conferences may 33727  
be conducted through electronic means. 33728

**Sec. 3314.28.** (A) Each internet- or computer-based 33729

community school established under this chapter shall submit to 33730  
the school's sponsor a plan for providing special education and 33731  
related services to disabled students enrolled in the school in 33732  
accordance with division (A) (1) or (2) of this section. 33733

(1) If the school was established prior to ~~the effective-~~ 33734  
~~date of this section~~ June 30, 2005, the plan shall be submitted 33735  
to the sponsor on or before September 1, 2005, and on or before 33736  
the first day of September in each year thereafter that the 33737  
school is in operation. 33738

(2) If the school is established after ~~the effective date-~~ 33739  
~~of this section~~ June 30, 2005, the plan shall be submitted to 33740  
the sponsor prior to the school's receipt of its first payment 33741  
under this chapter and on or before the first day of September 33742  
in each year thereafter that the school is in operation. 33743

(B) Within thirty days after receiving the plan prescribed 33744  
in division (A) of this section, the sponsor of each internet- 33745  
or computer-based community school shall certify all of the 33746  
following to the department of education and workforce: 33747

(1) A statement of whether the plan received is 33748  
satisfactory to the sponsor; 33749

(2) If the plan received is not satisfactory to the 33750  
sponsor, the sponsor's assurance that it will promptly assist 33751  
the school in developing a plan that is satisfactory to the 33752  
sponsor; 33753

(3) The sponsor's assurance that it will monitor the 33754  
implementation of the plan; 33755

(4) The sponsor's assurance that it will take any 33756  
necessary corrective action to ensure that the school's plan is 33757  
properly and fully implemented. 33758

(C) The department shall develop guidelines for the 33759  
content and format of the plan required under this section. 33760

**Sec. 3314.29.** (A) This section applies to any internet- or 33761  
computer-based community school that meets all of the following 33762  
conditions: 33763

(1) Serves all of grades kindergarten through twelve; 33764

(2) Has an enrollment of at least two thousand students; 33765

(3) Has a sponsor that was not rated ineffective or poor 33766  
on its most recent evaluation under section 3314.016 of the 33767  
Revised Code. 33768

(B) Beginning with the 2018-2019 school year, the 33769  
governing authority of a community school to which this section 33770  
applies may adopt a resolution to divide the school into two or 33771  
three separate schools as follows: 33772

(1) If the school is divided into two schools, one school 33773  
shall serve grades kindergarten through eight and one school 33774  
shall serve grades nine through twelve. 33775

(2) If the school is divided into three schools, one 33776  
school shall serve grades kindergarten through five, one school 33777  
shall serve grades six through eight, and one school shall serve 33778  
grades nine through twelve. 33779

(C) The resolution adopted by the governing authority 33780  
shall not be effective unless approved by the school's sponsor. 33781  
Following approval of the resolution by the sponsor, and by the 33782  
fifteenth day of March prior to the school year in which it will 33783  
take effect, the governing authority shall file the resolution 33784  
with the department of education and workforce. The division of 33785  
the schools shall be effective on the first day of July 33786

succeeding the date the resolution is filed with the department. 33787

(D) All of the following shall apply to each new school 33788  
created as a result of the resolution authorized by this section 33789  
and to the school that is divided as a result of the resolution: 33790

(1) Each school shall have the same governing authority. 33791

(2) The sponsor and governing authority shall enter into a 33792  
separate contract under section 3314.03 of the Revised Code for 33793  
each school. 33794

(3) No school shall primarily serve students enrolled in a 33795  
dropout prevention and recovery program operated by the school. 33796

(4) No school shall be permitted to divide again under 33797  
this section. 33798

(5) Notwithstanding anything to the contrary in division 33799  
(B) (2) of section 3314.016 of the Revised Code, each school 33800  
shall be included in the calculation of the academic performance 33801  
component for purposes of rating the schools' sponsor under the 33802  
evaluation system prescribed by that section. 33803

(6) Each school shall be subject to the laws contained in 33804  
Chapter 3314. of the Revised Code, except as otherwise specified 33805  
in this section. 33806

(E) The department shall issue a report card under section 33807  
3314.012 of the Revised Code for each new school created as a 33808  
result of the resolution authorized by this section and for the 33809  
school that is divided as a result of the resolution. For 33810  
purposes of the report cards and other reporting requirements 33811  
under this chapter, the department shall assign the school that 33812  
serves the highest grades the same internal retrieval number 33813  
previously used by the school that is divided under this 33814

section. The department shall assign a new internal retrieval 33815  
number to each other school resulting from the division. 33816

Notwithstanding division (B) of section 3314.012 of the 33817  
Revised Code, the ratings a school receives on its report card 33818  
for the first two full school years after the division under 33819  
this section shall count toward closure of the school under 33820  
section 3314.35 of the Revised Code and any other matter that is 33821  
based on report card ratings or measures. 33822

**Sec. 3314.35.** (A) (1) Except as provided in division (A) (4) 33823  
of this section, this section applies to any community school 33824  
that meets one of the following criteria after July 1, 2009, but 33825  
before July 1, 2011: 33826

(a) The school does not offer a grade level higher than 33827  
three and has been declared to be in a state of academic 33828  
emergency under section 3302.03 of the Revised Code for three of 33829  
the four most recent school years. 33830

(b) The school satisfies all of the following conditions: 33831

(i) The school offers any of grade levels four to eight 33832  
but does not offer a grade level higher than nine. 33833

(ii) The school has been declared to be in a state of 33834  
academic emergency under section 3302.03 of the Revised Code for 33835  
two of the three most recent school years. 33836

(iii) In at least two of the three most recent school 33837  
years, the school showed less than one standard year of academic 33838  
growth in either reading or mathematics, as determined by the 33839  
department of education and workforce in accordance with rules 33840  
adopted under division (A) of section 3302.021 of the Revised 33841  
Code. 33842

(c) The school offers any of grade levels ten to twelve 33843  
and has been declared to be in a state of academic emergency 33844  
under section 3302.03 of the Revised Code for three of the four 33845  
most recent school years. 33846

(2) Except as provided in division (A) (4) of this section, 33847  
this section applies to any community school that meets one of 33848  
the following criteria after July 1, 2011, but before July 1, 33849  
2013: 33850

(a) The school does not offer a grade level higher than 33851  
three and has been declared to be in a state of academic 33852  
emergency under section 3302.03 of the Revised Code for two of 33853  
the three most recent school years. 33854

(b) The school satisfies all of the following conditions: 33855

(i) The school offers any of grade levels four to eight 33856  
but does not offer a grade level higher than nine. 33857

(ii) The school has been declared to be in a state of 33858  
academic emergency under section 3302.03 of the Revised Code for 33859  
two of the three most recent school years. 33860

(iii) In at least two of the three most recent school 33861  
years, the school showed less than one standard year of academic 33862  
growth in either reading or mathematics, as determined by the 33863  
department in accordance with rules adopted under division (A) 33864  
of section 3302.021 of the Revised Code. 33865

(c) The school offers any of grade levels ten to twelve 33866  
and has been declared to be in a state of academic emergency 33867  
under section 3302.03 of the Revised Code for two of the three 33868  
most recent school years. 33869

(3) Except as provided in division (A) (4) of this section, 33870

this section applies to any community school that meets one of 33871  
the following criteria on or after July 1, 2013: 33872

(a) The school does not offer a grade level higher than 33873  
three and, for the three most recent school years, satisfies any 33874  
of the following criteria: 33875

(i) The school has been declared to be in a state of 33876  
academic emergency under section 3302.03 of the Revised Code, as 33877  
it existed prior to March 22, 2013; 33878

(ii) The school has received a grade of "F" in improving 33879  
literacy in grades kindergarten through three under division (B) 33880  
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 33881

(iii) The school has received a performance rating of one 33882  
star for early literacy under division (D) (3) (e) of section 33883  
3302.03 of the Revised Code; 33884

(iv) The school has received an overall performance rating 33885  
of less than two stars under division (D) (3) of section 3302.03 33886  
of the Revised Code; 33887

(v) The school has received an overall grade of "F" under 33888  
division (C) of section 3302.03 of the Revised Code. 33889

(b) The school offers any of grade levels four to eight 33890  
but does not offer a grade level higher than nine and, for the 33891  
three most recent school years, satisfies any of the following 33892  
criteria: 33893

(i) The school has been declared to be in a state of 33894  
academic emergency under section 3302.03 of the Revised Code, as 33895  
it existed prior to March 22, 2013, and the school showed less 33896  
than one standard year of academic growth in either reading or 33897  
mathematics, as determined by the department in accordance with 33898

rules adopted under division (A) of section 3302.021 of the Revised Code; 33899  
33900

(ii) The school has received a grade of "F" for the performance index score under division (A) (1) (b), (B) (1) (b), or (C) (1) (b) and 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; 33901  
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(iii) The school has received a performance rating of one star for both achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and progress under division (D) (3) (c) of that section; 33906  
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(iv) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code; 33910  
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(v) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D) (3) (c) of that section. 33914  
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(c) The school offers any of grade levels ten to twelve and, for the three most recent school years, satisfies any of the following criteria: 33918  
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(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013; 33921  
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33923

(ii) The school has received a grade of "F" for the performance index score under division (A) (1) (b), (B) (1) (b), or (C) (1) (b) and has not met annual measurable objectives under division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 33924  
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of the Revised Code; 33928

(iii) The school has received a performance rating of "one star" for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and has not met annual measurable objectives for gap closing under division (D) (3) (a) of that section, as determined by the department; 33929  
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(iv) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code; 33934  
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(v) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D) (1) (b) of that section. 33938  
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For purposes of division (A) (3) of this section only, the department ~~of education~~ shall calculate the value-added progress dimension for a community school using assessment scores for only those students to whom the school has administered the achievement assessments prescribed by section 3301.0710 of the Revised Code for at least the two most recent school years but using value-added data from only the most recent school year. 33942  
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(4) This section does not apply to either of the following: 33949  
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(a) 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. Rather, such schools shall be subject to closure only as provided in section 3314.351 of the Revised Code. However, prior to July 1, 2014, a community school in which a majority of the students are enrolled in a 33951  
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dropout prevention and recovery program shall be exempt from 33957  
this section only if it has been granted a waiver under section 33958  
3314.36 of the Revised Code. 33959

(b) Any community school in which a majority of the 33960  
enrolled students are children with disabilities receiving 33961  
special education and related services in accordance with 33962  
Chapter 3323. of the Revised Code. 33963

(B) Any community school to which this section applies 33964  
shall permanently close at the conclusion of the school year in 33965  
which the school first becomes subject to this section. The 33966  
sponsor and governing authority of the school shall comply with 33967  
all procedures for closing a community school adopted by the 33968  
department under division (E) of section 3314.015 of the Revised 33969  
Code. The governing authority of the school shall not enter into 33970  
a contract with any other sponsor under section 3314.03 of the 33971  
Revised Code after the school closes. 33972

(C) In accordance with division (B) of section 3314.012 of 33973  
the Revised Code, the department shall not consider the 33974  
performance ratings assigned to a community school for its first 33975  
two years of operation when determining whether the school meets 33976  
the criteria prescribed by division (A) (1) or (2) of this 33977  
section. 33978

(D) Nothing in this section or in any other provision of 33979  
the Revised Code prohibits the sponsor of a community school 33980  
from exercising its option not to renew a contract for any 33981  
reason or from terminating a contract prior to its expiration 33982  
for any of the reasons set forth in section 3314.07 of the 33983  
Revised Code. 33984

**Sec. 3314.351.** (A) This section applies to any community 33985

school in which a majority of the students are enrolled in a 33986  
dropout prevention and recovery program. Except as provided in 33987  
division (F) of this section, any such community school that has 33988  
received a designation of "does not meet standards," as 33989  
described in division (D) (1) of section 3314.017 of the Revised 33990  
Code on the report card issued under that section, for the three 33991  
most recent school years shall be subject to closure in 33992  
accordance with this section. 33993

(B) Not later than the first day of September in each 33994  
school year, the department of education and workforce shall 33995  
notify each school subject to closure under this section that 33996  
the school must close not later than the thirtieth day of the 33997  
following June. 33998

A school so notified shall close as required. 33999

(C) A school that opens on or after July 1, 2014, shall 34000  
not be subject to closure under this section for its first two 34001  
years of operation. A school that is in operation prior to July 34002  
1, 2014, shall not be subject to closure under this section 34003  
until after August 31, 2016. 34004

(D) The sponsor and governing authority of the school 34005  
shall comply with all procedures for closing a community school 34006  
adopted by the department under division (E) of section 3314.015 34007  
of the Revised Code. The governing authority of the school shall 34008  
not enter into a contract with any other sponsor under section 34009  
3314.03 of the Revised Code after the school closes. 34010

(E) Nothing in this section or in any other provision of 34011  
the Revised Code prohibits the sponsor of a community school 34012  
from exercising its option not to renew a contract for any 34013  
reason or from terminating a contract prior to its expiration 34014

for any of the reasons set forth in section 3314.07 of the Revised Code. 34015  
34016

(F) Beginning in the 2019-2020 school year, no school shall be subject to closure under this section based on the report card issued for that school for the 2017-2018 or 2018-2019 school year if the school received an overall rating of "meets standards" or "exceeds standards" for the 2017-2018 or 2018-2019 school year pursuant to division (I) of section 3314.017 of the Revised Code. However, no school permanently closed under this section prior to the 2019-2020 school year shall be eligible to reopen based on the calculated or recalculated ratings under division (I) of section 3314.017 of the Revised Code. 34017  
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**Sec. 3314.353.** Each year, the department of education and workforce shall publish separate lists of the following: 34028  
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(A) Community schools that have become subject to permanent closure under section 3314.35 or 3314.351 of the Revised Code; 34030  
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(B) Community schools that are at risk of becoming subject to permanent closure under section 3314.35 or 3314.351 of the Revised Code if their academic performance, as prescribed in those sections, does not improve on the next state report cards issued under section 3302.03 or 3314.017 of the Revised Code. 34033  
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~~On and after the effective date of this amendment, the~~ The department of education and workforce shall not adopt any rules, enforce any procedures or policies, or otherwise restrict the establishment or sponsorship of a new start-up community school based upon whether the school's proposed location is in a challenged school district. 34038  
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**Sec. 3314.354.** Not later than the thirty-first day of July 34044  
of each year, the department of education and workforce shall 34045  
submit preliminary data on community schools at risk of becoming 34046  
subject to permanent closure under section 3314.35 or 3314.351 34047  
of the Revised Code. 34048

**Sec. 3314.36.** (A) Section 3314.35 of the Revised Code does 34049  
not apply to any community school in which a majority of the 34050  
students are enrolled in a dropout prevention and recovery 34051  
program that is operated by the school and that has been granted 34052  
a waiver by the former department of education prior to July 1, 34053  
2014. ~~Until June 30, 2014, the department shall grant a waiver~~ 34054  
~~to a dropout prevention and recovery program, within sixty days~~ 34055  
~~after the program applies for the waiver, if the program meets~~ 34056  
~~all of the following conditions:~~ 34057

~~(1) The program serves only students not younger than~~ 34058  
~~sixteen years of age and not older than twenty one years of age.~~ 34059

~~(2) The program enrolls students who, at the time of their~~ 34060  
~~initial enrollment, either, or both, are at least one grade~~ 34061  
~~level behind their cohort age groups or experience crises that~~ 34062  
~~significantly interfere with their academic progress such that~~ 34063  
~~they are prevented from continuing their traditional programs.~~ 34064

~~(3) The program requires students to attain at least the~~ 34065  
~~applicable score designated for each of the assessments~~ 34066  
~~prescribed under division (B) (1) of section 3301.0710 of the~~ 34067  
~~Revised Code or, to the extent prescribed by rule of the state~~ 34068  
~~board of education under division (D) (5) of section 3301.0712 of~~ 34069  
~~the Revised Code, division (B) (2) of that section.~~ 34070

~~(4) The program develops an individual career plan for the~~ 34071  
~~student that specifies the student's matriculating to a two-year~~ 34072

~~degree program, acquiring a business and industry credential, or  
entering an apprenticeship.~~ 34073  
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~~(5) The program provides counseling and support for the  
student related to the plan developed under division (A) (4) of  
this section during the remainder of the student's high school  
experience.~~ 34075  
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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.~~ 34079  
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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.~~ 34084  
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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.~~ 34088  
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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.~~ 34093  
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**Sec. 3314.38.** (A) An individual who is at least twenty-two 34100  
years of age and who is an eligible individual as defined in 34101

section 3317.23 of the Revised Code may enroll for up to two 34102  
consecutive school years in a dropout prevention and recovery 34103  
program operated by a community school that is designed to allow 34104  
enrollees to earn a high school diploma. An individual enrolled 34105  
under this division may elect to satisfy the requirements to 34106  
earn a high school diploma by successfully completing a 34107  
competency-based educational program, as defined in section 34108  
3317.23 of the Revised Code, that complies with the standards 34109  
adopted by the department of education and workforce under 34110  
section 3317.231 of the Revised Code. The community school shall 34111  
report that individual's enrollment on a full-time equivalency 34112  
basis to the department. This report shall be in addition to the 34113  
report required under division (B) of section 3314.08 of the 34114  
Revised Code. An individual enrolled under this division shall 34115  
not be assigned to classes or settings with students who are 34116  
younger than eighteen years of age. 34117

(B) (1) For each community school that enrolls individuals 34118  
under division (A) of this section, the department annually 34119  
shall certify the enrollment and attendance, on a full-time 34120  
equivalency basis, of each individual reported by the school 34121  
under that division. 34122

(2) For each individual enrolled in a community school 34123  
under division (A) of this section, the department annually 34124  
shall pay the community school up to \$5,000, as determined by 34125  
the department based on the extent of the individual's 34126  
successful completion of the graduation requirements prescribed 34127  
under division (A) (11) (f) of section 3314.03 of the Revised 34128  
Code. 34129

(C) A community school that enrolls individuals under 34130  
division (A) of this section shall be subject to the program 34131

administration standards adopted by the department under section 34132  
3317.231 of the Revised Code, as applicable. 34133

**Sec. 3314.50.** No community school shall initiate 34134  
operation, on or after the effective date of this amendment, 34135  
unless the governing authority of the school has posted a bond 34136  
in the amount of fifty thousand dollars with the auditor of 34137  
state. The bond shall be used, in the event the school closes, 34138  
to pay the auditor of state any moneys owed or that become owed 34139  
by the school for the costs of audits conducted by the auditor 34140  
of state or a public accountant under Chapter 117. of the 34141  
Revised Code. 34142

The department of education and workforce shall notify the 34143  
auditor of state of the proposed initiation of operations of any 34144  
community school and shall provide the auditor of state with the 34145  
certification of the sponsor of the community school of the 34146  
compliance by the community school with all legal preconditions 34147  
to the initiation of its operations, including compliance with 34148  
this section. 34149

In lieu of the bond, the governing authority of the 34150  
school, the school's sponsor, or an operator that has a contract 34151  
with the school may deposit with the auditor of state cash in 34152  
the amount of fifty thousand dollars as guarantee of payment 34153  
under the provisions of this section. In lieu of a bond or a 34154  
cash deposit, the school's sponsor or an operator that has a 34155  
contract with the school may provide a written guarantee of 34156  
payment, which shall obligate the school's sponsor or the 34157  
operator that provides the written guarantee to pay the cost of 34158  
audits of the school under this section up to the amount of 34159  
fifty thousand dollars. Any such written guarantee shall be 34160  
binding upon any successor entity that enters into a contract to 34161

sponsor or to operate the school, and any such entity, as a 34162  
condition of its undertaking shall acknowledge and accept such 34163  
obligation. 34164

In the event that a sponsor or operator has provided a 34165  
written guarantee under this section, and, subsequent to the 34166  
provision of the guarantee, the governing authority of the 34167  
school posts a bond under this section, or the governing 34168  
authority of the school, a sponsor, or an operator provides a 34169  
cash deposit of fifty thousand dollars as required, the written 34170  
guarantee shall cease to be of further effect. 34171

As soon as it is practicable to do so after the filing of 34172  
a bond or the deposit of cash, the auditor of state shall 34173  
deliver the bond or cash to the treasurer of state, who shall 34174  
hold it in trust for the purposes prescribed in this section. 34175  
The treasurer of state shall be responsible for the safekeeping 34176  
of all bonds filed or cash deposited under this section. The 34177  
auditor of state shall notify the ~~department of education~~ when 34178  
the school's governing authority has filed the bond, deposited 34179  
the cash guarantee, or submitted a written guarantee of payment. 34180

When the auditor of state conducts an audit of a community 34181  
school that has closed and is subject to the requirements of 34182  
this section, the auditor of state shall certify the amount of 34183  
forfeiture to the treasurer of state, who shall assess the bond 34184  
for the costs of the audit or shall pay money from the named 34185  
insurer or from the school's cash deposit for the costs of the 34186  
audit to reimburse the auditor of state or public accountant for 34187  
costs incurred in conducting audits of the school. 34188

To the extent that the amount of the bond or the cash 34189  
deposit is not needed to cover audit costs, the bond shall be of 34190  
no further effect, and any cash balance shall be refunded by the 34191

treasurer of state to the entity which provided the bond. When 34192  
the auditor of state conducts an audit of a community school 34193  
that has closed and is subject to the requirements of this 34194  
section, and, as to which, a written guarantee has been given 34195  
under this section, the entity that provided the guarantee shall 34196  
be solely and fully liable for any such audit costs, and shall 34197  
promptly pay the costs of the audit up to fifty thousand 34198  
dollars. 34199

No community school that is subject to the provisions of 34200  
this section shall maintain or continue its operations absent 34201  
the ongoing provision of a bond, a cash deposit, or a written 34202  
guarantee as required by this section. 34203

**Sec. 3314.51.** (A) If the auditor of state or a public 34204  
accountant, under section 117.41 of the Revised Code, declares a 34205  
community school to be unauditabile, the auditor of state shall 34206  
provide written notification of that declaration to the school, 34207  
the school's sponsor, and the department of education and 34208  
workforce. The auditor of state also shall post the notification 34209  
on the auditor of state's web site. 34210

(B) If the community school's current fiscal officer held 34211  
that position during the period for which the school is 34212  
unauditabile, upon receipt of the notification under division (A) 34213  
of this section, the governing authority of the school shall 34214  
suspend the fiscal officer until the auditor of state or a 34215  
public accountant has completed an audit of the school, except 34216  
that if the school has an operator and the operator employs the 34217  
fiscal officer, the operator shall suspend the fiscal officer 34218  
for that period. Suspension of the fiscal officer may be with or 34219  
without pay, as determined by the entity imposing the suspension 34220  
based on the circumstances that prompted the auditor of state's 34221

declaration. The entity imposing the suspension shall appoint a 34222  
person to assume the duties of the fiscal officer during the 34223  
period of the suspension. If the appointee is not licensed as a 34224  
treasurer under section 3301.074 of the Revised Code, the 34225  
appointee shall be approved by the ~~superintendent of public~~ 34226  
~~instruction~~ director of education and workforce before assuming 34227  
the duties of the fiscal officer. The state board of education 34228  
may take action under section 3319.31 of the Revised Code to 34229  
suspend, revoke, or limit the license of a fiscal officer who 34230  
has been suspended under this division. 34231

(C) Notwithstanding any provision to the contrary in this 34232  
chapter or in any other provision of law, the sponsor of the 34233  
community school shall not enter into contracts with any 34234  
additional community schools under section 3314.03 of the 34235  
Revised Code between ninety days after the date of the 34236  
declaration under division (A) of this section and the date the 34237  
auditor of state or a public accountant has completed a 34238  
financial audit of the school. 34239

(D) Not later than forty-five days after receiving the 34240  
notification under division (A) of this section, the sponsor of 34241  
the community school shall provide a written response to the 34242  
auditor of state. The sponsor shall provide a copy of the 34243  
response to the community school. The response shall include the 34244  
following: 34245

(1) An overview of the process the sponsor will use to 34246  
review and understand the circumstances that led to the 34247  
community school becoming unauditabile; 34248

(2) A plan for providing the auditor of state with the 34249  
documentation necessary to complete an audit of the community 34250  
school and for ensuring that all financial documents are 34251

available in the future; 34252

(3) The actions the sponsor will take to ensure that the 34253  
plan described in division (D) (2) of this section is 34254  
implemented. 34255

(E) If the community school fails to make reasonable 34256  
efforts and continuing progress to bring its accounts, records, 34257  
files, or reports into an auditable condition within ninety days 34258  
after being declared unauditable, the auditor of state, in 34259  
addition to requesting legal action under sections 117.41 and 34260  
117.42 of the Revised Code, shall notify the school's sponsor 34261  
and the department of the school's failure. If the auditor of 34262  
state or a public accountant subsequently is able to complete a 34263  
financial audit of the school, the auditor of state shall notify 34264  
the school's sponsor and the department that the audit has been 34265  
completed. 34266

(F) Notwithstanding any provision to the contrary in this 34267  
chapter or in any other provision of law, upon notification by 34268  
the auditor of state under division (E) of this section that the 34269  
community school has failed to make reasonable efforts and 34270  
continuing progress to bring its accounts, records, files, or 34271  
reports into an auditable condition, the department shall 34272  
immediately cease all payments to the school under this chapter 34273  
and any other provision of law. Upon subsequent notification 34274  
from the auditor of state under that division that the auditor 34275  
of state or a public accountant was able to complete a financial 34276  
audit of the community school, the department shall release all 34277  
funds withheld from the school under this section. 34278

**Sec. 3315.18.** (A) The board of education of each city, 34279  
exempted village, local, and joint vocational school district 34280  
shall establish a capital and maintenance fund. Each board 34281

annually shall deposit into that fund an amount derived from 34282  
revenues received by the district that would otherwise have been 34283  
deposited in the general fund that is equal to three per cent of 34284  
the statewide average base cost per pupil for the preceding 34285  
fiscal year, as defined in section 3317.02 of the Revised Code, 34286  
or another percentage if established by the auditor of state 34287  
under division (B) of this section, multiplied by the district's 34288  
student population for the preceding fiscal year, except that 34289  
money received from a permanent improvement levy authorized by 34290  
section 5705.21 of the Revised Code may replace general revenue 34291  
moneys in meeting the requirements of this section. Money in the 34292  
fund shall be used solely for acquisition, replacement, 34293  
enhancement, maintenance, or repair of permanent improvements, 34294  
as that term is defined in section 5705.01 of the Revised Code. 34295  
Any money in the fund that is not used in any fiscal year shall 34296  
carry forward to the next fiscal year. 34297

(B) ~~The state superintendent of public instruction~~ 34298  
director of education and workforce and the auditor of state 34299  
jointly shall adopt rules in accordance with Chapter 119. of the 34300  
Revised Code defining what constitutes expenditures permitted by 34301  
division (A) of this section. The auditor of state may designate 34302  
a percentage, other than three per cent, of the statewide 34303  
average base cost per pupil multiplied by the district's student 34304  
population that must be deposited into the fund. 34305

(C) Within its capital and maintenance fund, a school 34306  
district board of education may establish a separate account 34307  
solely for the purpose of depositing funds transferred from the 34308  
district's reserve balance account established under former 34309  
division (H) of section 5705.29 of the Revised Code. After April 34310  
10, 2001, a board may deposit all or part of the funds formerly 34311  
included in such reserve balance account in the separate account 34312

established under this section. Funds deposited in this separate 34313  
account and interest on such funds shall be utilized solely for 34314  
the purpose of providing the district's portion of the basic 34315  
project costs of any project undertaken in accordance with 34316  
Chapter 3318. of the Revised Code. 34317

(D) (1) Notwithstanding division (A) of this section, in 34318  
any year a district is in fiscal emergency status as declared 34319  
pursuant to section 3316.03 of the Revised Code, the district 34320  
may deposit an amount less than required by division (A) of this 34321  
section, or make no deposit, into the district capital and 34322  
maintenance fund for that year. 34323

(2) Notwithstanding division (A) of this section, in any 34324  
fiscal year that a school district is either in fiscal watch 34325  
status, as declared pursuant to section 3316.03 of the Revised 34326  
Code, or in fiscal caution status, as declared pursuant to 34327  
section 3316.031 of the Revised Code, the district may apply to 34328  
the ~~superintendent of public instruction~~ director of education 34329  
and workforce for a waiver from the requirements of division (A) 34330  
of this section, under which the district may be permitted to 34331  
deposit an amount less than required by that division or 34332  
permitted to make no deposit into the district capital and 34333  
maintenance fund for that year. The ~~superintendent~~ director may 34334  
grant a waiver under division (D) (2) of this section if the 34335  
district demonstrates to the satisfaction of the ~~superintendent~~ 34336  
director that compliance with division (A) of this section that 34337  
year will create an undue financial hardship on the district. 34338

(3) Notwithstanding division (A) of this section, not more 34339  
often than one fiscal year in every three consecutive fiscal 34340  
years, any school district that does not satisfy the conditions 34341  
for the exemption described in division (D) (1) of this section 34342

or the conditions to apply for the waiver described in division 34343  
(D) (2) of this section may apply to the ~~superintendent of public~~ 34344  
~~instruction director~~ for a waiver from the requirements of 34345  
division (A) of this section, under which the district may be 34346  
permitted to deposit an amount less than required by that 34347  
division or permitted to make no deposit into the district 34348  
capital and maintenance fund for that year. The ~~superintendent-~~ 34349  
~~director~~ may grant a waiver under division (D) (3) of this 34350  
section if the district demonstrates to the satisfaction of the 34351  
~~superintendent director~~ that compliance with division (A) of 34352  
this section that year will necessitate the reduction or 34353  
elimination of a program currently offered by the district that 34354  
is critical to the academic success of students of the district 34355  
and that no reasonable alternatives exist for spending 34356  
reductions in other areas of operation within the district that 34357  
negate the necessity of the reduction or elimination of that 34358  
program. 34359

(E) Notwithstanding any provision to the contrary in 34360  
Chapter 4117. of the Revised Code, the requirements of this 34361  
section prevail over any conflicting provisions of agreements 34362  
between employee organizations and public employers entered into 34363  
after November 21, 1997. 34364

(F) As used in this section, "student population" means 34365  
the average, daily, full-time equivalent number of students in 34366  
kindergarten through twelfth grade receiving any educational 34367  
services from the school district during the first full school 34368  
week in October, excluding students enrolled in adult education 34369  
classes, but including all of the following: 34370

(1) Adjacent or other district students enrolled in the 34371  
district under an open enrollment policy pursuant to section 34372

3313.98 of the Revised Code;	34373
(2) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	34374 34375 34376 34377
(3) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	34378 34379
The department of education <u>and workforce</u> shall determine a district's student population using data reported to it under section 3317.03 of the Revised Code for the applicable fiscal year.	34380 34381 34382 34383
<b>Sec. 3315.181.</b> As used in this section, "securities" has the same meaning as in section 133.01 of the Revised Code.	34384 34385
Notwithstanding division (A) of section 3315.18 of the Revised Code, the board of education of a city, exempted village, local, or joint vocational school district, in meeting the amount required by that division to be deposited in the district's capital and maintenance fund, may replace general fund revenues with proceeds received from a permanent improvement levy authorized by section 5705.21 of the Revised Code only to the extent the proceeds are available to be used for the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements as defined in section 5705.01 of the Revised Code. In addition, the board may replace general fund revenues with proceeds received from any of the following sources in meeting the amount required by that division to be deposited in the fund:	34386 34387 34388 34389 34390 34391 34392 34393 34394 34395 34396 34397 34398 34399
(A) Proceeds received from any securities whose use is limited to the acquisition, replacement, enhancement,	34400 34401

maintenance, or repair of permanent improvements;	34402
(B) Insurance proceeds received as a result of the damage	34403
to or theft or destruction of a permanent improvement to the	34404
extent a board of education places the proceeds in a separate	34405
fund for the acquisition, replacement, enhancement, maintenance,	34406
or repair of permanent improvements;	34407
(C) Proceeds received from the sale of a permanent	34408
improvement to the extent the proceeds are paid into a separate	34409
fund for the construction or acquisition of permanent	34410
improvements;	34411
(D) Proceeds received from a tax levy authorized by	34412
section 3318.06 of the Revised Code to the extent the proceeds	34413
are available to be used for the maintenance of capital	34414
facilities;	34415
(E) Proceeds of certificates of participation issued as	34416
part of a lease-purchase agreement entered into under section	34417
3313.375 of the Revised Code;	34418
(F) Proceeds of any school district income tax levied	34419
under Chapter 5748. of the Revised Code for permanent	34420
improvements, to the extent the proceeds are available for the	34421
acquisition, replacement, enhancement, maintenance, or repair of	34422
permanent improvements;	34423
(G) Any other revenue source identified by the auditor of	34424
state, in consultation with the department of education <u>and</u>	34425
<u>workforce</u> , in rules adopted by the auditor of state.	34426
<b>Sec. 3315.33.</b> There is hereby established a fund to be	34427
known as the Ohio scholarship fund for teacher trainees for the	34428
public purpose of relieving the existing teacher shortage in	34429
public schools, to be administered and expended as prescribed in	34430

sections 3315.33 to 3315.35 of the Revised Code. Appropriations 34431  
by the general assembly for the purpose of scholarships for 34432  
teacher trainees shall be paid into this fund. 34433

Each scholarship for a teacher trainee shall have a 34434  
maximum value of five hundred dollars annually and shall be 34435  
awarded as follows: 34436

(A) The ~~state board~~ department of education and workforce 34437  
shall prescribe standards and requirements which shall be met by 34438  
persons who are eligible for such scholarships. Scholarships 34439  
shall be allocated among the counties of the state on an 34440  
equitable basis by the ~~state board of education~~ department, 34441  
provided that not less than three such scholarships shall be 34442  
available annually to residents of each county of the state. If, 34443  
on the first day of September in each year, the ~~state board of~~ 34444  
~~education~~ department finds that the number of eligible persons 34445  
recommended from any county is less than the number of 34446  
scholarships allocated to that county, it may reallocate the 34447  
remaining scholarships among the counties in which the number of 34448  
eligible persons exceeds the number of scholarships allocated. 34449  
Such reallocation as may affect a county in one year shall not 34450  
prejudice in any way the allocation to it in succeeding years. 34451

(B) In accordance with the requirements of sections 34452  
3315.33, 3315.34, and 3315.35 of the Revised Code, the 34453  
educational service center superintendent in each educational 34454  
service center as committee chairperson shall appoint a 34455  
committee consisting of one high school principal, one 34456  
elementary school principal, and one classroom teacher. This 34457  
committee shall select and recommend, on the basis of merit, a 34458  
number of high school graduates, not to exceed the number 34459  
allocated to each county by the ~~state board of education~~ 34460

department, who are interested in teaching and whose work and 34461  
qualifications are such as to indicate that they possess the 34462  
qualities which should be possessed by a successful teacher. 34463  
Such persons shall not have previously been enrolled in any 34464  
college of education or have majored in education in any college 34465  
or university. Such other college training shall be considered 34466  
in determining such person's qualifications to become a 34467  
successful teacher. 34468

(C) The scholarship fund for teacher trainees shall be 34469  
disbursed to scholarship holders upon their application as 34470  
approved by the ~~state board of education~~ department upon 34471  
vouchers for that purpose. Such scholarships shall be paid in 34472  
equal installments at the beginning of each quarter or semester 34473  
while college is in session to each person who has been awarded 34474  
such a scholarship when the following requirements are met: 34475

(1) Such person shall be a bona fide student in the 34476  
college of education or department of teacher training in an 34477  
Ohio institution of higher learning. 34478

(2) Such person shall pursue a course of study in 34479  
elementary education in said college of education or department 34480  
of teacher training approved by the ~~state board of education~~ 34481  
department of education and workforce. 34482

**Sec. 3315.34.** Each person who receives a scholarship shall 34483  
execute a promissory note which shall be endorsed by some 34484  
responsible citizen, and shall deliver said note to the ~~state~~ 34485  
~~board~~ department of education and workforce or to its 34486  
representative. Each such note shall be made payable to the 34487  
treasurer of state for the amount of the quarterly or semi- 34488  
annual payment, and shall bear interest at the rate of five per 34489  
cent per annum from the date of the note. The ~~state board of~~ 34490

~~education department~~ shall hold said note until it has been paid 34491  
or cancelled as prescribed in section 3315.35 of the Revised 34492  
Code. 34493

Each person awarded a scholarship under the terms of 34494  
sections 3315.33 to 3315.35 of the Revised Code shall be 34495  
eligible upon the completion of satisfactory work during the 34496  
first year, under rules and regulations promulgated by the ~~state~~ 34497  
~~board of education department~~, to have the scholarship renewed 34498  
for a period not to exceed one additional year. 34499

**Sec. 3315.35.** At the expiration of each school year of 34500  
service as a teacher in the public schools of Ohio by a person 34501  
who has benefited from a scholarship granted under sections 34502  
3315.33 to 3315.35 of the Revised Code, such person shall submit 34503  
to the ~~state board~~ department of education and workforce a 34504  
statement of service on a form provided for that purpose and 34505  
certified by the superintendent of the school district in which 34506  
the person has taught. Upon receipt of such statement in proper 34507  
form, the board shall cancel the oldest notes given by such 34508  
person covering the scholarship for one year and the interest 34509  
accrued thereon. If for any reason a recipient of a scholarship 34510  
ceases or, after licensure, fails to teach in the public schools 34511  
of Ohio, except for death or total disability, or fails to file 34512  
with the board by July first of each year a statement concerning 34513  
the recipient's previous year's employment and address for the 34514  
ensuing year, any and all unpaid or uncanceled notes and 34515  
interest thereon shall become due and payable and the board 34516  
shall transmit all such notes promptly to the treasurer of state 34517  
and the treasurer of state shall enforce collection of the 34518  
principal amount of any uncanceled or unpaid notes held by the 34519  
treasurer of state and the interest thereon and shall deposit 34520  
said sums so collected in the general revenue fund. 34521

**Sec. 3316.03.** (A) The existence of a fiscal watch shall be 34522  
declared by the auditor of state. The auditor of state may make 34523  
a determination on the auditor of state's initiative, or upon 34524  
receipt of a written request for such a determination, which may 34525  
be filed by the governor, the ~~superintendent of public~~ 34526  
~~instruction~~ director of education and workforce, or a majority of 34527  
the members of the board of education of the school district. 34528

(1) The auditor of state shall declare a school district 34529  
to be in a state of fiscal watch if the auditor of state 34530  
determines that both of the following conditions are satisfied 34531  
with respect to the school district: 34532

(a) An operating deficit has been certified for the 34533  
current fiscal year by the auditor of state, and the certified 34534  
operating deficit exceeds eight per cent of the school 34535  
district's general fund revenue for the preceding fiscal year; 34536

(b) A majority of the voting electors have not voted in 34537  
favor of levying a tax under section 5705.194, 5705.199, or 34538  
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34539  
state expects will raise enough additional revenue in the next 34540  
succeeding fiscal year that division (A) (1) (a) of this section 34541  
will not apply to the district in such next succeeding fiscal 34542  
year. 34543

(2) The auditor of state shall declare a school district 34544  
to be in a state of fiscal watch if the auditor of state 34545  
determines that the school district has outstanding securities 34546  
issued under division (A) (4) of section 3316.06 of the Revised 34547  
Code, and its financial planning and supervision commission has 34548  
been terminated under section 3316.16 of the Revised Code. 34549

(3) The auditor of state shall declare a school district 34550

to be in a state of fiscal watch if both of the following 34551  
conditions are satisfied: 34552

(a) The ~~superintendent of public instruction~~ director has 34553  
reported to the auditor of state that the ~~superintendent~~ 34554  
director has declared the district under section 3316.031 of the 34555  
Revised Code to be under a fiscal caution, has found that the 34556  
district has not acted reasonably to eliminate or correct 34557  
practices or conditions that prompted the declaration, and has 34558  
determined the declaration of a state of fiscal watch necessary 34559  
to prevent further fiscal decline; 34560

(b) The auditor of state determines that the decision of 34561  
the ~~superintendent~~ director is reasonable. 34562

If the auditor of state determines that the decision of 34563  
the ~~superintendent~~ director is not reasonable, the auditor of 34564  
state shall provide the ~~superintendent~~ director with a written 34565  
explanation of that determination. 34566

(4) The auditor of state may declare a school district to 34567  
be in a state of fiscal watch if all of the following conditions 34568  
are satisfied: 34569

(a) An operating deficit has been certified for the 34570  
current fiscal year by the auditor of state, and the certified 34571  
operating deficit exceeds two per cent, but does not exceed 34572  
eight per cent, of the school district's general fund revenue 34573  
for the preceding fiscal year; 34574

(b) A majority of the voting electors have not voted in 34575  
favor of levying a tax under section 5705.194, 5705.199, or 34576  
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34577  
state expects will raise enough additional revenue in the next 34578  
succeeding fiscal year that division (A) (4) (a) of this section 34579

will not apply to the district in the next succeeding fiscal year; 34580  
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(c) The auditor of state determines that there is no reasonable cause for the deficit or that the declaration of fiscal watch is necessary to prevent further fiscal decline in the district. 34582  
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(B) (1) The auditor of state shall issue an order declaring a school district to be in a state of fiscal emergency if the auditor of state determines that both of the following conditions are satisfied with respect to the school district: 34586  
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(a) An operating deficit has been certified for the current fiscal year by the auditor of state, and the certified operating deficit exceeds fifteen per cent of the school district's general fund revenue for the preceding fiscal year. 34590  
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(b) A majority of the voting electors have not voted in favor of levying a tax under section 5705.194, 5705.199, or 5705.21 or Chapter 5748. of the Revised Code that the auditor of state expects will raise enough additional revenue in the next succeeding fiscal year that division (B) (1) (a) of this section will not apply to the district in such next succeeding fiscal year. 34594  
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(2) The auditor of state shall issue an order declaring a school district to be in a state of fiscal emergency if the school district board fails, pursuant to section 3316.04 of the Revised Code, to submit a plan acceptable to the ~~state~~ superintendent of public instruction director of education and workforce within one hundred twenty days of the auditor of state's declaration under division (A) of this section or an updated plan when one is required by division (C) of section 34601  
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3316.04 of the Revised Code; 34609

(3) The auditor of state shall issue an order declaring a 34610  
school district to be in a state of fiscal emergency if both of 34611  
the following conditions are satisfied: 34612

(a) The ~~superintendent of public instruction~~ director has 34613  
reported to the auditor of state that the district is not 34614  
materially complying with the provisions of an original or 34615  
updated plan as approved by the ~~state superintendent~~ director 34616  
under section 3316.04 of the Revised Code, and that the ~~state~~ 34617  
~~superintendent~~ director has determined the declaration of a 34618  
state of fiscal emergency necessary to prevent further fiscal 34619  
decline; 34620

(b) The auditor of state finds that the determination of 34621  
the ~~superintendent~~ director is reasonable. 34622

If the auditor of state determines that the decision of 34623  
the ~~superintendent~~ director is not reasonable, the auditor of 34624  
state shall provide the ~~superintendent~~ director a written 34625  
explanation of that determination. 34626

(4) The auditor of state shall issue an order declaring a 34627  
school district to be in a state of fiscal emergency if a 34628  
declaration of fiscal emergency is required by division (D) of 34629  
section 3316.04 of the Revised Code. 34630

(5) The auditor of state may issue an order declaring a 34631  
school district to be in a state of fiscal emergency if all of 34632  
the following conditions are satisfied: 34633

(a) An operating deficit has been certified for the 34634  
current fiscal year by the auditor of state, and the certified 34635  
operating deficit exceeds ten per cent, but does not exceed 34636  
fifteen per cent, of the school district's general fund revenue 34637

for the preceding fiscal year; 34638

(b) A majority of the voting electors have not voted in 34639  
favor of levying a tax under section 5705.194, 5705.199, or 34640  
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34641  
state expects will raise enough additional revenue in the next 34642  
succeeding fiscal year that division (B) (5) (a) of this section 34643  
will not apply to the district in the next succeeding fiscal 34644  
year; 34645

(c) The auditor of state determines that a declaration of 34646  
fiscal emergency is necessary to correct the district's fiscal 34647  
problems and to prevent further fiscal decline. 34648

(C) In making the determinations under this section, the 34649  
auditor of state may use financial reports required under 34650  
section 117.43 of the Revised Code; tax budgets, certificates of 34651  
estimated resources and amendments thereof, annual appropriating 34652  
measures and spending plans, and any other documents or 34653  
information prepared pursuant to Chapter 5705. of the Revised 34654  
Code; and any other documents, records, or information available 34655  
to the auditor of state that indicate the conditions described 34656  
in divisions (A) and (B) of this section. 34657

(D) The auditor of state shall certify the action taken 34658  
under division (A) or (B) of this section to the board of 34659  
education of the school district, the director of budget and 34660  
management, the mayor or county auditor who could be required to 34661  
act pursuant to division (B) (1) of section 3316.05 of the 34662  
Revised Code, and to the ~~superintendent of public~~ 34663  
~~instruction~~ director of education and workforce. 34664

(E) A determination by the auditor of state under this 34665  
section that a fiscal emergency condition does not exist is 34666

final and conclusive and not appealable. A determination by the auditor of state under this section that a fiscal emergency exists is final, except that the board of education of the school district affected by such a determination may appeal the determination of the existence of a fiscal emergency condition to the court of appeals having territorial jurisdiction over the school district. The appeal shall be heard expeditiously by the court of appeals and for good cause shown shall take precedence over all other civil matters except earlier matters of the same character. Notice of such appeal must be filed with the auditor of state and such court within thirty days after certification by the auditor of state to the board of education of the school district provided for in division (D) of this section. In such appeal, determinations of the auditor of state shall be presumed to be valid and the board of education shall have the burden of proving, by clear and convincing evidence, that each of the determinations made by the auditor of state as to the existence of a fiscal emergency condition under this section was in error. If the board of education fails, upon presentation of its case, to prove by clear and convincing evidence that each such determination by the auditor of state was in error, the court shall dismiss the appeal. The board of education and the auditor of state may introduce any evidence relevant to the existence or nonexistence of such fiscal emergency conditions. The pendency of any such appeal shall not affect or impede the operations of this chapter; no restraining order, temporary injunction, or other similar restraint upon actions consistent with this chapter shall be imposed by the court or any court pending determination of such appeal; and all things may be done under this chapter that may be done regardless of the pendency of any such appeal. Any action taken or contract executed pursuant to this chapter during the pendency of such appeal is valid and

enforceable among all parties, notwithstanding the decision in 34699  
such appeal. If the court of appeals reverses the determination 34700  
of the existence of a fiscal emergency condition by the auditor 34701  
of state, the determination no longer has any effect, and any 34702  
procedures undertaken as a result of the determination shall be 34703  
terminated. 34704

**Sec. 3316.031.** (A) The ~~state superintendent of public~~ 34705  
~~instruction~~director of education and workforce, in consultation 34706  
with the auditor of state, shall develop guidelines for 34707  
identifying fiscal practices and budgetary conditions that, if 34708  
uncorrected, could result in a future declaration of a fiscal 34709  
watch or fiscal emergency within a school district. 34710

The guidelines shall not include a requirement that a 34711  
school district submit financial statements according to 34712  
generally accepted accounting principles. 34713

(B) (1) If the ~~state superintendent~~director determines 34714  
from a school district's five-year forecast submitted under 34715  
section 5705.391 of the Revised Code that a district is engaging 34716  
in any of those practices or that any of those conditions exist 34717  
within the district, after consulting with the district board of 34718  
education concerning the practices or conditions, the ~~state~~ 34719  
~~superintendent~~director may declare the district to be under a 34720  
fiscal caution. 34721

(2) If the auditor of state finds that a district is 34722  
engaging in any of those practices or that any of those 34723  
conditions exist within the district, the auditor of state shall 34724  
report that finding to the ~~state superintendent~~director and, 34725  
after consulting with the district board of education concerning 34726  
the practices or conditions, the ~~state superintendent~~director 34727  
may declare the district to be under a fiscal caution. 34728

(3) Unless the auditor of state has elected to declare a state of fiscal watch under division (A) (4) of section 3316.03 of the Revised Code, the ~~state superintendent~~ director shall declare a school district to be under a fiscal caution if the conditions described in divisions (A) (4) (a) and (b) of that section are both satisfied with respect to the school district.

(C) When the ~~state superintendent~~ director declares a district to be under fiscal caution, the ~~state superintendent~~ director shall promptly notify the district board of education of that declaration and shall request the board to provide written proposals for discontinuing or correcting the fiscal practices or budgetary conditions that prompted the declaration and for preventing the district from experiencing further fiscal difficulties that could result in the district being declared to be in a state of fiscal watch or fiscal emergency.

(D) The ~~state superintendent~~ director, or a designee, may visit and inspect any district that is declared to be under a fiscal caution. The department of education and workforce shall provide technical assistance to the district board in implementing proposals to eliminate the practices or budgetary conditions that prompted the declaration of fiscal caution and may make recommendations concerning the board's proposals.

(E) If the ~~state superintendent~~ director finds that a school district declared to be under a fiscal caution has not made reasonable proposals or otherwise taken action to discontinue or correct the fiscal practices or budgetary conditions that prompted the declaration of fiscal caution, and if the ~~state superintendent~~ director considers it necessary to prevent further fiscal decline, the ~~state superintendent~~ director may determine that the district should be in a state of

fiscal watch. As provided in division (A) (3) of section 3316.03 34759  
of the Revised Code, the auditor of state shall declare the 34760  
district to be in a state of fiscal watch if the auditor of 34761  
state finds the ~~superintendent's~~ director's determination to be 34762  
reasonable. 34763

**Sec. 3316.04.** (A) Within sixty days of the auditor's 34764  
declaration under division (A) of section 3316.03 of the Revised 34765  
Code, the board of education of the school district shall 34766  
prepare and submit to the ~~superintendent of public instruction~~ 34767  
director of education and workforce a financial plan delineating 34768  
the steps the board will take to eliminate the district's 34769  
current operating deficit and avoid incurring operating deficits 34770  
in ensuing years, including the implementation of spending 34771  
reductions. The financial plan also shall evaluate the 34772  
feasibility of entering into shared services agreements with 34773  
other political subdivisions for the joint exercise of any 34774  
power, performance of any function, or rendering of any service, 34775  
if so authorized by statute. The ~~superintendent of public~~ 34776  
~~instruction~~ director shall evaluate the initial financial plan, 34777  
and either approve or disapprove it within thirty calendar days 34778  
from the date of its submission. If the initial financial plan 34779  
is disapproved, the ~~state superintendent~~ director shall 34780  
recommend modifications that will render the financial plan 34781  
acceptable. No school district board shall implement a financial 34782  
plan submitted to the ~~superintendent of public instruction~~ 34783  
director under this section unless the ~~superintendent~~ director 34784  
has approved the plan. 34785

(B) Upon request of the board of education of a school 34786  
district declared to be in a state of fiscal watch, the auditor 34787  
of state and ~~superintendent of public instruction~~ director shall 34788  
provide technical assistance to the board in resolving the 34789

fiscal problems that gave rise to the declaration, including 34790  
assistance in drafting the board's financial plan. 34791

(C) A financial plan adopted under this section may be 34792  
amended at any time with the approval of the 34793  
~~superintendent~~director. The board of education of the school 34794  
district shall submit an updated financial plan to the 34795  
~~superintendent~~director, for the ~~superintendent's~~director's 34796  
approval, every year that the district is in a state of fiscal 34797  
watch. The updated plan shall be submitted in a form acceptable 34798  
to the ~~superintendent~~director. The ~~superintendent~~director shall 34799  
approve or disapprove each updated plan no later than the 34800  
anniversary of the date on which the first such plan was 34801  
approved. 34802

(D) A school district that has restructured or refinanced 34803  
a loan under section 3316.041 of the Revised Code shall be 34804  
declared to be in a state of fiscal emergency if any of the 34805  
following occurs: 34806

(1) An operating deficit is certified for the district 34807  
under section 3313.483 of the Revised Code for any year prior to 34808  
the repayment of the restructured or refinanced loan; 34809

(2) The ~~superintendent~~director determines, in 34810  
consultation with the auditor of state, that the school district 34811  
is not satisfactorily complying with the terms of the financial 34812  
plan required by this section; 34813

(3) The board of education of the school district fails to 34814  
submit an updated plan that is acceptable to the ~~superintendent~~director 34815  
director under division (C) of this section. 34816

**Sec. 3316.041.** (A) Notwithstanding any provision of 34817  
Chapter 133. or sections 3313.483 to 3313.4810 of the Revised 34818

Code, and subject to the approval of the ~~superintendent of~~ 34819  
~~public instruction~~director of education and workforce, a school 34820  
district that is in a state of fiscal watch declared under 34821  
section 3316.03 of the Revised Code may restructure or refinance 34822  
loans obtained or in the process of being obtained under section 34823  
3313.483 of the Revised Code if all of the following 34824  
requirements are met: 34825

(1) The operating deficit certified for the school 34826  
district for the current or preceding fiscal year under section 34827  
3313.483 of the Revised Code exceeds fifteen per cent of the 34828  
district's general revenue fund for the fiscal year preceding 34829  
the year for which the certification of the operating deficit is 34830  
made. 34831

(2) The school district voters have, during the period of 34832  
the fiscal watch, approved the levy of a tax under section 34833  
718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the 34834  
Revised Code that is not a renewal or replacement levy, or a 34835  
levy under section 5705.199 of the Revised Code, and that will 34836  
provide new operating revenue. 34837

(3) The board of education of the school district has 34838  
adopted or amended the financial plan required by section 34839  
3316.04 of the Revised Code to reflect the restructured or 34840  
refinanced loans, and sets forth the means by which the district 34841  
will bring projected operating revenues and expenditures, and 34842  
projected debt service obligations, into balance for the life of 34843  
any such loan. 34844

(B) Subject to the approval of the ~~superintendent of~~ 34845  
~~public instruction~~director, the school district may issue 34846  
securities to evidence the restructuring or refinancing 34847  
authorized by this section. Such securities may extend the 34848

original period for repayment not to exceed ten years, and may 34849  
alter the frequency and amount of repayments, interest or other 34850  
financing charges, and other terms or agreements under which the 34851  
loans were originally contracted, provided the loans received 34852  
under sections 3313.483 of the Revised Code are repaid from 34853  
funds the district would otherwise receive under Chapter 3317. 34854  
of the Revised Code, as required under division (E) (3) of 34855  
section 3313.483 of the Revised Code. Securities issued for the 34856  
purpose of restructuring or refinancing under this section shall 34857  
be repaid in equal payments and at equal intervals over the term 34858  
of the debt and are not eligible to be included in any 34859  
subsequent proposal to restructure or refinance. 34860

(C) Unless the district is declared to be in a state of 34861  
fiscal emergency under division (D) of section 3316.04 of the 34862  
Revised Code, a school district shall remain in a state of 34863  
fiscal watch for the duration of the repayment period of any 34864  
loan restructured or refinanced under this section. 34865

**Sec. 3316.042.** The auditor of state, on the auditor of 34866  
state's initiative, may conduct a performance audit of a school 34867  
district that is under a fiscal caution under section 3316.031 34868  
of the Revised Code, in a state of fiscal watch, or in a state 34869  
of fiscal emergency, in which the auditor of state reviews any 34870  
programs or areas of operation in which the auditor of state 34871  
believes that greater operational efficiencies or enhanced 34872  
program results can be achieved. 34873

The auditor of state, in consultation with the department 34874  
of education and workforce and the office of budget and 34875  
management, shall determine for which school districts to 34876  
conduct performance audits under this section. Priority shall be 34877  
given to districts in fiscal distress, including districts 34878

employing fiscal practices or experiencing budgetary conditions 34879  
that could produce a state of fiscal watch or fiscal emergency, 34880  
as determined by the auditor of state, in consultation with the 34881  
department and the office of budget and management. 34882

The cost of a performance audit conducted under this 34883  
section shall be paid by the auditor of state. 34884

A performance audit under this section shall not include 34885  
review or evaluation of school district academic performance. 34886

**Sec. 3316.05.** (A) Pursuant to the powers of the general 34887  
assembly and for the purposes of this chapter, upon the 34888  
declaration of a fiscal emergency in any school district 34889  
pursuant to division (B) of section 3316.03 of the Revised Code, 34890  
there is established, with respect to that school district, a 34891  
body both corporate and politic constituting an agency and 34892  
instrumentality of the state and performing essential 34893  
governmental functions of the state to be known as the 34894  
"financial planning and supervision commission for \_\_\_\_\_ 34895  
(name of school district)," which, in that name, may exercise 34896  
all authority vested in such a commission by this chapter. A 34897  
separate commission is established with respect to each school 34898  
district as to which there is a fiscal emergency as determined 34899  
under this chapter. 34900

(B) A commission appointed after July 1, 1999, shall 34901  
consist of five voting members, including women and at least one 34902  
Hispanic or African American if Hispanic and African Americans 34903  
together constitute at least twenty per cent of the student 34904  
population of the district, as follows: 34905

(1) Two ex officio members: the director of budget and 34906  
management, or a designee of the director, and the 34907

~~superintendent of public instruction~~director of education and 34908  
workforce, or a designee of the ~~superintendent the~~director. A 34909  
designee, when present, shall be counted in determining whether 34910  
a quorum is present at any meeting of the commission and may 34911  
vote and participate in all proceedings and actions of the 34912  
commission. The designations shall be in writing, executed by 34913  
the member making the designation, and filed with the secretary 34914  
of the commission. The designations may be changed from time to 34915  
time in like manner, but due regard shall be given to the need 34916  
for continuity. 34917

(2) Three appointed members, who shall be appointed within 34918  
fifteen days after the declaration of the fiscal emergency, one 34919  
by the governor, one by the ~~superintendent of public~~ 34920  
~~instruction~~director of education and workforce, and one by the 34921  
mayor of the municipal corporation with the largest number of 34922  
residents living within the school district, except that if more 34923  
than fifty per cent of the residents of the district reside 34924  
outside the municipal corporation containing the greatest number 34925  
of district residents or if there is no municipal corporation 34926  
located in the school district, the county auditor of the county 34927  
with the largest number of residents living within the school 34928  
district shall make the appointment in lieu of a mayor. All of 34929  
the appointed members shall serve at the pleasure of the 34930  
appointing authority during the life of the commission. In the 34931  
event of the death, resignation, incapacity, removal, or 34932  
ineligibility to serve of an appointed member, the appointing 34933  
authority shall appoint a successor within fifteen days after 34934  
the vacancy occurs. 34935

(a) The member appointed by the governor and the member 34936  
appointed by the mayor or county auditor shall be an individual: 34937

(i) Who has knowledge and experience in financial matters, 34938  
financial management, or business organization or operations, 34939  
including at least five years of experience in the public or 34940  
private sector in the management of business or financial 34941  
enterprise, or in management consulting, public accounting, or 34942  
other similar professional activity; 34943

(ii) Whose residency, office, or principal place of 34944  
professional or business activity is situated within the school 34945  
district. 34946

(b) The member appointed by the ~~superintendent of public~~ 34947  
~~instruction director~~ shall be a parent of a child currently 34948  
enrolled in a public school within the district. 34949

(C) Immediately after appointment of the initial appointed 34950  
members of the commission, the ~~superintendent of public~~ 34951  
~~instruction director of education and workforce~~ shall call the 34952  
first meeting of the commission and shall cause written notice 34953  
of the time, date, and place of the first meeting to be given to 34954  
each member of the commission at least forty-eight hours in 34955  
advance of the meeting. 34956

(D) The ~~superintendent of public instruction director of~~ 34957  
~~education and workforce~~ shall serve as the commission's 34958  
chairperson and the commission shall elect one of its members as 34959  
vice-chairperson and may appoint a secretary and any other 34960  
officers, who need not be members of the commission, as it 34961  
considers necessary. 34962

(E) The commission may adopt and alter bylaws and rules, 34963  
which shall not be subject to section 111.15 or Chapter 119. of 34964  
the Revised Code, for the conduct of its affairs and for the 34965  
manner, subject to this chapter, in which its powers and 34966

functions shall be exercised and embodied. 34967

(F) Three members of the commission constitute a quorum of 34968  
the commission. The affirmative vote of three members of the 34969  
commission is necessary for any action taken by vote of the 34970  
commission. No vacancy in the membership of the commission shall 34971  
impair the rights of a quorum by such vote to exercise all the 34972  
rights and perform all the duties of the commission. Members of 34973  
the commission, and their designees, are not disqualified from 34974  
voting by reason of the functions of the other office they hold 34975  
and are not disqualified from exercising the functions of the 34976  
other office with respect to the school district, its officers, 34977  
or the commission. 34978

(G) The auditor of state shall act as the financial 34979  
supervisor for the school district under contract with the 34980  
commission unless the auditor of state elects to contract for 34981  
that service. At the request of the commission the auditor of 34982  
state shall designate employees of the auditor of state's office 34983  
to assist the commission and to coordinate the work of the 34984  
auditor of state's office. Upon the declaration of a fiscal 34985  
emergency in any school district, the school district shall 34986  
provide the commission with such reasonable office space in the 34987  
principal building housing the administrative offices of the 34988  
school district, where feasible, as the commission determines is 34989  
necessary to carry out its duties under this chapter. 34990

The attorney general shall serve as the legal counsel for 34991  
the commission. 34992

(H) The members of the commission, the ~~superintendent of~~ 34993  
~~public instruction~~ director of education and workforce, the 34994  
auditor of state, and any person authorized to act on behalf of 34995  
or assist them shall not be personally liable or subject to any 34996

suit, judgment, or claim for damages resulting from the exercise 34997  
of or failure to exercise the powers, duties, and functions 34998  
granted to them in regard to their functioning under this 34999  
chapter, but the commission, the ~~superintendent of public~~ 35000  
~~instruction~~director, the auditor of state, and such other 35001  
persons shall be subject to mandamus proceedings to compel 35002  
performance of their duties under this chapter. 35003

(I) At the request of the commission the administrative 35004  
head of any state agency shall temporarily assign personnel 35005  
skilled in accounting and budgeting procedures to assist the 35006  
commission in its duties. 35007

(J) The appointed members of the commission are not 35008  
subject to section 102.02 of the Revised Code, each appointed 35009  
member of the commission shall file with the commission a signed 35010  
written statement setting forth the general nature of sales of 35011  
goods, property, or services or of loans to the school district 35012  
with respect to which that commission is established, in which 35013  
the appointed member has a pecuniary interest or in which any 35014  
member of the appointed member's immediate family, as defined in 35015  
section 102.01 of the Revised Code, or any corporation, 35016  
partnership, or enterprise of which the appointed member is an 35017  
officer, director, or partner, or of which the appointed member 35018  
or a member of the appointed member's immediate family, as so 35019  
defined, owns more than a five per cent interest, has a 35020  
pecuniary interest, and of which sale, loan, or interest such 35021  
member has knowledge. The statement shall be supplemented from 35022  
time to time to reflect changes in the general nature of any 35023  
such sales or loans. 35024

(K) Meetings of the commission shall be subject to section 35025  
121.22 of the Revised Code except that division (C) of such 35026

section requiring members to be physically present to be part of 35027  
a quorum or vote does not apply if the commission holds a 35028  
meeting by teleconference and if provisions are made for public 35029  
attendance at any location involved in such teleconference. 35030

**Sec. 3316.06.** (A) Within one hundred twenty days after the 35031  
first meeting of a school district financial planning and 35032  
supervision commission, the commission shall adopt a financial 35033  
recovery plan regarding the school district for which the 35034  
commission was created. During the formulation of the plan, the 35035  
commission shall seek appropriate input from the school district 35036  
board and from the community. This plan shall contain the 35037  
following: 35038

(1) Actions to be taken to: 35039

(a) Eliminate all fiscal emergency conditions declared to 35040  
exist pursuant to division (B) of section 3316.03 of the Revised 35041  
Code; 35042

(b) Satisfy any judgments, past-due accounts payable, and 35043  
all past-due and payable payroll and fringe benefits; 35044

(c) Eliminate the deficits in all deficit funds, except 35045  
that any prior year deficits in the capital and maintenance fund 35046  
established pursuant to section 3315.18 of the Revised Code 35047  
shall be forgiven; 35048

(d) Restore to special funds any moneys from such funds 35049  
that were used for purposes not within the purposes of such 35050  
funds, or borrowed from such funds by the purchase of debt 35051  
obligations of the school district with the moneys of such 35052  
funds, or missing from the special funds and not accounted for, 35053  
if any; 35054

(e) Balance the budget, avoid future deficits in any 35055

funds, and maintain on a current basis payments of payroll, 35056  
fringe benefits, and all accounts; 35057

(f) Avoid any fiscal emergency condition in the future; 35058

(g) Restore the ability of the school district to market 35059  
long-term general obligation bonds under provisions of law 35060  
applicable to school districts generally. 35061

(2) The management structure that will enable the school 35062  
district to take the actions enumerated in division (A)(1) of 35063  
this section. The plan shall specify the level of fiscal and 35064  
management control that the commission will exercise within the 35065  
school district during the period of fiscal emergency, and shall 35066  
enumerate respectively, the powers and duties of the commission 35067  
and the powers and duties of the school board during that 35068  
period. The commission may elect to assume any of the powers and 35069  
duties of the school board it considers necessary, including all 35070  
powers related to personnel, curriculum, and legal issues in 35071  
order to successfully implement the actions described in 35072  
division (A)(1) of this section. 35073

(3) The target dates for the commencement, progress upon, 35074  
and completion of the actions enumerated in division (A)(1) of 35075  
this section and a reasonable period of time expected to be 35076  
required to implement the plan. The commission shall prepare a 35077  
reasonable time schedule for progress toward and achievement of 35078  
the requirements for the plan, and the plan shall be consistent 35079  
with that time schedule. 35080

(4) The amount and purpose of any issue of debt 35081  
obligations that will be issued, together with assurances that 35082  
any such debt obligations that will be issued will not exceed 35083  
debt limits supported by appropriate certifications by the 35084

fiscal officer of the school district and the county auditor. If 35085  
the commission considers it necessary in order to maintain or 35086  
improve educational opportunities of pupils in the school 35087  
district, the plan may include a proposal to restructure or 35088  
refinance outstanding debt obligations incurred by the board 35089  
under section 3313.483 of the Revised Code contingent upon the 35090  
approval, during the period of the fiscal emergency, by district 35091  
voters of a tax levied under section 718.09, 718.10, 5705.194, 35092  
5705.21, 5748.02, 5748.08, or 5748.09 of the Revised Code that 35093  
is not a renewal or replacement levy, or a levy under section 35094  
5705.199 of the Revised Code, and that will provide new 35095  
operating revenue. Notwithstanding any provision of Chapter 133. 35096  
or sections 3313.483 to 3313.4810 of the Revised Code, following 35097  
the required approval of the district voters and with the 35098  
approval of the commission, the school district may issue 35099  
securities to evidence the restructuring or refinancing. Those 35100  
securities may extend the original period for repayment, not to 35101  
exceed ten years, and may alter the frequency and amount of 35102  
repayments, interest or other financing charges, and other terms 35103  
of agreements under which the debt originally was contracted, at 35104  
the discretion of the commission, provided that any loans 35105  
received pursuant to section 3313.483 of the Revised Code shall 35106  
be paid from funds the district would otherwise receive under 35107  
Chapter 3317. of the Revised Code, as required under division 35108  
(E) (3) of section 3313.483 of the Revised Code. The securities 35109  
issued for the purpose of restructuring or refinancing the debt 35110  
shall be repaid in equal payments and at equal intervals over 35111  
the term of the debt and are not eligible to be included in any 35112  
subsequent proposal for the purpose of restructuring or 35113  
refinancing debt under this section. 35114

(5) An evaluation of the feasibility of entering into 35115

shared services agreements with other political subdivisions for 35116  
the joint exercise of any power, performance of any function, or 35117  
rendering of any service, if so authorized by statute. 35118

(B) Any financial recovery plan may be amended subsequent 35119  
to its adoption. Each financial recovery plan shall be updated 35120  
annually. 35121

(C) Each school district financial planning and 35122  
supervision commission shall submit the financial recovery plan 35123  
it adopts or updates under this section to the ~~state~~ 35124  
~~superintendent of public instruction~~ director of education and 35125  
workforce for approval immediately following its adoption or 35126  
updating. The ~~state superintendent~~ director shall evaluate the 35127  
plan and either approve or disapprove it within thirty calendar 35128  
days from the date of its submission. If the plan is 35129  
disapproved, the ~~state superintendent~~ director shall recommend 35130  
modifications that will render it acceptable. No financial 35131  
planning and supervision commission shall implement a financial 35132  
recovery plan that is adopted or updated on or after April 10, 35133  
2001, unless the ~~state superintendent~~ director has approved it. 35134

**Sec. 3316.08.** During a school district's fiscal emergency 35135  
period, the auditor of state shall determine annually, or at any 35136  
other time upon request of the financial planning and 35137  
supervision commission, whether the school district will incur 35138  
an operating deficit. If the auditor of state determines that a 35139  
school district will incur an operating deficit, the auditor of 35140  
state shall certify that determination to the ~~superintendent of~~ 35141  
~~public instruction~~ director of education and workforce, the 35142  
financial planning and supervision commission, and the board of 35143  
education of the school district. Upon receiving the auditor of 35144  
state's certification, the commission shall adopt a resolution 35145

requesting that the board of education work with the county auditor or tax commissioner to estimate the amount and rate of a tax levy that is needed under section 5705.194, ~~5709.199~~ 5705.199, or 5705.21 or Chapter 5748. of the Revised Code to produce a positive fund balance not later than the fifth year of the five-year forecast submitted under section 5705.391 of the Revised Code.

The board of education shall recommend to the commission whether the board supports or opposes a tax levy under section 5705.194, ~~5709.199~~ 5705.199, or 5705.21 or Chapter 5748. of the Revised Code and shall provide supporting documentation to the commission of its recommendation.

After considering the board of education's recommendation and supporting documentation, the commission shall adopt a resolution to either submit a ballot question proposing a tax levy or not to submit such a question.

Except as otherwise provided in this division, the tax shall be levied in the manner prescribed for a tax levied under section 5705.194, ~~5709.199~~ 5705.199, or 5705.21 or under Chapter 5748. of the Revised Code. If the commission decides that a tax should be levied, the tax shall be levied for the purpose of paying current operating expenses of the school district. The rate of a property tax levied under section 5705.194, ~~5709.199~~ 5705.199, 5705.21, or 5748.09 of the Revised Code shall be determined by the county auditor, and the rate of an income tax levied under section 5748.02, 5748.08, or 5748.09 of the Revised Code shall be determined by the tax commissioner, upon the request of the commission. The commission, in consultation with the board of education, shall determine the election at which the question of the tax shall appear on the ballot, and the

commission shall submit a copy of its resolution to the board of 35176  
elections not later than ninety days prior to the day of that 35177  
election. The board of elections conducting the election shall 35178  
certify the results of the election to the board of education 35179  
and to the financial planning and supervision commission. 35180

**Sec. 3316.20.** (A) (1) The school district solvency 35181  
assistance fund is hereby created in the state treasury, to 35182  
consist of such amounts designated for the purposes of the fund 35183  
by the general assembly. The fund shall be used to provide 35184  
assistance and grants to school districts to enable them to 35185  
remain solvent and to pay unforeseeable expenses of a temporary 35186  
or emergency nature that they are unable to pay from existing 35187  
resources. 35188

(2) There is hereby created within the fund an account 35189  
known as the school district shared resource account, which 35190  
shall consist of money appropriated to it by the general 35191  
assembly. The money in the account shall be used solely for 35192  
solvency assistance to school districts that have been declared 35193  
under division (B) of section 3316.03 of the Revised Code to be 35194  
in a state of fiscal emergency. 35195

(3) There is hereby created within the fund an account 35196  
known as the catastrophic expenditures account, which shall 35197  
consist of money appropriated to the account by the general 35198  
assembly plus all investment earnings of the fund. Money in the 35199  
account shall be used solely for the following: 35200

(a) Solvency assistance to school districts that have been 35201  
declared under division (B) of section 3316.03 of the Revised 35202  
Code to be in a state of fiscal emergency, in the event that all 35203  
money in the shared resource account is utilized for solvency 35204  
assistance; 35205

(b) Grants to school districts under division (C) of this section. 35206  
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(B) Solvency assistance payments under division (A) (2) or (3) (a) of this section shall be made from the fund by the ~~superintendent of public instruction~~ director of education and workforce in accordance with rules adopted by the director of budget and management, after consulting with the ~~superintendent~~ director, specifying approval criteria and procedures necessary for administering the fund. 35208  
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The fund shall be reimbursed for any solvency assistance amounts paid under division (A) (2) or (3) (a) of this section not later than the end of the second fiscal year following the fiscal year in which the solvency assistance payment was made, except that, upon the approval of the director of budget and management and the ~~superintendent of public instruction~~ director of education and workforce, the fund may be reimbursed in another fiscal year designated by the director of budget and management and ~~superintendent~~ director of education and workforce that is not later than the end of the tenth fiscal year following the fiscal year in which the solvency assistance payment was made. If not made directly by the school district, such reimbursement shall be made by the director of budget and management from the amounts the school district would otherwise receive pursuant to Chapter 3317. of the Revised Code, or from any other funds appropriated for the district by the general assembly. Reimbursements shall be credited to the respective account from which the solvency assistance paid to the district was deducted. 35215  
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(C) The ~~superintendent of public instruction~~ director of education and workforce may make recommendations, and the 35234  
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controlling board may grant money from the catastrophic 35236  
expenditures account to any school district that suffers an 35237  
unforeseen catastrophic event that severely depletes the 35238  
district's financial resources. The ~~superintendent~~ director of 35239  
education and workforce shall make recommendations for the 35240  
grants in accordance with rules adopted by the director of 35241  
budget and management, after consulting with the 35242  
~~superintendent~~ director of education and workforce. A school 35243  
district shall not be required to repay any grant awarded to the 35244  
district under this division, unless the district receives money 35245  
from this state or a third party, including an agency of the 35246  
government of the United States, specifically for the purpose of 35247  
compensating the district for revenue lost or expenses incurred 35248  
as a result of the unforeseen catastrophic event. If a school 35249  
district receives a grant from the catastrophic expenditures 35250  
account on the basis of the same circumstances for which an 35251  
adjustment or recomputation is authorized under section 35252  
3317.025, 3317.028, 3317.0210, or 3317.0211 of the Revised Code, 35253  
the department of education and workforce shall reduce the 35254  
adjustment or recomputation by an amount not to exceed the total 35255  
amount of the grant, and an amount equal to the reduction shall 35256  
be transferred, from the funding source from which the 35257  
adjustment or recomputation would be paid, to the catastrophic 35258  
expenditures account. Any adjustment or recomputation under such 35259  
sections that is in excess of the total amount of the grant 35260  
shall be paid to the school district. 35261

**Sec. 3317.01.** As used in this section, "school district," 35262  
unless otherwise specified, means any city, local, exempted 35263  
village, joint vocational, or cooperative education school 35264  
district and any educational service center. 35265

This chapter shall be administered by the ~~state board~~ 35266

~~department of education and workforce.~~ The ~~superintendent of-~~ 35267  
~~public instruction department of education and workforce~~ shall 35268  
calculate the amounts payable to each school district and shall 35269  
certify the amounts payable to each eligible district to the 35270  
treasurer of the district as provided by this chapter. 35271  
Certification of moneys pursuant to this section shall include 35272  
the amounts payable to each school building, at a frequency 35273  
determined by the ~~superintendent~~department, for each subgroup of 35274  
students, as defined in section 3317.40 of the Revised Code, 35275  
receiving services, provided for by state funding, from the 35276  
district or school. No moneys shall be distributed pursuant to 35277  
this chapter without the approval of the controlling board. 35278

The ~~state board of education department~~ shall, in 35279  
accordance with appropriations made by the general assembly, 35280  
meet the financial obligations of this chapter. 35281

Moneys distributed to school districts pursuant to this 35282  
chapter shall be calculated based on the annual enrollment 35283  
calculated from the three reports required under sections 35284  
3317.03 and 3317.036 of the Revised Code and paid on a fiscal 35285  
year basis, beginning with the first day of July and extending 35286  
through the thirtieth day of June. In any given fiscal year, 35287  
prior to school districts submitting the first report required 35288  
under section 3317.03 of the Revised Code, enrollment for the 35289  
districts shall be calculated based on the third report 35290  
submitted by the districts for the previous fiscal year. The 35291  
moneys appropriated for each fiscal year shall be distributed 35292  
periodically to each school district unless otherwise provided 35293  
for. The ~~state board~~ department, in June of each year, shall 35294  
submit to the controlling board the ~~state board's department's~~ 35295  
year-end distributions pursuant to this chapter. 35296

Except as otherwise provided, payments under this chapter 35297  
shall be made only to those school districts in which: 35298

(A) The school district, except for any educational 35299  
service center and any joint vocational or cooperative education 35300  
school district, levies for current operating expenses at least 35301  
twenty mills. Levies for joint vocational or cooperative 35302  
education school districts or county school financing districts, 35303  
limited to or to the extent apportioned to current expenses, 35304  
shall be included in this qualification requirement. School 35305  
district income tax levies under Chapter 5748. of the Revised 35306  
Code, limited to or to the extent apportioned to current 35307  
operating expenses, shall be included in this qualification 35308  
requirement to the extent determined by the tax commissioner 35309  
under division (C) of section 3317.021 of the Revised Code. 35310

(B) The school year next preceding the fiscal year for 35311  
which such payments are authorized meets the requirement of 35312  
section 3313.48 of the Revised Code, with regard to the minimum 35313  
number of hours school must be open for instruction with pupils 35314  
in attendance, for individualized parent-teacher conference and 35315  
reporting periods, and for professional meetings of teachers. 35316

A school district shall not be considered to have failed 35317  
to comply with this division because schools were open for 35318  
instruction but either twelfth grade students were excused from 35319  
attendance for up to the equivalent of three school days or only 35320  
a portion of the kindergarten students were in attendance for up 35321  
to the equivalent of three school days in order to allow for the 35322  
gradual orientation to school of such students. 35323

A board of education or governing board of an educational 35324  
service center which has not conformed with other law and the 35325  
rules pursuant thereto, shall not participate in the 35326

distribution of funds authorized by this chapter, except for 35327  
good and sufficient reason established to the satisfaction of 35328  
the ~~state board of education department~~ and the state 35329  
controlling board. 35330

All funds allocated to school districts under this 35331  
chapter, except those specifically allocated for other purposes, 35332  
shall be used to pay current operating expenses only. 35333

**Sec. 3317.011.** This section shall apply only for fiscal 35334  
years 2022 and 2023. 35335

(A) As used in this section: 35336

(1) "Average administrative assistant salary" means the 35337  
average salary of administrative assistants employed by city, 35338  
local, and exempted village school districts in this state with 35339  
salaries greater than \$20,000 but less than \$65,000, using 35340  
fiscal year 2018 data, as determined by the department of 35341  
education and workforce. 35342

(2) "Average bookkeeping and accounting employee salary" 35343  
means the average salary of bookkeeping employees and accounting 35344  
employees employed by city, local, and exempted village school 35345  
districts in this state with salaries greater than \$20,000 but 35346  
less than \$80,000, using fiscal year 2018 data, as determined by 35347  
the department. 35348

(3) "Average clerical staff salary" means the average 35349  
salary of clerical staff employed by city, local, and exempted 35350  
village school districts in this state with salaries greater 35351  
than \$15,000 but less than \$50,000, using fiscal year 2018 data, 35352  
as determined by the department. 35353

(4) "Average counselor salary" means the average salary of 35354  
counselors employed by city, local, and exempted village school 35355

districts in this state with salaries greater than \$30,000 but 35356  
less than \$95,000, using fiscal year 2018 data, as determined by 35357  
the department. 35358

(5) "Average education management information system 35359  
support employee salary" means the average salary of accounting 35360  
employees employed by city, local, and exempted village school 35361  
districts in this state with salaries greater than \$30,000 but 35362  
less than \$90,000, using fiscal year 2018 data, as determined by 35363  
the department. 35364

(6) "Average librarian and media staff salary" means the 35365  
average salary of librarians and media staff employed by city, 35366  
local, and exempted village school districts in this state with 35367  
salaries greater than \$30,000 but less than \$95,000, using 35368  
fiscal year 2018 data, as determined by the department. 35369

(7) "Average other district administrator salary" means 35370  
the average salary of all assistant superintendents and 35371  
directors employed by city, local, and exempted village school 35372  
districts in this state with salaries greater than \$50,000 but 35373  
less than \$135,000, using fiscal year 2018 data, as determined 35374  
by the department. 35375

(8) "Average principal salary" means the average salary of 35376  
all principals employed by city, local, and exempted village 35377  
school districts in this state with salaries greater than 35378  
\$50,000 but less than \$120,000, using fiscal year 2018 data, as 35379  
determined by the department. 35380

(9) "Average superintendent salary" means the average 35381  
salary of all superintendents employed by city, local, and 35382  
exempted village school districts in this state with salaries 35383  
greater than \$60,000 but less than \$180,000, using fiscal year 35384

2018 data, as determined by the department.	35385
(10) "Average teacher cost" for a fiscal year is equal to	35386
the sum of the following:	35387
(a) The average salary of teachers employed by city,	35388
local, and exempted village school districts in this state with	35389
salaries greater than \$30,000 but less than \$95,000, using	35390
fiscal year 2018 data, as determined by the department;	35391
(b) An amount for teacher benefits equal to 0.16 times the	35392
average salary calculated under division (A) (10) (a) of this	35393
section;	35394
(c) An amount for district-paid insurance costs equal to	35395
the following product:	35396
The statewide weighted average employer-paid monthly premium	35397
based on data reported by city, local, and exempted village	35398
school districts to the state employment relations board for the	35399
health insurance survey conducted in accordance with divisions	35400
(K) (5) and (6) of section 4117.02 of the Revised Code using	35401
fiscal year 2018 data X 12	35402
(11) "Eligible school district" means a city, local, or	35403
exempted village school district that satisfies one of the	35404
following:	35405
(a) The district is a member of an organization that	35406
regulates interscholastic athletics.	35407
(b) The district has teams in at least three different	35408
sports that participate in an interscholastic league.	35409
(B) When calculating a district's aggregate base cost	35410
under this section, the department shall use data from fiscal	35411
year 2018 for all of the following:	35412

(1) The average salaries determined under divisions (A)	35413
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this	35414
section;	35415
(2) The amount for teacher benefits determined under	35416
division (A) (10) (b) of this section;	35417
(3) The district-paid insurance costs determined under	35418
division (A) (10) (c) of this section;	35419
(4) The spending determined under divisions (E) (4) (a), (E)	35420
(5) (a), (E) (6) (a), and (H) (1) of this section and the	35421
corresponding student counts determined under divisions (E) (4)	35422
(b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section;	35423
(5) The information determined under division (G) (3) of	35424
this section.	35425
(C) A city, local, or exempted village school district's	35426
aggregate base cost for a fiscal year shall be equal to the	35427
following sum:	35428
(The district's teacher base cost for that fiscal year computed	35429
under division (D) of this section) + (the district's student	35430
support base cost for that fiscal year computed under division	35431
(E) of this section) + (the district's leadership and	35432
accountability base cost for that fiscal year computed under	35433
division (F) of this section) + (the district's building	35434
leadership and operations base cost for that fiscal year	35435
computed under division (G) of this section) + (the athletic co-	35436
curricular activities base cost for that fiscal year computed	35437
under division (H) of this section, if the district is an	35438
eligible school district)	35439
(D) The department <del>of education</del> shall compute a district's	35440
teacher base cost for a fiscal year as follows:	35441

(1) Calculate the district's classroom teacher cost for	35442
that fiscal year as follows:	35443
(a) Determine the full-time equivalency of students in the	35444
district's base cost enrolled ADM for that fiscal year that are	35445
enrolled in kindergarten and divide that number by 20;	35446
(b) Determine the full-time equivalency of students in the	35447
district's base cost enrolled ADM for that fiscal year that are	35448
enrolled in grades one through three and divide that number by	35449
23;	35450
(c) Determine the full-time equivalency of students in the	35451
district's base cost enrolled ADM for that fiscal year that are	35452
enrolled in grades four through eight but are not enrolled in a	35453
career-technical education program or class described under	35454
section 3317.014 of the Revised Code and divide that number by	35455
25;	35456
(d) Determine the full-time equivalency of students in the	35457
district's base cost enrolled ADM for that fiscal year that are	35458
enrolled in grades nine through twelve but are not enrolled in a	35459
career-technical education program or class described under	35460
section 3317.014 of the Revised Code and divide that number by	35461
27;	35462
(e) Determine the full-time equivalency of students in the	35463
district's base cost enrolled ADM for that fiscal year that are	35464
enrolled in a career-technical education program or class, as	35465
certified under divisions (B) (11), (12), (13), (14), and (15) of	35466
section 3317.03 of the Revised Code, and divide that number by	35467
18;	35468
(f) Compute the sum of the quotients obtained under	35469
divisions (D) (1) (a), (b), (c), (d), and (e) of this section;	35470

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D) (1) (f) of this section.

(2) Calculate the district's special teacher cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(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.

(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.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[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

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:

[The sum computed under division (D) (1) (f) of this section + 35499  
(the greater of the quotient obtained under division (D) (2) (a) 35500  
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 35501  
(b) of this section for that fiscal year)/180] X 4 35502

(5) Calculate the district's teacher base cost for that 35503  
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 35504  
and (4) of this section. 35505

(E) The department shall compute a district's student 35506  
support base cost for a fiscal year as follows: 35507

(1) Calculate the district's guidance counselor cost for 35508  
that fiscal year as follows: 35509

(a) Determine the number of students in the district's 35510  
base cost enrolled ADM for that fiscal year that are enrolled in 35511  
grades nine through twelve and divide that number by 360; 35512

(b) Compute the counselor cost in accordance with the 35513  
following formula: 35514

(The greater of the quotient obtained under division (E) (1) (a) 35515  
of this section and 1) X [(the average counselor salary for that 35516  
fiscal year X 1.16) + the amount specified under division (A) 35517  
(10) (c) of this section for that fiscal year] 35518

(2) Calculate the district's librarian and media staff 35519  
cost for that fiscal year as follows: 35520

(a) Divide the district's base cost enrolled ADM for that 35521  
fiscal year by 1,000; 35522

(b) Compute the librarian and media staff cost in 35523  
accordance with the following formula: 35524

The quotient obtained under division (E) (2) (a) of this section X 35525

[(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 35526  
35527  
35528

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows: 35529  
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(a) Divide the district's base cost enrolled ADM for that fiscal year by 250; 35531  
35532

(b) Compute the staffing cost for student wellness and success in accordance with the following formula: 35533  
35534

(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] 35535  
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(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows: 35539  
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(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; 35541  
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(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; 35545  
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(c) Compute the academic co-curricular activities cost in accordance with the following formula: 35548  
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(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 35550  
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computed	35554
(5) Calculate the district's building safety and security cost for that fiscal year as follows:	35555
	35556
(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;	35557
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(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;	35561
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	35563
(c) Compute the building safety and security cost in accordance with the following formula:	35564
	35565
(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	35566
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	35569
(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:	35570
	35571
(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;	35572
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	35575
(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;	35576
	35577
	35578
(c) Compute the supplies and academic content cost in accordance with the following formula:	35579
	35580

(The amount determined under division (E) (6) (a) of this section / the sum determined under division (E) (6) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

$\$37.50 \times$  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  $[(\$160,000 \times 1.16) +$  the amount specified under division (A) (10) (c) of this section 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  $\{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\}$ ;

(ii)  $(\$80,000 \times 1.16) +$  the amount specified under

division (A) (10) (c) of this section for that fiscal year. 35609

(c) If the district's base cost enrolled ADM is less than 35610  
500, then the district's superintendent cost shall be equal to 35611  
[\$80,000 X 1.16) + the amount specified under division (A) (10) 35612  
(c) of this section for that fiscal year]. 35613

(2) Calculate the district's treasurer cost for that 35614  
fiscal year as follows: 35615

(a) If the district's base cost enrolled ADM for that 35616  
fiscal year is greater than 4,000, then the district's treasurer 35617  
cost shall be equal to [(\$130,000 X 1.16) + the amount specified 35618  
under division (A) (10) (c) of this section for that fiscal year]. 35619

(b) If the district's base cost enrolled ADM for that 35620  
fiscal year is less than or equal to 4,000 but greater than or 35621  
equal to 500, the district's treasurer cost shall be equal to 35622  
the sum of the following: 35623

(i) (The district's base cost enrolled ADM for that fiscal 35624  
year - 500) X {[((\$130,000 X 1.16) - (\$60,000 X 1.16)]/3500}; 35625

(ii) (\$60,000 X 1.16) + the amount specified under 35626  
division (A) (10) (c) of this section for that fiscal year. 35627

(c) If the district's base cost enrolled ADM is less than 35628  
500, then the district's treasurer cost shall be equal to 35629  
[\$60,000 X 1.16) + the amount specified under division (A) (10) 35630  
(c) of this section for that fiscal year]. 35631

(3) Calculate the district's other district administrator 35632  
cost for that fiscal year as follows: 35633

(a) Divide the average other district administrator salary 35634  
for that fiscal year by the average superintendent salary for 35635  
that fiscal year; 35636

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750; 35637  
35638

(c) Compute the other district administrator cost in accordance with the following formula: 35639  
35640

{[(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) 35641  
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(4) Calculate the district's fiscal support cost for that fiscal year as follows: 35648  
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(a) Divide the district's base cost enrolled ADM for that fiscal year by 850; 35650  
35651

(b) Determine the lesser of the following: 35652

(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2; 35653  
35654

(ii) 35. 35655

(c) Compute the fiscal support cost in accordance with the following formula: 35656  
35657

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] 35658  
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(5) Calculate the district's education management information system support cost for that fiscal year as follows: 35662  
35663

(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	35664 35665
(b) Compute the education management information system support cost in accordance with the following formula:	35666 35667
(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]	35668 35669 35670 35671 35672
(6) Calculate the district's leadership support cost for that fiscal year as follows:	35673 35674
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that number;	35675 35676 35677
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	35678 35679
(c) Compute the leadership support cost in accordance with the following formula:	35680 35681
(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]	35682 35683 35684 35685
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	35686 35687 35688
\$31 X the district's base cost enrolled ADM for that fiscal year	35689
(8) Calculate the district's district leadership and	35690

accountability base cost for that fiscal year, which equals the 35691  
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 35692  
this section. 35693

(G) The department shall compute a district's building 35694  
leadership and operations base cost for a fiscal year as 35695  
follows: 35696

(1) Calculate the district's building leadership cost for 35697  
that fiscal year as follows: 35698

(a) Divide the average principal salary for that fiscal 35699  
year by the average superintendent salary for that fiscal year; 35700

(b) Divide the district's base cost enrolled ADM for that 35701  
fiscal year by 450; 35702

(c) Compute the building leadership cost in accordance 35703  
with the following formula: 35704

{[(The district's superintendent cost for that fiscal year 35705  
calculated under division (F) (1) of this section - the amount 35706  
specified under division (A) (10) (c) of this section for that 35707  
fiscal year) X the quotient obtained under division (G) (1) (a) of 35708  
this section] + the amount specified under division (A) (10) (c) 35709  
of this section for that fiscal year} X the quotient obtained 35710  
under division (G) (1) (b) of this section 35711

(2) Calculate the district's building leadership support 35712  
cost for that fiscal year as follows: 35713

(a) Divide the district's base cost enrolled ADM for that 35714  
fiscal year by 400; 35715

(b) Determine the number of school buildings in the 35716  
district for that fiscal year; 35717

(c) Compute the building leadership support cost in accordance with the following formula: 35718  
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(i) If the quotient obtained under division (G) (2) (a) of this section is less than the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G) (2) (b) of this section for that fiscal year X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.

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(ii) If the quotient obtained under division (G) (2) (a) of this section is greater than or equal to the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G) (2) (b) of this section X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.

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(3) Calculate the district's building operations cost for that fiscal year as follows: 35737  
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(a) Using data for the six most recent fiscal years for which data is available, determine both of the following: 35739  
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(i) The six-year average of the average building square feet per pupil for all city, local, and exempted village school district buildings in the state; 35741  
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(ii) The six-year average cost per square foot for all city, local, and exempted village school district buildings in the state. 35744  
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(b) Compute the building operations cost in accordance 35747  
with the following formula: 35748

The district's base cost enrolled ADM for that fiscal year 35749  
X [(the number determined under division (G) (3) (a) (i) of this 35750  
section X the number determined under division (G) (3) (a) (ii) of 35751  
this section) - (the amount determined under division (E) (5) (a) 35752  
of this section for that fiscal year/ the sum determined under 35753  
division (E) (5) (b) of this section for that fiscal year)] 35754

(4) Calculate the district's building leadership and 35755  
operations base cost for that fiscal year, which equals the sum 35756  
of divisions (G) (1), (2), and (3) of this section. 35757

(H) If a district is an eligible school district, the 35758  
department shall compute the district's athletic co-curricular 35759  
activities base cost for a fiscal year as follows: 35760

(1) Determine the total amount of spending for athletic 35761  
co-curricular activities reported by city, local, and exempted 35762  
village school districts to the department for that fiscal year; 35763

(2) Determine the sum of the enrolled ADM of every school 35764  
district in the state for that fiscal year; 35765

(3) Compute the district's athletic co-curricular 35766  
activities base cost in accordance with the following formula: 35767

(The amount determined under division (H) (1) of this section / 35768  
the sum determined under division (H) (2) of this section) X the 35769  
district's base cost enrolled ADM for the fiscal year for which 35770  
the funds for athletic co-curricular activities are computed 35771

**Sec. 3317.012.** This section shall apply only for fiscal 35772  
years 2022 and 2023. 35773

(A) As used in this section, "average administrative 35774

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	35803
(E) of this section + the district's leadership and	35804
accountability base cost for that fiscal year computed under	35805
division (F) of this section + the district's building	35806
leadership and operations base cost for that fiscal year	35807
computed under division (G) of this section	35808
(D) The department of education <u>and workforce</u> shall	35809
compute a district's teacher base cost for a fiscal year as	35810
follows:	35811
(1) Calculate the district's classroom teacher cost for	35812
that fiscal year as follows:	35813
(a) Determine the full-time equivalency of students in the	35814
district's base cost enrolled ADM for that fiscal year that are	35815
enrolled in a career-technical education program or class, as	35816
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of	35817
section 3317.03 of the Revised Code, and divide that number by	35818
18;	35819
(b) Determine the full-time equivalency of students in the	35820
district's base cost enrolled ADM for that fiscal year that are	35821
enrolled in grades six through eight but are not enrolled in a	35822
career-technical education program or class described under	35823
section 3317.014 of the Revised Code and divide that number by	35824
25;	35825
(c) Determine the full-time equivalency of students in the	35826
district's base cost enrolled ADM for that fiscal year that are	35827
enrolled in grades nine through twelve but are not enrolled in a	35828
career-technical education program or class described under	35829
section 3317.014 of the Revised Code and divide that number by	35830
27;	35831

(d) Compute the sum of the quotients obtained under divisions (D) (1) (a), (b), and (c) of this section;	35832 35833
(e) Compute the classroom teacher base cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D) (1) (d) of this section.	35834 35835 35836
(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows:	35837 35838 35839 35840 35841 35842 35843 35844
(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;	35845 35846
(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.	35847 35848 35849 35850
(c) If the quotient obtained under division (D) (2) (a) of this section is less than or equal to 6, the teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.	35851 35852 35853 35854
(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:	35855 35856
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	35857 35858 35859

(b) Compute the substitute teacher cost in accordance with the following formula:	35860 35861
[The sum computed under division (D) (1) (d) 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	35862 35863 35864 35865
(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:	35866 35867
[The sum computed under division (D) (1) (d) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X [(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4	35868 35869 35870 35871 35872
(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D) (1), (2), (3), and (4) of this section.	35873 35874 35875
(E) The department shall compute a district's student support base cost for a fiscal year as follows:	35876 35877
(1) Calculate the district's guidance counselor cost for that fiscal year as follows:	35878 35879
(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;	35880 35881 35882
(b) Compute the counselor cost in accordance with the following formula:	35883 35884
(The greater of the quotient obtained under division (E) (1) (a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)	35885 35886 35887

(10) (c) of section 3317.011 of the Revised Code for that fiscal	35888
year]	35889
(2) Calculate the district's librarian and media staff	35890
cost for that fiscal year as follows:	35891
(a) Divide the district's base cost enrolled ADM for that	35892
fiscal year by 1,000;	35893
(b) Compute the librarian and media staff cost in	35894
accordance with the following formula:	35895
The quotient obtained under division (E) (2) (a) of this section X	35896
[(the average librarian and media staff salary for that fiscal	35897
year X 1.16) + the amount specified under division (A) (10) (c) of	35898
section 3317.011 of the Revised Code for that fiscal year]	35899
(3) Calculate the district's staffing cost for student	35900
wellness and success for that fiscal year as follows:	35901
(a) Divide the district's base cost enrolled ADM for that	35902
fiscal year by 250;	35903
(b) Compute the staffing cost for student wellness and	35904
success in accordance with the following formula:	35905
The quotient obtained under division (E) (3) (a) of this section X	35906
[(the average counselor salary for that fiscal year X 1.16) +	35907
the amount specified under division (A) (10) (c) of section	35908
3317.011 of the Revised Code for that fiscal year]	35909
(4) Calculate the district's cost for that fiscal year for	35910
career-technical curriculum specialists and coordinators, career	35911
assessment and program placement, recruitment and orientation,	35912
student success coordination, analysis of test results,	35913
development of intervention and remediation plans and monitoring	35914
of those plans, and satellite program coordination in accordance	35915

with the following formula:	35916
[(The amount determined under division (E) (4) (a) of section	35917
3317.011 of the Revised Code for that fiscal year / the sum	35918
determined under division (E) (4) (b) of section 3317.011 of the	35919
Revised Code) + (the amount determined under division (H) (1) of	35920
section 3317.011 of the Revised Code for that fiscal year / the	35921
sum determined under division (H) (2) of section 3317.011 of the	35922
Revised Code)] X the district's base cost enrolled ADM for the	35923
fiscal year for which the district's cost under this division is	35924
computed	35925
(5) Compute the district's building safety and security	35926
cost for that fiscal year in accordance with the following	35927
formula:	35928
(The amount determined under division (E) (5) (a) of section	35929
3317.011 of the Revised Code for that fiscal year / the sum	35930
determined under division (E) (5) (b) of section 3317.011 of the	35931
Revised Code) X the district's base cost enrolled ADM for the	35932
fiscal year for which the building safety and security cost is	35933
computed	35934
(6) Compute the district's supplies and academic content	35935
cost for that fiscal year in accordance with the following	35936
formula:	35937
(The amount determined under division (E) (6) (a) of section	35938
3317.011 of the Revised Code for that fiscal year / the sum	35939
determined under division (E) (6) (b) of section 3317.011 of the	35940
Revised Code) X the district's base cost enrolled ADM for the	35941
fiscal year for which the supplies and academic content cost is	35942
computed	35943
(7) Calculate the district's technology cost for that	35944



year]. 35973

(2) Calculate the district's treasurer cost for that 35974  
fiscal year as follows: 35975

(a) If the district's base cost enrolled ADM for that 35976  
fiscal year is greater than 4,000, then the district's treasurer 35977  
cost shall be equal to  $[(\$130,000 \times 1.16) + \text{the amount specified}$  35978  
under division (A) (10) (c) of section 3317.011 of the Revised 35979  
Code for that fiscal year]. 35980

(b) If the district's base cost enrolled ADM for that 35981  
fiscal year is less than or equal to 4,000 but greater than or 35982  
equal to 500, the district's treasurer cost shall be equal to 35983  
the sum of the following: 35984

(i) (The district's base cost enrolled ADM for that fiscal 35985  
year - 500)  $\times \{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$  35986

(ii)  $(\$60,000 \times 1.16) + \text{the amount specified under}$  35987  
division (A) (10) (c) of section 3317.011 of the Revised Code for 35988  
that fiscal year. 35989

(c) If the district's base cost enrolled ADM is less than 35990  
500, then the district's treasurer cost shall be equal to 35991  
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A) (10)}$  35992  
(c) of section 3317.011 of the Revised Code for that fiscal 35993  
year]. 35994

(3) Calculate the district's other district administrator 35995  
cost for that fiscal year as follows: 35996

(a) Divide the average other district administrator salary 35997  
for that fiscal year by the average superintendent salary for 35998  
that fiscal year; 35999

(b) Divide the district's base cost enrolled ADM for that 36000

fiscal year by 750;	36001
(c) Compute the other district administrator cost in accordance with the following formula:	36002 36003
{[(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 (F) (3) (a) of this section] + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code} X (the greater of the quotient obtained under division (F) (3) (b) of this section and 2)	36004 36005 36006 36007 36008 36009 36010 36011
(4) Calculate the district's fiscal support cost for that fiscal year as follows:	36012 36013
(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;	36014 36015
(b) Determine the lesser of the following:	36016
(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2;	36017 36018
(ii) 35.	36019
(c) Compute the fiscal support cost in accordance with the following formula:	36020 36021
The number obtained under division (F) (4) (b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	36022 36023 36024 36025 36026
(5) Calculate the district's education management	36027

information system support cost for that fiscal year as follows:	36028
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	36029 36030
(b) Compute the education management information system support cost in accordance with the following formula:	36031 36032
(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]	36033 36034 36035 36036 36037
(6) Calculate the district's leadership support cost for that fiscal year as follows:	36038 36039
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2 and add 1 to that number;	36040 36041 36042
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	36043 36044
(c) Compute the leadership support cost in accordance with the following formula:	36045 36046
(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]	36047 36048 36049 36050 36051
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	36052 36053 36054

\$31 X the district's base cost enrolled ADM for that fiscal year 36055

(8) Calculate the district's district leadership and 36056  
accountability base cost for that fiscal year, which equals the 36057  
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 36058  
this section; 36059

(G) The department shall compute a district's building 36060  
leadership and operations base cost for a fiscal year as 36061  
follows: 36062

(1) Calculate the district's building leadership cost for 36063  
that fiscal year as follows: 36064

(a) Divide the average principal salary for that fiscal 36065  
year by the average superintendent salary for that fiscal year; 36066

(b) Divide the district's base cost enrolled ADM for that 36067  
fiscal year by 450; 36068

(c) Compute the building leadership cost in accordance 36069  
with the following formula: 36070

{[(The district's superintendent cost for that fiscal year 36071  
calculated under division (F) (1) of this section - the amount 36072  
specified under division (A) (10) (c) of section 3317.011 of the 36073  
Revised Code for that fiscal year) X the quotient obtained under 36074  
division (G) (1) (a) of this section] + the amount specified under 36075  
division (A) (10) (c) of section 3317.011 of the Revised Code for 36076  
that fiscal year} X the quotient obtained under division (G) (1) 36077  
(b) of this section 36078

(2) Calculate the district's building leadership support 36079  
cost for that fiscal year as follows: 36080

(a) Divide the district's base cost enrolled ADM for that 36081  
fiscal year by 400; 36082

(b) Determine the number of school buildings in the district for that fiscal year; 36083  
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(c) Compute the building leadership support cost in accordance with the following formula: 36085  
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(i) If the quotient obtained under division (G) (2) (a) of this section is less than the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G) (2) (b) of this section X [(the average clerical staff salary X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}.

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(ii) If the quotient obtained under division (G) (2) (a) of this section is greater than or equal to the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G) (2) (b) of this section X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}.

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(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula: 36104  
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The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of section 3317.011 of the Revised Code X the number determined under division (G) (3) (a) (ii) of section 3317.011 of the Revised Code) - (the amount determined under division (E) (5) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum

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determined under division (E) (5) (b) of section 3317.011 of the Revised Code 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.

**Sec. 3317.014.** (A) The multiples for the following categories of career-technical education programs approved by the department of education and workforce under section 3317.161 of the Revised Code shall be as follows:

(1) A multiple of 0.6230 for students enrolled in career-technical education workforce development programs in agricultural and environmental systems, construction technologies, engineering and science technologies, finance, health science, information technology, and manufacturing technologies, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(2) A multiple of 0.5905 for students enrolled in workforce development programs in business and administration, hospitality and tourism, human services, law and public safety, transportation systems, and arts and communications, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(3) A multiple of 0.2154 for students enrolled in career-based intervention programs, which shall be defined by the department in consultation with the governor's office of workforce transformation;

(4) A multiple of 0.1830 for students enrolled in workforce development programs in education and training,

marketing, workforce development academics, public 36141  
administration, and career development, each of which shall be 36142  
defined by the department ~~of education~~ in consultation with the 36143  
governor's office of workforce transformation; 36144

(5) A multiple of 0.1570 for students enrolled in family 36145  
and consumer science programs, which shall be defined by the 36146  
department ~~of education~~ in consultation with the governor's 36147  
office of workforce transformation. 36148

(B) The multiple for career-technical education associated 36149  
services, as defined by the department, shall be 0.0294. 36150

(C) The department ~~of education~~ shall calculate career- 36151  
technical education funds for each funding unit that is a city, 36152  
local, exempted village, or joint vocational school district or 36153  
the community and STEM school unit as follows: 36154

(1) For fiscal years 2022 and 2023, the sum of the 36155  
following: 36156

(a) The funding unit's category one career-technical 36157  
education ADM X the multiple specified in division (A) (1) of 36158  
this section X the statewide average career-technical base cost 36159  
per pupil for that fiscal year X if the funding unit is a city, 36160  
local, exempted village, or joint vocational school district, 36161  
the district's state share percentage; 36162

(b) The funding unit's category two career-technical 36163  
education ADM X the multiple specified in division (A) (2) of 36164  
this section X the statewide average career-technical base cost 36165  
per pupil for that fiscal year X if the funding unit is a city, 36166  
local, exempted village, or joint vocational school district, 36167  
the district's state share percentage; 36168

(c) The funding unit's category three career-technical 36169

education ADM X the multiple specified in division (A) (3) of 36170  
this section X the statewide average career-technical base cost 36171  
per pupil for that fiscal year X if the funding unit is a city, 36172  
local, exempted village, or joint vocational school district, 36173  
the district's state share percentage; 36174

(d) The funding unit's category four career-technical 36175  
education ADM X the multiple specified in division (A) (4) of 36176  
this section X the statewide average career-technical base cost 36177  
per pupil for that fiscal year X if the funding unit is a city, 36178  
local, exempted village, or joint vocational school district, 36179  
the district's state share percentage; 36180

(e) The funding unit's category five career-technical 36181  
education ADM X the multiple specified in division (A) (5) of 36182  
this section X the statewide average career-technical base cost 36183  
per pupil for that fiscal year X if the funding unit is a city, 36184  
local, exempted village, or joint vocational school district, 36185  
the district's state share percentage. 36186

(2) For fiscal year 2024 and each fiscal year thereafter, 36187  
the sum of the following: 36188

(a) An amount calculated in a manner determined by the 36189  
general assembly times the funding unit's category one career- 36190  
technical education ADM; 36191

(b) An amount calculated in a manner determined by the 36192  
general assembly times the funding unit's category two career- 36193  
technical education ADM; 36194

(c) An amount calculated in a manner determined by the 36195  
general assembly times the funding unit's category three career- 36196  
technical education ADM; 36197

(d) An amount calculated in a manner determined by the 36198

general assembly times the funding unit's category four career- 36199  
technical education ADM; 36200

(e) An amount calculated in a manner determined by the 36201  
general assembly times the funding unit's category five career- 36202  
technical education ADM. 36203

(3) Payment of funds calculated under division (C) of this 36204  
section is subject to approval under section 3317.161 of the 36205  
Revised Code. 36206

(D) Subject to division (I) of section 3317.023 of the 36207  
Revised Code, the department shall calculate career-technical 36208  
associated services funds for each funding unit that is a city, 36209  
local, exempted village, or joint vocational school district or 36210  
the community and STEM school unit as follows: 36211

(1) For fiscal years 2022 and 2023, the following product: 36212

(If the funding unit is a city, local, exempted village, or 36213  
joint vocational school district, the funding unit's state share 36214  
percentage) X the multiple for career-technical education 36215  
associated services specified under division (B) of this section 36216  
X the statewide average career-technical base cost per pupil for 36217  
that fiscal year X the sum of the funding unit's categories one 36218  
through five career-technical education ADM 36219

(2) For fiscal year 2024 and each fiscal year thereafter, 36220  
an amount calculated in a manner determined by the general 36221  
assembly times the funding unit's categories one through five 36222  
career-technical education ADM. 36223

(E) (1) In accordance with division (I) of section 3317.023 36224  
of the Revised Code, the department shall compute career 36225  
awareness and exploration funds for each city, local, exempted 36226  
village, and joint vocational school district, community school 36227

established under Chapter 3314. of the Revised Code, and STEM 36228  
school established under Chapter 3326. of the Revised Code that 36229  
is part of a career technical planning district. The department 36230  
shall pay the lead district in each career technical planning 36231  
district as follows: 36232

(a) For fiscal years 2022 and 2023, an amount equal to the 36233  
following product: 36234

The sum of enrolled ADM for all districts and schools within the 36235  
career technical planning district X \$2.50, for fiscal year 36236  
2022, or \$5, for fiscal year 2023 36237

(b) For fiscal year 2024 and each fiscal year thereafter, 36238  
an amount calculated in a manner determined by the general 36239  
assembly, if the general assembly authorizes such a payment to 36240  
city, local, exempted village, and joint vocational school 36241  
districts, community schools, and STEM schools. 36242

(2) The lead district of a career technical planning 36243  
district shall use career awareness and exploration funds in 36244  
accordance with division (H) of this section. 36245

(F)(1) In any fiscal year, a school district receiving 36246  
funds calculated under division (C) of this section shall spend 36247  
those funds only for the purposes that the department designates 36248  
as approved for career-technical education expenses. Career- 36249  
technical education expenses approved by the department shall 36250  
include only expenses connected to the delivery of career- 36251  
technical programming to career-technical students. The 36252  
department shall require the school district to report data 36253  
annually so that the department may monitor the district's 36254  
compliance with the requirements regarding the manner in which 36255  
funding calculated under division (C) of this section may be 36256

spent. 36257

(2) All funds received under division (C) of this section 36258  
shall be spent in the following manner: 36259

(a) At least seventy-five per cent of the funds shall be 36260  
spent on curriculum development, purchase, and implementation; 36261  
instructional resources and supplies; industry-based program 36262  
certification; student assessment, credentialing, and placement; 36263  
curriculum specific equipment purchases and leases; career- 36264  
technical student organization fees and expenses; home and 36265  
agency linkages; work-based learning experiences; professional 36266  
development; and other costs directly associated with career- 36267  
technical education programs including development of new 36268  
programs. 36269

(b) Not more than twenty-five per cent of the funds shall 36270  
be used for personnel expenditures. 36271

(G) In any fiscal year, a school district receiving funds 36272  
calculated under division (D) of this section, or through a 36273  
transfer of funds pursuant to division (I) of section 3317.023 36274  
of the Revised Code, shall spend those funds only for the 36275  
purposes that the department designates as approved for career- 36276  
technical education associated services expenses, which may 36277  
include such purposes as apprenticeship coordinators, 36278  
coordinators for other career-technical education services, 36279  
career-technical evaluation, and other purposes designated by 36280  
the department. The department may deny payment of funds 36281  
calculated under division (D) of this section to any district 36282  
that the department determines is not operating those services 36283  
or is using funds calculated under division (D) of this section, 36284  
or through a transfer of funds pursuant to division (I) of 36285  
section 3317.023 of the Revised Code, for other purposes. 36286

(H) In any fiscal year, a lead district of a career-technical planning district receiving funds under division (E) of this section, shall utilize those funds to deliver relevant career awareness and exploration programs to all students within its career technical planning district in a manner that is consistent with the career-technical planning district's plan that is on file with the department ~~of education~~. The lead district that receives funds under this division shall spend those funds only for the following purposes:

(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve;

(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education;

(3) Assistance to teachers in providing a career development curriculum to students;

(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;

(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level.

The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes.

**Sec. 3317.015.** (A) In addition to the information certified to the department of education and workforce and the office of budget and management under division (A) of section 3317.021 of the Revised Code, the tax commissioner shall, at the same time, certify the following information to the department

and the office of budget and management for each city, exempted 36316  
village, and local school district to be used for the same 36317  
purposes as described under that division: 36318

(1) The taxable value of the school district's carryover 36319  
property, as defined in section 319.301 of the Revised Code, for 36320  
the preceding tax year; 36321

(2) The increase in such carryover value, if any, between 36322  
the second preceding tax year and the preceding tax year as used 36323  
in calculating the percentage reduction under section 319.301 of 36324  
the Revised Code. 36325

(B) For each fiscal year the department of education and 36326  
workforce shall calculate each school district's recognized 36327  
valuation in the following manner: 36328

(1) For a school district located in a county in which a 36329  
reappraisal or triennial update occurred in the preceding tax 36330  
year, the recognized valuation equals the district's total 36331  
taxable value for the preceding tax year minus two-thirds times 36332  
the increase in the carryover value from the second preceding 36333  
tax year to the preceding tax year. 36334

(2) For a school district located in a county in which a 36335  
reappraisal or triennial update occurred in the second preceding 36336  
tax year, the recognized valuation equals the district's total 36337  
taxable value for the preceding tax year minus one-third times 36338  
the increase in the carryover value from the third preceding tax 36339  
year to the second preceding tax year. 36340

(3) For a school district located in a county in which a 36341  
reappraisal or triennial update occurred in the third preceding 36342  
tax year, the recognized valuation equals the district's total 36343  
taxable value for the preceding tax year. 36344

**Sec. 3317.017.** This section shall apply only for fiscal 36345  
years 2022 and 2023. 36346

(A) The department of education and workforce shall 36347  
compute a city, local, or exempted village school district's 36348  
per-pupil local capacity amount for a fiscal year as follows: 36349

(1) Calculate the district's valuation per pupil for that 36350  
fiscal year as follows: 36351

(a) Determine the minimum of the district's three-year 36352  
average valuation for the fiscal year for which the calculation 36353  
is made and the district's taxable value for the most recent tax 36354  
year for which data is available; 36355

(b) Divide the amount determined under division (A) (1) (a) 36356  
of this section by the district's base cost enrolled ADM for the 36357  
fiscal year for which the calculation is made. 36358

(2) Calculate the district's local share federal adjusted 36359  
gross income per pupil for that fiscal year as follows: 36360

(a) Determine the minimum of the following: 36361

(i) The average of the total federal adjusted gross income 36362  
of the district's residents for the three most recent tax years 36363  
for which data is available, as certified under section 3317.021 36364  
of the Revised Code; 36365

(ii) The total federal adjusted gross income of the 36366  
district's residents for the most recent tax year for which data 36367  
is available, as certified under section 3317.021 of the Revised 36368  
Code. 36369

(b) Divide the amount determined under division (A) (2) (a) 36370  
of this section by the district's base cost enrolled ADM for the 36371  
fiscal year for which the calculation is made. 36372

(3) Calculate the district's adjusted local share federal adjusted gross income per pupil for that fiscal year as follows:	36373 36374
(a) Determine both of the following:	36375
(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;	36376 36377 36378 36379
(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.	36380 36381 36382 36383
(b) Compute the product of divisions (A) (3) (a) (i) and (ii) of this section;	36384 36385
(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.	36386 36387 36388
(4) Calculate the district's per-pupil local capacity percentage as follows:	36389 36390
(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;	36391 36392 36393
(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;	36394 36395 36396 36397 36398
(c) Rank all school districts in order of the ratios calculated under division (A) (4) (b) of this section, from the	36399 36400

district with the highest ratio calculated under division (A) (4) 36401  
(b) of this section to the district with the lowest ratio 36402  
calculated under division (A) (4) (b) of this section; 36403

(d) Determine the district's per-pupil local capacity 36404  
percentage as follows: 36405

(i) If the ratio calculated for the district under 36406  
division (A) (4) (b) of this section is greater than or equal to 36407  
the ratio calculated under division (A) (4) (b) of this section 36408  
for the district with the fortieth highest ratio as determined 36409  
under division (A) (4) (c) of this section, the district's per- 36410  
pupil local capacity percentage shall be equal to 0.025. 36411

(ii) If the ratio calculated for the district under 36412  
division (A) (4) (b) of this section is less than the ratio 36413  
calculated under division (A) (4) (b) of this section for the 36414  
district with the fortieth highest ratio as determined under 36415  
division (A) (4) (c) of this section but greater than 1.0, the 36416  
district's per-pupil local capacity percentage shall be equal to 36417  
an amount calculated as follows: 36418

{[(The ratio calculated for the district under division 36419  
(A) (4) (b) of this section - 1) X 0.0025]/ (the ratio calculated 36420  
under division (A) (4) (b) of this section for the district with 36421  
the fortieth highest ratio as determined under division (A) (4) 36422  
(c) of this section - 1)} + 0.0225 36423

(iii) If the ratio calculated for the district under 36424  
division (A) (4) (b) of this section is less than or equal to 1.0, 36425  
the district's per-pupil local capacity percentage shall be 36426  
equal to the amount calculated under division (A) (4) (b) of this 36427  
section times 0.0225. 36428

(5) Calculate the district's per-pupil local capacity 36429

amount for that fiscal year as follows: 36430

(The district's valuation per pupil calculated under division 36431  
(A) (1) of this section for that fiscal year X the district's 36432  
per-pupil local capacity percentage calculated under division 36433  
(A) (4) of this section X 0.60) + (the district's local share 36434  
adjusted federal gross income per pupil calculated under 36435  
division (A) (2) of this section for that fiscal year X the 36436  
district's per-pupil local capacity percentage calculated under 36437  
division (A) (4) of this section X 0.20) + (the district's 36438  
adjusted local share federal adjusted gross income per pupil 36439  
calculated under division (A) (3) of this section for that fiscal 36440  
year X the district's per-pupil local capacity percentage 36441  
calculated under division (A) (4) of this section X 0.20) 36442

(B) The department shall compute a city, local, or 36443  
exempted village school district's state share for a fiscal year 36444  
as follows: 36445

(1) If the district's per-pupil local capacity amount for 36446  
that fiscal year divided by the district's base cost per pupil 36447  
for that fiscal year is greater than 0.95, then the district's 36448  
state share shall be equal to (the district's base cost per 36449  
pupil for that fiscal year X 0.05 X the district's enrolled ADM 36450  
for that fiscal year). 36451

(2) If the district's per-pupil local capacity amount for 36452  
that fiscal year divided by the district's base cost per pupil 36453  
for that fiscal year is less than or equal to 0.95, then the 36454  
district's state share for that fiscal year shall be equal to 36455  
[(the district's base cost per pupil for that fiscal year - the 36456  
district's per-pupil local capacity amount for that fiscal year) 36457  
X the district's enrolled ADM for that fiscal year]. 36458

(C) The department shall compute a city, local, or  
exempted village school district's state share percentage for a  
fiscal year as follows:

(the district's base cost per pupil amount for that fiscal year  
- the district's per pupil local capacity amount for that fiscal  
year)/(the district's base cost per pupil amount for that fiscal  
year).

If the result is less than 0.05, the state share percentage  
shall be 0.05.

**Sec. 3317.019.** (A) (1) Subject to division (C) of this  
section, for fiscal years 2022 and 2023, the department of  
education and workforce shall pay temporary transitional aid to  
each city, local, and exempted village school district according  
to the following formula:

(The district's funding base, as that term is defined in section  
3317.02 of the Revised Code) - (the district's payment under  
section 3317.022 of the Revised Code - the district's payment  
for supplemental targeted assistance under section 3317.0218 of  
the Revised Code for the fiscal year for which each payment is  
computed)

If the computation made under division (A) (1) of this  
section results in a negative number, the district's funding  
under division (A) (1) of this section shall be zero.

(2) For fiscal years 2022 and 2023, the department shall  
pay temporary transitional transportation aid to that district  
according to the following formula:

(The amount calculated for the district for fiscal year 2020  
under division (A) (2) of Section 265.220 of H.B. 166 of the  
133rd general assembly, prior to any funding reductions

authorized by Executive Order 2020-19D, "Implementing Additional 36488  
Spending Controls to Balance the State Budget" issued on May 7, 36489  
2020) - (the district's payment for fiscal year 2019 under 36490  
division (D) (2) of section 3314.091 of the Revised Code as that 36491  
division existed prior to September 30, 2021) - (the district's 36492  
payment under section 3317.0212 of the Revised Code for the 36493  
fiscal year for which the payment is computed) 36494

If the computation made under division (A) (2) of this 36495  
section results in a negative number, the district's funding 36496  
under division (A) (2) of this section shall be zero. 36497

(B) If a local school district participates in the 36498  
establishment of a joint vocational school district that begins 36499  
receiving payments under section 3317.16 of the Revised Code for 36500  
fiscal year 2022 or fiscal year 2023, but does not receive 36501  
payments for the fiscal year immediately preceding that fiscal 36502  
year, the department shall adjust, as necessary, the district's 36503  
funding base, as that term is defined in section 3317.02 of the 36504  
Revised Code, according to the amounts received by the district 36505  
in the immediately preceding fiscal year for career-technical 36506  
education students who attend the newly established joint 36507  
vocational school district. 36508

(C) (1) For purposes of division (C) of this section, a 36509  
district's "decrease threshold" for a fiscal year is the greater 36510  
of the following: 36511

(a) Twenty; 36512

(b) Ten per cent of the number of the district's students 36513  
counted under division (A) (1) (b) of section 3317.03 of the 36514  
Revised Code for the previous fiscal year. 36515

(2) For fiscal years 2022 and 2023, if a district has 36516

fewer students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for that fiscal year than for the previous fiscal year and the positive difference between those two student counts is greater than or equal to the district's decrease threshold for that fiscal year, the amount paid to the district under division (A) of this section shall be reduced by the following amount:

The statewide average base cost per pupil X [(the positive difference between the number of the district's students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for that fiscal year and the number of the district's students counted under that division for the previous fiscal year) - the district's decrease threshold for that fiscal year]

At no time, however, shall the amount paid to a district under division (A) of this section be less than zero.

**Sec. 3317.02.** As used in this chapter:

(A) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code.

(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code.

(C) For fiscal years 2022 and 2023, a district's "base cost enrolled ADM" for a fiscal year means the greater of the following:

(1) The district's enrolled ADM for the previous fiscal year;

(2) The average of the district's enrolled ADM for the previous three fiscal years.

(D) (1) "Base cost per pupil" means the following for a city, local, or exempted village school district: 36545  
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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 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year; 36547  
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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. 36551  
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(2) "Base cost per pupil" means the following for a joint vocational school district: 36554  
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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; 36556  
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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. 36560  
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(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. 36563  
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(2) "Category two career-technical education ADM" means 36574  
the enrollment of students during the school year on a full-time 36575  
equivalency basis in career-technical education programs 36576  
described in division (A) (2) of section 3317.014 of the Revised 36577  
Code and, in the case of a funding unit that is a city, local, 36578  
exempted village, or joint vocational school district, certified 36579  
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 36580  
Revised Code or, in the case of the community and STEM school 36581  
unit, reported by all community and STEM schools statewide under 36582  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36583  
and division (D) of section 3326.32 of the Revised Code. 36584

(3) "Category three career-technical education ADM" means 36585  
the enrollment of students during the school year on a full-time 36586  
equivalency basis in career-technical education programs 36587  
described in division (A) (3) of section 3317.014 of the Revised 36588  
Code and, in the case of a funding unit that is a city, local, 36589  
exempted village, or joint vocational school district, certified 36590  
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 36591  
Revised Code or, in the case of the community and STEM school 36592  
unit, reported by all community and STEM schools statewide under 36593  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36594  
and division (D) of section 3326.32 of the Revised Code. 36595

(4) "Category four career-technical education ADM" means 36596  
the enrollment of students during the school year on a full-time 36597  
equivalency basis in career-technical education programs 36598  
described in division (A) (4) of section 3317.014 of the Revised 36599  
Code and, in the case of a funding unit that is a city, local, 36600  
exempted village, or joint vocational school district, certified 36601  
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 36602  
Revised Code or, in the case of the community and STEM school 36603  
unit, reported by all community and STEM schools statewide under 36604

divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36605  
and division (D) of section 3326.32 of the Revised Code. 36606

(5) "Category five career-technical education ADM" means 36607  
the enrollment of students during the school year on a full-time 36608  
equivalency basis in career-technical education programs 36609  
described in division (A) (5) of section 3317.014 of the Revised 36610  
Code and, in the case of a funding unit that is a city, local, 36611  
exempted village, or joint vocational school district, certified 36612  
under division (B) (15) or (D) (2) (1) of section 3317.03 of the 36613  
Revised Code or, in the case of the community and STEM school 36614  
unit, reported by all community and STEM schools statewide under 36615  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36616  
and division (D) of section 3326.32 of the Revised Code. 36617

(F) (1) "Category one English learner ADM" means the full- 36618  
time equivalent number of English learners described in division 36619  
(A) of section 3317.016 of the Revised Code and, in the case of 36620  
a funding unit that is a city, local, exempted village, or joint 36621  
vocational school district, certified under division (B) (16) or 36622  
(D) (2) (m) of section 3317.03 of the Revised Code or, in the case 36623  
of the community and STEM school unit, reported by all community 36624  
and STEM schools statewide under division (B) (6) of section 36625  
3314.08 of the Revised Code and division (E) of section 3326.32 36626  
of the Revised Code. 36627

(2) "Category two English learner ADM" means the full-time 36628  
equivalent number of English learners described in division (B) 36629  
of section 3317.016 of the Revised Code and, in the case of a 36630  
funding unit that is a city, local, exempted village, or joint 36631  
vocational school district, certified under division (B) (17) or 36632  
(D) (2) (n) of section 3317.03 of the Revised Code or, in the case 36633  
of the community and STEM school unit, reported by all community 36634

and STEM schools statewide under division (B) (6) of section 36635  
3314.08 of the Revised Code and division (E) of section 3326.32 36636  
of the Revised Code. 36637

(3) "Category three English learner ADM" means the full- 36638  
time equivalent number of English learners described in division 36639  
(C) of section 3317.016 of the Revised Code and, in the case of 36640  
a funding unit that is a city, local, exempted village, or joint 36641  
vocational school district, certified under division (B) (18) or 36642  
(D) (2) (o) of section 3317.03 of the Revised Code or, in the case 36643  
of the community and STEM school unit, reported by all community 36644  
and STEM schools statewide under division (B) (6) of section 36645  
3314.08 of the Revised Code and division (E) of section 3326.32 36646  
of the Revised Code. 36647

(G) (1) "Category one special education ADM" means the 36648  
full-time equivalent number of children with disabilities 36649  
receiving special education services for the disability 36650  
specified in division (A) of section 3317.013 of the Revised 36651  
Code and, in the case of a funding unit that is a city, local, 36652  
exempted village, or joint vocational school district, certified 36653  
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 36654  
Revised Code or, in the case of the community and STEM school 36655  
unit, reported by all community and STEM schools statewide under 36656  
division (B) (3) of section 3314.08 of the Revised Code and 36657  
division (C) of section 3326.32 of the Revised Code. 36658

(2) "Category two special education ADM" means the full- 36659  
time equivalent number of children with disabilities receiving 36660  
special education services for those disabilities specified in 36661  
division (B) of section 3317.013 of the Revised Code and, in the 36662  
case of a funding unit that is a city, local, exempted village, 36663  
or joint vocational school district, certified under division 36664

(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 36665  
in the case of the community and STEM school unit, reported by 36666  
all community and STEM schools statewide under division (B) (3) 36667  
of section 3314.08 of the Revised Code and division (C) of 36668  
section 3326.32 of the Revised Code. 36669

(3) "Category three special education ADM" means the full- 36670  
time equivalent number of students receiving special education 36671  
services for those disabilities specified in division (C) of 36672  
section 3317.013 of the Revised Code, and, in the case of a 36673  
funding unit that is a city, local, exempted village, or joint 36674  
vocational school district, certified under division (B) (7) or 36675  
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 36676  
of the community and STEM school unit, reported by all community 36677  
and STEM schools statewide under division (B) (3) of section 36678  
3314.08 of the Revised Code and division (C) of section 3326.32 36679  
of the Revised Code. 36680

(4) "Category four special education ADM" means the full- 36681  
time equivalent number of students receiving special education 36682  
services for those disabilities specified in division (D) of 36683  
section 3317.013 of the Revised Code and, in the case of a 36684  
funding unit that is a city, local, exempted village, or joint 36685  
vocational school district, certified under division (B) (8) or 36686  
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 36687  
of the community and STEM school unit, reported by all community 36688  
and STEM schools statewide under division (B) (3) of section 36689  
3314.08 of the Revised Code and division (C) of section 3326.32 36690  
of the Revised Code. 36691

(5) "Category five special education ADM" means the full- 36692  
time equivalent number of students receiving special education 36693  
services for the disabilities specified in division (E) of 36694

section 3317.013 of the Revised Code and, in the case of a 36695  
funding unit that is a city, local, exempted village, or joint 36696  
vocational school district, certified under division (B) (9) or 36697  
(D) (2) (f) of section 3317.03 of the Revised Code or, in the case 36698  
of the community and STEM school unit, reported by all community 36699  
and STEM schools statewide under division (B) (3) of section 36700  
3314.08 of the Revised Code and division (C) of section 3326.32 36701  
of the Revised Code. 36702

(6) "Category six special education ADM" means the full- 36703  
time equivalent number of students receiving special education 36704  
services for the disabilities specified in division (F) of 36705  
section 3317.013 of the Revised Code and, in the case of a 36706  
funding unit that is a city, local, exempted village, or joint 36707  
vocational school district certified under division (B) (10) or 36708  
(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 36709  
of the community and STEM school unit, reported by all community 36710  
and STEM schools statewide under division (B) (3) of section 36711  
3314.08 of the Revised Code and division (C) of section 3326.32 36712  
of the Revised Code. 36713

(H) "Community and STEM school unit" means a unit that 36714  
consists of all of the students enrolled in community schools 36715  
established under Chapter 3314. of the Revised Code and science, 36716  
technology, engineering, and mathematics schools established 36717  
under Chapter 3326. of the Revised Code. 36718

(I) (1) "Economically disadvantaged index for a school 36719  
district" means the following: 36720

(a) For fiscal years 2022 and 2023, the square of the 36721  
quotient of that district's percentage of students in its 36722  
enrolled ADM who are identified as economically disadvantaged as 36723  
defined by the department of education and workforce, divided by 36724

the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation: 36725  
36726

(i) For a city, local, or exempted village school district, the "statewide ADM" equals the sum of the following: 36727  
36728

(I) The enrolled ADM for all city, local, and exempted village school districts combined; 36729  
36730

(II) The statewide enrollment of students in community schools established under Chapter 3314. of the Revised Code; 36731  
36732

(III) The statewide enrollment of students in science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. 36733  
36734  
36735

(ii) For a joint vocational school district, the "statewide ADM" equals the sum of the enrolled ADM for all joint vocational school districts combined. 36736  
36737  
36738

(b) For fiscal year 2024 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly. 36739  
36740  
36741

(2) "Economically disadvantaged index for a community or STEM school" means the following: 36742  
36743

(a) For fiscal years 2022 and 2023, the square of the quotient of the percentage of students enrolled in the school who are identified as economically disadvantaged as defined by the department ~~of education~~, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation, the "statewide ADM" equals the "statewide ADM" for city, local, and exempted village school districts described in division (I) (1) (a) (i) of this section. 36744  
36745  
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36752

(b) For fiscal year 2024 and each fiscal year thereafter, 36753  
an index calculated in a manner determined by the general 36754  
assembly. 36755

(J) "Educational choice scholarship unit" means a unit 36756  
that consists of all of the students for whom educational choice 36757  
scholarships are awarded under sections 3310.03 and 3310.032 of 36758  
the Revised Code. 36759

(K) "Enrolled ADM" means the following: 36760

(1) For a city, local, or exempted village school 36761  
district, the enrollment reported under division (A) of section 36762  
3317.03 of the Revised Code, as verified by the ~~superintendent-~~ 36763  
~~of public instruction department~~ and adjusted if so ordered 36764  
under division (K) of that section, and as further adjusted by 36765  
the department ~~of education~~, as follows: 36766

(a) Add the students described in division (A) (1) (b) of 36767  
section 3317.03 of the Revised Code; 36768

(b) Subtract the students counted under divisions (A) (2) 36769  
(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the 36770  
Revised Code; 36771

(c) Count only twenty per cent of the number of joint 36772  
vocational school district students counted under division (A) 36773  
(3) of section 3317.03 of the Revised Code; 36774

(d) Add twenty per cent of the number of students who are 36775  
entitled to attend school in the district under section 3313.64 36776  
or 3313.65 of the Revised Code and are enrolled in another 36777  
school district under a career-technical education compact; 36778

(e) Add twenty per cent of the number of students 36779  
described in division (A) (1) (b) of section 3317.03 of the 36780

Revised Code who enroll in a joint vocational school district or 36781  
under a career-technical education compact. 36782

(2) For a joint vocational school district, the final 36783  
number verified by the ~~superintendent of public instruction~~ 36784  
department, based on the enrollment reported and certified under 36785  
division (D) of section 3317.03 of the Revised Code, as 36786  
adjusted, if so ordered, under division (K) of that section, and 36787  
as further adjusted by the department ~~of education~~ by adding the 36788  
students described in division (D) (1) (b) of section 3317.03 of 36789  
the Revised Code; 36790

(3) For the community and STEM school unit, the sum of the 36791  
number of students reported as enrolled in community schools 36792  
under divisions (B) (1) and (2) of section 3314.08 of the Revised 36793  
Code and the number of students reported as enrolled in STEM 36794  
schools under division (A) of section 3326.32 of the Revised 36795  
Code; 36796

(4) For the educational choice scholarship unit, the 36797  
number of students for whom educational choice scholarships are 36798  
awarded under sections 3310.03 and 3310.032 of the Revised Code 36799  
as reported under division (A) (2) (g) of section 3317.03 of the 36800  
Revised Code; 36801

(5) For the pilot project scholarship unit, the number of 36802  
students for whom pilot project scholarships are awarded under 36803  
sections 3313.974 to 3313.979 of the Revised Code as reported 36804  
under division (A) (2) (b) of section 3317.03 of the Revised Code; 36805

(6) For the autism scholarship unit, the number of 36806  
students for whom autism scholarships are awarded under section 36807  
3310.41 of the Revised Code as reported under division (A) (2) (h) 36808  
of section 3317.03 of the Revised Code; 36809

(7) For the Jon Peterson special needs scholarship unit, 36810  
the number of students for whom Jon Peterson special needs 36811  
scholarships are awarded under sections 3310.51 to 3310.64 of 36812  
the Revised Code as reported under division (A) (2) (h) of section 36813  
3317.03 of the Revised Code. 36814

(L) (1) "Formula ADM" means, for a city, local, or exempted 36815  
village school district, the enrollment reported under division 36816  
(A) of section 3317.03 of the Revised Code, as verified by the 36817  
~~superintendent of public instruction department~~ and adjusted if 36818  
so ordered under division (K) of that section, and as further 36819  
adjusted by the ~~department of education~~, as follows: 36820

(a) Count only twenty per cent of the number of joint 36821  
vocational school district students counted under division (A) 36822  
(3) of section 3317.03 of the Revised Code; 36823

(b) Add twenty per cent of the number of students who are 36824  
entitled to attend school in the district under section 3313.64 36825  
or 3313.65 of the Revised Code and are enrolled in another 36826  
school district under a career-technical education compact. 36827

(2) "Formula ADM" means, for a joint vocational school 36828  
district, the final number verified by the ~~superintendent of~~ 36829  
~~public instruction department~~, based on the enrollment reported 36830  
and certified under division (D) of section 3317.03 of the 36831  
Revised Code, as adjusted, if so ordered, under division (K) of 36832  
that section. 36833

(M) "FTE basis" means a count of students based on full- 36834  
time equivalency, in accordance with rules adopted by the 36835  
~~department of education~~ pursuant to section 3317.03 of the 36836  
Revised Code. In adopting its rules under this division, the 36837  
department shall provide for counting any student in category 36838

one, two, three, four, five, or six special education ADM or in 36839  
category one, two, three, four, or five career-technical 36840  
education ADM in the same proportion the student is counted in 36841  
enrolled ADM and formula ADM. 36842

(N) For fiscal years 2022 and 2023, "funding base" means, 36843  
for a city, local, or exempted village school district, the sum 36844  
of the following as calculated by the department: 36845

(1) The district's "general funding base," which equals 36846  
the amount calculated as follows: 36847

(a) Compute the sum of the following: 36848

(i) The amount calculated for the district for fiscal year 36849  
2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 36850  
133rd general assembly after any adjustments required under 36851  
Section 265.227 of H.B. 166 of the 133rd general assembly and 36852  
prior to any funding reductions authorized by Executive Order 36853  
2020-19D, "Implementing Additional Spending Controls to Balance 36854  
the State Budget" issued on May 7, 2020; 36855

(ii) Either of the following: 36856

(I) For fiscal year 2022, the district's payments for 36857  
fiscal year 2020 under divisions (C) (1), (2), (3), and (4) of 36858  
section 3313.981 of the Revised Code as those divisions existed 36859  
prior to September 30, 2021; 36860

(II) For fiscal year 2023, the district's payments for 36861  
fiscal year 2020 under divisions (C) (1), (3), and (4) of section 36862  
3313.981 of the Revised Code as those divisions existed prior to 36863  
September 30, 2021. 36864

(b) Subtract from the amount calculated in division (N) (1) 36865  
(a) of this section the sum of the following: 36866

(i) The following difference:	36867
(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)	36868 36869 36870 36871 36872 36873 36874 36875 36876 36877
(ii) The payments deducted from the district and paid to a community school for fiscal year 2020 under divisions (C) (1) (a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly;	36878 36879 36880 36881 36882 36883
(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly;	36884 36885 36886 36887 36888 36889 36890
(iv) The payments deducted from the district under division (C) of section 3310.08 of the Revised Code as that division existed prior to September 30, 2021, division (C) (2) of section 3310.41 of the Revised Code as that division existed prior to September 30, 2021, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot	36891 36892 36893 36894 36895 36896

project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 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	36926
the amount calculated as follows:	36927
(a) Compute the sum of the following:	36928
(i) The district's payments for fiscal year 2020 under	36929
Section 265.225 of H.B. 166 of the 133rd general assembly after	36930
any adjustments required under Section 265.227 of H.B. 166 of	36931
the 133rd general assembly;	36932
(ii) Either of the following:	36933
(I) For fiscal year 2022, the district's payments for	36934
fiscal year 2020 under divisions (D) (1), (2), and (E) (3) of	36935
section 3313.981 of the Revised Code as those divisions existed	36936
prior to September 30, 2021;	36937
(II) For fiscal year 2023, the district's payments for	36938
fiscal year 2020 under divisions (D) (1) and (2) of section	36939
3313.981 of the Revised Code as those divisions existed prior to	36940
September 30, 2021.	36941
(b) Subtract from the amount paid to the district under	36942
division (A) (3) of section 3317.16 of the Revised Code, as that	36943
division existed prior to September 30, 2021, for fiscal year	36944
2019.	36945
(2) The district's "disadvantaged pupil impact aid funding	36946
base," which equals the amount paid to the district under	36947
division (A) (3) of section 3317.16 of the Revised Code, as that	36948
division existed prior to September 30, 2021, for fiscal year	36949
2019.	36950
(P) For fiscal years 2022 and 2023, "funding base" for a	36951
community school means the following:	36952
(1) For a community school that was in operation for the	36953

entirety of fiscal year 2020, the amount paid to the school for 36954  
that fiscal year under division (C) (1) of section 3314.08 of the 36955  
Revised Code as that division existed prior to September 30, 36956  
2021, in accordance with division (A) of Section 265.230 of H.B. 36957  
166 of the 133rd general assembly and the amount, if any, paid 36958  
to the school for that fiscal year under section 3314.085 of the 36959  
Revised Code in accordance with division (B) of Section 265.230 36960  
of H.B. 166 of the 133rd general assembly; 36961

(2) For a community school that was in operation for part 36962  
of fiscal year 2020, the amount that would have been paid to the 36963  
school for that fiscal year under division (C) (1) of section 36964  
3314.08 of the Revised Code as that division existed prior to 36965  
September 30, 2021, in accordance with division (A) of Section 36966  
265.230 of H.B. 166 of the 133rd general assembly if the school 36967  
had been in operation for the entirety of that fiscal year, as 36968  
calculated by the department, and the amount that would have 36969  
been paid to the school for that fiscal year under section 36970  
3314.085 of the Revised Code in accordance with division (B) of 36971  
Section 265.230 of H.B. 166 of the 133rd general assembly, if 36972  
any, if the school had been in operation for the entirety of 36973  
that fiscal year, as calculated by the department; 36974

(3) For a community school that was not in operation for 36975  
fiscal year 2020, the amount that would have been paid to the 36976  
school if it was in operation for that school year under 36977  
division (C) (1) of section 3314.08 of the Revised Code as that 36978  
division existed prior to September 30, 2021, in accordance with 36979  
division (A) of Section 265.230 of H.B. 166 of the 133rd general 36980  
assembly if the school had been in operation for the entirety of 36981  
that fiscal year, as calculated by the department, and the 36982  
amount that would have been paid to the school for that fiscal 36983  
year under section 3314.085 of the Revised Code in accordance 36984

with division (B) of Section 265.230 of H.B. 166 of the 133rd 36985  
general assembly, if any, if the school had been in operation 36986  
for the entirety of that fiscal year, as calculated by the 36987  
department. 36988

(Q) For fiscal years 2022 and 2023, "funding base" for a 36989  
STEM school means the following: 36990

(1) For a science, technology, engineering, and 36991  
mathematics school that was in operation for the entirety of 36992  
fiscal year 2020, the amount paid to the school for that fiscal 36993  
year under section 3326.33 of the Revised Code as that section 36994  
existed prior to September 30, 2021, in accordance with division 36995  
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 36996  
and the amount, if any, paid to the school for that fiscal year 36997  
under section 3326.41 of the Revised Code in accordance with 36998  
division (B) of Section 265.235 of H.B. 166 of the 133rd general 36999  
assembly; 37000

(2) For a science, technology, engineering, and 37001  
mathematics school that was in operation for part of fiscal year 37002  
2020, the amount that would have been paid to the school for 37003  
that fiscal year under section 3326.33 of the Revised Code as 37004  
that section existed prior to September 30, 2021, in accordance 37005  
with division (A) of Section 265.235 of H.B. 166 of the 133rd 37006  
general assembly if the school had been in operation for the 37007  
entirety of that fiscal year, as calculated by the department, 37008  
and the amount that would have been paid to the school for that 37009  
fiscal year under section 3326.41 of the Revised Code in 37010  
accordance with division (B) of Section 265.235 of H.B. 166 of 37011  
the 133rd general assembly, if any, if the school had been in 37012  
operation for the entirety of that fiscal year, as calculated by 37013  
the department; 37014

(3) For a science, technology, engineering, and mathematics school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department.

(R) "Funding unit" means any of the following:

(1) A city, local, exempted village, or joint vocational school district;

(2) The community and STEM school unit;

(3) The educational choice scholarship unit;

(4) The pilot project scholarship unit;

(5) The autism scholarship unit;

(6) The Jon Peterson special needs scholarship unit.

(S) "Jon Peterson special needs scholarship unit" means a unit that consists of all of the students for whom Jon Peterson scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code.

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

(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment."

(V) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(W) (1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the ~~state board of education~~ department and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the ~~superintendent of public instruction~~ department as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the ~~superintendent of~~

~~public instruction department~~ to be a medically fragile child. A 37072  
school district superintendent may petition the ~~superintendent-~~ 37073  
~~of public instruction department~~ for a determination that a 37074  
child is a medically fragile child. 37075

(2) A child may be identified as having an "other health 37076  
impairment-minor" if the child's condition meets the definition 37077  
of "other health impaired" established in rules previously 37078  
adopted by the ~~state board of education department~~ but the 37079  
child's condition does not meet either of the conditions 37080  
specified in division (W) (1) (a) or (b) of this section. 37081

(X) (1) For fiscal years 2022 and 2023, a city, local, 37082  
exempted village, or joint vocational school district's, 37083  
community school's, or STEM school's "general phase-in 37084  
percentage" is equal to the percentage for that fiscal year that 37085  
is determined by the general assembly. 37086

(2) For fiscal years 2022 and 2023, a city, local, 37087  
exempted village, or joint vocational school district's "phase- 37088  
in percentage for disadvantaged pupil impact aid" is equal to 37089  
the percentage for that fiscal year that is determined by the 37090  
general assembly. 37091

(Y) "Pilot project scholarship unit" means a unit that 37092  
consists of all of the students for whom pilot project 37093  
scholarships are awarded under sections 3313.974 to 3313.979 of 37094  
the Revised Code. 37095

(Z) "Preschool child with a disability" means a child with 37096  
a disability, as defined in section 3323.01 of the Revised Code, 37097  
who is at least age three but is not of compulsory school age, 37098  
as defined in section 3321.01 of the Revised Code, and who is 37099  
not currently enrolled in kindergarten. 37100

(AA) "Related services" includes:	37101
(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;	37102 37103 37104 37105 37106 37107 37108 37109
(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;	37110 37111 37112
(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;	37113 37114 37115
(4) Any service included in units funded under former division (O) (1) of section 3317.024 of the Revised Code;	37116 37117
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	37118 37119 37120
(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts.	37121 37122
(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.	37123 37124
(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	37125 37126
(EE) (1) "State share percentage" means the following for a city, local, or exempted village school district:	37127 37128

(a) For fiscal years 2022 and 2023, the state share  
percentage calculated under section 3317.017 of the Revised  
Code; 37129  
37130  
37131

(b) For fiscal year 2024 and each fiscal year thereafter,  
a percentage calculated in a manner determined by the general  
assembly. 37132  
37133  
37134

(2) "State share percentage" means the following for a  
joint vocational school district: 37135  
37136

(a) For fiscal years 2022 and 2023, the percentage  
calculated in accordance with the following formula: 37137  
37138

The amount computed for the district under division (A) (1) of  
section 3317.16 of the Revised Code for that fiscal year / the  
aggregate base cost calculated for the district for that fiscal  
year under section 3317.012 of the Revised Code 37139  
37140  
37141  
37142

(b) For fiscal year 2024 and each fiscal year thereafter,  
a percentage calculated in a manner determined by the general  
assembly. 37143  
37144  
37145

(FF) "Statewide average base cost per pupil" means the  
following: 37146  
37147

(1) For fiscal years 2022 and 2023, the statewide average  
base cost per pupil calculated under division (A) of section  
3317.018 of the Revised Code; 37148  
37149  
37150

(2) For fiscal year 2024 and each fiscal year thereafter,  
an amount calculated in a manner determined by the general  
assembly. 37151  
37152  
37153

(GG) "Statewide average career-technical base cost per  
pupil" means the following: 37154  
37155

(1) For fiscal years 2022 and 2023, the statewide average	37156
career-technical base cost per pupil calculated under division	37157
(B) of section 3317.018 of the Revised Code;	37158
(2) For fiscal year 2024 and each fiscal year thereafter,	37159
an amount calculated in a manner determined by the general	37160
assembly.	37161
(HH) "STEM school" means a science, technology,	37162
engineering, and mathematics school established under Chapter	37163
3326. of the Revised Code.	37164
(II) "Taxes charged and payable" means the taxes charged	37165
and payable against real and public utility property after	37166
making the reduction required by section 319.301 of the Revised	37167
Code, plus the taxes levied against tangible personal property.	37168
(JJ) For purposes of sections 3317.017 and 3317.16 of the	37169
Revised Code, "three-year average valuation" for a fiscal year	37170
means the average of total taxable value for the three most	37171
recent tax years for which data is available, as certified under	37172
section 3317.021 of the Revised Code.	37173
(KK) "Total ADM" means, for a city, local, or exempted	37174
village school district, the enrollment reported under division	37175
(A) of section 3317.03 of the Revised Code minus the enrollment	37176
reported under divisions (A) (2) (a), (b), (g), (h), and (i) of	37177
that section, as verified by the <del>superintendent of public</del>	37178
<del>instruction department</del> and adjusted if so ordered under division	37179
(K) of that section.	37180
(LL) "Total special education ADM" means the sum of	37181
categories one through six special education ADM.	37182
(MM) "Total taxable value" means the sum of the amounts	37183
certified for a city, local, exempted village, or joint	37184

vocational school district under divisions (A) (1) and (2) of	37185
section 3317.021 of the Revised Code.	37186
(NN) "Tuition discount" means any deduction from the base	37187
tuition amount per student charged by a chartered nonpublic	37188
school, to which the student's family is entitled due to one or	37189
more of the following conditions:	37190
(1) The student's family has multiple children enrolled in	37191
the same school.	37192
(2) The student's family is a member of or affiliated with	37193
a religious or secular organization that provides oversight of	37194
the school or from which the school has agreed to enroll	37195
students.	37196
(3) The student's parent is an employee of the school.	37197
(4) Some other qualification not based on the income of	37198
the student's family or the student's athletic or academic	37199
ability and for which all students in the school may qualify.	37200
<b>Sec. 3317.021.</b> (A) On or before the first day of June of	37201
each year, the tax commissioner shall certify to the department	37202
of education <u>and workforce</u> and the office of budget and	37203
management the information described in divisions (A) (1) to (5)	37204
of this section for each city, exempted village, and local	37205
school district, and the information required by divisions (A)	37206
(1) and (2) of this section for each joint vocational school	37207
district, and it shall be used, along with the information	37208
certified under division (B) of this section, in making the	37209
computations for the district under this chapter.	37210
(1) The taxable value of real and public utility real	37211
property in the school district subject to taxation in the	37212
preceding tax year, by class and by county of location.	37213

(2) The taxable value of tangible personal property,	37214
including public utility personal property, subject to taxation	37215
by the district for the preceding tax year.	37216
(3) (a) The total property tax rate and total taxes charged	37217
and payable for the current expenses for the preceding tax year	37218
and the total property tax rate and the total taxes charged and	37219
payable to a joint vocational district for the preceding tax	37220
year that are limited to or to the extent apportioned to current	37221
expenses.	37222
(b) The portion of the amount of taxes charged and payable	37223
reported for each city, local, and exempted village school	37224
district under division (A) (3) (a) of this section attributable	37225
to a joint vocational school district.	37226
(4) The value of all real and public utility real property	37227
in the school district exempted from taxation minus both of the	37228
following:	37229
(a) The value of real and public utility real property in	37230
the district owned by the United States government and used	37231
exclusively for a public purpose;	37232
(b) The value of real and public utility real property in	37233
the district exempted from taxation under Chapter 725. or 1728.	37234
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62,	37235
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	37236
(5) The total federal adjusted gross income of the	37237
residents of the school district, based on tax returns filed by	37238
the residents of the district, for the most recent year for	37239
which this information is available, and the median Ohio	37240
adjusted gross income of the residents of the school district	37241
determined on the basis of tax returns filed for the second	37242

preceding tax year by the residents of the district. 37243

(6) For fiscal years 2022 and 2023, the number of state 37244  
tax returns filed by the residents of the district for the most 37245  
recent year for which this information is available. 37246

(B) On or before the first day of May each year, the tax 37247  
commissioner shall certify to the department of education and 37248  
workforce and the office of budget and management the total 37249  
taxable real property value of railroads and, separately, the 37250  
total taxable tangible personal property value of all public 37251  
utilities for the preceding tax year, by school district and by 37252  
county of location. 37253

(C) If on the basis of the information certified under 37254  
division (A) of this section, the department determines that any 37255  
district fails in any year to meet the qualification requirement 37256  
specified in division (A) of section 3317.01 of the Revised 37257  
Code, the department shall immediately request the tax 37258  
commissioner to determine the extent to which any school 37259  
district income tax levied by the district under Chapter 5748. 37260  
of the Revised Code shall be included in meeting that 37261  
requirement. Within five days of receiving such a request from 37262  
the department, the tax commissioner shall make the 37263  
determination required by this division and report the quotient 37264  
obtained under division (C) (3) of this section to the department 37265  
and the office of budget and management. This quotient 37266  
represents the number of mills that the department shall include 37267  
in determining whether the district meets the qualification 37268  
requirement of division (A) of section 3317.01 of the Revised 37269  
Code. 37270

The tax commissioner shall make the determination required 37271  
by this division as follows: 37272

(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	37331
calculated under division (A) (11) of this section.	37332
For the autism scholarship unit, the amount calculated	37333
under division (A) (12) of this section.	37334
For the Jon Peterson special needs scholarship unit, the	37335
amount calculated under division (A) (13) of this section.	37336
(A) A funding unit's state core foundation funding	37337
components shall be the following:	37338
(1) (a) If the funding unit is a city, local, or exempted	37339
village school district, the district's state share, which is	37340
equal to the following:	37341
(i) For fiscal years 2022 and 2023, the amount calculated	37342
under division (B) of section 3317.017 of the Revised Code;	37343
(ii) For fiscal year 2024 and each fiscal year thereafter,	37344
an amount calculated in a manner determined by the general	37345
assembly.	37346
(b) If the funding unit is the community and STEM school	37347
unit, the aggregate base cost for all schools in that unit,	37348
which is equal to the following:	37349
(i) For fiscal years 2022 and 2023, the amount calculated	37350
under section 3317.0110 of the Revised Code;	37351
(ii) For fiscal year 2024 and each fiscal year thereafter,	37352
an amount calculated in a manner determined by the general	37353
assembly.	37354
(2) If the funding unit is a city, local, or exempted	37355
village school district, targeted assistance funds equal to the	37356
following:	37357

(a) For fiscal years 2022 and 2023, an amount calculated under section 3317.0217 of the Revised Code;	37358 37359
(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	37360 37361 37362
(3) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:	37363 37364 37365 37366 37367
(a) For fiscal years 2022 and 2023, the sum of the following:	37368 37369
(i) The funding unit'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 X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	37370 37371 37372 37373 37374 37375
(ii) The funding unit'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 X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	37376 37377 37378 37379 37380 37381
(iii) The funding unit'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 X if the funding unit is a city, local, or exempted village school district, the district's state share	37382 37383 37384 37385 37386

percentage;	37387
(iv) The funding unit's category four special education	37388
ADM X the multiple specified in division (D) of section 3317.013	37389
of the Revised Code X the statewide average base cost per pupil	37390
for that fiscal year X if the funding unit is a city, local, or	37391
exempted village school district, the district's state share	37392
percentage;	37393
(v) The funding unit's category five special education ADM	37394
X the multiple specified in division (E) of section 3317.013 of	37395
the Revised Code X the statewide average base cost per pupil for	37396
that fiscal year X if the funding unit is a city, local, or	37397
exempted village school district, the district's state share	37398
percentage;	37399
(vi) The funding unit's category six special education ADM	37400
X the multiple specified in division (F) of section 3317.013 of	37401
the Revised Code X the statewide average base cost per pupil for	37402
that fiscal year X if the funding unit is a city, local, or	37403
exempted village school district, the district's state share	37404
percentage.	37405
(b) For fiscal year 2024 and each fiscal year thereafter,	37406
the sum of the following:	37407
(i) An amount calculated in a manner determined by the	37408
general assembly times the funding unit's category one special	37409
education ADM;	37410
(ii) An amount calculated in a manner determined by the	37411
general assembly times the funding unit's category two special	37412
education ADM;	37413
(iii) An amount calculated in a manner determined by the	37414
general assembly times the funding unit's category three special	37415

education ADM;	37416
(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;	37417 37418 37419
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	37420 37421 37422
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	37423 37424 37425
(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:	37426 37427 37428 37429
(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:	37430 37431
(i) For fiscal years 2022 and 2023, the following product:	37432
\$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	37433 37434 37435 37436
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	37437 37438 37439
(b) If the funding unit is the community and STEM school unit, an amount equal to the following:	37440 37441
(i) For fiscal years 2022 and 2023, an amount calculated	37442

as follows: 37443

(I) For each student in the funding unit's enrolled ADM 37444  
who is economically disadvantaged and is not enrolled in an 37445  
internet- or computer-based community school, multiply \$422 by 37446  
the economically disadvantaged index of the school in which the 37447  
student is enrolled; 37448

(II) Compute the funding unit's disadvantaged pupil impact 37449  
aid by calculating the sum of the amounts determined under 37450  
division (A) (4) (b) (i) (I) of this section. 37451

(ii) For fiscal year 2024 and each fiscal year thereafter, 37452  
an amount calculated as follows: 37453

(I) For each student in the funding unit's enrolled ADM 37454  
who is economically disadvantaged and is not enrolled in an 37455  
internet- or computer-based community school, calculate an 37456  
amount in the manner determined by the general assembly; 37457

(II) Compute the funding unit's disadvantaged pupil impact 37458  
aid by calculating the sum of the amounts determined under 37459  
division (A) (4) (b) (ii) (I) of this section. 37460

(5) If the funding unit is a city, local, or exempted 37461  
village school district or the community and STEM school unit, 37462  
English learner funds calculated as follows: 37463

(a) For fiscal years 2022 and 2023, the sum of the 37464  
following: 37465

(i) The funding unit's category one English learner ADM X 37466  
the multiple specified in division (A) of section 3317.016 of 37467  
the Revised Code X the statewide average base cost per pupil for 37468  
that fiscal year X if the funding unit is a city, local, or 37469  
exempted village school district, the district's state share 37470

percentage;	37471
(ii) The funding unit's category two English learner ADM X	37472
the multiple specified in division (B) of section 3317.016 of	37473
the Revised Code X the statewide average base cost per pupil for	37474
that fiscal year X if the funding unit is a city, local, or	37475
exempted village school district, the district's state share	37476
percentage;	37477
(iii) The funding unit's category three English learner	37478
ADM X the multiple specified in division (C) of section 3317.016	37479
of the Revised Code X the statewide average base cost per pupil	37480
for that fiscal year X if the funding unit is a city, local, or	37481
exempted village school district, the district's state share	37482
percentage.	37483
(b) For fiscal year 2024 and each fiscal year thereafter,	37484
the sum of the following:	37485
(i) An amount calculated in a manner determined by the	37486
general assembly times the funding unit's category one English	37487
learner ADM;	37488
(ii) An amount calculated in a manner determined by the	37489
general assembly times the funding unit's category two English	37490
learner ADM;	37491
(iii) An amount calculated in a manner determined by the	37492
general assembly times the funding unit's category three English	37493
learner ADM.	37494
(6) (a) For fiscal years 2022 and 2023, if the funding unit	37495
is a city, local, or exempted village school district, all of	37496
the following:	37497
(i) Gifted identification funds calculated according to	37498

the following formula:	37499
\$24 X the district's enrolled ADM for grades kindergarten	37500
through six X the district's state share percentage	37501
(ii) Gifted referral funds calculated according to the	37502
following formula:	37503
\$2.50 X the district's enrolled ADM X the district's state share	37504
percentage	37505
(iii) Gifted professional development funds calculated	37506
according to the following formula:	37507
(The greater of the number of gifted students enrolled in the	37508
district as certified under division (B) (22) of section 3317.03	37509
of the Revised Code and ten per cent of the district's enrolled	37510
ADM) X the district's state share percentage X \$7, for fiscal	37511
year 2022, or \$14, for fiscal year 2023	37512
(iv) Gifted unit funding calculated under section 3317.051	37513
of the Revised Code.	37514
(b) For fiscal year 2024 and each fiscal year thereafter,	37515
all of the following:	37516
(i) Gifted identification funds calculated in a manner	37517
determined by the general assembly;	37518
(ii) Gifted referral funds calculated in a manner	37519
determined by the general assembly, if the general assembly	37520
authorizes such a payment;	37521
(iii) Gifted professional development funds calculated in	37522
a manner determined by the general assembly, if the general	37523
assembly authorizes such a payment;	37524
(iv) Gifted unit funding calculated in an amount	37525

determined by the general assembly. 37526

(7) If the funding unit is a city, local, or exempted 37527  
village school district or the community and STEM school unit, 37528  
career-technical education funds calculated under division (C) 37529  
of section 3317.014 of the Revised Code. 37530

(8) If the funding unit is a city, local, or exempted 37531  
village school district or the community and STEM school unit, 37532  
career-technical education associated services funds calculated 37533  
under division (D) of section 3317.014 of the Revised Code. 37534

(9) If the funding unit is the community and STEM school 37535  
unit, an amount calculated as follows: 37536

(a) For fiscal years 2022 and 2023, an amount equal to the 37537  
following: 37538

[The number of students in the funding unit's enrolled ADM who 37539  
are reported under division (B) (5) of section 3314.08 of the 37540  
Revised Code X (the aggregate base cost calculated for all 37541  
schools in the funding unit for that fiscal year under section 37542  
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 37543  
X.20] 37544

(b) For fiscal year 2024 and each fiscal year thereafter, 37545  
an amount calculated in a manner determined by the general 37546  
assembly. 37547

(10) If the funding unit is the educational choice 37548  
scholarship unit, an amount calculated as follows: 37549

(a) For each student in the funding unit's enrolled ADM, 37550  
determine the lesser of the following: 37551

(i) The base tuition of the chartered nonpublic school in 37552  
which the student is enrolled minus the total amount of any 37553

applicable tuition discounts for which the student qualifies; 37554

(ii) \$5,500, if the student is in grades kindergarten 37555  
through eight, or \$7,500, if the student is in grades nine 37556  
through twelve. 37557

The amounts specified in division (A) (10) (a) (ii) of this 37558  
section shall increase in future fiscal years by the same 37559  
percentage that the statewide average base cost per pupil 37560  
increases in future fiscal years. 37561

(b) Compute the sum of the amounts calculated under 37562  
division (A) (10) (a) of this section. 37563

(11) If the funding unit is the pilot project scholarship 37564  
unit, an amount calculated as follows: 37565

(a) For each student in the funding unit's enrolled ADM, 37566  
determine the lesser of the following: 37567

(i) The net tuition charges of the student's alternative 37568  
school; 37569

(ii) \$5,500, if the student is in grades kindergarten 37570  
through eight, or \$7,500, if the student is in grades nine 37571  
through twelve. 37572

The amounts specified in division (A) (11) (a) (ii) of this 37573  
section shall increase in future fiscal years by the same 37574  
percentage that the statewide average base cost per pupil 37575  
increases in future fiscal years. 37576

For purposes of division (A) (11) (a) of this section, the 37577  
net tuition and fees charged to a student shall be the tuition 37578  
amount specified by the alternative school minus all other 37579  
financial aid, discounts, and adjustments received for the 37580  
student. In cases where discounts are offered for multiple 37581

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;

(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, plus an amount determined as follows:

(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;

(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;

(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;

(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;

(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;

(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

\$25,370, for fiscal year 2023. 37639

(iii) \$27,000. 37640

The amount specified for fiscal year 2023 in division (A) 37641  
(13) (a) (ii) of this section shall increase in future fiscal 37642  
years by the same percentage that the statewide average base 37643  
cost per pupil increases in future fiscal years. 37644

The amounts specified for fiscal year 2023 in divisions 37645  
(A) (13) (a) (ii) (I) to (VI) of this section shall increase in 37646  
future fiscal years by the same percentage that the amounts 37647  
calculated by the general assembly for those categories of 37648  
special education services under division (A) (3) of this section 37649  
increase in future fiscal years. 37650

(b) Compute the sum of the amounts calculated under 37651  
division (A) (13) (a) of this section. 37652

(B) In any fiscal year, a funding unit that is a city, 37653  
local, or exempted village school district shall spend for 37654  
purposes that the department designates as approved for special 37655  
education and related services expenses at least the amount 37656  
calculated as follows: 37657

(The base cost per pupil calculated for the district for that 37658  
fiscal year X the total special education ADM) + (the district's 37659  
category one special education ADM X the multiple specified in 37660  
division (A) of section 3317.013 of the Revised Code X the 37661  
statewide average base cost per pupil) + (the district's 37662  
category two special education ADM X the multiple specified in 37663  
division (B) of section 3317.013 of the Revised Code X the 37664  
statewide average base cost per pupil) + (the district's 37665  
category three special education ADM X the multiple specified in 37666  
division (C) of section 3317.013 of the Revised Code X the 37667

statewide average base cost per pupil) + (the district's 37668  
category four special education ADM X the multiple specified in 37669  
division (D) of section 3317.013 of the Revised Code X the 37670  
statewide average base cost per pupil) + (the district's 37671  
category five special education ADM X the multiple specified in 37672  
division (E) of section 3317.013 of the Revised Code X the 37673  
statewide average base cost per pupil) + (the district's 37674  
category six special education ADM X the multiple specified in 37675  
division (F) of section 3317.013 of the Revised Code X the 37676  
statewide average base cost per pupil) 37677

The purposes approved by the department for special 37678  
education expenses shall include, but shall not be limited to, 37679  
identification of children with disabilities, compliance with 37680  
state rules governing the education of children with 37681  
disabilities and prescribing the continuum of program options 37682  
for children with disabilities, provision of speech language 37683  
pathology services, and the portion of the school district's 37684  
overall administrative and overhead costs that are attributable 37685  
to the district's special education student population. 37686

(C) A funding unit that is a city, local, or exempted 37687  
village school district shall spend the funds it receives under 37688  
division (A)(4) of this section in accordance with section 37689  
3317.25 of the Revised Code. 37690

(D)(1) Except as provided in division (B) of section 37691  
3317.026 of the Revised Code, the department shall distribute to 37692  
each community school established under Chapter 3314. of the 37693  
Revised Code and to each STEM school established under Chapter 37694  
3326. of the Revised Code, from the funds paid to the community 37695  
and STEM school unit under this section, an amount for each 37696  
student enrolled in the school equal to the sum of the 37697

following:	37698
(a) The school's base cost per pupil for that fiscal year, calculated as follows:	37699 37700
(i) For fiscal years 2022 and 2023:	37701
The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the number of students enrolled in the school for that fiscal year	37702 37703 37704
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly under division (A) (1) (b) (ii) of this section divided by the number of students enrolled in the school for that fiscal year.	37705 37706 37707 37708
(b) If the student is a special education student:	37709
(i) For fiscal years 2022 and 2023, the multiple specified for the student's special education category under section 3317.013 of the Revised Code times the statewide average base cost per pupil;	37710 37711 37712 37713
(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) (3) (b) of this section.	37714 37715 37716 37717
(c) If the school is not an internet- or computer-based community school and the student is economically disadvantaged:	37718 37719
(i) For fiscal years 2022 and 2023, the amount calculated for the student under division (A) (4) (b) (i) (I) of this section;	37720 37721
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated for the student in the manner determined by the general assembly under division (A) (4) (b) (ii) (I) of this	37722 37723 37724

section.	37725
(d) If the school is not an internet- or computer-based community school and the student is an English learner:	37726 37727
(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;	37728 37729 37730 37731
(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.	37732 37733 37734 37735
(e) If the student is a career-technical education student:	37736 37737
(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;	37738 37739 37740 37741
(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.	37742 37743 37744 37745
(f) If the student is a career-technical education student:	37746 37747
(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;	37748 37749 37750 37751
(ii) For fiscal year 2024 and each fiscal year thereafter,	37752

the amount calculated for career-technical associated services 37753  
in a manner determined by the general assembly under section 37754  
3317.014 of the Revised Code. 37755

(2) The department shall distribute to each community 37756  
school established under Chapter 3314. of the Revised Code and 37757  
to each STEM school established under Chapter 3326. of the 37758  
Revised Code, from the funds paid to the community and STEM 37759  
school unit under this section, an amount equal to the amount 37760  
calculated for the school under division (A) (9) of this section. 37761

(E) The department shall distribute to the parent of each 37762  
student for whom an educational choice scholarship is awarded 37763  
under section 3310.03 or 3310.032 of the Revised Code, or to the 37764  
student if at least eighteen years of age, from the funds paid 37765  
to the educational choice scholarship unit under this section, a 37766  
scholarship equal to the amount calculated for the student under 37767  
division (A) (10) (a) of this section. The scholarship shall be 37768  
distributed in monthly partial payments, and the department 37769  
shall proportionately reduce or terminate the payments for any 37770  
student who withdraws from a chartered nonpublic school prior to 37771  
the end of the school year. 37772

For purposes of divisions (E) and (F) of this section, in 37773  
the case of a student who is not living with the student's 37774  
parent, the department shall distribute the scholarship payments 37775  
to the student's guardian, legal custodian, kinship caregiver, 37776  
foster caregiver, or caretaker. For the purposes of this 37777  
division, "caretaker" has the same meaning as in section 37778  
3310.033 of the Revised Code, "kinship caregiver" has the same 37779  
meaning as in section 5101.85 of the Revised Code, and "foster 37780  
caregiver" has the same meaning as in section 5103.02 of the 37781  
Revised Code. 37782

(F) If a student is awarded a pilot project scholarship 37783  
under sections 3313.974 to 3313.979 of the Revised Code, the 37784  
department shall distribute to the parent of the student, if the 37785  
student is attending a registered private school as defined in 37786  
section 3313.974 of the Revised Code, or the student's school 37787  
district of attendance, if the scholarship is to be used for 37788  
payments to a public school in a school district adjacent to the 37789  
pilot project school district pursuant to section 3327.06 of the 37790  
Revised Code, a scholarship from the funds paid to the pilot 37791  
project scholarship unit under this section that is equal to the 37792  
amount calculated for the student under division (A) (11) (a) of 37793  
this section. 37794

In the case of a scholarship distributed to a student's 37795  
parent, the scholarship shall be distributed in monthly partial 37796  
payments. The scholarship amount shall be proportionately 37797  
reduced in the case of any such student who is not enrolled in a 37798  
registered private school, as that term is defined in section 37799  
3313.974 of the Revised Code, for the entire school year. 37800

In the case of a scholarship distributed to a student's 37801  
school district of attendance, the department shall, on behalf 37802  
of the student's parents, use the scholarship to make the 37803  
tuition payments required by section 3327.06 of the Revised Code 37804  
to the student's school district of attendance, except that, 37805  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 37806  
Revised Code, the total payments in any school year shall not 37807  
exceed the scholarship amount calculated for the student under 37808  
division (A) (11) (a) of this section. 37809

(G) The department shall distribute to the parent of each 37810  
student for whom an autism scholarship is awarded under section 37811  
3310.41 of the Revised Code, from the funds paid to the autism 37812

scholarship unit under this section, a scholarship equal to the 37813  
amount calculated for the student under division (A) (12) (a) of 37814  
this section. The scholarship shall be distributed from time to 37815  
time in partial payments. The scholarship amount shall be 37816  
proportionately reduced in the case of any student who is not 37817  
enrolled in the special education program for which a 37818  
scholarship was awarded under section 3310.41 of the Revised 37819  
Code for the entire school year. The department shall make no 37820  
payments to the parent of a student while any administrative or 37821  
judicial mediation or proceedings with respect to the content of 37822  
the student's individualized education program are pending. 37823

(H) The department shall distribute to the parent of each 37824  
student for whom a Jon Peterson special needs scholarship is 37825  
awarded under sections 3310.51 to 3310.64 of the Revised Code, 37826  
from the funds paid to the Jon Peterson special needs 37827  
scholarship unit under this section, a scholarship equal to the 37828  
amount calculated for the student under division (A) (13) (a) of 37829  
this section. The scholarship shall be distributed in periodic 37830  
payments, and the department shall proportionately reduce or 37831  
terminate the payments for any student who is not enrolled in 37832  
the special education program of an alternative public provider 37833  
or a registered private provider, as those terms are defined in 37834  
section 3310.51 of the Revised Code, for the entire school year. 37835

(I) For fiscal years 2022 and 2023, a school district 37836  
shall spend the funds it receives under division (A) (5) of this 37837  
section only for services for English learners. 37838

(J) For fiscal years 2022 and 2023, a school district 37839  
shall spend the funds it receives under division (A) (6) of this 37840  
section only for the identification of gifted students, gifted 37841  
coordinator services, gifted intervention specialist services, 37842

other service providers approved by the department of education\_ 37843  
and workforce, and gifted professional development. For fiscal 37844  
years 2022 and 2023, if the department determines that a 37845  
district is not in compliance with this division, it shall 37846  
reduce the district's payments for that fiscal year under this 37847  
chapter by an amount equal to the amount paid to the district 37848  
for that fiscal year under division (A)(6) of this section that 37849  
was not spent in accordance with this division. 37850

**Sec. 3317.023.** (A) The amounts required to be paid to a 37851  
district under this chapter shall be adjusted by the amount of 37852  
the computations made under divisions (B) to (K) of this 37853  
section. 37854

As used in this section: 37855

(1) "Career-technical planning district" or "CTPD" means a 37856  
school district or group of school districts designated by the 37857  
department of education and workforce as being responsible for 37858  
the planning for and provision of career-technical education 37859  
services to students within the district or group. A community 37860  
school established under Chapter 3314. of the Revised Code or a 37861  
STEM school established under Chapter 3326. of the Revised Code 37862  
that is serving students in any of grades seven through twelve 37863  
shall be assigned to a career-technical planning district by the 37864  
department. 37865

(2) "Lead district" means a school district, including a 37866  
joint vocational school district, designated by the department 37867  
as a CTPD, or designated to provide primary career-technical 37868  
education leadership within a CTPD composed of a group of 37869  
districts, community schools assigned to the CTPD, and STEM 37870  
schools assigned to the CTPD. 37871

(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 37930  
which the student is entitled to attend school pursuant to 37931  
section 3313.64 or 3313.65 of the Revised Code. 37932

(3) If the district is required by a shared education 37933  
contract, compact, or cooperative education agreement to make 37934  
payments to an educational service center, deduct the amounts 37935  
from payments to the district and add them to the amounts paid 37936  
to the service center. 37937

(I)(1) If a district, including a joint vocational school 37938  
district, is a lead district of a CTPD, credit to that district 37939  
the amount calculated for each school district within that CTPD 37940  
under divisions (D) and (E) of section 3317.014 of the Revised 37941  
Code and for each community school and STEM school assigned to 37942  
the CTPD under divisions (D) and (E) of section 3317.014 of the 37943  
Revised Code. 37944

(2) Deduct from each appropriate district that is not a 37945  
lead district, or from the appropriate community school or STEM 37946  
school, the amount attributable to that district or school that 37947  
is credited to a lead district under division (I)(1) of this 37948  
section. 37949

(J) If the department pays a joint vocational school 37950  
district under division (C)(3) of section 3317.16 of the Revised 37951  
Code for excess costs of providing special education and related 37952  
services to a student with a disability, as calculated under 37953  
division (C)(1) of that section, the department shall deduct the 37954  
amount of that payment from the city, local, or exempted village 37955  
school district that is responsible as specified in that section 37956  
for the excess costs. 37957

(K)(1) If the district reports an amount of excess cost 37958

for special education services for a child under division (C) of 37959  
section 3323.14 of the Revised Code, the department shall pay 37960  
that amount to the district. 37961

(2) If the district reports an amount of excess cost for 37962  
special education services for a child under division (C) of 37963  
section 3323.14 of the Revised Code, the department shall deduct 37964  
that amount from the district of residence of that child. 37965

**Sec. 3317.024.** The following shall be distributed monthly, 37966  
quarterly, or annually as may be determined by the ~~state board~~ 37967  
department of education and workforce: 37968

(A) An amount for each island school district and each 37969  
joint state school district for the operation of each high 37970  
school and each elementary school maintained within such 37971  
district and for capital improvements for such schools. Such 37972  
amounts shall be determined on the basis of standards adopted by 37973  
the ~~state board of education~~ department. However, for fiscal 37974  
years 2012 and 2013, an island district shall receive the lesser 37975  
of its actual cost of operation, as certified to the ~~department~~ 37976  
~~of education~~, or ninety-three per cent of the amount the 37977  
district received in state operating funding for fiscal year 37978  
2011. If an island district received no funding for fiscal year 37979  
2011, it shall receive no funding for either of fiscal year 2012 37980  
or 2013. 37981

(B) An amount for each school district required to pay 37982  
tuition for a child in an institution maintained by the 37983  
department of youth services pursuant to section 3317.082 of the 37984  
Revised Code, provided the child was not included in the 37985  
calculation of the district's formula ADM, as that term is 37986  
defined in section 3317.02 of the Revised Code, for the 37987  
preceding school year. 37988

(C) (1) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education <u>and workforce</u> whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the school district or educational service center. For fiscal years 2022 and 2023, this amount shall be equal to the actual costs incurred in the prior fiscal year by the district or service center when transporting those students, as reported to the department, multiplied by one of the following:	37989 37990 37991 37992 37993 37994 37995 37996 37997 37998
(a) For a district, the percentage determined for the district for that fiscal year under divisions (E) (1) (c) (i) and (ii) of section 3317.0212 of the Revised Code;	37999 38000 38001
(b) For a service center, twenty-nine and one-sixth per cent for fiscal year 2022 and thirty-three and one-third per cent for fiscal year 2023.	38002 38003 38004
(2) No district or service center is eligible to receive a payment under division (C) of this section for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM.	38005 38006 38007 38008
(3) For fiscal years 2022 and 2023, both of the following apply:	38009 38010
(a) The <del>state board</del> <u>department of education and workforce</u> shall also establish the deadline for each district and service center to report its actual costs for transporting students described in division (C) (1) of this section.	38011 38012 38013 38014
(b) The costs reported by each district and service center under division (C) of this section shall be subject to periodic, random audits by the department <u>of education and workforce</u> .	38015 38016 38017

(D) An amount to each school district, including each 38018  
cooperative education school district, pursuant to section 38019  
3313.81 of the Revised Code to assist in providing free lunches 38020  
to needy children. The amounts shall be determined on the basis 38021  
of rules adopted by the ~~state board~~ department of education and 38022  
workforce. 38023

(E) (1) An amount for auxiliary services to each school 38024  
district, for each pupil attending a chartered nonpublic 38025  
elementary or high school within the district that has not 38026  
elected to receive funds under division (E) (2) of this section. 38027

(2) (a) An amount for auxiliary services paid directly to 38028  
each chartered nonpublic school that has elected to receive 38029  
funds under division (E) (2) of this section for each pupil 38030  
attending the school. To elect to receive funds under division 38031  
(E) (2) of this section, a school, by the first day of April of 38032  
each odd-numbered year, shall notify the department of education 38033  
and workforce and the school district in which the school is 38034  
located of the election and shall submit to the department an 38035  
affidavit certifying that the school shall expend the funds in 38036  
the manner outlined in section 3317.062 of the Revised Code. The 38037  
election shall take effect the following first day of July. The 38038  
school subsequently may rescind its election, but it may do so 38039  
only in an odd-numbered year by notifying the department and the 38040  
school district in which the school is located of the rescission 38041  
not later than the first day of April of that year. Beginning 38042  
the following first day of July after the rescission, the school 38043  
shall receive funds under division (E) (1) of this section. 38044

(b) A chartered nonpublic school that elects to receive 38045  
auxiliary services funds under division (E) (2) of this section 38046  
may designate an organization that oversees one or more 38047

nonpublic schools to receive those funds on its behalf. 38048

(i) Each chartered nonpublic school that designates an 38049  
organization to receive auxiliary services funds on its behalf 38050  
shall notify the department of education and workforce of the 38051  
organization's name not later than the first day of April of 38052  
each odd-numbered year. 38053

(ii) A school may rescind its decision, but may do so only 38054  
in each odd-numbered year by notifying the department of that 38055  
rescission not later than the first day of April of that year. A 38056  
rescission submitted in compliance with this division takes 38057  
effect on the following first day of July, and the school 38058  
district may elect to then begin receiving auxiliary services 38059  
funds directly or as specified under division (E) (1) of this 38060  
section. 38061

(iii) An organization shall disburse the auxiliary 38062  
services funds of all chartered nonpublic schools that have 38063  
designated the organization to receive funds on their behalf in 38064  
accordance with division (E) (2) (b) of this section. If multiple 38065  
chartered nonpublic schools designate the same organization to 38066  
receive auxiliary services funds on their behalf, that 38067  
organization may use one or more accounts for the purposes of 38068  
managing the funds. The organization shall maintain appropriate 38069  
accounting and reporting standards and ensure that each 38070  
chartered nonpublic school receives the auxiliary services funds 38071  
to which the school is entitled. 38072

(iv) Each chartered nonpublic school that elects to 38073  
receive funds directly in accordance with division (E) (2) of 38074  
this section or the organization designated to receive and 38075  
disburse auxiliary services funds on behalf of a chartered 38076  
nonpublic school shall maintain records of receipt and 38077

expenditures of the funds in a manner that conforms with 38078  
generally accepted accounting principles. 38079

(v) The department of education and workforce shall create 38080  
and disseminate a standardized reporting form that chartered 38081  
nonpublic schools and organizations designated to receive funds 38082  
in accordance with division (E) (2) (b) of this section may use to 38083  
comply with division (E) (2) (b) (iv) of this section. However, the 38084  
department shall not require schools to use that form. 38085

(vi) An organization that manages a school's auxiliary 38086  
services funds pursuant to a designation made in accordance with 38087  
division (E) (2) (b) of this section may require the school's 38088  
governing authority to pay a fee for that service that does not 38089  
exceed four per cent of the total amount of payments for 38090  
auxiliary services that the school receives from the state. A 38091  
school may pay any fee assessed pursuant to division (E) (2) (b) 38092  
(vi) of this section using auxiliary services funds. 38093

(c) The amount paid under divisions (E) (1) and (2) of this 38094  
section shall equal the total amount appropriated for the 38095  
implementation of sections 3317.06 and 3317.062 of the Revised 38096  
Code divided by the average daily membership in grades 38097  
kindergarten through twelve in chartered nonpublic elementary 38098  
and high schools within the state as determined as of the last 38099  
day of October of each school year. 38100

(F) An amount for each county board of developmental 38101  
disabilities for the approved cost of transportation required 38102  
for children attending special education programs operated by 38103  
the county board under section 3323.09 of the Revised Code. For 38104  
fiscal years 2022 and 2023, this amount shall be equal to the 38105  
actual costs incurred in the prior fiscal year by the county 38106  
board when transporting those students multiplied by twenty-nine 38107

and one-sixth per cent for fiscal year 2022 and thirty-three and 38108  
one-third per cent for fiscal year 2023. 38109

(G) An amount to each institution defined under section 38110  
3317.082 of the Revised Code providing elementary or secondary 38111  
education to children other than children receiving special 38112  
education under section 3323.091 of the Revised Code. This 38113  
amount for any institution in any fiscal year shall equal the 38114  
total of all tuition amounts required to be paid to the 38115  
institution under division (A) (1) of section 3317.082 of the 38116  
Revised Code. 38117

The ~~state board~~ department of education and workforce or 38118  
any ~~other~~ board of education or governing board may provide for 38119  
any resident of a district or educational service center 38120  
territory any educational service for which funds are made 38121  
available to the board by the United States under the authority 38122  
of public law, whether such funds come directly or indirectly 38123  
from the United States or any agency or department thereof or 38124  
through the state or any agency, department, or political 38125  
subdivision thereof. 38126

**Sec. 3317.025.** On or before the first day of June of each 38127  
year, the tax commissioner shall certify the following 38128  
information to the department of education and workforce and the 38129  
office of budget and management, for each school district in 38130  
which the value of the property described under division (A) of 38131  
this section exceeds one per cent of the taxable value of all 38132  
real and tangible personal property in the district or in which 38133  
is located tangible personal property designed for use or used 38134  
in strip mining operations, whose taxable value exceeds five 38135  
million dollars, and the taxes upon which the district is 38136  
precluded from collecting by virtue of legal proceedings to 38137

determine the value of such property:	38138
(A) The total taxable value of all property in the	38139
district owned by a public utility or railroad that has filed a	38140
petition for reorganization under the "Bankruptcy Act," 47 Stat.	38141
1474 (1898), 11 U.S.C. 205, as amended, and all tangible	38142
personal property in the district designed for use or used in	38143
strip mining operations whose taxable value exceeds five million	38144
dollars upon which have not been paid in full on or before the	38145
first day of April of that calendar year all real and tangible	38146
personal property taxes levied for the preceding calendar year	38147
and which the district was precluded from collecting by virtue	38148
of proceedings under section 205 of said act or by virtue of	38149
legal proceedings to determine the tax liability of such strip	38150
mining equipment;	38151
(B) The percentage of the total operating taxes charged	38152
and payable for school district purposes levied against such	38153
valuation for the preceding calendar year that have not been	38154
paid by such date;	38155
(C) The product obtained by multiplying the value	38156
certified under division (A) of this section by the percentage	38157
certified under division (B) of this section. If the value	38158
certified under division (A) of this section includes taxable	38159
property owned by a public utility or railroad that has filed a	38160
petition for reorganization under the bankruptcy act, the amount	38161
used in making the calculation under this division shall be	38162
reduced by one per cent of the total value of all real and	38163
tangible personal property in the district or the value of the	38164
utility's or railroad's property, whichever is less.	38165
Upon receipt of the certification, the department shall	38166
recompute the payments required under this chapter in the manner	38167

the payments would have been computed if: 38168

(1) The amount certified under division (C) of this 38169  
section was not subject to taxation by the district and was not 38170  
included in the certification made under division (A) (1), (A) 38171  
(2), or (C) of section 3317.021 of the Revised Code. 38172

(2) The amount of taxes charged and payable and unpaid and 38173  
used to make the computation under division (B) of this section 38174  
had not been levied and had not been used in the computation 38175  
required by division (B) of section 3317.021 of the Revised 38176  
Code. The department shall pay the district that amount in the 38177  
ensuing fiscal year in lieu of the amounts computed under this 38178  
chapter. 38179

If a school district received a grant from the 38180  
catastrophic expenditures account pursuant to division (C) of 38181  
section 3316.20 of the Revised Code on the basis of the same 38182  
circumstances for which a recomputation is made under this 38183  
section, the amount of the recomputation shall be reduced and 38184  
transferred in accordance with division (C) of section 3316.20 38185  
of the Revised Code. 38186

**Sec. 3317.026.** This section shall apply only for fiscal 38187  
years 2022 and 2023. 38188

(A) For each fiscal year, the department of education and 38189  
workforce shall calculate an amount for the community and STEM 38190  
school unit as follows: 38191

(1) For each community school and STEM school, determine 38192  
the sum of the following: 38193

(a) The aggregate base cost calculated for the school for 38194  
that fiscal year under section 3317.0110 of the Revised Code; 38195

(b) The sum of the following:	38196
(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;	38197 38198 38199 38200
(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;	38201 38202 38203 38204
(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;	38205 38206 38207 38208
(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;	38209 38210 38211 38212
(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;	38213 38214 38215 38216
(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.	38217 38218 38219 38220
(c) If the school is not an internet- or computer-based community school, an amount of disadvantaged pupil impact aid equal to the following:	38221 38222 38223

\$422 X the school's economically disadvantaged index X the	38224
number of students in the school's enrolled ADM who are	38225
economically disadvantaged	38226
(d) If the school is not an internet- or computer-based	38227
community school, the sum of the following:	38228
(i) The school's category one English learner ADM X the	38229
multiple specified in division (A) of section 3317.016 of the	38230
Revised Code X the statewide average base cost per pupil for	38231
that fiscal year;	38232
(ii) The school's category two English learner ADM X the	38233
multiple specified in division (B) of section 3317.016 of the	38234
Revised Code X the statewide average base cost per pupil for	38235
that fiscal year;	38236
(iii) The school's category three English learner ADM X	38237
the multiple specified in division (C) of section 3317.016 of	38238
the Revised Code X the statewide average base cost per pupil for	38239
that fiscal year.	38240
(e) The sum of the following:	38241
(i) The school's category one career-technical education	38242
ADM X the multiple specified under division (A) (1) of section	38243
3317.014 of the Revised Code X the statewide average career-	38244
technical base cost per pupil for that fiscal year;	38245
(ii) The school's category two career-technical education	38246
ADM X the multiple specified under division (A) (2) of section	38247
3317.014 of the Revised Code X the statewide average career-	38248
technical base cost per pupil for that fiscal year;	38249
(iii) The school's category three career-technical	38250
education ADM X the multiple specified under division (A) (3) of	38251

section 3317.014 of the Revised Code X the statewide average	38252
career-technical base cost per pupil for that fiscal year;	38253
(iv) The school's category four career-technical education	38254
ADM X the multiple specified under division (A)(4) of section	38255
3317.014 of the Revised Code X the statewide average career-	38256
technical base cost per pupil for that fiscal year;	38257
(v) The school's category five career-technical education	38258
ADM X the multiple specified under division (A)(5) of section	38259
3317.014 of the Revised Code X the statewide average career-	38260
technical base cost per pupil for that fiscal year.	38261
(f) An amount equal to the following:	38262
The multiple for career-technical associated services specified	38263
under division (B) of section 3317.014 of the Revised Code X the	38264
statewide average career-technical base cost per pupil for that	38265
fiscal year X the sum of the school's categories one through	38266
five career-technical education ADM	38267
(g) If the school is a community school, an amount equal	38268
to the following:	38269
The number of students reported by the community school under	38270
division (B)(5) of section 3314.08 of the Revised Code X (the	38271
aggregate base cost calculated for the school for that fiscal	38272
year under section 3317.0110 of the Revised Code / the school's	38273
enrolled ADM) X 0.20	38274
(2) For each community and STEM school, determine the	38275
lesser of the following:	38276
(a) The following sum:	38277
The school's funding base + {[the sum calculated for the school	38278
under division (A) of this section) - the school's funding base]	38279

X the school's general phase-in percentage for that fiscal year}	38280
(b) The sum of the amounts calculated for the school for that fiscal year under division (A) of this section.	38281 38282
(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.	38283 38284 38285
(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.	38286 38287 38288 38289 38290 38291 38292
<b>Sec. 3317.028.</b> (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:	38293 38294 38295 38296 38297 38298 38299 38300 38301 38302 38303 38304 38305
(1) The district's total taxable value for the preceding tax year;	38306 38307
(2) The change in taxes charged and payable on the	38308

district's total taxable value for the preceding tax year and 38309  
the second preceding tax year; 38310

(3) The taxable value of the utility tangible personal 38311  
property decrease, which shall be considered a change in 38312  
valuation; 38313

(4) The change in taxes charged and payable on such change 38314  
in taxable value calculated in the same manner as in division 38315  
(A) (3) of section 3317.021 of the Revised Code. 38316

(B) Upon receipt of a certification specified in this 38317  
section, the ~~department of education~~ shall replace the three- 38318  
year average valuations that were used in computing the 38319  
district's state education aid for the fiscal year that ends in 38320  
the current calendar year with the taxable value certified under 38321  
division (A) (1) of this section and shall recompute the state 38322  
education aid for such fiscal year without applying any funding 38323  
limitations enacted by the general assembly to the computation, 38324  
if applicable. The department shall pay to the district an 38325  
amount equal to the lesser of the following: 38326

(1) The positive difference between the district's state 38327  
education aid prior to the recomputation under this section and 38328  
the district's recomputed state education aid; 38329

(2) The absolute value of the amount certified under 38330  
division (A) (2) of this section. 38331

The payment date shall be determined by the director of 38332  
budget and management. The director shall select a payment date 38333  
that is not earlier than the first day of June of the current 38334  
fiscal year and not later than the thirty-first day of July of 38335  
the following fiscal year. The department ~~of education~~ shall not 38336  
pay the district under this section prior to approval by the 38337

director of budget and management to make that payment. 38338

(C) If a school district received a grant from the 38339  
catastrophic expenditures account pursuant to division (C) of 38340  
section 3316.20 of the Revised Code on the basis of the same 38341  
circumstances for which a recomputation is made under this 38342  
section, the amount of the recomputation shall be reduced and 38343  
transferred in accordance with division (C) of section 3316.20 38344  
of the Revised Code. 38345

**Sec. 3317.0211.** (A) As used in this section: 38346

(1) "Port authority" means any port authority as defined 38347  
in section 4582.01 or 4582.21 of the Revised Code. 38348

(2) "Real property" includes public utility real property 38349  
and "personal property" includes public utility personal 38350  
property. 38351

(3) "Uncollected taxes" means property taxes charged and 38352  
payable against the property of a port authority for a tax year 38353  
that a school district has not collected. 38354

(4) "Basic state aid" means a school district's state 38355  
education aid. 38356

(5) "Effective value" means the sum of the effective 38357  
residential/agricultural real property value, the effective 38358  
nonresidential/agricultural real property value, and the 38359  
effective personal value. 38360

(6) "Effective residential/agricultural real property 38361  
value" means, for a tax year, the amount obtained by multiplying 38362  
the value for that year of residential/agricultural real 38363  
property subject to taxation in the district by a fraction, the 38364  
numerator of which is the total taxes charged and payable for 38365

that year against the residential/agricultural real property 38366  
subject to taxation in the district, exclusive of the 38367  
uncollected taxes for that year on all real property subject to 38368  
taxation in the district, and the denominator of which is the 38369  
total taxes charged and payable for that year against the 38370  
residential/agricultural real property subject to taxation in 38371  
the district. 38372

(7) "Effective nonresidential/agricultural real property 38373  
value" means, for a tax year, the amount obtained by multiplying 38374  
the value for that year of nonresidential/agricultural real 38375  
property subject to taxation in the district by a fraction, the 38376  
numerator of which is the total taxes charged and payable for 38377  
that year against the nonresidential/agricultural real property 38378  
subject to taxation in the district, exclusive of the 38379  
uncollected taxes for that year on all real property subject to 38380  
taxation in the district, and the denominator of which is the 38381  
total taxes charged and payable for that year against the 38382  
nonresidential/agricultural real property subject to taxation in 38383  
the district. 38384

(8) "Effective personal value" means, for a tax year, the 38385  
amount obtained by multiplying the value for that year certified 38386  
under division (A) (2) of section 3317.021 of the Revised Code by 38387  
a fraction, the numerator of which is the total taxes charged 38388  
and payable for that year against personal property subject to 38389  
taxation in the district, exclusive of the uncollected taxes for 38390  
that year on that property, and the denominator of which is the 38391  
total taxes charged and payable for that year against personal 38392  
property subject to taxation in the district. 38393

(9) "Nonresidential/agricultural real property value" 38394  
means, for a tax year, the sum of the values certified for a 38395

school district for that year under division (B) (2) (a) of this 38396  
section, and "residential/agricultural real property value" 38397  
means, for a tax year, the sum of the values certified for a 38398  
school district under division (B) (2) (b) of this section. 38399

(10) "Taxes charged and payable against real property" 38400  
means the taxes charged and payable against that property after 38401  
making the reduction required by section 319.301 of the Revised 38402  
Code. 38403

(11) "Total taxes charged and payable" has the same 38404  
meaning given "taxes charged and payable" in section 3317.02 of 38405  
the Revised Code. 38406

(B) (1) By the first day of August of any calendar year, a 38407  
school district shall notify the department of education and 38408  
workforce if it has any uncollected taxes from one port 38409  
authority for the second preceding tax year whose taxes charged 38410  
and payable represent at least one-half of one per cent of the 38411  
district's total taxes charged and payable for that tax year. 38412

(2) The department shall verify whether the district has 38413  
such uncollected taxes by the first day of September, and if the 38414  
district does, shall immediately request the county auditor of 38415  
each county in which the school district has territory to 38416  
certify the following information concerning the district's 38417  
property values and taxes for the second preceding tax year, and 38418  
each such auditor shall certify that information to the 38419  
department within thirty days of receiving the request: 38420

(a) The value of the property subject to taxation in the 38421  
district that was classified as nonresidential/agricultural real 38422  
property pursuant to section 5713.041 of the Revised Code, and 38423  
the taxes charged and payable on that property; and 38424

(b) The value of the property subject to taxation in the 38425  
district that was classified as residential/agricultural real 38426  
property under section 5713.041 of the Revised Code. 38427

(C) By the fifteenth day of November, the department shall 38428  
compute the district's effective nonresidential/agricultural 38429  
real property value, effective residential/agricultural real 38430  
property value, effective personal value, and effective value, 38431  
and shall determine whether the school district's effective 38432  
value for the second preceding tax year is at least one per cent 38433  
less than its total value for that year certified under 38434  
divisions (A) (1) and (2) of section 3317.021 of the Revised 38435  
Code. If it is, the department shall recompute the basic state 38436  
aid payable to the district for the immediately preceding fiscal 38437  
year using the effective value in lieu of the amounts previously 38438  
certified under section 3317.021 of the Revised Code. The 38439  
difference between the original basic state aid amount computed 38440  
for the district for the preceding fiscal year and the 38441  
recomputed amount shall be paid to the district from the lottery 38442  
profits education fund before the end of the current fiscal 38443  
year. 38444

(D) Except as provided in division (E) of this section, 38445  
amounts received by a school district under division (C) of this 38446  
section shall be repaid to the department ~~of education~~ in any 38447  
future year to the extent the district receives payments of 38448  
uncollectable taxes in such future year. The department shall 38449  
notify a district of any amount owed under this division. 38450

(E) If a school district received a grant from the 38451  
catastrophic expenditures account pursuant to division (C) of 38452  
section 3316.20 of the Revised Code on the basis of the same 38453  
circumstances for which a recomputation is made under this 38454

section, the amount of the recomputation shall be reduced and 38455  
transferred in accordance with division (C) of section 3316.20 38456  
of the Revised Code. 38457

**Sec. 3317.0212.** (A) As used in this section: 38458

(1) For fiscal years 2022 and 2023, "assigned bus" means a 38459  
school bus used to transport qualifying riders. 38460

(2) For fiscal years 2022 and 2023, "density" means the 38461  
total riders per square mile of a school district. 38462

(3) For fiscal years 2022 and 2023, "nontraditional 38463  
ridership" means the average number of qualifying riders who are 38464  
enrolled in a community school established under Chapter 3314. 38465  
of the Revised Code, in a STEM school established under Chapter 38466  
3326. of the Revised Code, or in a nonpublic school and are 38467  
provided school bus service by a school district during the 38468  
first full week of October. 38469

(4) "Qualifying riders" means the following: 38470

(a) For fiscal years 2022 and 2023, resident students 38471  
enrolled in preschool and regular education in grades 38472  
kindergarten to twelve who are provided school bus service by a 38473  
school district, including students with dual enrollment in a 38474  
joint vocational school district or a cooperative education 38475  
school district, and students enrolled in a community school, 38476  
STEM school, or nonpublic school; 38477

(b) For fiscal year 2024 and each fiscal year thereafter, 38478  
students specified by the general assembly. 38479

(5) "Qualifying ridership" means the following: 38480

(a) For fiscal years 2022 and 2023, the greater of the 38481  
average number of qualifying riders counted in the morning or 38482

counted in the afternoon who are provided school bus service by	38483
a school district during the first full week of October;	38484
(b) For fiscal year 2024 and each fiscal year thereafter,	38485
a ridership determined in a manner specified by the general	38486
assembly.	38487
(6) "Rider density" means the following:	38488
(a) For fiscal years 2022 and 2023, the following	38489
quotient:	38490
A school district's total number of qualifying riders/ the	38491
number of square miles in the district	38492
(b) For fiscal year 2024 and each fiscal year thereafter,	38493
a number calculated in a manner determined by the general	38494
assembly.	38495
(7) For fiscal years 2022 and 2023, "riders" means	38496
students enrolled in regular and special education in grades	38497
kindergarten through twelve who are provided school bus service	38498
by a school district, including students with dual enrollment in	38499
a joint vocational school district or a cooperative education	38500
school district, and students enrolled in a community school,	38501
STEM school, or nonpublic school.	38502
(8) "School bus service" means a school district's	38503
transportation of qualifying riders in any of the following	38504
types of vehicles:	38505
(a) School buses owned or leased by the district;	38506
(b) School buses operated by a private contractor hired by	38507
the district;	38508
(c) School buses operated by another school district or	38509

entity with which the district has contracted, either as part of 38510  
a consortium for the provision of transportation or otherwise. 38511

(B) Not later than the first day of November, for fiscal 38512  
years 2022 and 2023, or a date determined by the general 38513  
assembly, for fiscal year 2024 and each fiscal year thereafter, 38514  
of each year, each city, local, and exempted village school 38515  
district shall report to the department of education and 38516  
workforce its qualifying ridership and any other information 38517  
requested by the department. Subsequent adjustments to the 38518  
reported numbers shall be made only in accordance with rules 38519  
adopted by the department. 38520

(C) The department shall calculate the statewide 38521  
transportation cost per student as follows: 38522

(1) Determine each city, local, and exempted village 38523  
school district's transportation cost per student by dividing 38524  
the district's total costs for school bus service in the 38525  
previous fiscal year by its qualifying ridership in the previous 38526  
fiscal year. 38527

(2) After excluding districts that do not provide school 38528  
bus service and the ten districts with the highest 38529  
transportation costs per student and the ten districts with the 38530  
lowest transportation costs per student, divide the aggregate 38531  
cost for school bus service for the remaining districts in the 38532  
previous fiscal year by the aggregate qualifying ridership of 38533  
those districts in the previous fiscal year. 38534

(D) The department shall calculate the statewide 38535  
transportation cost per mile as follows: 38536

(1) Determine each city, local, and exempted village 38537  
school district's transportation cost per mile by dividing the 38538

district's total costs for school bus service in the previous 38539  
fiscal year by its total number of miles driven for school bus 38540  
service in the previous fiscal year. 38541

(2) After excluding districts that do not provide school 38542  
bus service and the ten districts with the highest 38543  
transportation costs per mile and the ten districts with the 38544  
lowest transportation costs per mile, divide the aggregate cost 38545  
for school bus service for the remaining districts in the 38546  
previous fiscal year by the aggregate miles driven for school 38547  
bus service in those districts in the previous fiscal year. 38548

(E) The department shall calculate each city, local, and 38549  
exempted village school district's transportation base payment 38550  
as follows: 38551

(1) For fiscal years 2022 and 2023: 38552

(a) Calculate the sum of the following: 38553

(i) The product of the statewide transportation cost per 38554  
student and the number of students counted in the district's 38555  
qualifying ridership for the current fiscal year who are 38556  
enrolled in the district; 38557

(ii) 1.5 times the statewide transportation cost per 38558  
student times the number of students counted in the district's 38559  
qualifying ridership for the current fiscal year who are 38560  
enrolled in community schools established under Chapter 3314. of 38561  
the Revised Code or STEM schools established under Chapter 3326. 38562  
of the Revised Code; 38563

(iii) 2.0 times the statewide transportation cost per 38564  
student times the number of students counted in the district's 38565  
qualifying ridership for the current fiscal year who are 38566  
enrolled in nonpublic schools. 38567

(b) Calculate the sum of the following:	38568
(i) The product of the statewide transportation cost per mile and the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in the district;	38569 38570 38571 38572
(ii) 1.5 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in community schools or STEM schools;	38573 38574 38575 38576
(iii) 2.0 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in nonpublic schools.	38577 38578 38579 38580
(c) Multiply the greater of the amounts calculated under divisions (E) (1) (a) and (b) of this section by the following:	38581 38582
(i) For fiscal year 2022, the greater of twenty-nine and one-sixth per cent or the district's state share percentage, as defined in section 3317.02 of the Revised Code;	38583 38584 38585
(ii) For fiscal year 2023, the greater of thirty-three and one-third per cent or the district's state share percentage.	38586 38587
(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly.	38588 38589
(F) For fiscal years 2022 and 2023, the department shall pay a district's efficiency adjustment payment in accordance with divisions (F) (1) to (3) of this section. For fiscal year 2024 and each fiscal year thereafter, the department shall pay a district's efficiency adjustment payment in a manner determined by the general assembly, if the general assembly authorizes such	38590 38591 38592 38593 38594 38595

a payment to districts. 38596

(1) The department annually shall establish a target 38597  
number of qualifying riders per assigned bus for each city, 38598  
local, and exempted village school district. The department 38599  
shall use the most recently available data in establishing the 38600  
target number. The target number shall be based on the statewide 38601  
median number of riders per assigned bus as adjusted to reflect 38602  
the district's density in comparison to the density of all other 38603  
districts. The department shall post on the department's web 38604  
site each district's target number of riders per assigned bus 38605  
and a description of how the target number was determined. 38606

(2) The department shall determine each school district's 38607  
efficiency index by dividing the district's number of riders per 38608  
assigned bus by its target number of riders per assigned bus. 38609

(3) The department shall determine each city, local, and 38610  
exempted village school district's efficiency adjustment payment 38611  
as follows: 38612

(a) If the district's efficiency index is equal to or 38613  
greater than 1.5, the efficiency adjustment payment shall be 38614  
calculated according to the following formula: 38615

0.15 X the district's transportation base payment calculated 38616  
under division (E) of this section 38617

(b) If the district's efficiency index is less than 1.5 38618  
but greater than or equal to 1.0, the efficiency adjustment 38619  
payment shall be calculated according to the following formula: 38620

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 38621  
district's transportation base payment calculated under division 38622  
(E) of this section 38623

(c) If the district's efficiency index is less than 1.0, 38624  
the efficiency adjustment payment shall be zero. 38625

(G) In addition to funds paid under divisions (E), (F), 38626  
and (H) of this section, each city, local, and exempted village 38627  
district shall receive in accordance with rules adopted by the 38628  
~~state board of education department~~ a payment for students 38629  
transported by means other than school bus service and whose 38630  
transportation is not funded under division (C) of section 38631  
3317.024 of the Revised Code. The rules shall include provisions 38632  
for school district reporting of such students. 38633

(H) (1) For purposes of division (H) of this section, a 38634  
school district's "transportation supplement percentage" means 38635  
the following: 38636

(a) For fiscal years 2022 and 2023, the following 38637  
quotient: 38638

$$(28 - \text{the district's rider density}) / 100 \quad 38639$$

If the result of the calculation for a district under 38640  
division (H) (1) (a) of this section is less than zero, the 38641  
district's transportation supplement percentage shall be zero. 38642

(b) For fiscal year 2024 and each fiscal year thereafter, 38643  
a percentage calculated in a manner determined by the general 38644  
assembly. 38645

(2) The department shall pay each district a 38646  
transportation supplement calculated according to the following 38647  
formula: 38648

The district's transportation supplement percentage X the amount 38649

calculated for the district under division (E) (1) (b) of this 38650

section X 0.55 38651

(I) (1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of section 3314.091 of the Revised Code, the department shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C) (1) of that section. If a community school governing authority accepts transportation responsibility under division (B) of that section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C) (1) of that section, calculated as follows:

(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 38682  
section, the payment to the community school shall be the 38683  
following: 38684

(i) For fiscal years 2022 and 2023, either of the 38685  
following: 38686

(I) If the school district in which the student is 38687  
entitled to attend school would have used a method of 38688  
transportation for the student for which payments are computed 38689  
and paid under division (E) of this section, 1.0 times the 38690  
statewide transportation cost per student, as calculated in 38691  
division (C) of this section; 38692

(II) If the school district in which the student is 38693  
entitled to attend school would have used a method of 38694  
transportation for the student for which payments are computed 38695  
and paid in a manner described in division (G) of this section, 38696  
the amount that would otherwise be computed for and paid to the 38697  
district. 38698

(ii) For fiscal year 2024 and each fiscal year thereafter, 38699  
an amount calculated in a manner determined by the general 38700  
assembly. 38701

The community school, however, is not required to use the 38702  
same method to transport the student. 38703

As used in this division, "entitled to attend school" 38704  
means entitled to attend school under section 3313.64 or 3313.65 38705  
of the Revised Code. 38706

(2) A community school shall be paid under division (I) (2) 38707  
of this section only for students who are eligible as specified 38708  
in section 3327.01 of the Revised Code and division (C) (1) of 38709  
section 3314.091 of the Revised Code, and whose transportation 38710

to and from school is actually provided, who actually utilized 38711  
transportation arranged, or for whom a payment in lieu of 38712  
transportation is made by the community school's governing 38713  
authority. To qualify for the payments, the community school 38714  
shall report to the department, in the form and manner required 38715  
by the department, data on the number of students transported or 38716  
whose transportation is arranged, the number of miles traveled, 38717  
cost to transport, and any other information requested by the 38718  
department. 38719

**Sec. 3317.0213.** (A) The department of education and 38720  
workforce shall compute and pay in accordance with this section 38721  
additional state aid for preschool children with disabilities to 38722  
each city, local, and exempted village school district and to 38723  
each institution, as defined in section 3323.091 of the Revised 38724  
Code. Funding shall be provided for children who are not 38725  
enrolled in kindergarten and who are under age six on the 38726  
thirtieth day of September of the academic year, or on the first 38727  
day of August of the academic year if the school district in 38728  
which the child is enrolled has adopted a resolution under 38729  
division (A) (3) of section 3321.01 of the Revised Code, but not 38730  
less than age three on the first day of December of the academic 38731  
year. 38732

For fiscal years 2022 and 2023, the additional state aid 38733  
shall be calculated under the following formula: 38734

(\$4,000 X the number of students who are preschool 38735  
children with disabilities) + the sum of the following: 38736

(1) The district's or institution's category one special 38737  
education students who are preschool children with disabilities 38738  
X the multiple specified in division (A) of section 3317.013 of 38739  
the Revised Code X the statewide average base cost per pupil for 38740

that fiscal year X the district's state share percentage X 0.50; 38741

(2) The district's or institution's category two special 38742  
education students who are preschool children with disabilities 38743  
X the multiple specified in division (B) of section 3317.013 of 38744  
the Revised Code X the statewide average base cost per pupil for 38745  
that fiscal year X the district's state share percentage X 0.50; 38746

(3) The district's or institution's category three special 38747  
education students who are preschool children with disabilities 38748  
X the multiple specified in division (C) of section 3317.013 of 38749  
the Revised Code X the statewide average base cost per pupil for 38750  
that fiscal year X the district's state share percentage X 0.50; 38751

(4) The district's or institution's category four special 38752  
education students who are preschool children with disabilities 38753  
X the multiple specified in division (D) of section 3317.013 of 38754  
the Revised Code X the statewide average base cost per pupil for 38755  
that fiscal year X the district's state share percentage X 0.50; 38756

(5) The district's or institution's category five special 38757  
education students who are preschool children with disabilities 38758  
X the multiple specified in division (E) of section 3317.013 of 38759  
the Revised Code X the statewide average base cost per pupil for 38760  
that fiscal year X the district's state share percentage X 0.50; 38761

(6) The district's or institution's category six special 38762  
education students who are preschool children with disabilities 38763  
X the multiple specified in division (F) of section 3317.013 of 38764  
the Revised Code X the statewide average base cost per pupil for 38765  
that fiscal year X the district's state share percentage X 0.50. 38766

For fiscal year 2024 and each fiscal year thereafter, the 38767  
additional state aid shall be calculated for each category of 38768  
special education students who are preschool children with 38769

disabilities using a formula specified by the general assembly. 38770

The special education disability categories for preschool 38771  
children used in this section are the same categories prescribed 38772  
in section 3317.013 of the Revised Code. 38773

As used in division (A) of this section, the state share 38774  
percentage of a student enrolled in an institution is the state 38775  
share percentage of the school district in which the student is 38776  
entitled to attend school under section 3313.64 or 3313.65 of 38777  
the Revised Code. 38778

(B) If an educational service center is providing services 38779  
to students who are preschool children with disabilities under 38780  
agreement with the city, local, or exempted village school 38781  
district in which the students are entitled to attend school, 38782  
that district may authorize the department to transfer funds 38783  
computed under this section to the service center providing 38784  
those services. 38785

(C) If a county DD board is providing services to students 38786  
who are preschool children with disabilities under agreement 38787  
with the city, local, or exempted village school district in 38788  
which the students are entitled to attend school, the department 38789  
shall deduct from the district's payment computed under division 38790  
(A) of this section the total amount of those funds that are 38791  
attributable to the students served by the county DD board and 38792  
pay that amount to that board. 38793

**Sec. 3317.0214.** (A) The department of education and 38794  
workforce shall compute and pay in accordance with this section 38795  
additional state aid to school districts for students in 38796  
categories two through six special education ADM. If a 38797  
district's costs for the fiscal year for a student in its 38798

categories two through six special education ADM exceed the 38799  
threshold catastrophic cost for serving the student, the 38800  
district may submit to the ~~superintendent of public instruction~~  
department documentation, as prescribed by the 38801  
~~superintendent~~department, of all its costs for that student. 38802  
38803  
Upon submission of documentation for a student of the type and 38804  
in the manner prescribed, the department shall pay to the 38805  
district an amount equal to the sum of the following: 38806

(1) One-half of the district's costs for the student in 38807  
excess of the threshold catastrophic cost; 38808

(2) The product of one-half of the district's costs for 38809  
the student in excess of the threshold catastrophic cost 38810  
multiplied by the district's state share percentage. 38811

(B) For purposes of division (A) of this section, the 38812  
threshold catastrophic cost for serving a student equals: 38813

(1) For a student in the school district's category two, 38814  
three, four, or five special education ADM, twenty-seven 38815  
thousand three hundred seventy-five dollars; 38816

(2) For a student in the district's category six special 38817  
education ADM, thirty-two thousand eight hundred fifty dollars. 38818

(C) The district shall report under division (A) of this 38819  
section, and the department shall pay for, only the costs of 38820  
educational expenses and the related services provided to the 38821  
student in accordance with the student's individualized 38822  
education program. Any legal fees, court costs, or other costs 38823  
associated with any cause of action relating to the student may 38824  
not be included in the amount. 38825

**Sec. 3317.0215.** (A) (1) For fiscal years 2022 and 2023, the 38826  
department of education and workforce shall withhold from the 38827

aggregate amount paid for a fiscal year to each city, local, 38828  
exempted village, and joint vocational school district, 38829  
community school established under Chapter 3314. of the Revised 38830  
Code, and science, technology, engineering, and mathematics 38831  
school established under Chapter 3326. of the Revised Code an 38832  
amount equal to the following: 38833

(a) In the case of a city, local, or exempted village 38834  
school district, the aggregate amount of special education 38835  
funding paid to the district under division (A) (3) of section 38836  
3317.022 of the Revised Code times 0.10, subject to any funding 38837  
limitations enacted by the general assembly to the computation. 38838

(b) In the case of a community school or STEM school, the 38839  
aggregate amount of special education funding paid to the school 38840  
under division (A) (1) (b) of section 3317.026 of the Revised Code 38841  
times 0.10, subject to any funding limitations enacted by the 38842  
general assembly to the computation. 38843

(c) In the case of a joint vocational school district, the 38844  
aggregate amount of special education funding paid to the school 38845  
under division (A) (2) of section 3317.16 of the Revised Code 38846  
times 0.10, subject to any funding limitations enacted by the 38847  
general assembly to the computation. 38848

(2) For fiscal year 2024 and each fiscal year thereafter, 38849  
the department ~~of education~~ shall withhold from the aggregate 38850  
amount paid for a fiscal year to each city, local, exempted 38851  
village, and joint vocational school district, community school, 38852  
and science, technology, engineering, and mathematics school an 38853  
amount determined by the general assembly, if any, for purposes 38854  
of this section. 38855

(B) For fiscal years 2022 and 2023, the department shall 38856

use the amount of funds withheld under division (A) of this 38857  
section for purposes of division (C) (1) of section 3314.08 of 38858  
the Revised Code, section 3317.0214 of the Revised Code, 38859  
division (B) of section 3317.16 of the Revised Code, and section 38860  
3326.34 of the Revised Code. 38861

For fiscal year 2024 and each fiscal year thereafter, the 38862  
department shall use the amount of funds withheld under division 38863  
(A) of this section, if any, for purposes determined by the 38864  
general assembly. 38865

**Sec. 3317.0217.** This section shall apply only for fiscal 38866  
years 2022 and 2023. 38867

Payment of the amount calculated for a school district 38868  
under this section shall be made under division (A) of section 38869  
3317.022 of the Revised Code. 38870

(A) For each fiscal year, the department of education and 38871  
workforce shall compute targeted assistance funds for city, 38872  
local, and exempted village school districts, in accordance with 38873  
the following formula: 38874

A district's capacity amount for that fiscal year calculated 38875  
under division (B) of this section + a district's wealth amount 38876  
for that fiscal year calculated under division (C) of this 38877  
section 38878

(B) The department shall calculate each district's 38879  
capacity amount for a fiscal year as follows: 38880

(1) Calculate each district's weighted wealth for that 38881  
fiscal year, which equals the following sum: 38882

(The amount determined for the district for that fiscal year 38883  
under division (A) (1) (a) of section 3317.017 of the Revised Code 38884

X 0.6) + (the amount determined for the district for that fiscal year under division (A) (2) (a) of section 3317.017 of the Revised Code X 0.4) 38885  
38886  
38887

(2) Determine the median weighted wealth of all school districts in this state for that fiscal year; 38888  
38889

(3) Compute each district's capacity index for that fiscal year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year; 38890  
38891  
38892  
38893

(4) Compute each district's capacity amount for that fiscal year as follows: 38894  
38895

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year: 38896  
38897  
38898

(i) The district's capacity index is less than 1. 38899

(ii) The district's enrolled ADM is less than 200. 38900

(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: 38901  
38902  
38903  
38904

(i) Compute the following amount for the district: 38905

(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) 38906  
38907  
38908

(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 38909  
38910  
38911

equal to 0.05 X the amount computed under division (B) (4) (b) (i) 38912  
of this section. 38913

(iii) If the district's enrolled ADM for that fiscal year 38914  
is greater than 400 and less than 600, the district's capacity 38915  
amount for that fiscal year shall be calculated in accordance 38916  
with the following formula: 38917

{[0.95 X (the district's enrolled ADM for that fiscal year - 38918  
400)/200] + 0.05} X the amount computed under division (B) (4) (b) 38919  
(i) of this section 38920

(iv) If the district's enrolled ADM for that fiscal year 38921  
is greater than or equal to 600, the district's capacity amount 38922  
for that fiscal year shall be equal to the amount computed under 38923  
division (B) (4) (b) (i) of this section. 38924

(C) The department shall calculate each district's wealth 38925  
amount for a fiscal year as follows: 38926

(1) Calculate each district's weighted wealth per pupil 38927  
for that fiscal year, which equals the following quotient: 38928

The district's weighted wealth for that fiscal year calculated 38929  
under division (B) (1) of this section/ (the district's enrolled 38930  
ADM for that fiscal year - the students described in division 38931  
(A) (1) (b) of section 3317.03 of the Revised Code + the students 38932  
described in division (A) (2) (d) of section 3317.03 of the 38933  
Revised Code) 38934

(2) Determine the median weighted wealth per pupil of all 38935  
school districts in this state for that fiscal year; 38936

(3) Compute each district's wealth index for that fiscal 38937  
year by dividing the median weighted wealth per pupil of all 38938  
school districts in this state for that fiscal year by the 38939

district's weighted wealth per pupil for that fiscal year; 38940

(4) Compute each district's wealth amount for that fiscal 38941  
year, as follows: 38942

(a) If the district's wealth index computed under division 38943  
(C) (3) of this section for that fiscal year is less than 0.8, 38944  
the district's wealth amount for that fiscal year shall be zero. 38945

(b) If the district's wealth index computed under division 38946  
(C) (3) of this section for that fiscal year is greater than or 38947  
equal to 0.8, the district's wealth amount for that fiscal year 38948  
shall be calculated in accordance with the following formula: 38949

[(The median weighted wealth per pupil of all school districts 38950  
in this state for that fiscal year X 0.014) - (the district's 38951  
weighted wealth per pupil for that fiscal year X 0.0112)] X the 38952  
district's enrolled ADM for that fiscal year 38953

**Sec. 3317.0218.** This section shall apply only for fiscal 38954  
years 2022 and 2023. 38955

For each fiscal year, the department of education and 38956  
workforce shall compute supplemental targeted assistance for 38957  
each city, local, and exempted village school district as 38958  
follows: 38959

(A) Determine if the district satisfies both of the 38960  
following criteria: 38961

(1) The wealth index calculated for the district for 38962  
fiscal year 2019 under division (A) (4) of former section 38963  
3317.0217 of the Revised Code as it existed prior to ~~the~~ 38964  
~~effective date of this section~~ September 30, 2021, is greater 38965  
than 1.6; 38966

(2) The district's enrolled ADM for fiscal year 2019 is 38967

less than eighty-eight per cent of the district's total ADM for 38968  
fiscal year 2019. 38969

(B) Determine the maximum of the wealth indices calculated 38970  
under division (A) (4) of former section 3317.0217 of the Revised 38971  
Code as it existed prior to ~~the effective date of this section~~ 38972  
September 30, 2021, for all districts that satisfy both of the 38973  
criteria specified under division (A) of this section; 38974

(C) If the district satisfies both of the criteria 38975  
specified under division (A) of this section, compute the 38976  
district's supplemental amount as the product of the following: 38977

(1)  $\{[(\text{The number specified under division (A) (1) of this}$  38978  
 $\text{section} - 1.6) / (\text{the number determined under division (B) of}$  38979  
 $\text{this section} - 1.6)] \times 675\} + 75;$  38980

(2) The district's enrolled ADM. 38981

(D) If the district does not satisfy both of the criteria 38982  
specified under division (A) of this section, the district's 38983  
supplemental amount shall be equal to zero. 38984

**Sec. 3317.03.** (A) The superintendent of each city, local, 38985  
and exempted village school district shall report to the ~~state~~ 38986  
~~board department~~ of education and workforce as of the last day 38987  
of October, March, and June of each year the enrollment of 38988  
students receiving services from schools under the 38989  
superintendent's supervision, and the numbers of other students 38990  
entitled to attend school in the district under section 3313.64 38991  
or 3313.65 of the Revised Code the superintendent is required to 38992  
report under this section, so that the ~~department of education~~ 38993  
can calculate the district's enrolled ADM, formula ADM, total 38994  
ADM, category one through five career-technical education ADM, 38995  
category one through three English learner ADM, category one 38996

through six special education ADM, transportation ADM, and, for 38997  
purposes of provisions of law outside of Chapter 3317. of the 38998  
Revised Code, average daily membership. 38999

(1) The enrollment reported by the superintendent during 39000  
the reporting period shall consist of the number of students in 39001  
grades kindergarten through twelve receiving any educational 39002  
services from the district, except that the following categories 39003  
of students shall not be included in the determination: 39004

(a) Students enrolled in adult education classes; 39005

(b) Adjacent or other district students enrolled in the 39006  
district under an open enrollment policy pursuant to section 39007  
3313.98 of the Revised Code; 39008

(c) Students receiving services in the district pursuant 39009  
to a compact, cooperative education agreement, or a contract, 39010  
but who are entitled to attend school in another district 39011  
pursuant to section 3313.64 or 3313.65 of the Revised Code; 39012

(d) Students for whom tuition is payable pursuant to 39013  
sections 3317.081 and 3323.141 of the Revised Code; 39014

(e) Students receiving services in the district through a 39015  
scholarship awarded under either section 3310.41 or sections 39016  
3310.51 to 3310.64 of the Revised Code. 39017

When reporting students under division (A)(1) of this 39018  
section, the superintendent also shall report the district where 39019  
each student is entitled to attend school pursuant to sections 39020  
3313.64 and 3313.65 of the Revised Code. 39021

(2) The department ~~of education~~ shall compile a list of 39022  
all students reported to be enrolled in a district under 39023  
division (A)(1) of this section and of the students entitled to 39024

attend school in the district pursuant to section 3313.64 or 39025  
3313.65 of the Revised Code on an FTE basis but receiving 39026  
educational services in grades kindergarten through twelve from 39027  
one or more of the following entities: 39028

(a) A community school pursuant to Chapter 3314. of the 39029  
Revised Code, including any participation in a college pursuant 39030  
to Chapter 3365. of the Revised Code while enrolled in such 39031  
community school; 39032

(b) An alternative school pursuant to sections 3313.974 to 39033  
3313.979 of the Revised Code; 39034

(c) A college pursuant to Chapter 3365. of the Revised 39035  
Code, except when the student is enrolled in the college while 39036  
also enrolled in a community school pursuant to Chapter 3314., a 39037  
science, technology, engineering, and mathematics school 39038  
established under Chapter 3326., or a college-preparatory 39039  
boarding school established under Chapter 3328. of the Revised 39040  
Code; 39041

(d) An adjacent or other school district under an open 39042  
enrollment policy adopted pursuant to section 3313.98 of the 39043  
Revised Code; 39044

(e) An educational service center or cooperative education 39045  
district; 39046

(f) Another school district under a cooperative education 39047  
agreement, compact, or contract; 39048

(g) A chartered nonpublic school with a scholarship paid 39049  
under section 3317.022 of the Revised Code, if the students 39050  
qualified for the scholarship under section 3310.03 or 3310.032 39051  
of the Revised Code; 39052

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A) (2) (d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.

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

(B) To enable the department ~~of education~~ to obtain the 39082  
data needed to complete the calculation of payments pursuant to 39083  
this chapter, each superintendent shall certify from the reports 39084  
provided by the department under division (A) of this section 39085  
all of the following: 39086

(1) The total student enrollment in regular learning day 39087  
classes included in the report under division (A) (1) or (2), 39088  
including any student described in division (A) (1) (b) of this 39089  
section and excluding any student reported under divisions (A) 39090  
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, of 39091  
this section for each of the individual grades kindergarten 39092  
through twelve in schools under the superintendent's 39093  
supervision; 39094

(2) The unduplicated count of the number of preschool 39095  
children with disabilities enrolled in the district for whom the 39096  
district is eligible to receive funding under section 3317.0213 39097  
of the Revised Code adjusted for the portion of the year each 39098  
child is so enrolled, in accordance with the disability 39099  
categories prescribed in section 3317.013 of the Revised Code; 39100

(3) The number of children entitled to attend school in 39101  
the district pursuant to section 3313.64 or 3313.65 of the 39102  
Revised Code who are: 39103

(a) Enrolled in a college under Chapter 3365. of the 39104  
Revised Code, except when the student is enrolled in the college 39105  
while also enrolled in a community school pursuant to Chapter 39106  
3314. of the Revised Code, a science, technology, engineering, 39107  
and mathematics school established under Chapter 3326., or a 39108  
college-preparatory boarding school established under Chapter 39109  
3328. of the Revised Code; 39110

(b) Participating in a program operated by a county board of developmental disabilities or a state institution <del>+</del> .	39111
	39112
(4) The total enrollment of pupils in joint vocational schools;	39113
	39114
(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 with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	39115
	39116
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	39125
(6) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section, including any student described in division (A) (1) (b) of this section and excluding any student reported under divisions (A) (2) (a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	39126
	39127
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	39136
(7) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section, including any student described in division (A) (1) (b) of this section and excluding any student reported under divisions (A) (2) (a), (b),	39137
	39138
	39139
	39140

(d), (g), (h), (i), and (j) of this section, receiving special 39141  
education services for category three disabilities described in 39142  
division (C) of section 3317.013 of the Revised Code, including 39143  
children attending a special education program operated by an 39144  
alternative public provider or a registered private provider 39145  
with a scholarship awarded under sections 3310.51 to 3310.64 of 39146  
the Revised Code; 39147

(8) The combined enrollment of children with disabilities 39148  
reported under division (A)(1) or (2) of this section, including 39149  
any student described in division (A)(1)(b) of this section and 39150  
excluding any student reported under divisions (A)(2)(a), (b), 39151  
(d), (g), (h), (i), and (j) of this section, receiving special 39152  
education services for category four disabilities described in 39153  
division (D) of section 3317.013 of the Revised Code, including 39154  
children attending a special education program operated by an 39155  
alternative public provider or a registered private provider 39156  
with a scholarship awarded under sections 3310.51 to 3310.64 of 39157  
the Revised Code; 39158

(9) The combined enrollment of children with disabilities 39159  
reported under division (A)(1) or (2) of this section, including 39160  
any student described in division (A)(1)(b) of this section and 39161  
excluding any student reported under divisions (A)(2)(a), (b), 39162  
(d), (g), (h), (i), and (j) of this section, receiving special 39163  
education services for the category five disabilities described 39164  
in division (E) of section 3317.013 of the Revised Code, 39165  
including children attending a special education program 39166  
operated by an alternative public provider or a registered 39167  
private provider with a scholarship awarded under sections 39168  
3310.51 to 3310.64 of the Revised Code; 39169

(10) The combined enrollment of children with disabilities 39170

reported under division (A) (1) or (2) of this section, including 39171  
any student described in division (A) (1) (b) of this section and 39172  
excluding any student reported under divisions (A) (2) (a), (b), 39173  
(d), (g), (h), (i), and (j) of this section, receiving special 39174  
education services for category six disabilities described in 39175  
division (F) of section 3317.013 of the Revised Code, including 39176  
children attending a special education program operated by an 39177  
alternative public provider or a registered private provider 39178  
with a scholarship awarded under either section 3310.41 or 39179  
sections 3310.51 to 3310.64 of the Revised Code; 39180

(11) The enrollment of pupils reported under division (A) 39181  
(1) or (2) of this section on a full-time equivalency basis, 39182  
including any student described in division (A) (1) (b) of this 39183  
section and excluding any student reported under divisions (A) 39184  
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39185  
category one career-technical education programs or classes, 39186  
described in division (A) (1) of section 3317.014 of the Revised 39187  
Code, operated by the school district or by another district 39188  
that is a member of the district's career-technical planning 39189  
district, other than a joint vocational school district, or by 39190  
an educational service center, notwithstanding division (M) of 39191  
section 3317.02 of the Revised Code and division (C) (3) of this 39192  
section; 39193

(12) The enrollment of pupils reported under division (A) 39194  
(1) or (2) of this section on a full-time equivalency basis, 39195  
including any student described in division (A) (1) (b) of this 39196  
section and excluding any student reported under divisions (A) 39197  
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39198  
category two career-technical education programs or services, 39199  
described in division (A) (2) of section 3317.014 of the Revised 39200  
Code, operated by the school district or another school district 39201

that is a member of the district's career-technical planning 39202  
district, other than a joint vocational school district, or by 39203  
an educational service center, notwithstanding division (M) of 39204  
section 3317.02 of the Revised Code and division (C) (3) of this 39205  
section; 39206

(13) The enrollment of pupils reported under division (A) 39207  
(1) or (2) of this section on a full-time equivalency basis, 39208  
including any student described in division (A) (1) (b) of this 39209  
section and excluding any student reported under divisions (A) 39210  
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39211  
category three career-technical education programs or services, 39212  
described in division (A) (3) of section 3317.014 of the Revised 39213  
Code, operated by the school district or another school district 39214  
that is a member of the district's career-technical planning 39215  
district, other than a joint vocational school district, or by 39216  
an educational service center, notwithstanding division (M) of 39217  
section 3317.02 of the Revised Code and division (C) (3) of this 39218  
section; 39219

(14) The enrollment of pupils reported under division (A) 39220  
(1) or (2) of this section on a full-time equivalency basis, 39221  
including any student described in division (A) (1) (b) of this 39222  
section and excluding any student reported under divisions (A) 39223  
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39224  
category four career-technical education programs or services, 39225  
described in division (A) (4) of section 3317.014 of the Revised 39226  
Code, operated by the school district or another school district 39227  
that is a member of the district's career-technical planning 39228  
district, other than a joint vocational school district, or by 39229  
an educational service center, notwithstanding division (M) of 39230  
section 3317.02 of the Revised Code and division (C) (3) of this 39231  
section; 39232

(15) The enrollment of pupils reported under division (A) 39233  
(1) or (2) of this section on a full-time equivalency basis, 39234  
including any student described in division (A) (1) (b) of this 39235  
section and excluding any student reported under divisions (A) 39236  
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39237  
category five career-technical education programs or services, 39238  
described in division (A) (5) of section 3317.014 of the Revised 39239  
Code, operated by the school district or another school district 39240  
that is a member of the district's career-technical planning 39241  
district, other than a joint vocational school district, or by 39242  
an educational service center, notwithstanding division (M) of 39243  
section 3317.02 of the Revised Code and division (C) (3) of this 39244  
section; 39245

(16) The enrollment of pupils reported under division (A) 39246  
(1) or (2) of this section who are English learners described in 39247  
division (A) of section 3317.016 of the Revised Code, including 39248  
any student described in division (A) (1) (b) of this section and 39249  
excluding any student reported under divisions (A) (2) (a), (b), 39250  
(d), (g), (h), (i), and (j) of this section; 39251

(17) The enrollment of pupils reported under division (A) 39252  
(1) or (2) of this section who are English learners described in 39253  
division (B) of section 3317.016 of the Revised Code, including 39254  
any student described in division (A) (1) (b) of this section and 39255  
excluding any student reported under divisions (A) (2) (a), (b), 39256  
(d), (g), (h), (i), and (j) of this section; 39257

(18) The enrollment of pupils reported under division (A) 39258  
(1) or (2) of this section who are English learners described in 39259  
division (C) of section 3317.016 of the Revised Code, including 39260  
any student described in division (A) (1) (b) of this section and 39261  
excluding any student reported under divisions (A) (2) (a), (b), 39262

(d), (g), (h), (i), and (j) of this section;	39263
(19) The average number of children transported during the reporting period by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department <del>of education</del> ;	39264 39265 39266 39267
(20) (a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B) (20) (a) of this section does not apply after fiscal year 2013.	39268 39269 39270 39271 39272
(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	39273 39274 39275 39276 39277 39278
(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;	39279 39280 39281 39282 39283 39284
(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	39285 39286 39287 39288 39289 39290
(e) The number of children with disabilities, other than	39291

preschool children with disabilities, placed with a county board 39292  
of developmental disabilities in the current fiscal year to 39293  
receive special education services for category four 39294  
disabilities described in division (D) of section 3317.013 of 39295  
the Revised Code; 39296

(f) The number of children with disabilities, other than 39297  
preschool children with disabilities, placed with a county board 39298  
of developmental disabilities in the current fiscal year to 39299  
receive special education services for the category five 39300  
disabilities described in division (E) of section 3317.013 of 39301  
the Revised Code; 39302

(g) The number of children with disabilities, other than 39303  
preschool children with disabilities, placed with a county board 39304  
of developmental disabilities in the current fiscal year to 39305  
receive special education services for category six disabilities 39306  
described in division (F) of section 3317.013 of the Revised 39307  
Code. 39308

(21) The enrollment of students who are economically 39309  
disadvantaged, as defined by the department, including any 39310  
student described in divisions (A) (1) (b) of this section and 39311  
excluding any student reported under divisions (A) (2) (a), (b), 39312  
(d), (g), (h), (i), and (j) of this section. A student shall not 39313  
be categorically excluded from the number reported under 39314  
division (B) (21) of this section based on anything other than 39315  
family income. 39316

(22) The enrollment of students identified as gifted under 39317  
division (A), (B), (C), or (D) of section 3324.03 of the Revised 39318  
Code. 39319

(C) (1) The ~~state board of education~~ department shall adopt 39320

rules necessary for implementing divisions (A), (B), and (D) of 39321  
this section. 39322

(2) A student enrolled in a community school established 39323  
under Chapter 3314., a science, technology, engineering, and 39324  
mathematics school established under Chapter 3326., or a 39325  
college-preparatory boarding school established under Chapter 39326  
3328. of the Revised Code shall be counted in the formula ADM of 39327  
the school district in which the student is entitled to attend 39328  
school under section 3313.64 or 3313.65 of the Revised Code for 39329  
the same proportion of the school year that the student is 39330  
counted in the enrollment of the community school, the science, 39331  
technology, engineering, and mathematics school, or the college- 39332  
preparatory boarding school for purposes of section 3317.022 or 39333  
3328.24 of the Revised Code. Notwithstanding the enrollment of 39334  
students reported pursuant to division (A)(2)(a), (i), or (j) of 39335  
this section, the department may adjust the formula ADM of a 39336  
school district to account for students entitled to attend 39337  
school in the district under section 3313.64 or 3313.65 of the 39338  
Revised Code who are enrolled in a community school, a science, 39339  
technology, engineering, and mathematics school, or a college- 39340  
preparatory boarding school for only a portion of the school 39341  
year. 39342

(3) No child shall be counted as more than a total of one 39343  
child in the sum of the enrollment of students of a school 39344  
district under division (A), divisions (B)(1) to (22), or 39345  
division (D) of this section, except as follows: 39346

(a)(i) A child with a disability described in section 39347  
3317.013 of the Revised Code may be counted both in formula ADM 39348  
and in category one, two, three, four, five, or six special 39349  
education ADM and, if applicable, in category one, two, three, 39350

four, or five career-technical education ADM. As provided in 39351  
division (M) of section 3317.02 of the Revised Code, such a 39352  
child shall be counted in category one, two, three, four, five, 39353  
or six special education ADM in the same proportion that the 39354  
child is counted in formula ADM. 39355

(ii) A child with a disability described in section 39356  
3317.013 of the Revised Code may be counted both in enrolled ADM 39357  
and in category one, two, three, four, five, or six special 39358  
education ADM and, if applicable, in category one, two, three, 39359  
four, or five career-technical education ADM. As provided in 39360  
division (M) of section 3317.02 of the Revised Code, such a 39361  
child shall be counted in category one, two, three, four, five, 39362  
or six special education ADM in the same proportion that the 39363  
child is counted in enrolled ADM. 39364

(b) (i) A child enrolled in career-technical education 39365  
programs or classes described in section 3317.014 of the Revised 39366  
Code may be counted both in formula ADM and category one, two, 39367  
three, four, or five career-technical education ADM and, if 39368  
applicable, in category one, two, three, four, five, or six 39369  
special education ADM. Such a child shall be counted in category 39370  
one, two, three, four, or five career-technical education ADM in 39371  
the same proportion as the percentage of time that the child 39372  
spends in the career-technical education programs or classes. 39373

(ii) A child enrolled in career-technical education 39374  
programs or classes described in section 3317.014 of the Revised 39375  
Code may be counted both in enrolled ADM and category one, two, 39376  
three, four, or five career-technical education ADM and, if 39377  
applicable, in category one, two, three, four, five, or six 39378  
special education ADM. Such a child shall be counted in category 39379  
one, two, three, four, or five career-technical education ADM in 39380

the same proportion as the percentage of time that the child 39381  
spends in the career-technical education programs or classes. 39382

(4) Based on the information reported under this section, 39383  
the department ~~of education~~ shall determine the total student 39384  
count, as defined in section 3301.011 of the Revised Code, for 39385  
each school district. 39386

(D) (1) The superintendent of each joint vocational school 39387  
district shall report and certify to the ~~superintendent of~~ 39388  
~~public instruction department~~ as of the last day of October, 39389  
March, and June of each year the enrollment of students 39390  
receiving services from schools under the superintendent's 39391  
supervision so that the department can calculate the district's 39392  
enrolled ADM, formula ADM, total ADM, category one through five 39393  
career-technical education ADM, category one through three 39394  
English learner ADM, category one through six special education 39395  
ADM, and for purposes of provisions of law outside of Chapter 39396  
3317. of the Revised Code, average daily membership. 39397

The enrollment reported and certified by the 39398  
superintendent, except as otherwise provided in this division, 39399  
shall consist of the number of students in grades six through 39400  
twelve receiving any educational services from the district, 39401  
except that the following categories of students shall not be 39402  
included in the determination: 39403

(a) Students enrolled in adult education classes; 39404

(b) Adjacent or other district joint vocational students 39405  
enrolled in the district under an open enrollment policy 39406  
pursuant to section 3313.98 of the Revised Code; 39407

(c) Students receiving services in the district pursuant 39408  
to a compact, cooperative education agreement, or a contract, 39409

but who are entitled to attend school in a city, local, or 39410  
exempted village school district whose territory is not part of 39411  
the territory of the joint vocational district; 39412

(d) Students for whom tuition is payable pursuant to 39413  
sections 3317.081 and 3323.141 of the Revised Code. 39414

(2) To enable the department ~~of education~~ to obtain the 39415  
data needed to complete the calculation of payments pursuant to 39416  
this chapter, each superintendent shall certify from the report 39417  
provided under division (D)(1) of this section the enrollment 39418  
for each of the following categories of students: 39419

(a) Students enrolled in each individual grade included in 39420  
the joint vocational district schools, including any student 39421  
described in division (D)(1)(b) of this section; 39422

(b) Children with disabilities receiving special education 39423  
services for the category one disability described in division 39424  
(A) of section 3317.013 of the Revised Code, including any 39425  
student described in division (D)(1)(b) of this section; 39426

(c) Children with disabilities receiving special education 39427  
services for the category two disabilities described in division 39428  
(B) of section 3317.013 of the Revised Code, including any 39429  
student described in division (D)(1)(b) of this section; 39430

(d) Children with disabilities receiving special education 39431  
services for category three disabilities described in division 39432  
(C) of section 3317.013 of the Revised Code, including any 39433  
student described in division (D)(1)(b) of this section; 39434

(e) Children with disabilities receiving special education 39435  
services for category four disabilities described in division 39436  
(D) of section 3317.013 of the Revised Code, including any 39437  
student described in division (D)(1)(b) of this section; 39438

(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;	39439 39440 39441 39442
(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;	39443 39444 39445 39446
(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;	39447 39448 39449 39450
(i) Students receiving category two career-technical education services, described in division (A) (2) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39451 39452 39453 39454
(j) Students receiving category three career-technical education services, described in division (A) (3) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39455 39456 39457 39458
(k) Students receiving category four career-technical education services, described in division (A) (4) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39459 39460 39461 39462
(l) Students receiving category five career-technical education services, described in division (A) (5) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39463 39464 39465 39466
(m) English learners described in division (A) of section	39467

3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39468 39469
(n) English learners described in division (B) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39470 39471 39472
(o) English learners described in division (C) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39473 39474 39475
(p) Students who are economically disadvantaged, as defined by the department, including any student described in division (D) (1) (b) of this section. A student shall not be categorically excluded from the number reported under division (D) (2) (p) of this section based on anything other than family income.	39476 39477 39478 39479 39480 39481
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	39482 39483 39484 39485 39486
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school enrollment, which record shall accurately show, for each day the school is in session, the actual enrollment in regular day classes. For the purpose of determining the enrollment of students, the enrollment figure of any school shall not include any pupils except those pupils described by division (A) or (D) of this section. The record of enrollment for each school shall be maintained in such manner that no pupil shall be counted as	39487 39488 39489 39490 39491 39492 39493 39494 39495 39496

enrolled prior to the actual date of entry in the school and 39497  
also in such manner that where for any cause a pupil permanently 39498  
withdraws from the school that pupil shall not be counted as 39499  
enrolled from and after the date of such withdrawal. There shall 39500  
not be included in the enrollment of any school any of the 39501  
following: 39502

(1) Any pupil who has graduated from the twelfth grade of 39503  
a public or nonpublic high school; 39504

(2) Any pupil who is not a resident of the state; 39505

(3) Any pupil who was enrolled in the schools of the 39506  
district during the previous school year when assessments were 39507  
administered under section 3301.0711 of the Revised Code but did 39508  
not take one or more of the assessments required by that section 39509  
and was not excused pursuant to division (C) (1) or (3) of that 39510  
section; 39511

(4) Any pupil who has attained the age of twenty-two 39512  
years, except for veterans of the armed services whose 39513  
attendance was interrupted before completing the recognized 39514  
twelve-year course of the public schools by reason of induction 39515  
or enlistment in the armed forces and who apply for reenrollment 39516  
in the public school system of their residence not later than 39517  
four years after termination of war or their honorable 39518  
discharge; 39519

(5) Any pupil who has a certificate of high school 39520  
equivalence as defined in section 5107.40 of the Revised Code. 39521

If, however, any veteran described by division (E) (4) of 39522  
this section elects to enroll in special courses organized for 39523  
veterans for whom tuition is paid under the provisions of 39524  
federal laws, or otherwise, that veteran shall not be included 39525

in the enrollment of students determined under this section. 39526

Notwithstanding division (E) (3) of this section, the 39527  
enrollment of any school may include a pupil who did not take an 39528  
assessment required by section 3301.0711 of the Revised Code if 39529  
the ~~superintendent of public instruction~~ department of education 39530  
and workforce grants a waiver from the requirement to take the 39531  
assessment to the specific pupil and a parent is not paying 39532  
tuition for the pupil pursuant to section 3313.6410 of the 39533  
Revised Code. The ~~superintendent~~ department may grant such a 39534  
waiver only for good cause in accordance with rules adopted by 39535  
the ~~state board of education~~ department. 39536

The enrolled ADM, formula ADM, total ADM, category one 39537  
through five career-technical education ADM, category one 39538  
through three English learner ADM, category one through six 39539  
special education ADM, transportation ADM, and, for purposes of 39540  
provisions of law outside of Chapter 3317. of the Revised Code, 39541  
average daily membership of any school district shall be 39542  
determined in accordance with rules adopted by the ~~state board~~ 39543  
~~of education~~ department. 39544

(F) (1) If a student attending a community school under 39545  
Chapter 3314., a science, technology, engineering, and 39546  
mathematics school established under Chapter 3326., or a 39547  
college-preparatory boarding school established under Chapter 39548  
3328. of the Revised Code is not included in the formula ADM 39549  
calculated for the school district in which the student is 39550  
entitled to attend school under section 3313.64 or 3313.65 of 39551  
the Revised Code, the ~~department of education~~ shall adjust the 39552  
formula ADM of that school district to include the student in 39553  
accordance with division (C) (2) of this section. 39554

(2) If a student awarded an educational choice scholarship 39555

is not included in the formula ADM of the school district in 39556  
which the student resides, the department shall adjust the 39557  
formula ADM of that school district to include the student. 39558

(3) If a student awarded a scholarship under the Jon 39559  
Peterson special needs scholarship program is not included in 39560  
the formula ADM of the school district in which the student 39561  
resides, the department shall adjust the formula ADM of that 39562  
school district to include the student. 39563

(G) (1) (a) The superintendent of an institution operating a 39564  
special education program pursuant to section 3323.091 of the 39565  
Revised Code shall, for the programs under such superintendent's 39566  
supervision, certify to the ~~state board of education~~ department, 39567  
in the manner prescribed by the ~~superintendent of public~~ 39568  
~~instruction~~ director of education and workforce, both of the 39569  
following: 39570

(i) The unduplicated count of the number of all children 39571  
with disabilities other than preschool children with 39572  
disabilities receiving services at the institution for each 39573  
category of disability described in divisions (A) to (F) of 39574  
section 3317.013 of the Revised Code adjusted for the portion of 39575  
the year each child is so enrolled; 39576

(ii) The unduplicated count of the number of all preschool 39577  
children with disabilities in classes or programs for whom the 39578  
district is eligible to receive funding under section 3317.0213 39579  
of the Revised Code adjusted for the portion of the year each 39580  
child is so enrolled, reported according to the categories 39581  
prescribed in section 3317.013 of the Revised Code. 39582

(b) The superintendent of an institution with career- 39583  
technical education units approved under section 3317.05 of the 39584

Revised Code shall, for the units under the superintendent's 39585  
supervision, certify to the ~~state board of education department~~ 39586  
the enrollment in those units, in the manner prescribed by the 39587  
~~superintendent of public instruction~~ director of education and 39588  
workforce. 39589

(2) The superintendent of each county board of 39590  
developmental disabilities that maintains special education 39591  
classes under section 3317.20 of the Revised Code or provides 39592  
services to preschool children with disabilities pursuant to an 39593  
agreement between the county board and the appropriate school 39594  
district shall do both of the following: 39595

(a) Certify to the ~~state board department~~, in the manner 39596  
prescribed by the ~~board department~~, the enrollment in classes 39597  
under section 3317.20 of the Revised Code for each school 39598  
district that has placed children in the classes; 39599

(b) Certify to the ~~state board department~~, in the manner 39600  
prescribed by the ~~board department~~, the unduplicated count of 39601  
the number of all preschool children with disabilities enrolled 39602  
in classes for which the board is eligible to receive funding 39603  
under section 3317.0213 of the Revised Code adjusted for the 39604  
portion of the year each child is so enrolled, reported 39605  
according to the categories prescribed in section 3317.013 of 39606  
the Revised Code, and the number of those classes. 39607

(H) Except as provided in division (I) of this section, 39608  
when any city, local, or exempted village school district 39609  
provides instruction for a nonresident pupil whose attendance is 39610  
unauthorized attendance as defined in section 3327.06 of the 39611  
Revised Code, that pupil's enrollment shall not be included in 39612  
that district's enrollment figure used in calculating the 39613  
district's payments under this chapter. The reporting official 39614

shall report separately the enrollment of all pupils whose 39615  
attendance in the district is unauthorized attendance, and the 39616  
enrollment of each such pupil shall be credited to the school 39617  
district in which the pupil is entitled to attend school under 39618  
division (B) of section 3313.64 or section 3313.65 of the 39619  
Revised Code as determined by the department ~~of education.~~ 39620

(I) This division shall not apply on or after ~~the~~ 39621  
~~effective date of this amendment~~ September 30, 2021. 39622

(1) A city, local, exempted village, or joint vocational 39623  
school district admitting a scholarship student of a pilot 39624  
project district pursuant to division (C) of section 3313.976 of 39625  
the Revised Code may count such student in its enrollment. 39626

(2) In any year for which funds are appropriated for pilot 39627  
project scholarship programs, a school district implementing a 39628  
state-sponsored pilot project scholarship program that year 39629  
pursuant to sections 3313.974 to 3313.979 of the Revised Code 39630  
may count in its enrollment: 39631

(a) All children residing in the district and utilizing a 39632  
scholarship to attend kindergarten in any alternative school, as 39633  
defined in section 3313.974 of the Revised Code; 39634

(b) All children who were enrolled in the district in the 39635  
preceding year who are utilizing a scholarship to attend an 39636  
alternative school. 39637

(J) The superintendent of each cooperative education 39638  
school district shall certify to the ~~superintendent of public-~~ 39639  
~~instruction~~ director of education and workforce, in a manner 39640  
prescribed by the ~~state board of education~~ department, the 39641  
applicable enrollments for all students in the cooperative 39642  
education district, also indicating the city, local, or exempted 39643

village district where each pupil is entitled to attend school 39644  
under section 3313.64 or 3313.65 of the Revised Code. 39645

(K) If the ~~superintendent of public instruction~~ director 39646  
of education and workforce determines that a component of the 39647  
enrollment certified or reported by a district superintendent, 39648  
or other reporting entity, is not correct, the ~~superintendent of~~ 39649  
~~public instruction~~ director of education and workforce may order 39650  
that the district's enrolled ADM, formula ADM, or both be 39651  
adjusted in the amount of the error. 39652

**Sec. 3317.031.** A membership record shall be kept by grade 39653  
level in each city, local, exempted village, joint vocational, 39654  
and cooperative education school district and such a record 39655  
shall be kept by grade level in each educational service center 39656  
that provides academic instruction to pupils, classes for pupils 39657  
with disabilities, or any other direct instructional services to 39658  
pupils. Such membership record shall show the following 39659  
information for each pupil enrolled: Name, date of birth, name 39660  
of parent, date entered school, date withdrawn from school, days 39661  
present, days absent, and the number of days school was open for 39662  
instruction while the pupil was enrolled. At the end of the 39663  
school year this membership record shall show the total days 39664  
present, the total days absent, and the total days due for all 39665  
pupils in each grade. Such membership record shall show the 39666  
pupils that are transported to and from school and it shall also 39667  
show the pupils that are transported living within one mile of 39668  
the school attended. This membership record shall also show any 39669  
other information prescribed by the ~~state board~~ department of 39670  
education and workforce. 39671

This membership record shall be kept intact for at least 39672  
five years and shall be made available to the ~~state board of~~ 39673

~~education or its representative department~~ in making an audit of 39674  
the average daily membership or the transportation of the 39675  
district or educational service center. 39676

The ~~state board of education department~~ may withhold any 39677  
money due any school district or educational service center 39678  
under this chapter until it has satisfactory evidence that the 39679  
board of education or educational service center governing board 39680  
has fully complied with all of the provisions of this section. 39681

Nothing in this section shall require any person to 39682  
release, or to permit access to, public school records in 39683  
violation of section 3319.321 of the Revised Code. 39684

**Sec. 3317.032.** Each city, local, exempted village, and 39685  
cooperative education school district, each educational service 39686  
center, each county board of developmental disabilities, and 39687  
each institution operating a special education program pursuant 39688  
to section 3323.091 of the Revised Code shall, in accordance 39689  
with procedures adopted by the ~~state board department~~ of 39690  
education and workforce, maintain a record of district 39691  
membership of all preschool children with disabilities who are 39692  
served by a special education program. 39693

**Sec. 3317.033.** In accordance with rules which the ~~state~~ 39694  
~~board department~~ of education and workforce shall adopt, each 39695  
joint vocational school district shall do both of the following: 39696

(A) Maintain a record of district enrollment of any 39697  
persons who are not eligible to be included in the district's 39698  
formula ADM as that term is defined in section 3317.02 of the 39699  
Revised Code; 39700

(B) Annually certify to the ~~state board of education~~ 39701  
department the number of persons for whom a record is maintained 39702

under division (A) of this section. These numbers shall be 39703  
reported on a full-time equivalent basis. 39704

**Sec. 3317.036.** (A) The superintendent of each city, local, 39705  
and exempted village school district shall report to the ~~state-~~ 39706  
~~board-department~~ of education and workforce as of the last day 39707  
of October, March, and June of each year the enrollment under 39708  
section 3317.23 of the Revised Code, on a full-time equivalency 39709  
basis, of individuals who are at least twenty-two years of age. 39710  
This report shall be in addition to the district's report of the 39711  
enrollment of students entitled to attend school in the district 39712  
under section 3313.64 or 3313.65 of the Revised Code that is 39713  
required under section 3317.03 of the Revised Code. 39714

(B) The superintendent of each joint vocational school 39715  
district shall report and certify to the ~~superintendent of-~~ 39716  
~~public instruction department~~ as of the last day of October, 39717  
March, and June of each year the enrollment of individuals 39718  
receiving services from the district on a full-time equivalency 39719  
basis under section 3317.24 of the Revised Code. This report 39720  
shall be in addition to the district's report of the enrollment 39721  
of students that is required under section 3317.03 of the 39722  
Revised Code. 39723

**Sec. 3317.037.** (A) As used in this section: 39724

(1) "Contracting district" means a school district that 39725  
has entered into a contract to provide career-technical 39726  
education services that meet standards set by the ~~state board-~~ 39727  
~~department~~ of education and workforce to one or more other 39728  
school districts. 39729

(2) "Career-technical planning district" has the same 39730  
meaning as in section 3317.023 of the Revised Code. 39731

(3) "Home district" means any city, local, or exempted village school district that is also not a lead district or a contracting district. 39732  
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(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. 39735  
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(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 provided by the lead district or contracting district in facilities operated by the student's home district. 39740  
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(C) Any lead district of a career-technical planning district may enter into an agreement with another school district within that career-technical planning district under which the lead district and the other school district may establish a method to determine the full-time equivalency for each student attending school in both districts for the purposes of calculating each district's enrollment under section 3317.03 of the Revised Code. 39747  
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**Sec. 3317.05.** (A) The department of education and workforce shall determine for each institution, by the last day of January of each year and based on information certified under section 3317.03 of the Revised Code, the number of career-technical education units or fractions of units approved by the department on the basis of standards and rules adopted by the ~~state board of education~~ department. As used in this section, 39755  
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"institution" means an institution operated by a department 39762  
specified in section 3323.091 of the Revised Code and that 39763  
provides career-technical education programs under the 39764  
supervision of the division of career-technical education of the 39765  
department that meet the standards and rules for these programs, 39766  
including licensure of professional staff involved in the 39767  
programs, as established by the ~~state board~~ department. 39768

(B) All of the arithmetical calculations made under this 39769  
section shall be carried to the second decimal place. The total 39770  
number of units for institutions approved annually under this 39771  
section shall not exceed the number of units included in the 39772  
estimate of cost for these units and appropriations made for 39773  
them by the general assembly. 39774

(C) The department shall pay each institution approved for 39775  
career-technical education units under division (A) of this 39776  
section an amount for the total of all the units approved under 39777  
that division. The amount for each unit shall be the sum of the 39778  
minimum salary for the teacher of the unit, calculated on the 39779  
basis of the teacher's training level and years of experience 39780  
pursuant to the salary schedule prescribed in the version of 39781  
section 3317.13 of the Revised Code in effect prior to July 1, 39782  
2001, plus fifteen per cent of that minimum salary amount, and 39783  
nine thousand five hundred ten dollars. Each institution that 39784  
receives unit funds under this division annually shall report to 39785  
the department on the delivery of services and the performance 39786  
of students and any other information required by the department 39787  
to evaluate the institution's career-technical education 39788  
program. 39789

(D) For each unit allocated to an institution pursuant to 39790  
division (A) of this section, the department, in addition to the 39791

amount specified in division (B) of this section, shall pay a supplemental unit allowance of \$7,227.

**Sec. 3317.051.** (A) The department of education and workforce shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section.

(B) The department shall allocate gifted units for a school district as follows:

(1) For fiscal years 2022 and 2023:

(a) One gifted coordinator unit shall be allocated for every 3,300 students in a district's enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district.

(b) One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades kindergarten through eight in the district, as certified under division (B) (22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(c) One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B) (22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(2) For fiscal year 2024 and each fiscal year thereafter, in the manner prescribed by the general assembly.

(C) The department shall pay an amount to a school

district for gifted units as follows: 39820

(1) For fiscal years 2022 and 2023, an amount equal to the 39821  
following sum: 39822

(\$85,776 X the number of units allocated to a school district 39823  
under division (B) (1) (a) of this section X the district's state 39824  
share percentage) + (\$89,378 X the number of units allocated to 39825  
a school district under division (B) (1) (b) of this section X the 39826  
district's state share percentage) + (\$80,974 X the number of 39827  
units allocated to a school district under division (B) (1) (c) of 39828  
this section X the district's state share percentage) 39829

(2) For fiscal year 2024 and each fiscal year thereafter, 39830  
an amount calculated in a manner determined by the general 39831  
assembly. 39832

(D) A school district may assign gifted unit funding that 39833  
it receives under division (C) of this section to another school 39834  
district, an educational service center, a community school, or 39835  
a STEM school as part of an arrangement to provide services to 39836  
the district. 39837

**Sec. 3317.06.** Moneys paid to school districts under 39838  
division (E) (1) of section 3317.024 of the Revised Code shall be 39839  
used for the following independent and fully severable purposes: 39840

(A) To purchase such secular textbooks or digital texts as 39841  
have been approved by the ~~superintendent of public instruction~~ 39842  
department of education and workforce for use in public schools 39843  
in the state and to loan such textbooks or digital texts to 39844  
pupils attending nonpublic schools within the district described 39845  
in division (E) (1) of section 3317.024 of the Revised Code or to 39846  
their parents and to hire clerical personnel to administer such 39847  
lending program. Such loans shall be based upon individual 39848

requests submitted by such nonpublic school pupils or parents. 39849  
Such requests shall be submitted to the school district in which 39850  
the nonpublic school is located. Such individual requests for 39851  
the loan of textbooks or digital texts shall, for administrative 39852  
convenience, be submitted by the nonpublic school pupil or the 39853  
pupil's parent to the nonpublic school, which shall prepare and 39854  
submit collective summaries of the individual requests to the 39855  
school district. As used in this section: 39856

(1) "Textbook" means any book or book substitute that a 39857  
pupil uses as a consumable or nonconsumable text, text 39858  
substitute, or text supplement in a particular class or program 39859  
in the school the pupil regularly attends. 39860

(2) "Digital text" means a consumable book or book 39861  
substitute that a student accesses through the use of a computer 39862  
or other electronic medium or that is available through an 39863  
internet-based provider of course content, or any other material 39864  
that contributes to the learning process through electronic 39865  
means. 39866

(B) To provide speech and hearing diagnostic services to 39867  
pupils attending nonpublic schools within the district described 39868  
in division (E) (1) of section 3317.024 of the Revised Code. Such 39869  
service shall be provided in the nonpublic school attended by 39870  
the pupil receiving the service. 39871

(C) To provide physician, nursing, dental, and optometric 39872  
services to pupils attending nonpublic schools within the 39873  
district described in division (E) (1) of section 3317.024 of the 39874  
Revised Code. Such services shall be provided in the school 39875  
attended by the nonpublic school pupil receiving the service. 39876

(D) To provide diagnostic psychological services to pupils 39877

attending nonpublic schools within the district described in 39878  
division (E) (1) of section 3317.024 of the Revised Code. Such 39879  
services shall be provided in the school attended by the pupil 39880  
receiving the service. 39881

(E) To provide therapeutic psychological and speech and 39882  
hearing services to pupils attending nonpublic schools within 39883  
the district described in division (E) (1) of section 3317.024 of 39884  
the Revised Code. Such services shall be provided in the public 39885  
school, in nonpublic schools, in public centers, or in mobile 39886  
units located on or off of the nonpublic premises. If such 39887  
services are provided in the public school or in public centers, 39888  
transportation to and from such facilities shall be provided by 39889  
the school district in which the nonpublic school is located. 39890

(F) To provide guidance, counseling, and social work 39891  
services to pupils attending nonpublic schools within the 39892  
district described in division (E) (1) of section 3317.024 of the 39893  
Revised Code. Such services shall be provided in the public 39894  
school, in nonpublic schools, in public centers, or in mobile 39895  
units located on or off of the nonpublic premises. If such 39896  
services are provided in the public school or in public centers, 39897  
transportation to and from such facilities shall be provided by 39898  
the school district in which the nonpublic school is located. 39899

(G) To provide remedial services to pupils attending 39900  
nonpublic schools within the district described in division (E) 39901  
(1) of section 3317.024 of the Revised Code. Such services shall 39902  
be provided in the public school, in nonpublic schools, in 39903  
public centers, or in mobile units located on or off of the 39904  
nonpublic premises. If such services are provided in the public 39905  
school or in public centers, transportation to and from such 39906  
facilities shall be provided by the school district in which the 39907

nonpublic school is located. 39908

(H) To supply for use by pupils attending nonpublic 39909  
schools within the district described in division (E) (1) of 39910  
section 3317.024 of the Revised Code such standardized tests and 39911  
scoring services as are in use in the public schools of the 39912  
state; 39913

(I) To provide programs for children who attend nonpublic 39914  
schools within the district described in division (E) (1) of 39915  
section 3317.024 of the Revised Code and are children with 39916  
disabilities as defined in section 3323.01 of the Revised Code 39917  
or gifted children. Such programs shall be provided in the 39918  
public school, in nonpublic schools, in public centers, or in 39919  
mobile units located on or off of the nonpublic premises. If 39920  
such programs are provided in the public school or in public 39921  
centers, transportation to and from such facilities shall be 39922  
provided by the school district in which the nonpublic school is 39923  
located. 39924

(J) To hire clerical personnel to assist in the 39925  
administration of programs pursuant to divisions (B), (C), (D), 39926  
(E), (F), (G), and (I) of this section and to hire supervisory 39927  
personnel to supervise the providing of services and textbooks 39928  
pursuant to this section. 39929

(K) To purchase or lease any secular, neutral, and 39930  
nonideological computer application software designed to assist 39931  
students in performing a single task or multiple related tasks, 39932  
device management software, learning management software, site- 39933  
licensing, digital video on demand (DVD), wide area connectivity 39934  
and related technology as it relates to internet access, 39935  
mathematics or science equipment and materials, instructional 39936  
materials, and school library materials that are in general use 39937

in the public schools of the state and loan such items to pupils 39938  
attending nonpublic schools within the district described in 39939  
division (E) (1) of section 3317.024 of the Revised Code or to 39940  
their parents, and to hire clerical personnel to administer the 39941  
lending program. Only such items that are incapable of diversion 39942  
to religious use and that are susceptible of loan to individual 39943  
pupils and are furnished for the use of individual pupils shall 39944  
be purchased and loaned under this division. As used in this 39945  
section, "instructional materials" means prepared learning 39946  
materials that are secular, neutral, and nonideological in 39947  
character and are of benefit to the instruction of school 39948  
children. "Instructional materials" includes media content that 39949  
a student may access through the use of a computer or electronic 39950  
device. 39951

Mobile applications that are secular, neutral, and 39952  
nonideological in character and that are purchased for less than 39953  
twenty dollars for instructional use shall be considered to be 39954  
consumable and shall be distributed to students without the 39955  
expectation that the applications must be returned. 39956

(L) To purchase or lease instructional equipment, 39957  
including computer hardware and related equipment in general use 39958  
in the public schools of the state, for use by pupils attending 39959  
nonpublic schools within the district described in division (E) 39960  
(1) of section 3317.024 of the Revised Code and to loan such 39961  
items to pupils attending such nonpublic schools within the 39962  
district or to their parents, and to hire clerical personnel to 39963  
administer the lending program. "Computer hardware and related 39964  
equipment" includes desktop computers and workstations; laptop 39965  
computers, computer tablets, and other mobile handheld devices; 39966  
their operating systems and accessories; and any equipment 39967  
designed to make accessible the environment of a classroom to a 39968

student, who is physically unable to attend classroom activities 39969  
due to hospitalization or other circumstances, by allowing real- 39970  
time interaction with other students both one-on-one and in 39971  
group discussion. 39972

(M) To purchase mobile units to be used for the provision 39973  
of services pursuant to divisions (E), (F), (G), and (I) of this 39974  
section and to pay for necessary repairs and operating costs 39975  
associated with these units. 39976

(N) To reimburse costs the district incurred to store the 39977  
records of a chartered nonpublic school that closes. 39978  
Reimbursements under this division shall be made one time only 39979  
for each chartered nonpublic school described in division (E) (1) 39980  
of section 3317.024 of the Revised Code that closes. 39981

(O) To purchase life-saving medical or other emergency 39982  
equipment for placement in nonpublic schools within the district 39983  
described in division (E) (1) of section 3317.024 of the Revised 39984  
Code or to maintain such equipment. 39985

(P) To procure and pay for security services from a county 39986  
sheriff or a township or municipal police force or from a person 39987  
certified through the Ohio peace officer training commission, in 39988  
accordance with section 109.78 of the Revised Code, as a special 39989  
police, security guard, or as a privately employed person 39990  
serving in a police capacity for nonpublic schools in the 39991  
district described in division (E) (1) of section 3317.024 of the 39992  
Revised Code. 39993

(Q) To provide language and academic support services and 39994  
other accommodations for English learners attending nonpublic 39995  
schools within the district described in division (E) (1) of 39996  
section 3317.024 of the Revised Code. 39997

Clerical and supervisory personnel hired pursuant to 39998  
division (J) of this section shall perform their services in the 39999  
public schools, in nonpublic schools, public centers, or mobile 40000  
units where the services are provided to the nonpublic school 40001  
pupil, except that such personnel may accompany pupils to and 40002  
from the service sites when necessary to ensure the safety of 40003  
the children receiving the services. 40004

All services provided pursuant to this section may be 40005  
provided under contract with educational service centers, the 40006  
department of health, city or general health districts, or 40007  
private agencies whose personnel are properly licensed by an 40008  
appropriate state board or agency. 40009

Transportation of pupils provided pursuant to divisions 40010  
(E), (F), (G), and (I) of this section shall be provided by the 40011  
school district from its general funds and not from moneys paid 40012  
to it under division (E)(1) of section 3317.024 of the Revised 40013  
Code unless a special transportation request is submitted by the 40014  
parent of the child receiving service pursuant to such 40015  
divisions. If such an application is presented to the school 40016  
district, it may pay for the transportation from moneys paid to 40017  
it under division (E)(1) of section 3317.024 of the Revised 40018  
Code. 40019

No school district shall provide health or remedial 40020  
services to nonpublic school pupils as authorized by this 40021  
section unless such services are available to pupils attending 40022  
the public schools within the district. 40023

Materials, equipment, computer hardware or software, 40024  
textbooks, digital texts, and health and remedial services 40025  
provided for the benefit of nonpublic school pupils pursuant to 40026  
this section and the admission of pupils to such nonpublic 40027

schools shall be provided without distinction as to race, creed, 40028  
color, or national origin of such pupils or of their teachers. 40029

No school district shall provide services, materials, or 40030  
equipment that contain religious content for use in religious 40031  
courses, devotional exercises, religious training, or any other 40032  
religious activity. 40033

As used in this section, "parent" includes a person 40034  
standing in loco parentis to a child. 40035

Notwithstanding section 3317.01 of the Revised Code, 40036  
payments shall be made under this section to any city, local, or 40037  
exempted village school district within which is located one or 40038  
more nonpublic elementary or high schools described in division 40039  
(E) (1) of section 3317.024 of the Revised Code and any payments 40040  
made to school districts under division (E) (1) of section 40041  
3317.024 of the Revised Code for purposes of this section may be 40042  
disbursed without submission to and approval of the controlling 40043  
board. 40044

The allocation of payments for materials, equipment, 40045  
textbooks, digital texts, health services, and remedial services 40046  
to city, local, and exempted village school districts shall be 40047  
on the basis of the ~~state board of education's~~ department's 40048  
estimated annual average daily membership in nonpublic 40049  
elementary and high schools located in the district described in 40050  
division (E) (1) of section 3317.024 of the Revised Code. 40051

Payments made to city, local, and exempted village school 40052  
districts under this section shall be equal to specific 40053  
appropriations made for the purpose. All interest earned by a 40054  
school district on such payments shall be used by the district 40055  
for the same purposes and in the same manner as the payments may 40056

be used. 40057

The ~~department of education~~ shall adopt guidelines and 40058  
procedures under which such programs and services shall be 40059  
provided, under which districts shall be reimbursed for 40060  
administrative costs incurred in providing such programs and 40061  
services, and under which any unexpended balance of the amounts 40062  
appropriated by the general assembly to implement this section 40063  
may be transferred to the auxiliary services personnel 40064  
unemployment compensation fund established pursuant to section 40065  
4141.47 of the Revised Code. The department shall also adopt 40066  
guidelines and procedures limiting the purchase and loan of the 40067  
items described in division (K) of this section to items that 40068  
are in general use in the public schools of the state, that are 40069  
incapable of diversion to religious use, and that are 40070  
susceptible to individual use rather than classroom use. Within 40071  
thirty days after the end of each biennium, each board of 40072  
education shall remit to the department all moneys paid to it 40073  
under division (E) (1) of section 3317.024 of the Revised Code 40074  
and any interest earned on those moneys that are not required to 40075  
pay expenses incurred under this section during the biennium for 40076  
which the money was appropriated and during which the interest 40077  
was earned. If a board of education subsequently determines that 40078  
the remittal of moneys leaves the board with insufficient money 40079  
to pay all valid expenses incurred under this section during the 40080  
biennium for which the remitted money was appropriated, the 40081  
board may apply to the ~~department of education~~ for a refund of 40082  
money, not to exceed the amount of the insufficiency. If the 40083  
department determines the expenses were lawfully incurred and 40084  
would have been lawful expenditures of the refunded money, it 40085  
shall certify its determination and the amount of the refund to 40086  
be made to the director of job and family services who shall 40087

make a refund as provided in section 4141.47 of the Revised Code. 40088  
40089

Each school district shall label materials, equipment, 40090  
computer hardware or software, textbooks, and digital texts 40091  
purchased or leased for loan to a nonpublic school under this 40092  
section, acknowledging that they were purchased or leased with 40093  
state funds under this section. However, a district need not 40094  
label materials, equipment, computer hardware or software, 40095  
textbooks, or digital texts that the district determines are 40096  
consumable in nature or have a value of less than two hundred 40097  
dollars. 40098

**Sec. 3317.061.** The superintendent of each school district, 40099  
including each cooperative education and joint vocational school 40100  
district and the superintendent of each educational service 40101  
center, shall, on forms prescribed and furnished by the ~~state~~ 40102  
~~board department~~ of education and workforce, certify to the 40103  
department and the state board of education, on or before the 40104  
fifteenth day of October of each year, the name of each licensed 40105  
employee employed, on an annual salary, in each school under 40106  
such superintendent's supervision during the first full school 40107  
week of said month of October, the number of years of recognized 40108  
college training such licensed employee has completed, the 40109  
college degrees from a recognized college earned by such 40110  
licensed employee, the type of teaching license held by such 40111  
licensed employee, the number of months such licensed employee 40112  
is employed in the school district, the annual salary of such 40113  
licensed employee, and such other information as the ~~state board~~ 40114  
~~of education department~~, in consultation with the state board, 40115  
may request. For the purposes of Chapter 3317. of the Revised 40116  
Code, a licensed employee is any employee in a position that 40117  
requires a license issued pursuant to sections 3319.22 to 40118

3319.31 of the Revised Code. 40119

Pursuant to standards adopted by the ~~state board of~~ 40120  
~~education department~~, experience of vocational teachers in trade 40121  
and industry shall be recognized by ~~such board the department~~ 40122  
for the purpose of complying with the requirements of recognized 40123  
college training provided by Chapter 3317. of the Revised Code. 40124

**Sec. 3317.062.** (A) Moneys paid to chartered nonpublic 40125  
schools under division (E) (2) of section 3317.024 of the Revised 40126  
Code shall be used for one or more of the following purposes: 40127

(1) To purchase secular textbooks or digital texts, as 40128  
defined in divisions (A) (1) and (2) of section 3317.06 of the 40129  
Revised Code, as have been approved by the ~~superintendent of~~ 40130  
~~public instruction department of education and workforce~~ for use 40131  
in public schools in the state. Textbooks purchased in 40132  
accordance with this division may be disposed of four years 40133  
after the date of purchase; 40134

(2) To provide the services described in divisions (B), 40135  
(C), (D), and (Q) of section 3317.06 of the Revised Code; 40136

(3) To provide the services described in divisions (E), 40137  
(F), (G), and (I) of section 3317.06 of the Revised Code. If 40138  
such services are provided in public schools or in public 40139  
centers, transportation to and from such facilities shall be 40140  
provided by the nonpublic school. 40141

(4) To supply for use by pupils attending the school such 40142  
standardized tests and scoring services as are in use in the 40143  
public schools of the state; 40144

(5) To hire clerical personnel to assist in the 40145  
administration of divisions (A) (2), (3), and (4) of this section 40146  
and to hire supervisory personnel to supervise the providing of 40147

services and textbooks pursuant to this section. These personnel 40148  
shall perform their services in the public schools, in nonpublic 40149  
schools, public centers, or mobile units where the services are 40150  
provided to the nonpublic school pupil, except that such 40151  
personnel may accompany pupils to and from the service sites 40152  
when necessary to ensure the safety of the children receiving 40153  
the services. All services provided pursuant to this section may 40154  
be provided under contract with school districts, educational 40155  
service centers, the department of health, city or general 40156  
health districts, or private agencies whose personnel are 40157  
properly licensed by an appropriate state board or agency. 40158

(6) To purchase any of the materials described in division 40159  
(K) of section 3317.06 of the Revised Code; 40160

(7) To purchase any of the equipment described in division 40161  
(L) of section 3317.06 of the Revised Code; 40162

(8) To purchase mobile units to be used for the provision 40163  
of services pursuant to division (A)(3) of this section and to 40164  
pay for necessary repairs and operating costs associated with 40165  
these units; 40166

(9) To purchase the equipment described in division (O) of 40167  
section 3317.06 of the Revised Code; 40168

(10) To procure and pay for security services described in 40169  
division (P) of section 3317.06 of the Revised Code. 40170

(B) Materials, equipment, computer hardware and software, 40171  
textbooks, digital texts, and health and remedial services 40172  
provided pursuant to this section and the admission of pupils to 40173  
nonpublic schools shall be provided without distinction as to 40174  
race, creed, color, or national origin of such pupils or of 40175  
their teachers. 40176

(C) Any interest earned by a chartered nonpublic school on 40177  
moneys paid to it under division (E) (2) of section 3317.024 of 40178  
the Revised Code shall be used by the school for the same 40179  
purposes and in the same manner as the payments may be used 40180  
under this section. 40181

(D) The department ~~of education~~ shall adopt guidelines and 40182  
procedures regarding both of the following: 40183

(1) The expenditure of moneys under this section; 40184

(2) The audit of nonpublic schools receiving funds under 40185  
this section to ensure the appropriate use of funds. 40186

(E) The department shall adopt a rule specifying the party 40187  
that owns any property purchased by a chartered nonpublic school 40188  
with moneys paid under division (E) (2) of section 3317.024 of 40189  
the Revised Code. The rule shall include procedures for disposal 40190  
of the property by the designated owner when appropriate. 40191

(F) Within thirty days after the end of each biennium, 40192  
each chartered nonpublic school shall remit to the department 40193  
all moneys paid to it under division (E) (2) of section 3317.024 40194  
of the Revised Code and any interest earned on those moneys that 40195  
are not required to pay expenses incurred under this section 40196  
during the biennium for which the moneys were appropriated and 40197  
during which the interest was earned. If a school subsequently 40198  
determines that the remittal of moneys leaves the school with 40199  
insufficient money to pay all valid expenses incurred under this 40200  
section during the biennium for which the remitted moneys were 40201  
appropriated, the school may apply to the department for a 40202  
refund of money, not to exceed the amount of the insufficiency. 40203  
If the department determines the expenses were lawfully incurred 40204  
and would have been lawful expenditures of the refunded money, 40205

the department shall make a refund in the necessary amount. 40206

(G) All services provided and purchases made pursuant to 40207  
this section may be acquired under contract with school 40208  
districts, educational service centers, the department of 40209  
health, city or general health districts, or private entities. 40210

(H) When a chartered nonpublic school has materials or 40211  
equipment purchased in accordance with division (A) (6) or (7) of 40212  
this section that are no longer needed for school use, are 40213  
obsolete, are unfit for the use for which they were acquired, or 40214  
have been in the school's possession for at least four years, 40215  
the school may dispose of that property in accordance with the 40216  
school's disposal procedures, which may include donation, sale, 40217  
trade, or permanent disposal. The school shall remit to the 40218  
state treasury the proceeds from any sale made in accordance 40219  
with this division. 40220

**Sec. 3317.063.** The ~~superintendent of public instruction,~~ 40221  
~~in accordance with rules adopted by the department of education,~~ 40222  
and workforce shall annually reimburse each chartered nonpublic 40223  
school for the actual mandated service administrative and 40224  
clerical costs incurred by such school during the preceding 40225  
school year in preparing, maintaining, and filing reports, 40226  
forms, and records, and in providing such other administrative 40227  
and clerical services that are not an integral part of the 40228  
teaching process as may be required by state law or rule or by 40229  
requirements duly promulgated by city, exempted village, or 40230  
local school districts. The mandated service costs reimbursed 40231  
pursuant to this section shall include, but are not limited to, 40232  
the preparation, filing and maintenance of forms, reports, or 40233  
records and other clerical and administrative services relating 40234  
to state chartering or approval of the nonpublic school, pupil 40235

attendance, pupil health and health testing, transportation of 40236  
pupils, federally funded education programs, pupil appraisal, 40237  
pupil progress, educator licensure, unemployment and workers' 40238  
compensation, transfer of pupils, and such other education 40239  
related data which are now or hereafter shall be required of 40240  
such nonpublic school by state law or rule, or by requirements 40241  
of the ~~state department of education~~, other state agencies, or 40242  
city, exempted village, or local school districts. 40243

The reimbursement required by this section shall be for 40244  
school years beginning on or after July 1, 1981. 40245

Each nonpublic school which seeks reimbursement pursuant 40246  
to this section shall submit to the ~~superintendent of public~~ 40247  
~~instruction department~~ an application together with such 40248  
additional reports and documents as the ~~department of education~~ 40249  
may require. Such application, reports, and documents shall 40250  
contain such information as the ~~department of education~~ may 40251  
prescribe in order to carry out the purposes of this section. No 40252  
payment shall be made until the ~~superintendent of public~~ 40253  
~~instruction department~~ has approved such application. 40254

Each nonpublic school which applies for reimbursement 40255  
pursuant to this section shall maintain a separate account or 40256  
system of accounts for the expenses incurred in rendering the 40257  
required services for which reimbursement is sought. Such 40258  
accounts shall contain such information as is required by the 40259  
~~department of education~~ and shall be maintained in accordance 40260  
with rules adopted by the ~~department of education~~. 40261

Reimbursement payments to a nonpublic school for a school 40262  
year pursuant to this section shall not exceed the per-pupil 40263  
amount specified by the general assembly for that school year. 40264

The ~~superintendent of public instruction department~~ may, 40265  
from time to time, examine any and all accounts and records of a 40266  
nonpublic school which have been maintained pursuant to this 40267  
section in support of an application for reimbursement, for the 40268  
purpose of determining the costs to such school of rendering the 40269  
services for which reimbursement is sought. If after such audit 40270  
it is determined that any school has received funds in excess of 40271  
the actual cost of providing such services, said school shall 40272  
immediately reimburse the state in such excess amount. 40273

Any payments made to chartered nonpublic schools under 40274  
this section may be disbursed without submission to and approval 40275  
of the controlling board. 40276

**Sec. 3317.064.** (A) There is hereby established in the 40277  
state treasury the auxiliary services reimbursement fund. By the 40278  
thirtieth day of January of each odd-numbered year, the director 40279  
of job and family services and the ~~superintendent of public~~  
~~instruction department of education and workforce~~ shall 40280  
determine the amount of any excess moneys in the auxiliary 40281  
services personnel unemployment compensation fund not reasonably 40282  
necessary for the purposes of section 4141.47 of the Revised 40283  
Code, and shall certify such amount to the director of budget 40284  
and management for transfer to the auxiliary services 40285  
reimbursement fund. If the director of job and family services 40286  
and the ~~superintendent department~~ disagree on such amount, the 40287  
director of budget and management shall determine the amount to 40288  
be transferred. 40289  
40290

(B) Except as provided in divisions (C) and (D) of this 40291  
section, moneys in the auxiliary services reimbursement fund 40292  
shall be used for the relocation or for the replacement and 40293  
repair of mobile units used to provide the services specified in 40294

division (E), (F), (G), or (I) of section 3317.06 and in 40295  
division (A) (3) of section 3317.062 of the Revised Code. The 40296  
~~state board of education department~~ shall adopt guidelines and 40297  
procedures for replacement, repair, and relocation of mobile 40298  
units and the procedures under which a school district or 40299  
chartered nonpublic school may apply to receive moneys with 40300  
which to repair or replace or relocate such units. 40301

(C) School districts and educational service centers may 40302  
apply to the department for moneys from the auxiliary services 40303  
reimbursement fund for payment of incentives for early 40304  
retirement and severance for school district personnel assigned 40305  
to provide services authorized by section 3317.06 or 3317.062 of 40306  
the Revised Code at chartered nonpublic schools. The portion of 40307  
the cost of any early retirement or severance incentive for any 40308  
employee that is paid using money from the auxiliary services 40309  
reimbursement fund shall not exceed the percentage of such 40310  
employee's total service credit that the employee spent 40311  
providing services to chartered nonpublic school students under 40312  
section 3317.06 of the Revised Code. 40313

(D) The department ~~of education~~ may use a portion of the 40314  
moneys in the auxiliary services reimbursement fund to make 40315  
payments for chartered nonpublic school students under section 40316  
3365.07 of the Revised Code, in accordance with rules adopted 40317  
pursuant to section 3365.071 of the Revised Code. 40318

**Sec. 3317.07.** If the department of education and workforce 40319  
determines that a county board of developmental disabilities no 40320  
longer needs a school bus because the board no longer transports 40321  
children to a special education program operated by the board, 40322  
or if the department determines that a school district no longer 40323  
needs a school bus to transport pupils to a nonpublic school or 40324

special education program, the department may reassign a bus 40325  
that was funded with payments provided pursuant to the version 40326  
of this section in effect prior to the effective date of this 40327  
amendment for the purpose of transporting such pupils. The 40328  
department may reassign a bus to a county board of developmental 40329  
disabilities or school district that transports children to a 40330  
special education program designated in the children's 40331  
individualized education programs, or to a school district that 40332  
transports pupils to a nonpublic school, and needs an additional 40333  
school bus. 40334

**Sec. 3317.071.** For fiscal years 2022 and 2023, the 40335  
department of education and workforce shall implement a program 40336  
to distribute bus purchasing grants of not less than \$45,000 to 40337  
city, local, and exempted village school districts for the 40338  
purpose of replacing the oldest and highest mileage buses in the 40339  
state assigned to routes. The department shall annually collect 40340  
age, mileage, and vehicle condition data from districts through 40341  
its transportation data collection system. 40342

**Sec. 3317.072.** (A) The transportation collaboration fund 40343  
is hereby created in the state treasury for fiscal years 2022 40344  
and 2023. The fund shall consist of money appropriated for this 40345  
purpose by the general assembly. The department of education and 40346  
workforce shall use money in the fund for grants awarded under 40347  
this section. 40348

(B) (1) For fiscal years 2022 and 2023, the department 40349  
shall award transportation collaboration grants each fiscal year 40350  
to city, local, and exempted village school districts for 40351  
efforts that lead to shared resource management, routing 40352  
consolidation, regional collaboration, or other activities that 40353  
have the potential to reduce transportation operating costs. 40354

(2) The department shall determine the amount of each grant awarded, but no grant shall exceed \$10,000 for any fiscal year. 40355  
40356  
40357

(3) The department shall adopt rules regarding all of the following: 40358  
40359

(a) The process for city, local, and exempted village school districts to submit applications for grants awarded under this section, including the deadline for those applications to be submitted; 40360  
40361  
40362  
40363

(b) The application form for grants awarded under this section; 40364  
40365

(c) The requirements and process for grant recipients to be eligible to renew their grants in future fiscal years; 40366  
40367

(d) Any other rules necessary to implement the provisions of this section. 40368  
40369

**Sec. 3317.08.** A board of education may admit to its schools a child it is not required by section 3313.64 or 3313.65 of the Revised Code to admit, if tuition is paid for the child. 40370  
40371  
40372

Unless otherwise provided by law, tuition shall be computed in accordance with this section. A district's tuition charge for a school year shall be one of the following: 40373  
40374  
40375

(A) For any child, except a preschool child with a disability described in division (B) of this section, the quotient obtained by dividing the sum of the amounts described in divisions (A) (1) and (2) of this section by the district's formula ADM. 40376  
40377  
40378  
40379  
40380

(1) The district's total taxes charged and payable for current expenses for the tax year preceding the tax year in 40381  
40382

which the school year begins as certified under division (A) (3) 40383  
of section 3317.021 of the Revised Code. 40384

(2) The district's total taxes collected for current 40385  
expenses under a school district income tax adopted pursuant to 40386  
section 5748.03, 5748.08, or 5748.09 of the Revised Code that 40387  
are disbursed to the district during the fiscal year, excluding 40388  
any income tax receipts allocated for the project cost, debt 40389  
service, or maintenance set-aside associated with a state- 40390  
assisted classroom facilities project as authorized by section 40391  
3318.052 of the Revised Code. On or before the first day of June 40392  
of each year, the tax commissioner shall certify the amount to 40393  
be used in the calculation under this division for the next 40394  
fiscal year to the department of education and workforce and the 40395  
office of budget and management for each city, local, and 40396  
exempted village school district that levies a school district 40397  
income tax. 40398

(B) For any preschool child with a disability, an amount 40399  
computed for the school year as follows: 40400

(1) For each type of special education service provided to 40401  
the child for whom tuition is being calculated, determine the 40402  
amount of the district's operating expenses in providing that 40403  
type of service to all preschool children with disabilities; 40404

(2) For each type of special education service for which 40405  
operating expenses are determined under division (B) (1) of this 40406  
section, determine the amount of such operating expenses that 40407  
was paid from any state funds received under this chapter; 40408

(3) For each type of special education service for which 40409  
operating expenses are determined under division (B) (1) of this 40410  
section, divide the difference between the amount determined 40411

under division (B) (1) of this section and the amount determined 40412  
under division (B) (2) of this section by the total number of 40413  
preschool children with disabilities who received that type of 40414  
service; 40415

(4) Determine the sum of the quotients obtained under 40416  
division (B) (3) of this section for all types of special 40417  
education services provided to the child for whom tuition is 40418  
being calculated. 40419

The ~~state board of education department~~ shall adopt rules 40420  
defining the types of special education services and specifying 40421  
the operating expenses to be used in the computation under this 40422  
section. 40423

If any child for whom a tuition charge is computed under 40424  
this section for any school year is enrolled in a district for 40425  
only part of that school year, the amount of the district's 40426  
tuition charge for the child for the school year shall be 40427  
computed in proportion to the number of school days the child is 40428  
enrolled in the district during the school year. 40429

Except as otherwise provided in division (J) of section 40430  
3313.64 of the Revised Code, whenever a district admits a child 40431  
to its schools for whom tuition computed in accordance with this 40432  
section is an obligation of another school district, the amount 40433  
of the tuition shall be certified by the treasurer of the board 40434  
of education of the district of attendance, to the board of 40435  
education of the district required to pay tuition for its 40436  
approval and payment. If agreement as to the amount payable or 40437  
the district required to pay the tuition cannot be reached, or 40438  
the board of education of the district required to pay the 40439  
tuition refuses to pay that amount, the board of education of 40440  
the district of attendance shall notify the ~~superintendent of~~ 40441

~~public instruction department~~. The ~~superintendent department~~ 40442  
shall determine the correct amount and the district required to 40443  
pay the tuition and shall deduct that amount, if any, under 40444  
division (D) of section 3317.023 of the Revised Code, from the 40445  
district required to pay the tuition and add that amount to the 40446  
amount allocated to the district attended under such division. 40447  
The ~~superintendent of public instruction department~~ shall send 40448  
to the district required to pay the tuition an itemized 40449  
statement showing such deductions at the time of such deduction. 40450

When a political subdivision owns and operates an airport, 40451  
welfare, or correctional institution or other project or 40452  
facility outside its corporate limits, the territory within 40453  
which the facility is located is exempt from taxation by the 40454  
school district within which such territory is located, and 40455  
there are school age children residing within such territory, 40456  
the political subdivision owning such tax exempt territory shall 40457  
pay tuition to the district in which such children attend 40458  
school. The tuition for these children shall be computed as 40459  
provided for in this section. 40460

**Sec. 3317.081.** (A) Tuition shall be computed in accordance 40461  
with this section if: 40462

(1) The tuition is required by division (C) (3) (b) of 40463  
section 3313.64 of the Revised Code; or 40464

(2) Neither the child nor the child's parent resides in 40465  
this state and tuition is required by section 3327.06 of the 40466  
Revised Code. 40467

(B) Tuition computed in accordance with this section shall 40468  
equal the attendance district's tuition rate computed under 40469  
section 3317.08 of the Revised Code plus the amount in state 40470

education aid, as defined in section 3317.02 of the Revised Code, that district would have received for the child during the school year had the department of education and workforce counted the child in the attendance district's formula ADM for that school year under section 3317.03 of the Revised Code.

**Sec. 3317.082.** As used in this section, "institution" means a residential facility that receives and cares for children maintained by the department of youth services and that operates a school chartered ~~by the state board of education~~ under section 3301.16 of the Revised Code.

(A) On or before the thirty-first day of each January and July, the superintendent of each institution that during the six-month period immediately preceding each January or July provided an elementary or secondary education for any child, 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 40501  
submitting the statement an amount equal to the tuition amount, 40502  
as provided under division (G) of section 3317.024 of the 40503  
Revised Code, and deduct the tuition amount from the state basic 40504  
aid funds payable to the district, as provided under division 40505  
(C) (2) of section 3317.023 of the Revised Code; 40506

(2) If the tuition amount is greater than the district's 40507  
state education aid, require the district to pay to the 40508  
institution submitting the statement an amount equal to the 40509  
tuition amount. 40510

(B) In the case of any disagreement about the school 40511  
district responsible to pay tuition for a child pursuant to this 40512  
section, the ~~superintendent of public instruction~~ director of 40513  
education and workforce shall make the determination in any such 40514  
case in accordance with division (C) (2) or (3) of section 40515  
3313.64 of the Revised Code. 40516

**Sec. 3317.09.** All moneys distributed to a school district, 40517  
including any cooperative education or joint vocational school 40518  
district and all moneys distributed to any educational service 40519  
center, by the state whether from a state or federal source, 40520  
shall be accounted for by the division of school finance of the 40521  
department of education and workforce. All moneys distributed 40522  
shall be coded as to county, school district or educational 40523  
service center, source, and other pertinent information, and at 40524  
the end of each month, a report of such distribution shall be 40525  
made by such division of school finance to each school district 40526  
and educational service center. If any board of education fails 40527  
to make the report required in section 3319.33 of the Revised 40528  
Code, the ~~superintendent of public instruction~~ department shall 40529  
be without authority to distribute funds to that school district 40530

or educational service center under this chapter until such time 40531  
as the required reports are filed with all specified officers, 40532  
boards, or agencies. 40533

**Sec. 3317.10.** (A) On or before the first day of March of 40534  
each year, the department of job and family services shall 40535  
certify to the ~~state board~~ department of education and workforce 40536  
the unduplicated number of children ages five through seventeen 40537  
residing in each school district and living in a family that, 40538  
during the preceding October, participated in Ohio works first. 40539

The department of job and family services shall certify 40540  
this information according to the school district of residence 40541  
for each child. 40542

(B) Upon the transfer of part of the territory of one 40543  
school district to the territory of one or more other school 40544  
districts, the department of education and workforce may adjust 40545  
the number of children certified under division (A) of this 40546  
section for any district gaining or losing territory in such a 40547  
transfer in order to take into account the effect of the 40548  
transfer on the number of such children who reside in the 40549  
district. Within sixty days of receipt of a request for 40550  
information from the department of education and workforce, the 40551  
department of job and family services shall provide any 40552  
information the department of education and workforce determines 40553  
is necessary to make such adjustments. 40554

**Sec. 3317.11.** (A) As used in this section: 40555

(1) For fiscal years 2022 and 2023, "base amount" is equal 40556  
to \$356,250. 40557

(2) For fiscal years 2022 and 2023, "funding base" means 40558  
an amount calculated by the department of education and 40559

workforce that is equal to the amount an educational service center would have received under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020 using the student counts of the school districts with which the service center has service agreements for the fiscal year for which payments under this section are being made.

(3) For fiscal years 2022 and 2023, "general phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code.

(4) For fiscal years 2022 and 2023, "student count" means the count calculated under division (G) (1) of section 3313.843 of the Revised Code.

(B) (1) For fiscal years 2022 and 2023, the department of education and workforce shall pay the governing board of each educational service center an amount equal to the following:

The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general phase-in percentage for that fiscal year]

(2) For fiscal year 2024 and each fiscal year thereafter, the department shall pay the governing board of each educational service center an amount calculated in a manner determined by the general assembly.

(C) For fiscal years 2022 and 2023, the department shall calculate an amount for each educational service center as follows:

(1) If the educational service center has a student count

of 5,000 students or less, the base amount. 40589

(2) If the educational service center has a student count 40590  
greater than 5,000 students but less than or equal to 35,000 40591  
students, the following sum: 40592

The base amount + [(the educational service center's student 40593  
count - 5,000) X \$24.72] 40594

(3) If the educational service center has a student count 40595  
greater than 35,000 students, the following sum: 40596

The base amount + (30,000 X \$24.72) + [(the educational service 40597  
center's student count - 35,000) X \$30.90] 40598

**Sec. 3317.12.** Any board of education participating in 40599  
funds distributed under Chapter 3317. of the Revised Code shall 40600  
annually adopt a salary schedule for nonteaching school 40601  
employees based upon training, experience, and qualifications 40602  
with initial salaries no less than the salaries in effect on 40603  
October 13, 1967. Each board of education shall prepare and may 40604  
amend from time to time, specifications descriptive of duties, 40605  
responsibilities, requirements, and desirable qualifications of 40606  
the classifications of employees required to perform the duties 40607  
specified in the salary schedule. All nonteaching school 40608  
employees are to be notified of the position classification to 40609  
which they are assigned and the salary for the classification. 40610  
The compensation of all employees working for a particular 40611  
school board shall be uniform for like positions except as 40612  
compensation would be affected by salary increments based upon 40613  
length of service. 40614

On the fifteenth day of October each year the salary 40615  
schedule and the list of job classifications and salaries in 40616  
effect on that date shall be filed by each board of education 40617

with the ~~superintendent of public instruction~~department of 40618  
education and workforce. If such salary schedule and 40619  
classification plan is not filed the ~~superintendent of public~~ 40620  
~~instruction department~~ shall order the board to file such 40621  
schedules forthwith. If this condition is not corrected within 40622  
ten days after receipt of the order from the ~~superintendent of~~ 40623  
~~public instruction~~department, no money shall be distributed to 40624  
the district under Chapter 3317. of the Revised Code until the 40625  
~~superintendent department~~ has satisfactory evidence of the board 40626  
of education's full compliance with such order. 40627

**Sec. 3317.13.** (A) As used in this section and section 40628  
3317.14 of the Revised Code: 40629

(1) "Years of service" includes the following: 40630

(a) All years of teaching service in the same school 40631  
district or educational service center, regardless of training 40632  
level, with each year consisting of at least one hundred twenty 40633  
days under a teacher's contract; 40634

(b) All years of teaching service in a chartered, 40635  
nonpublic school located in Ohio as a teacher licensed pursuant 40636  
to section 3319.22 of the Revised Code or in another public 40637  
school, regardless of training level, with each year consisting 40638  
of at least one hundred twenty days under a teacher's contract; 40639

(c) All years of teaching service in a chartered school or 40640  
institution or a school or institution that subsequently became 40641  
chartered or a chartered special education program or a special 40642  
education program that subsequently became chartered operated by 40643  
the state or by a subdivision or other local governmental unit 40644  
of this state as a teacher licensed pursuant to section 3319.22 40645  
of the Revised Code, regardless of training level, with each 40646

year consisting of at least one hundred twenty days; and 40647

(d) All years of active military service in the armed 40648  
forces of the United States, as defined in section 3307.75 of 40649  
the Revised Code, to a maximum of five years. For purposes of 40650  
this calculation, a partial year of active military service of 40651  
eight continuous months or more in the armed forces shall be 40652  
counted as a full year. 40653

(2) "Teacher" means all teachers employed by the board of 40654  
education of any school district, including any cooperative 40655  
education or joint vocational school district and all teachers 40656  
employed by any educational service center governing board. 40657

(B) No teacher shall be paid a salary less than that 40658  
provided in the schedule set forth in division (C) of this 40659  
section. In calculating the minimum salary any teacher shall be 40660  
paid pursuant to this section, years of service shall include 40661  
the sum of all years of the teacher's teaching service included 40662  
in divisions (A)(1)(a), (b), (c), and (d) of this section; 40663  
except that any school district or educational service center 40664  
employing a teacher new to the district or educational service 40665  
center shall grant such teacher a total of not more than ten 40666  
years of service pursuant to divisions (A)(1)(b), (c), and (d) 40667  
of this section. 40668

Upon written complaint to the ~~superintendent of public-~~ 40669  
~~instruction~~ director of education and workforce that the board 40670  
of education of a district or the governing board of an 40671  
educational service center governing board has failed or refused 40672  
to annually adopt a salary schedule or to pay salaries in 40673  
accordance with the salary schedule set forth in division (C) of 40674  
this section, the ~~superintendent of public instruction~~ director 40675  
shall cause to be made an immediate investigation of such 40676

complaint. If the ~~superintendent~~director finds that the 40677  
conditions complained of exist, the ~~superintendent~~director 40678  
shall order the board to correct such conditions within ten days 40679  
from the date of the finding. No moneys shall be distributed to 40680  
the district or educational service center under this chapter 40681  
until the ~~superintendent~~director has satisfactory evidence of 40682  
the board of education's full compliance with such order. 40683

Each teacher shall be fully credited with placement in the 40684  
appropriate academic training level column in the district's or 40685  
educational service center's salary schedule with years of 40686  
service properly credited pursuant to this section or section 40687  
3317.14 of the Revised Code. No rule shall be adopted or 40688  
exercised by any board of education or educational service 40689  
center governing board which restricts the placement or the 40690  
crediting of annual salary increments for any teacher according 40691  
to the appropriate academic training level column. 40692

(C) Minimum salaries exclusive of retirement and sick 40693  
leave for teachers shall be as follows: 40694

40695

	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	

**Sub. S. B. No. 1**  
**As Reported by the Senate Education Committee**

	1	2	3	4	5	6	7	8	9
A	Per	Dollar	Per	Dollar	Per	Dollar	Per	Dollar	
	Cent*	Amount	Cent*	Amount	Cent*	Amount	Cent*	Amount	

40697

	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.

40698

40699

For purposes of determining the minimum salary at any 40700  
level of training and service, the base of one hundred per cent 40701  
shall be the base amount. The percentages used in this section 40702  
show the relationships between the minimum salaries required by 40703  
this section and the base amount and shall not be construed as 40704  
requiring any school district or educational service center to 40705  
adopt a schedule containing salaries in excess of the amounts 40706  
set forth in this section for corresponding levels of training 40707  
and experience. 40708

As used in this division: 40709

(1) "Base amount" means thirty thousand dollars. 40710

(2) "Five years of training" means at least one hundred 40711  
fifty semester hours, or the equivalent, and a bachelor's degree 40712  
from a recognized college or university. 40713

(D) For purposes of this section, all credited training 40714  
shall be from a recognized college or university. 40715

**Sec. 3317.14.** Any school district board of education or 40716  
educational service center governing board participating in 40717  
funds distributed under Chapter 3317. of the Revised Code shall 40718  
annually adopt a teachers' salary schedule with provision for 40719  
increments based upon training and years of service. 40720  
Notwithstanding sections 3317.13 and 3319.088 of the Revised 40721  
Code, the board may establish its own service requirements and 40722  
may grant service credit for such activities as teaching in 40723  
public or nonpublic schools in this state or in another state, 40724  
for service as an educational assistant other than as a 40725  
classroom aide employed in accordance with section 5107.541 of 40726  
the Revised Code, and for service in the military or in an 40727  
appropriate state or federal governmental agency, provided no 40728

teacher receives less than the amount required to be paid 40729  
pursuant to section 3317.13 of the Revised Code and provided 40730  
full credit for a minimum of five years of actual teaching and 40731  
military experience as defined in division (A) of section 40732  
3317.13 of the Revised Code is given to each teacher. 40733

Each teacher who has completed training which would 40734  
qualify such teacher for a higher salary bracket pursuant to 40735  
this section shall file by the fifteenth day of September with 40736  
the treasurer of the board of education or educational service 40737  
center satisfactory evidence of the completion of such 40738  
additional training. The treasurer shall then immediately place 40739  
the teacher, pursuant to this section and section 3317.13 of the 40740  
Revised Code, in the proper salary bracket in accordance with 40741  
training and years of service before certifying such salary, 40742  
training, and years of service to the ~~superintendent of public~~ 40743  
~~instruction~~department of education and workforce. No teacher 40744  
shall be paid less than the salary to which such teacher is 40745  
entitled pursuant to section 3317.13 of the Revised Code. 40746

**Sec. 3317.141.** The board of education of any city, 40747  
exempted village, local, or joint vocational school district 40748  
that is the recipient of moneys from a grant awarded under the 40749  
federal race to the top program, Division (A), Title XIV, 40750  
Sections 14005 and 14006 of the "American Recovery and 40751  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 40752  
shall comply with this section in accordance with the timeline 40753  
contained in the board's scope of work, as approved by the 40754  
~~superintendent of public instruction~~director of education and 40755  
workforce, and shall not be subject to sections 3317.13 and 40756  
3317.14 of the Revised Code. The board of education of any other 40757  
school district, and the governing board of each educational 40758  
service center, shall comply with either this section or 40759

sections 3317.13 and 3317.14 of the Revised Code. 40760

(A) The board annually shall adopt a salary schedule for 40761  
teachers based upon performance as described in division (B) of 40762  
this section. 40763

(B) For purposes of the schedule, a board shall measure a 40764  
teacher's performance by considering all of the following: 40765

(1) The level of license issued under section 3319.22 of 40766  
the Revised Code that the teacher holds; 40767

(2) Whether the teacher is a properly certified or 40768  
licensed teacher, as defined in section 3319.074 of the Revised 40769  
Code; 40770

(3) Ratings received by the teacher on performance 40771  
evaluations conducted under section 3319.111 of the Revised 40772  
Code. 40773

(C) The schedule shall provide for annual adjustments 40774  
based on performance on the evaluations conducted under section 40775  
3319.111 of the Revised Code. The annual performance-based 40776  
adjustment for a teacher rated as accomplished shall be greater 40777  
than the annual performance-based adjustment for a teacher rated 40778  
as skilled. 40779

(D) The salary schedule adopted under this section may 40780  
provide for additional compensation for teachers who agree to 40781  
perform duties, not contracted for under a supplemental 40782  
contract, that the employing board determines warrant additional 40783  
compensation. Those duties may include, but are not limited to, 40784  
assignment to a school building eligible for funding under Title 40785  
I of the "Elementary and Secondary Education Act of 1965," 20 40786  
U.S.C. 6301 et seq.; assignment to a building in "school 40787  
improvement" status under the "No Child Left Behind Act of 40788

2001," as defined in section 3302.01 of the Revised Code; 40789  
teaching in a grade level or subject area in which the board has 40790  
determined there is a shortage within the district or service 40791  
center; or assignment to a hard-to-staff school, as determined 40792  
by the board. 40793

**Sec. 3317.15.** (A) As used in this section, "child with a 40794  
disability" has the same meaning as in section 3323.01 of the 40795  
Revised Code. 40796

(B) Each city, exempted village, local, and joint 40797  
vocational school district shall continue to comply with all 40798  
requirements of federal statutes and regulations, the Revised 40799  
Code, and rules adopted by the ~~state board~~ department of 40800  
education and workforce governing education of children with 40801  
disabilities, including, but not limited to, requirements that 40802  
children with disabilities be served by appropriately licensed 40803  
or certificated education personnel. 40804

(C) Each city, exempted village, local, and joint 40805  
vocational school district shall consult with the educational 40806  
service center serving the county in which the school district 40807  
is located and, if it elects to participate pursuant to section 40808  
5126.04 of the Revised Code, the county board of developmental 40809  
disabilities of that county, in providing services that serve 40810  
the best interests of children with disabilities. 40811

(D) Each school district shall annually provide 40812  
documentation to the ~~department of education~~ that it employs the 40813  
appropriate number of licensed or certificated personnel to 40814  
serve the district's students with disabilities. 40815

(E) The department annually shall audit a sample of school 40816  
districts to ensure that children with disabilities are being 40817

appropriately reported. 40818

(F) Each school district shall provide speech-language 40819  
pathology services at a ratio of one speech-language pathologist 40820  
per two thousand students receiving any educational services 40821  
from the district other than adult education. Each district 40822  
shall provide school psychological services at a ratio of one 40823  
school psychologist per two thousand five hundred students 40824  
receiving any educational services from the district other than 40825  
adult education. A district may obtain the services of speech- 40826  
language pathologists and school psychologists by any means 40827  
permitted by law, including contracting with an educational 40828  
service center. If, however, a district is unable to obtain the 40829  
services of the required number of speech-language pathologists 40830  
or school psychologists, the district may request from the 40831  
~~superintendent of public instruction~~department, and the 40832  
~~superintendent~~department may grant, a waiver of this provision 40833  
for a period of time established by the 40834  
~~superintendent~~department. 40835

**Sec. 3317.16.** The department of education and workforce 40836  
shall compute and distribute state core foundation funding to 40837  
each funding unit that is a joint vocational school district for 40838  
the fiscal year as follows: 40839

For fiscal years 2022 and 2023: 40840

The district's funding base + [(the district's state core 40841  
foundation funding components for that fiscal year calculated 40842  
under divisions (A) (1), (2), (4), (5), and (6) of this section - 40843  
the district's general funding base) X the district's general 40844  
phase-in percentage for that fiscal year] + [(the district's 40845  
disadvantaged pupil impact aid for that fiscal year calculated 40846  
under division (A) (3) of this section - the district's 40847

disadvantaged pupil impact aid funding base) X the district's 40848  
phase-in percentage for disadvantaged pupil impact aid for that 40849  
fiscal year] 40850

For fiscal year 2024 and each fiscal year thereafter, the 40851  
sum of the district's state core foundation funding components 40852  
for that fiscal year calculated under divisions (A) (1), (2), 40853  
(3), (4), (5), and (6) of this section. 40854

(A) A district's state core foundation funding components 40855  
shall be all of the following: 40856

(1) The district's state share of the base cost, which is 40857  
equal to the following: 40858

(a) For fiscal years 2022 and 2023, an amount calculated 40859  
according to the following formula: 40860

(The district's base cost calculated under section 3317.012 of 40861  
the Revised Code) - (0.0005 X the lesser of the district's 40862  
three-year average valuation or the district's most recent 40863  
valuation) 40864

However, no district shall receive an amount under 40865  
division (A) (1) of this section that is less than 0.05 times the 40866  
base cost calculated for the district under section 3317.012 of 40867  
the Revised Code. 40868

(b) For fiscal year 2024 and each fiscal year thereafter, 40869  
an amount calculated in a manner determined by the general 40870  
assembly. 40871

(2) Additional state aid for special education and related 40872  
services provided under Chapter 3323. of the Revised Code 40873  
calculated as follows: 40874

(a) For fiscal years 2022 and 2023, the sum of the 40875

following:	40876
(i) The district's category one special education ADM X	40877
the multiple specified in division (A) of section 3317.013 of	40878
the Revised Code X the statewide average base cost per pupil for	40879
that fiscal year X the district's state share percentage;	40880
(ii) The district's category two special education ADM X	40881
the multiple specified in division (B) of section 3317.013 of	40882
the Revised Code X the statewide average base cost per pupil for	40883
that fiscal year X the district's state share percentage;	40884
(iii) The district's category three special education ADM	40885
X the multiple specified in division (C) of section 3317.013 of	40886
the Revised Code X the statewide average base cost per pupil for	40887
that fiscal year X the district's state share percentage;	40888
(iv) The district's category four special education ADM X	40889
the multiple specified in division (D) of section 3317.013 of	40890
the Revised Code X the statewide average base cost per pupil for	40891
that fiscal year X the district's state share percentage;	40892
(v) The district's category five special education ADM X	40893
the multiple specified in division (E) of section 3317.013 of	40894
the Revised Code X the statewide average base cost per pupil for	40895
that fiscal year X the district's state share percentage;	40896
(vi) The district's category six special education ADM X	40897
the multiple specified in division (F) of section 3317.013 of	40898
the Revised Code X the statewide average base cost per pupil for	40899
that fiscal year X the district's state share percentage.	40900
(b) For fiscal year 2024 and each fiscal year thereafter,	40901
the sum of the following:	40902
(i) An amount calculated in a manner determined by the	40903

general assembly times the funding unit's category one special education ADM; 40904  
40905

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM; 40906  
40907  
40908

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM; 40909  
40910  
40911

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM; 40912  
40913  
40914

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM; 40915  
40916  
40917

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM. 40918  
40919  
40920

(3) Disadvantaged pupil impact aid calculated as follows: 40921

(a) For fiscal years 2022 and 2023, an amount calculated according to the following formula: 40922  
40923

\$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D) (2) (p) of section 3317.03 of the Revised Code 40924  
40925  
40926  
40927

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 40928  
40929  
40930

(4) English learner funds calculated as follows:	40931
(a) For fiscal years 2022 and 2023, the sum of the following:	40932
	40933
(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40934
	40935
	40936
	40937
(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40938
	40939
	40940
	40941
(iii) The district's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage.	40942
	40943
	40944
	40945
(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:	40946
	40947
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;	40948
	40949
	40950
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;	40951
	40952
	40953
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.	40954
	40955
	40956
(5) Career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.	40957
	40958

(6) Career-technical education associated services funds 40959  
calculated under division (D) of section 3317.014 of the Revised 40960  
Code. 40961

(B)(1) If a joint vocational school district's costs for a 40962  
fiscal year for a student in its categories two through six 40963  
special education ADM exceed the threshold catastrophic cost for 40964  
serving the student, as specified in division (B) of section 40965  
3317.0214 of the Revised Code, the district may submit to the 40966  
~~superintendent of public instruction department~~ documentation, 40967  
as prescribed by the ~~superintendent~~ department, of all of its 40968  
costs for that student. Upon submission of documentation for a 40969  
student of the type and in the manner prescribed, the department 40970  
shall pay to the district an amount equal to the sum of the 40971  
following: 40972

(a) One-half of the district's costs for the student in 40973  
excess of the threshold catastrophic cost; 40974

(b) The product of one-half of the district's costs for 40975  
the student in excess of the threshold catastrophic cost 40976  
multiplied by the district's state share percentage. 40977

(2) The district shall report under division (B)(1) of 40978  
this section, and the department shall pay for, only the costs 40979  
of educational expenses and the related services provided to the 40980  
student in accordance with the student's individualized 40981  
education program. Any legal fees, court costs, or other costs 40982  
associated with any cause of action relating to the student may 40983  
not be included in the amount. 40984

(C)(1) For each student with a disability receiving 40985  
special education and related services under an individualized 40986  
education program, as defined in section 3323.01 of the Revised 40987

Code, at a joint vocational school district, the resident 40988  
district or, if the student is enrolled in a community school, 40989  
the community school shall be responsible for the amount of any 40990  
costs of providing those special education and related services 40991  
to that student that exceed the sum of the amount calculated for 40992  
those services attributable to that student under division (A) 40993  
of this section. 40994

Those excess costs shall be calculated using a formula 40995  
approved by the department. 40996

(2) The board of education of the joint vocational school 40997  
district may report the excess costs calculated under division 40998  
(C) (1) of this section to the department ~~of education~~. 40999

(3) If the board of education of the joint vocational 41000  
school district reports excess costs under division (C) (2) of 41001  
this section, the department shall pay the amount of excess cost 41002  
calculated under division (C) (2) of this section to the joint 41003  
vocational school district and shall deduct that amount as 41004  
provided in division (C) (3) (a) or (b) of this section, as 41005  
applicable: 41006

(a) If the student is not enrolled in a community school, 41007  
the department shall deduct the amount from the account of the 41008  
student's resident district pursuant to division (J) of section 41009  
3317.023 of the Revised Code. 41010

(b) If the student is enrolled in a community school, the 41011  
department shall deduct the amount from the account of the 41012  
community school pursuant to section 3314.083 of the Revised 41013  
Code. 41014

(D) A joint vocational school district shall spend the 41015  
funds it receives under division (A) (3) of this section in 41016

accordance with section 3317.25 of the Revised Code. 41017

(E) For fiscal years 2022 and 2023, a school district 41018  
shall spend the funds it receives under division (A) (4) of this 41019  
section only for services for English learners. 41020

(F) As used in this section: 41021

(1) "Community school" means a community school 41022  
established under Chapter 3314. of the Revised Code. 41023

(2) "Resident district" means the city, local, or exempted 41024  
village school district in which a student is entitled to attend 41025  
school under section 3313.64 or 3313.65 of the Revised Code. 41026

**Sec. 3317.161.** (A) As used in this section, "lead 41027  
district" has the same meaning as in section 3317.023 of the 41028  
Revised Code. 41029

(B) (1) A career-technical education program of a city, 41030  
local, or exempted village school district, community school, or 41031  
STEM school shall be subject to approval under this section in 41032  
order for the district or school to qualify for state funding 41033  
for the program. Approval granted under this section shall be 41034  
valid for the five fiscal years following the fiscal year in 41035  
which the program is approved and may be renewed. Approval shall 41036  
be subject to annual review under division (E) of this section. 41037

(2) If a district or school becomes a new member of a 41038  
career-technical planning district, its career-technical 41039  
education programs shall be approved or disapproved by the lead 41040  
district of the career-technical planning district during the 41041  
fiscal year in which the district or school becomes a member of 41042  
the career-technical planning district. Any program of the 41043  
district or school that was approved by the department of 41044  
education and workforce for an approval period that includes the 41045

fiscal year in which the district or school becomes a new member 41046  
of the career-technical planning district shall retain its 41047  
approved status during that fiscal year. 41048

(3) If an existing member of a career-technical planning 41049  
district develops a new career-technical education program, that 41050  
program shall be approved or disapproved by the lead district of 41051  
the career-technical planning district prior to the first fiscal 41052  
year for which the district or school is seeking funding for the 41053  
program. 41054

(4) Except as provided in division (B) (2) of this section, 41055  
if a career-technical education program was approved by the 41056  
department prior to September 29, 2013, that approval remains 41057  
valid for the unexpired remainder of the approval period 41058  
specified by the department. Approval of that program may then 41059  
be renewed in accordance with this section on a date prior to 41060  
the expiration of the approval period. 41061

(C) (1) The lead district of a career-technical planning 41062  
district shall approve or disapprove for a five-year period each 41063  
career-technical education program of the city, local, and 41064  
exempted village school districts, community schools, and STEM 41065  
schools that are assigned by the department to the career- 41066  
technical planning district. The lead district's decision to 41067  
approve or disapprove a program shall be based on requirements 41068  
for career-technical education programs that are specified in 41069  
rules adopted by the department. These requirements shall 41070  
include, but are not limited to, all of the following: 41071

(a) Demand for the career-technical education program by 41072  
industries in the state; 41073

(b) Quality of the program; 41074

(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;	41075 41076 41077
(d) Admission requirements of the lead district;	41078
(e) Past performance of the district or school that is offering the program;	41079 41080
(f) Traveling distance;	41081
(g) Sustainability;	41082
(h) Capacity;	41083
(i) Availability of the program within the career-technical planning district;	41084 41085
(j) In the case of a new program, the cost to begin the program.	41086 41087
(2) The lead district shall approve or disapprove each program not later than the first day of March prior to the first fiscal year for which the district or school is seeking funding for the program. If a program is approved, the lead district shall notify the department of its decision. If a program is disapproved, the lead district shall notify the district or school of its decision.	41088 41089 41090 41091 41092 41093 41094
If the lead district disapproves the program or does not take any action to approve or disapprove the program by the first day of March, the district or school may appeal the lead district's decision or failure to take action to the department by the fifteenth day of March.	41095 41096 41097 41098 41099
(D) (1) Upon receiving notification of a lead district's approval of a district's or school's career-technical education	41100 41101

program, the department shall review the lead district's 41102  
decision and determine whether to approve or disapprove the 41103  
program not later than the fifteenth day of May prior to the 41104  
first fiscal year for which the district or school is seeking 41105  
funding for the program. The department shall notify the 41106  
district or school and the lead district of the district's or 41107  
school's career-technical planning district of its 41108  
determination. 41109

(2) Upon receiving an appeal from a district or school of 41110  
a lead district's disapproval of a career-technical education 41111  
program or failure to take action to approve or disapprove the 41112  
program, the department shall review the lead district's 41113  
disapproval or failure to take action. The department shall 41114  
decide whether to approve or disapprove the program as a result 41115  
of this review not later than the fifteenth day of May prior to 41116  
the first fiscal year for which the district or school is 41117  
seeking funding for the program. The department shall notify the 41118  
lead district and the appealing district or school of its 41119  
determination. 41120

(3) In conducting a review under division (D) (1) or (2) of 41121  
this section, the department shall consider the criteria 41122  
prescribed under division (C) (1) of this section. 41123

(4) If the department approves a program under division 41124  
(D) (1) or (2) of this section, it shall authorize the payment to 41125  
the district or school of the funds attributed to the career- 41126  
technical students enrolled in that program in the next fiscal 41127  
year according to a payment schedule prescribed by the 41128  
department. 41129

(5) The department's decisions under divisions (D) (1) and 41130  
(2) of this section shall be final and not appealable. 41131

(6) The ~~superintendent of public instruction~~ director of education and workforce may adopt guidelines identifying circumstances in which the department may, after consulting with a lead district, approve or disapprove a program that has been approved or disapproved by the lead district after the deadline prescribed in division (D) (1) or (2) of this section has passed.

(E) The department and the lead district of each career-technical planning district shall conduct an annual review of each career-technical education program in the lead district's career-technical planning district that receives approval under this section. Continued funding of the program during the five-year approval period shall be subject to the school's compliance with any directives for performance improvement that are issued by the department or the lead district as a result of any review conducted under this section.

**Sec. 3317.162.** (A) For fiscal years 2022 and 2023, the department of education and workforce shall pay temporary transitional aid to each joint vocational school district according to the following formula:

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code) - (the district's payment under section 3317.16 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A) of this section results in a negative number, the district's funding under division (A) of this section shall be zero.

(B) If a joint vocational school district begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 or fiscal year 2023 but does not receive payments for

the fiscal year immediately preceding that fiscal year, the 41161  
department shall establish the district's funding base, as that 41162  
term is defined in section 3317.02 of the Revised Code, as an 41163  
amount equal to the absolute value of the sum of the associated 41164  
adjustments of any local school district's funding base under 41165  
division (C) of section 3317.019 of the Revised Code. 41166

**Sec. 3317.164.** (A) As used in this section, "JobsOhio" has 41167  
the same meaning as in section 187.01 of the Revised Code. 41168

(B) The governor's office of workforce transformation, in 41169  
collaboration with the department of education and workforce, 41170  
the chancellor of higher education, and JobsOhio, shall create a 41171  
program that establishes financial incentives for Ohio 41172  
businesses to provide work-based learning experiences for 41173  
students enrolled in a career-technical education program 41174  
approved under section 3317.161 of the Revised Code. 41175

(C) To qualify for the financial incentives of the program 41176  
created under this section, a business's work-based learning 41177  
experiences shall align with the framework developed by the 41178  
department under division (J) (3) of section 3313.603 of the 41179  
Revised Code and with the applicable minor labor laws under 41180  
section 4109.02 of the Revised Code. 41181

**Sec. 3317.18.** (A) As used in this section, the terms 41182  
"Chapter 133. securities," "credit enhancement facilities," 41183  
"debt charges," "general obligation," "legislation," "public 41184  
obligations," and "securities" have the same meanings as in 41185  
section 133.01 of the Revised Code. 41186

(B) The board of education of any school district 41187  
authorizing the issuance of securities under section 133.10 or 41188  
3313.372 of the Revised Code or general obligation Chapter 133. 41189

securities may adopt legislation requesting the ~~state~~ department 41190  
of education and workforce to approve, and enter into an 41191  
agreement with the school district and the primary paying agent 41192  
or fiscal agent for such securities providing for, the 41193  
withholding and deposit of funds, otherwise due the district 41194  
under Chapter 3317. of the Revised Code, for the payment of debt 41195  
service charges on such securities. 41196

The board of education shall deliver to the state 41197  
department a copy of such resolution and any additional 41198  
pertinent information the ~~state~~ department may require. 41199

The department ~~of education~~ and the office of budget and 41200  
management shall evaluate each request received from a school 41201  
district under this section and the department, with the advice 41202  
and consent of the director of budget and management, shall 41203  
approve or deny each request based on all of the following: 41204

(1) Whether approval of the request will enhance the 41205  
marketability of the securities for which the request is made; 41206

(2) Any other pertinent factors or limitations established 41207  
in rules made under division (I) of this section, including: 41208

(a) Current and projected obligations of funds due to the 41209  
requesting school district under Chapter 3317. of the Revised 41210  
Code including obligations of those funds to public obligations 41211  
or relevant credit enhancement facilities under this section, 41212  
Chapter 133. and section 3313.483 of the Revised Code, and under 41213  
any other similar provisions of law; 41214

(b) Whether the department of education and workforce or 41215  
the office of budget and management has any reason to believe 41216  
the requesting school district will be unable to pay when due 41217  
the debt charges on the securities for which the request is 41218

made. 41219

The department may require a school district to establish 41220  
schedules for the payment of all debt charges that take into 41221  
account the amount and timing of anticipated distributions of 41222  
funds to the district under Chapter 3317. of the Revised Code. 41223

(C) If the department approves the request of a school 41224  
district to withhold and deposit funds pursuant to this section, 41225  
the department shall enter into a written agreement with the 41226  
district and the primary paying agent or fiscal agent for the 41227  
securities which shall provide for the withholding of funds 41228  
pursuant to this section for the payment of debt charges on 41229  
those securities, and may include both of the following: 41230

(1) Provisions for certification by the district to the 41231  
department, at a time prior to any date for the payment of 41232  
applicable debt charges, whether the district is able to pay 41233  
those debt charges when due; 41234

(2) Requirements that the district deposit amounts for the 41235  
payment of debt charges on the securities with the primary 41236  
paying agent or fiscal agent for the securities prior to the 41237  
date on which those debt charge payments are due to the owners 41238  
or holders of the securities. 41239

(D) Whenever a district notifies the department ~~of~~ 41240  
~~education~~ that it will be unable to pay debt charges when they 41241  
are due, subject to the withholding provisions of this section, 41242  
or whenever the applicable paying agent or fiscal agent notifies 41243  
the department that it has not timely received from a school 41244  
district the full amount needed for the payment when due of 41245  
those debt charges to the holders or owners of such securities, 41246  
the department shall immediately contact the school district and 41247

the paying agent or fiscal agent to confirm or determine whether 41248  
the district is unable to make the required payment by the date 41249  
on which it is due. 41250

Upon demand of the treasurer of state while holding a 41251  
school district obligation purchased under division (G) (1) of 41252  
section 135.143 of the Revised Code, the ~~state department of~~ 41253  
~~education~~, without a request of the school district, shall 41254  
withhold and deposit funds pursuant to this section for payment 41255  
of debt service charges on that obligation. 41256

If the department confirms or determines that the district 41257  
will be unable to make such payment and payment will not be made 41258  
pursuant to a credit enhancement facility, the department shall 41259  
promptly pay to the applicable primary paying agent or fiscal 41260  
agent the lesser of the amount due for debt charges or the 41261  
amount due the district for the remainder of the fiscal year 41262  
under Chapter 3317. of the Revised Code. If this amount is 41263  
insufficient to pay the total amount then due the agent for the 41264  
payment of debt charges, the department shall pay to the agent 41265  
each fiscal year thereafter, and until the full amount due the 41266  
agent for unpaid debt charges is paid in full, the lesser of the 41267  
remaining amount due the agent for debt charges or the amount 41268  
due the district for the fiscal year under Chapter 3317. of the 41269  
Revised Code. 41270

(E) The ~~state~~ department may make any payments under this 41271  
division by direct deposit of funds by electronic transfer. 41272

Any amount received by a paying agent or fiscal agent 41273  
under this section shall be applied only to the payment of debt 41274  
charges on the securities of the school district subject to this 41275  
section or to the reimbursement to the provider of a credit 41276  
enhancement facility that has paid such debt charges. 41277

(F) To the extent a school district whose securities are 41278  
subject to this section is unable to pay applicable debt charges 41279  
because of the failure to collect property taxes levied for the 41280  
payment of those debt charges, the district may transfer to or 41281  
deposit into any fund that would have received payments under 41282  
Chapter 3317. of the Revised Code that were withheld under this 41283  
section any such delinquent property taxes when later collected, 41284  
provided that transfer or deposit shall be limited to the 41285  
amounts withheld from that fund under this section. 41286

(G) The department may make payments under this section to 41287  
paying agents or fiscal agents only from and to the extent that 41288  
money is appropriated by the general assembly for Chapter 3317. 41289  
of the Revised Code or for the purposes of this section. No 41290  
securities of a school district to which this section is made 41291  
applicable constitute an obligation or a debt or a pledge of the 41292  
faith, credit, or taxing power of the state, and the holders or 41293  
owners of such securities have no right to have taxes levied or 41294  
appropriations made by the general assembly for the payment of 41295  
debt charges on those securities, and those securities, if the 41296  
department requires, shall contain a statement to that effect. 41297  
The agreement for or the actual withholding and payment of 41298  
moneys under this section does not constitute the assumption by 41299  
the state of any debt of a school district. 41300

(H) In the case of securities subject to the withholding 41301  
provisions of this section, the issuing board of education shall 41302  
appoint a paying agent or fiscal agent who is not an officer or 41303  
employee of the school district. 41304

(I) The department ~~of education~~, with the advice of the 41305  
office of budget and management, may adopt reasonable rules not 41306  
inconsistent with this section for the implementation of this 41307

section and division (B) of section 133.25 of the Revised Code 41308  
as it relates to the withholding and depositing of payments 41309  
under Chapter 3317. of the Revised Code to secure payment of 41310  
debt charges on school district securities. Those rules shall 41311  
include criteria for the evaluation and approval or denial of 41312  
school district requests for withholding under this section and 41313  
limits on the obligation for the purpose of paying debt charges 41314  
or reimbursing credit enhancement facilities of funds otherwise 41315  
to be paid to school districts under Chapter 3317. of the 41316  
Revised Code. 41317

(J) The authority granted by this section is in addition 41318  
to and not a limitation on any other authorizations granted by 41319  
or pursuant to law for the same or similar purposes. 41320

**Sec. 3317.19.** The ~~state board~~ department of education and 41321  
workforce shall compute and distribute to each cooperative 41322  
education school district for each fiscal year an amount equal 41323  
to the sum of the following: 41324

(A) An amount equal to the total of the amounts credited 41325  
to the cooperative education school district pursuant to 41326  
division (H) of section 3317.023 of the Revised Code; 41327

(B) An amount for assisting in providing free lunches to 41328  
needy children pursuant to division (D) of section 3317.024 of 41329  
the Revised Code. 41330

**Sec. 3317.201.** This section does not apply to preschool 41331  
children with disabilities. 41332

(A) As used in this section, the "total special education 41333  
amount" for an institution means the following: 41334

(1) For fiscal years 2022 and 2023, the sum of the 41335  
following amounts: 41336

(a) The number of children certified by the institution 41337  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41338  
Code as receiving services for a disability described in 41339  
division (A) of section 3317.013 of the Revised Code multiplied 41340  
by the multiple specified in that division multiplied by the 41341  
statewide average base cost per pupil; 41342

(b) The number of children certified by the institution 41343  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41344  
Code as receiving services for a disability described in 41345  
division (B) of section 3317.013 of the Revised Code multiplied 41346  
by the multiple specified in that division multiplied by the 41347  
statewide average base cost per pupil; 41348

(c) The number of children certified by the institution 41349  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41350  
Code as receiving services for a disability described in 41351  
division (C) of section 3317.013 of the Revised Code multiplied 41352  
by the multiple specified in that division multiplied by the 41353  
statewide average base cost per pupil; 41354

(d) The number of children certified by the institution 41355  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41356  
Code as receiving services for a disability described in 41357  
division (D) of section 3317.013 of the Revised Code multiplied 41358  
by the multiple specified in that division multiplied by the 41359  
statewide average base cost per pupil; 41360

(e) The number of children certified by the institution 41361  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41362  
Code as receiving services for a disability described in 41363  
division (E) of section 3317.013 of the Revised Code multiplied 41364  
by the multiple specified in that division multiplied by the 41365  
statewide average base cost per pupil; 41366

(f) The number of children certified by the institution 41367  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41368  
Code as receiving services for a disability described in 41369  
division (F) of section 3317.013 of the Revised Code multiplied 41370  
by the multiple specified in that division multiplied by the 41371  
statewide average base cost per pupil. 41372

(2) For fiscal year 2024 and each fiscal year thereafter, 41373  
the sum of the following amounts: 41374

(a) An amount calculated in a manner determined by the 41375  
general assembly times the number of children certified by the 41376  
institution under division (G) (1) (a) (i) of section 3317.03 of 41377  
the Revised Code as receiving services for a disability 41378  
described in division (A) of section 3317.013 of the Revised 41379  
Code; 41380

(b) An amount calculated in a manner determined by the 41381  
general assembly times the number of children certified by the 41382  
institution under division (G) (1) (a) (i) of section 3317.03 of 41383  
the Revised Code as receiving services for a disability 41384  
described in division (B) of section 3317.013 of the Revised 41385  
Code; 41386

(c) An amount calculated in a manner determined by the 41387  
general assembly times the number of children certified by the 41388  
institution under division (G) (1) (a) (i) of section 3317.03 of 41389  
the Revised Code as receiving services for a disability 41390  
described in division (C) of section 3317.013 of the Revised 41391  
Code; 41392

(d) An amount calculated in a manner determined by the 41393  
general assembly times the number of children certified by the 41394  
institution under division (G) (1) (a) (i) of section 3317.03 of 41395

the Revised Code as receiving services for a disability 41396  
described in division (D) of section 3317.013 of the Revised 41397  
Code; 41398

(e) An amount calculated in a manner determined by the 41399  
general assembly times the number of children certified by the 41400  
institution under division (G) (1) (a) (i) of section 3317.03 of 41401  
the Revised Code as receiving services for a disability 41402  
described in division (E) of section 3317.013 of the Revised 41403  
Code; 41404

(f) An amount calculated in a manner determined by the 41405  
general assembly times the number of children certified by the 41406  
institution under division (G) (1) (a) (i) of section 3317.03 of 41407  
the Revised Code as receiving services for a disability 41408  
described in division (F) of section 3317.013 of the Revised 41409  
Code. 41410

(B) For each fiscal year, the department of education and 41411  
workforce shall pay each state institution required to provide 41412  
special education services under division (A) of section 41413  
3323.091 of the Revised Code an amount equal to the 41414  
institution's total special education amount. 41415

**Sec. 3317.23.** (A) For purposes of this section: 41416

(1) "Competency-based educational program" means any 41417  
system of academic instruction, assessment, grading, and 41418  
reporting where students receive credit based on demonstrations 41419  
and assessments of their learning rather than the amount of time 41420  
they spend studying a subject. A competency-based educational 41421  
program shall encourage accelerated learning among students who 41422  
master academic materials quickly while providing additional 41423  
instructional support time for students who need it. 41424

(2) An "eligible individual" is an individual who 41425  
satisfies both of the following criteria: 41426

(a) The individual is at least twenty-two years of age. 41427

(b) The individual has not been awarded a high school 41428  
diploma or a certificate of high school equivalence as defined 41429  
in section 4109.06 of the Revised Code. 41430

(B) An eligible individual may enroll in a city, local, or 41431  
exempted village school district that operates a dropout 41432  
prevention and recovery program for up to two consecutive school 41433  
years for the purpose of earning a high school diploma. An 41434  
individual enrolled under this division may elect to satisfy the 41435  
requirements to earn a high school diploma by successfully 41436  
completing a competency-based educational program that complies 41437  
with the standards adopted by the department of education and 41438  
workforce under section 3317.231 of the Revised Code. The 41439  
district shall report that individual's enrollment on a full- 41440  
time equivalency basis under division (A) of section 3317.036 of 41441  
the Revised Code and shall not report that individual's 41442  
enrollment under section 3317.03 of the Revised Code. An 41443  
individual enrolled under this division shall not be assigned to 41444  
classes or settings with students who are younger than eighteen 41445  
years of age. 41446

(C) (1) For each district that enrolls individuals under 41447  
division (B) of this section, the department annually shall 41448  
certify the enrollment and attendance, on a full-time 41449  
equivalency basis, of each individual reported by the district 41450  
under division (A) of section 3317.036 of the Revised Code. 41451

(2) For each individual enrolled in a district under 41452  
division (B) of this section, the department annually shall pay 41453

the district up to \$5,000, as determined by the department based 41454  
on the extent of the individual's successful completion of the 41455  
graduation requirements prescribed under sections 3313.603, 41456  
3313.61, 3313.611, and 3313.614 of the Revised Code. 41457

(D) A district that enrolls individuals under division (B) 41458  
of this section shall be subject to the program administration 41459  
standards adopted by the department under section 3317.231 of 41460  
the Revised Code, as applicable. 41461

**Sec. 3317.231.** The department of education and workforce 41462  
shall adopt rules regarding the administration of programs that 41463  
enroll individuals who are at least twenty-two years of age 41464  
under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the 41465  
Revised Code, including data collection, the reporting and 41466  
certification of enrollment in the programs, the measurement of 41467  
the academic performance of individuals enrolled in the 41468  
programs, and the standards for competency-based educational 41469  
programs, as defined in section 3317.23 of the Revised Code. 41470

**Sec. 3317.24.** (A) For purposes of this section, 41471  
"competency-based educational program" and "eligible individual" 41472  
have the same meanings as in section 3317.23 of the Revised 41473  
Code. 41474

(B) An eligible individual may enroll in a joint 41475  
vocational school district that operates an adult education 41476  
program for up to two cumulative school years for the purpose of 41477  
completing the requirements to earn a high school diploma. An 41478  
individual enrolled under this division may elect to satisfy 41479  
these requirements by successfully completing a competency-based 41480  
educational program that complies with the standards adopted by 41481  
the department of education and workforce under section 3317.231 41482  
of the Revised Code. The district shall report an individual's 41483

enrollment under this division on a full-time equivalency basis 41484  
under division (B) of section 3317.036 of the Revised Code and 41485  
shall not report that individual's enrollment under section 41486  
3317.03 of the Revised Code. An individual enrolled under this 41487  
division shall not be assigned to classes or settings with 41488  
students who are younger than eighteen years of age. 41489

(C) (1) For each joint vocational school district that 41490  
enrolls individuals under division (B) of this section, the 41491  
department annually shall certify the enrollment and attendance, 41492  
on a full-time equivalency basis, of each individual reported by 41493  
the district under division (B) of section 3317.036 of the 41494  
Revised Code. 41495

(2) For each individual enrolled in a joint vocational 41496  
school district under division (B) of this section, the 41497  
department annually shall pay the district up to \$5,000, as 41498  
determined by the department based on the extent of the 41499  
individual's successful completion of the graduation 41500  
requirements prescribed under sections 3313.603, 3313.61, 41501  
3313.611, and 3313.614 of the Revised Code. 41502

(D) If an individual enrolled in a joint vocational school 41503  
district under division (B) of this section completes the 41504  
requirements to earn a high school diploma, the joint vocational 41505  
school district shall certify the completion of those 41506  
requirements to the city, local, or exempted village school 41507  
district in which the individual resides. Upon receiving 41508  
certification under this division, the city, local, or exempted 41509  
village school district in which the individual resides shall 41510  
issue a high school diploma to the individual within sixty days 41511  
of receiving the certification. 41512

(E) A joint vocational school district that enrolls 41513

individuals under division (B) of this section shall be subject 41514  
to the program administration standards adopted by the 41515  
department under section 3317.231 of the Revised Code, as 41516  
applicable. 41517

**Sec. 3317.25.** (A) As used in this section, "disadvantaged 41518  
pupil impact aid" means the following: 41519

(1) For a city, local, or exempted village school 41520  
district, the funds received under division (A) (4) (a) of section 41521  
3317.022 of the Revised Code; 41522

(2) For a joint vocational school district, the funds 41523  
received under division (A) (3) of section 3317.16 of the Revised 41524  
Code; 41525

(3) For a community school established under Chapter 3314. 41526  
of the Revised Code, the funds received under division (A) (4) (b) 41527  
of section 3317.022 of the Revised Code; 41528

(4) For a STEM school established under Chapter 3326. of 41529  
the Revised Code, the funds received under division (A) (4) (b) of 41530  
section 3317.022 of the Revised Code. 41531

(B) (1) For fiscal years 2022 and 2023, a city, local, 41532  
exempted village, or joint vocational school district, community 41533  
school, or STEM school shall spend the disadvantaged pupil 41534  
impact aid it receives for any of the following initiatives or a 41535  
combination of any of the following initiatives: 41536

(a) Extended school day and school year; 41537

(b) Reading improvement and intervention; 41538

(c) Instructional technology or blended learning; 41539

(d) Professional development in reading instruction for 41540

teachers of students in kindergarten through third grade;	41541
(e) Dropout prevention;	41542
(f) School safety and security measures;	41543
(g) Community learning centers that address barriers to learning;	41544 41545
(h) Academic interventions for students in any of grades six through twelve;	41546 41547
(i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;	41548 41549 41550 41551
(j) Mental health services, including telehealth services;	41552
(k) Culturally appropriate, evidence-based or evidence-informed prevention education, including youth-led programming and social and emotional learning curricula to promote mental health and prevent substance use and suicide;	41553 41554 41555 41556
(l) Services for homeless youth;	41557
(m) Services for child welfare involved youth;	41558
(n) Community liaisons or programs that connect students to community resources, including city connects, communities in schools, and other similar programs;	41559 41560 41561
(o) Physical health care services, including telehealth services;	41562 41563
(p) Family engagement and support services;	41564
(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in	41565 41566

session, including mentoring programs. 41567

(2) For fiscal year 2024 and each fiscal year thereafter, 41568  
each city, local, exempted village, and joint vocational school 41569  
district, community school, and STEM school shall spend the 41570  
disadvantaged pupil impact aid it receives for one or more 41571  
initiatives specified by the general assembly. 41572

(C) (1) For fiscal years 2022 and 2023, each city, local, 41573  
exempted village, and joint vocational school district, 41574  
community school, and STEM school that is subject to the 41575  
requirements of this section shall develop a plan for utilizing 41576  
the disadvantaged pupil impact aid it receives in coordination 41577  
with at least one of the following community partners: 41578

(a) A board of alcohol, drug addiction, and mental health 41579  
services established under Chapter 340. of the Revised Code; 41580

(b) An educational service center; 41581

(c) A county board of developmental disabilities; 41582

(d) A community-based mental health treatment provider; 41583

(e) A board of health of a city or general health 41584  
district; 41585

(f) A county department of job and family services; 41586

(g) A nonprofit organization with experience serving 41587  
children; 41588

(h) A public hospital agency. 41589

(2) For fiscal year 2024 and each fiscal year thereafter, 41590  
each city, local, exempted village, and joint vocational school 41591  
district, community school, and STEM school that is subject to 41592  
the requirements of this section shall develop a plan for 41593

utilizing the disadvantaged pupil impact aid it receives in the 41594  
manner specified by the general assembly, if the general 41595  
assembly requires city, local, exempted village, and joint 41596  
vocational school districts, community schools, and STEM schools 41597  
to develop such a plan. 41598

(D) After the end of each fiscal year, each city, local, 41599  
exempted village, or joint vocational school district, community 41600  
school, and STEM school shall submit a report to the department 41601  
of education and workforce describing the initiative or 41602  
initiatives on which the district's or school's disadvantaged 41603  
pupil impact aid were spent during that fiscal year. For fiscal 41604  
years 2022 and 2023, this report shall be submitted in a manner 41605  
prescribed by the department and shall also describe the amount 41606  
of money that was spent on each initiative. 41607

(E) Starting in 2015, the department shall submit a report 41608  
of the information it receives under division (C) of this 41609  
section to the general assembly not later than the first day of 41610  
December of each odd-numbered year in accordance with section 41611  
101.68 of the Revised Code. 41612

**Sec. 3317.40.** (A) As used in this section, "subgroup" 41613  
means one of the following subsets of the entire student 41614  
population of a school district or a school building: 41615

(1) Students with disabilities; 41616

(2) Economically disadvantaged students; 41617

(3) English learners; 41618

(4) Students identified as gifted in superior cognitive 41619  
ability and specific academic ability fields under Chapter 3324. 41620  
of the Revised Code. 41621

(B) It is the intent of the general assembly that funds 41622  
provided under this chapter shall be used for the provision of a 41623  
system of common schools and the advancement of the knowledge of 41624  
all students. As such, school districts and schools shall be 41625  
held accountable for those funds to ensure that all students are 41626  
provided an opportunity to graduate from high school prepared 41627  
for a career or for post-secondary education. 41628

(C) When funds are provided under this chapter 41629  
specifically for services for a subgroup of students, the 41630  
general assembly has determined that these students experience 41631  
unique challenges requiring additional resources and intends 41632  
that the funds so provided be used for services that will allow 41633  
students in those subgroups to master the knowledge base 41634  
required for high school graduation. 41635

(D) If a district or school fails to show satisfactory 41636  
achievement and progress, as determined by the ~~state board~~ 41637  
department of education and workforce, for any subgroup of 41638  
students based on performance measures reported or graded under 41639  
section 3302.03 of the Revised Code, the district or school 41640  
shall submit an improvement plan to the department for approval. 41641  
The plan may be included in any other improvement plan required 41642  
of the district or school under state or federal law. The 41643  
department may require that a plan required under division (C) 41644  
of this section include an agreement to partner with another 41645  
organization that has demonstrated the ability to improve the 41646  
educational outcome for that subgroup of students to provide 41647  
services to those students. The partner organization may be 41648  
another school, district, or other education provider. 41649

~~Not later than December 31, 2014, the state board of~~ 41650  
~~education~~ The department shall establish measures of 41651

satisfactory achievement and progress, which include, but are 41652  
not limited to, performance measures under section 3302.03 of 41653  
the Revised Code. The department shall make the initial 41654  
determination of satisfactory achievement and progress under 41655  
this section using those measures not later than September 1, 41656  
2015, and then make determinations under this section annually 41657  
thereafter. 41658

The department shall publish a list of schools, school 41659  
districts, and other educational providers that have 41660  
demonstrated an ability to serve each subgroup of students. 41661

**Sec. 3317.50.** The telecommunity education fund is hereby 41662  
created in the state treasury. The fund shall consist of certain 41663  
excess local exchange telephone company contributions 41664  
transferred from the reserve fund of the Ohio telecommunications 41665  
advisory board pursuant to an agreement between the public 41666  
utilities commission of Ohio and the Ohio department of 41667  
education and workforce. The fund shall be used by the 41668  
chancellor of ~~the Ohio board of regents~~ higher education, in the 41669  
amounts appropriated, to finance technology grants to state- 41670  
chartered elementary and secondary schools. Investment earnings 41671  
of the fund shall be credited to the fund. 41672

**Sec. 3317.51.** (A) The distance learning fund is hereby 41673  
created in the state treasury. The fund shall consist of moneys 41674  
paid by any telephone company as a part of a settlement 41675  
agreement between such company and the public utilities 41676  
commission in fiscal year 1995 in part to establish distance 41677  
learning throughout the state. The chancellor of ~~the Ohio board~~ 41678  
~~of regents~~ higher education shall administer the fund and expend 41679  
moneys from it to finance technology grants to eligible schools 41680  
chartered by the ~~state board~~ director of education and workforce 41681

to establish distance learning in those schools. Chartered 41682  
schools are eligible for funds if they are within the service 41683  
area of the telephone company. Investment earnings of the fund 41684  
shall be credited to the fund. 41685

(B) For purposes of this section, "distance learning" 41686  
means the creation of a learning environment involving a school 41687  
setting and at least one other location outside of the school 41688  
which allows for information available at one site to be 41689  
accessed at the other through the use of such educational 41690  
applications as one-way or two-way transmission of data, voice, 41691  
and video, singularly or in appropriate combinations. 41692

**Sec. 3318.011.** For purposes of providing assistance under 41693  
sections 3318.01 to 3318.20 of the Revised Code, the department 41694  
of education and workforce shall annually do all of the 41695  
following: 41696

(A) Calculate the adjusted valuation per pupil of each 41697  
city, local, and exempted village school district according to 41698  
the following formula: 41699

The district's valuation per pupil - [ $\$30,000 \times (1 - \text{the}$  41700  
district's income factor)]. 41701

For purposes of this calculation: 41702

(1) Except for a district with an open enrollment net gain 41703  
that is ten per cent or more of its formula ADM, "valuation per 41704  
pupil" for a district means its average taxable value, divided 41705  
by its formula ADM for the previous fiscal year. "Valuation per 41706  
pupil," for a district with an open enrollment net gain that is 41707  
ten per cent or more of its formula ADM, means its average 41708  
taxable value, divided by the sum of its formula ADM for the 41709  
previous fiscal year plus its open enrollment net gain for the 41710

previous fiscal year.	41711
(2) "Average taxable value" means the average of the sum	41712
of the amounts certified for a district under divisions (A) (1)	41713
and (2) of section 3317.021 of the Revised Code in the second,	41714
third, and fourth preceding fiscal years.	41715
(3) "Entitled to attend school" means entitled to attend	41716
school in a city, local, or exempted village school district	41717
under section 3313.64 or 3313.65 of the Revised Code.	41718
(4) "Formula ADM" has the same meaning as in section	41719
3317.02 of the Revised Code.	41720
(5) "Native student" has the same meaning as in section	41721
3313.98 of the Revised Code.	41722
(6) "Open enrollment net gain" for a district means (a)	41723
the number of the students entitled to attend school in another	41724
district but who are enrolled in the schools of the district	41725
under its open enrollment policy minus (b) the number of the	41726
district's native students who are enrolled in the schools of	41727
another district under the other district's open enrollment	41728
policy, both numbers as certified to the department under	41729
section 3313.981 of the Revised Code. If the difference is a	41730
negative number, the district's "open enrollment net gain" is	41731
zero.	41732
(7) "Open enrollment policy" means an interdistrict open	41733
enrollment policy adopted under section 3313.98 of the Revised	41734
Code.	41735
(8) "District median income" means the median Ohio	41736
adjusted gross income certified for a school district under	41737
section 3317.021 of the Revised Code.	41738

(9) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state. 41739  
41740  
41741

(10) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income. 41742  
41743  
41744

(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years; 41745  
41746  
41747

(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil; 41748  
41749  
41750  
41751

(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted valuations per pupil; 41752  
41753  
41754  
41755  
41756  
41757

(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; 41758  
41759  
41760  
41761

(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. 41762  
41763  
41764

**Sec. 3318.033.** (A) As used in this section: 41765

(1) "Formula ADM" has the same meaning as in section 41766

3317.02 of the Revised Code. 41767

(2) "Open enrollment net gain" has the same meaning as in 41768  
section 3318.011 of the Revised Code. 41769

(B) This section applies to each school district that 41770  
meets the following criteria: 41771

(1) The Ohio facilities construction commission certified 41772  
its conditional approval of the district's project under 41773  
sections 3318.01 to 3318.20 of the Revised Code after July 1, 41774  
2006, and prior to September 29, 2007, and the project had not 41775  
been completed as of September 29, 2007. 41776

(2) Within one year after the date of the commission's 41777  
certification of its conditional approval, the district's 41778  
electors approved a bond issue to pay the district's portion of 41779  
the basic project cost or the district board of education 41780  
complied with section 3318.052 of the Revised Code. 41781

(3) In the fiscal year prior to the fiscal year in which 41782  
the district's project was conditionally approved, the district 41783  
had an open enrollment net gain that was ten per cent or more of 41784  
its formula ADM. 41785

(C) For each school district to which this section 41786  
applies, the department of education and workforce shall 41787  
recalculate the district's percentile ranking under section 41788  
3318.011 of the Revised Code for the fiscal year prior to the 41789  
fiscal year in which the district's project was conditionally 41790  
approved and shall report the recalculated percentile ranking to 41791  
the commission. For this purpose, the department shall 41792  
recalculate every school district's percentile ranking for that 41793  
fiscal year using the district's "valuation per pupil" as that 41794  
term is defined in section 3318.011 of the Revised Code on and 41795

after September 29, 2007. 41796

(D) For each school district to which this section 41797  
applies, the commission shall use the recalculated percentile 41798  
ranking reported under division (C) of this section to determine 41799  
the district's portion of the basic project cost under section 41800  
3318.032 of the Revised Code. The commission shall not use the 41801  
recalculated percentile ranking for any other purpose, and the 41802  
recalculated ranking shall not affect any other district's 41803  
portion of the basic project cost under section 3318.032 of the 41804  
Revised Code or any district's eligibility for assistance under 41805  
sections 3318.01 to 3318.20 of the Revised Code. The commission 41806  
shall revise the agreement entered into under section 3318.08 of 41807  
the Revised Code to reflect the district's new portion of the 41808  
basic project cost as determined under this division. 41809

**Sec. 3318.051.** (A) Any city, exempted village, or local 41810  
school district that commences a project under sections 3318.01 41811  
to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on 41812  
or after September 5, 2006, need not levy the tax otherwise 41813  
required under division (B) of section 3318.05 of the Revised 41814  
Code, if the district board of education adopts a resolution 41815  
petitioning the Ohio facilities construction commission to 41816  
approve the transfer of money in accordance with this section 41817  
and the commission approves that transfer. If so approved, the 41818  
commission and the district board shall enter into an agreement 41819  
under which the board, in each of twenty-three consecutive years 41820  
beginning in the year in which the board and the commission 41821  
enter into the project agreement under section 3318.08 of the 41822  
Revised Code, shall transfer into the maintenance fund required 41823  
by division (D) of section 3318.05 of the Revised Code not less 41824  
than an amount equal to one-half mill for each dollar of the 41825  
district's valuation unless and until the agreement to make 41826

those transfers is rescinded by the district board pursuant to 41827  
division (F) of this section. 41828

(B) On the first day of July each year, or on an 41829  
alternative date prescribed by the commission, the district 41830  
treasurer shall certify to the commission and the auditor of 41831  
state that the amount required for the year has been 41832  
transferred. The auditor of state shall include verification of 41833  
the transfer as part of any audit of the district under section 41834  
117.11 of the Revised Code. If the auditor of state finds that 41835  
less than the required amount has been deposited into a 41836  
district's maintenance fund, the auditor of state shall notify 41837  
the district board of education in writing of that fact and 41838  
require the board to deposit into the fund, within ninety days 41839  
after the date of the notice, the amount by which the fund is 41840  
deficient for the year. If the district board fails to 41841  
demonstrate to the auditor of state's satisfaction that the 41842  
board has made the deposit required in the notice, the auditor 41843  
of state shall notify the department of education and workforce. 41844  
At that time, the department shall withhold an amount equal to 41845  
ten per cent of the district's funds calculated for the current 41846  
fiscal year under Chapter 3317. of the Revised Code until the 41847  
auditor of state notifies the department that the auditor of 41848  
state is satisfied that the board has made the required 41849  
transfer. 41850

(C) Money transferred to the maintenance fund shall be 41851  
used for the maintenance or, upon approval of the Ohio 41852  
facilities construction commission, upgrade of the facilities 41853  
acquired under the district's project. 41854

(D) The transfers to the maintenance fund under this 41855  
section does not affect a district's obligation to establish and 41856

maintain a capital and maintenance fund under section 3315.18 of 41857  
the Revised Code. 41858

(E) Any decision by the commission to approve or not 41859  
approve the transfer of money under this section is final and 41860  
not subject to appeal. The commission shall not be responsible 41861  
for errors or miscalculations made in deciding whether to 41862  
approve a petition to make transfers under this section. 41863

(F) If the district board determines that it no longer can 41864  
continue making the transfers agreed to under this section, the 41865  
board may rescind the agreement only so long as the electors of 41866  
the district have approved, in accordance with section 3318.063 41867  
of the Revised Code, the levy of a tax for the maintenance of 41868  
the classroom facilities acquired under the district's project 41869  
and that levy continues to be collected as approved by the 41870  
electors. That levy shall be for a number of years that is equal 41871  
to the difference between twenty-three years and the number of 41872  
years that the district made transfers under this section and 41873  
shall be at the rate of not less than one-half mill for each 41874  
dollar of the district's valuation. The district board shall 41875  
continue to make the transfers agreed to under this section 41876  
until that levy has been approved by the electors. 41877

**Sec. 3318.08.** Except in the case of a joint vocational 41878  
school district that receives assistance under sections 3318.40 41879  
to 3318.45 of the Revised Code, if the requisite favorable vote 41880  
on the election is obtained, or if the school district board has 41881  
resolved to apply the proceeds of a property tax levy or the 41882  
proceeds of an income tax, or a combination of proceeds from 41883  
such taxes, as authorized in section 3318.052 of the Revised 41884  
Code, the Ohio facilities construction commission, upon 41885  
certification to it of either the results of the election or the 41886

resolution under section 3318.052 of the Revised Code, shall 41887  
enter into a written agreement with the school district board 41888  
for the construction and sale of the project. In the case of a 41889  
joint vocational school district that receives assistance under 41890  
sections 3318.40 to 3318.45 of the Revised Code, if the school 41891  
district board of education and the school district electors 41892  
have satisfied the conditions prescribed in division (D)(1) of 41893  
section 3318.41 of the Revised Code, the commission shall enter 41894  
into an agreement with the school district board for the 41895  
construction and sale of the project. In either case, the 41896  
agreement shall include, but need not be limited to, the 41897  
following provisions: 41898

(A) The sale and issuance of bonds or notes in 41899  
anticipation thereof, as soon as practicable after the execution 41900  
of the agreement, in an amount equal to the school district's 41901  
portion of the basic project cost, including any securities 41902  
authorized under division (J) of section 133.06 of the Revised 41903  
Code and dedicated by the school district board to payment of 41904  
the district's portion of the basic project cost of the project; 41905  
provided, that if at that time the county treasurer of each 41906  
county in which the school district is located has not commenced 41907  
the collection of taxes on the general duplicate of real and 41908  
public utility property for the year in which the controlling 41909  
board approved the project, the school district board shall 41910  
authorize the issuance of a first installment of bond 41911  
anticipation notes in an amount specified by the agreement, 41912  
which amount shall not exceed an amount necessary to raise the 41913  
net bonded indebtedness of the school district as of the date of 41914  
the controlling board's approval to within five thousand dollars 41915  
of the required level of indebtedness for the preceding year. In 41916  
the event that a first installment of bond anticipation notes is 41917

issued, the school district board shall, as soon as practicable 41918  
after the county treasurer of each county in which the school 41919  
district is located has commenced the collection of taxes on the 41920  
general duplicate of real and public utility property for the 41921  
year in which the controlling board approved the project, 41922  
authorize the issuance of a second and final installment of bond 41923  
anticipation notes or a first and final issue of bonds. 41924

The combined value of the first and second installment of 41925  
bond anticipation notes or the value of the first and final 41926  
issue of bonds shall be equal to the school district's portion 41927  
of the basic project cost. The proceeds of any such bonds shall 41928  
be used first to retire any bond anticipation notes. Otherwise, 41929  
the proceeds of such bonds and of any bond anticipation notes, 41930  
except the premium and accrued interest thereon, shall be 41931  
deposited in the school district's project construction fund. In 41932  
determining the amount of net bonded indebtedness for the 41933  
purpose of fixing the amount of an issue of either bonds or bond 41934  
anticipation notes, gross indebtedness shall be reduced by 41935  
moneys in the bond retirement fund only to the extent of the 41936  
moneys therein on the first day of the year preceding the year 41937  
in which the controlling board approved the project. Should 41938  
there be a decrease in the tax valuation of the school district 41939  
so that the amount of indebtedness that can be incurred on the 41940  
tax duplicates for the year in which the controlling board 41941  
approved the project is less than the amount of the first 41942  
installment of bond anticipation notes, there shall be paid from 41943  
the school district's project construction fund to the school 41944  
district's bond retirement fund to be applied against such notes 41945  
an amount sufficient to cause the net bonded indebtedness of the 41946  
school district, as of the first day of the year following the 41947  
year in which the controlling board approved the project, to be 41948

within five thousand dollars of the required level of 41949  
indebtedness for the year in which the controlling board 41950  
approved the project. The maximum amount of indebtedness to be 41951  
incurred by any school district board as its share of the cost 41952  
of the project is either an amount that will cause its net 41953  
bonded indebtedness, as of the first day of the year following 41954  
the year in which the controlling board approved the project, to 41955  
be within five thousand dollars of the required level of 41956  
indebtedness, or an amount equal to the required percentage of 41957  
the basic project costs, whichever is greater. All bonds and 41958  
bond anticipation notes shall be issued in accordance with 41959  
Chapter 133. of the Revised Code, and notes may be renewed as 41960  
provided in section 133.22 of the Revised Code. 41961

(B) The transfer of such funds of the school district 41962  
board available for the project, together with the proceeds of 41963  
the sale of the bonds or notes, except premium, accrued 41964  
interest, and interest included in the amount of the issue, to 41965  
the school district's project construction fund; 41966

(C) For all school districts except joint vocational 41967  
school districts that receive assistance under sections 3318.40 41968  
to 3318.45 of the Revised Code, the following provisions as 41969  
applicable: 41970

(1) If section 3318.052 of the Revised Code applies, the 41971  
earmarking of the proceeds of a tax levied under section 5705.21 41972  
of the Revised Code for general permanent improvements or under 41973  
section 5705.218 of the Revised Code for the purpose of 41974  
permanent improvements, or the proceeds of a school district 41975  
income tax levied under Chapter 5748. of the Revised Code, or 41976  
the proceeds from a combination of those two taxes, in an amount 41977  
to pay all or part of the service charges on bonds issued to pay 41978

the school district portion of the project and an amount 41979  
equivalent to all or part of the tax required under division (B) 41980  
of section 3318.05 of the Revised Code; 41981

(2) If section 3318.052 of the Revised Code does not 41982  
apply, one of the following: 41983

(a) The levy of the tax authorized at the election for the 41984  
payment of maintenance costs, as specified in division (B) of 41985  
section 3318.05 of the Revised Code; 41986

(b) If the school district electors have approved a 41987  
continuing tax for general permanent improvements under section 41988  
5705.21 of the Revised Code and that tax can be used for 41989  
maintenance, the earmarking of an amount of the proceeds from 41990  
such tax for maintenance of classroom facilities as specified in 41991  
division (B) of section 3318.05 of the Revised Code; 41992

(c) If, in lieu of the tax otherwise required under 41993  
division (B) of section 3318.05 of the Revised Code, the 41994  
commission has approved the transfer of money to the maintenance 41995  
fund in accordance with section 3318.051 of the Revised Code, a 41996  
requirement that the district board comply with the provisions 41997  
of that section. The district board may rescind the provision 41998  
prescribed under division (C) (2) (c) of this section only so long 41999  
as the electors of the district have approved, in accordance 42000  
with section 3318.063 of the Revised Code, the levy of a tax for 42001  
the maintenance of the classroom facilities acquired under the 42002  
district's project and that levy continues to be collected as 42003  
approved by the electors. 42004

(D) For joint vocational school districts that receive 42005  
assistance under sections 3318.40 to 3318.45 of the Revised 42006  
Code, provision for deposit of school district moneys dedicated 42007

to maintenance of the classroom facilities acquired under those 42008  
sections as prescribed in section 3318.43 of the Revised Code; 42009

(E) Dedication of any local donated contribution as 42010  
provided for under section 3318.084 of the Revised Code, 42011  
including a schedule for depositing such moneys applied as an 42012  
offset of the district's obligation to levy the tax described in 42013  
division (B) of section 3318.05 of the Revised Code as required 42014  
under division (D) (2) of section 3318.084 of the Revised Code; 42015

(F) Ownership of or interest in the project during the 42016  
period of construction, which shall be divided between the 42017  
commission and the school district board in proportion to their 42018  
respective contributions to the school district's project 42019  
construction fund; 42020

(G) Maintenance of the state's interest in the project 42021  
until any obligations issued for the project under section 42022  
3318.26 of the Revised Code are no longer outstanding; 42023

(H) The insurance of the project by the school district 42024  
from the time there is an insurable interest therein and so long 42025  
as the state retains any ownership or interest in the project 42026  
pursuant to division (F) of this section, in such amounts and 42027  
against such risks as the commission shall require; provided, 42028  
that the cost of any required insurance until the project is 42029  
completed shall be a part of the basic project cost; 42030

(I) The certification by the director of budget and 42031  
management that funds are available and have been set aside to 42032  
meet the state's share of the basic project cost as approved by 42033  
the controlling board pursuant to either section 3318.04 or 42034  
division (B) (1) of section 3318.41 of the Revised Code; 42035

(J) Authorization of the school district board to 42036

advertise for and receive construction bids for the project, for 42037  
and on behalf of the commission, and to award contracts in the 42038  
name of the state subject to approval by the commission; 42039

(K) Provisions for the disbursement of moneys from the 42040  
school district's project account upon issuance by the 42041  
commission or the commission's designated representative of 42042  
vouchers for work done to be certified to the commission by the 42043  
treasurer of the school district board; 42044

(L) Disposal of any balance left in the school district's 42045  
project construction fund upon completion of the project; 42046

(M) Limitations upon use of the project or any part of it 42047  
so long as any obligations issued to finance the project under 42048  
section 3318.26 of the Revised Code are outstanding; 42049

(N) Provision for vesting the state's interest in the 42050  
project to the school district board when the obligations issued 42051  
to finance the project under section 3318.26 of the Revised Code 42052  
are outstanding; 42053

(O) Provision for deposit of an executed copy of the 42054  
agreement in the office of the commission; 42055

(P) Provision for termination of the contract and release 42056  
of the funds encumbered at the time of the conditional approval, 42057  
if the proceeds of the sale of the bonds of the school district 42058  
board are not paid into the school district's project 42059  
construction fund and if bids for the construction of the 42060  
project have not been taken within such period after the 42061  
execution of the agreement as may be fixed by the commission; 42062

(Q) A provision that requires the school district to 42063  
adhere to a facilities maintenance plan approved by the 42064  
commission; 42065

(R) Provision that all state funds reserved and encumbered 42066  
to pay the state share of the cost of the project and the funds 42067  
provided by the school district to pay for its share of the 42068  
project cost, including the respective shares of the cost of a 42069  
segment if the project is divided into segments, be spent on the 42070  
construction and acquisition of the project or segment 42071  
simultaneously in proportion to the state's and the school 42072  
district's respective shares of that basic project cost as 42073  
determined under section 3318.032 of the Revised Code or, if the 42074  
district is a joint vocational school district, under section 42075  
3318.42 of the Revised Code. However, if the school district 42076  
certifies to the commission that expenditure by the school 42077  
district is necessary to maintain the federal tax status or tax- 42078  
exempt status of notes or bonds issued by the school district to 42079  
pay for its share of the project cost or to comply with 42080  
applicable temporary investment periods or spending exceptions 42081  
to rebate as provided for under federal law in regard to those 42082  
notes or bonds, the school district may commit to spend, or 42083  
spend, a greater portion of the funds it provides during any 42084  
specific period than would otherwise be required under this 42085  
division. 42086

(S) A provision stipulating that the commission may 42087  
prohibit the district from proceeding with any project if the 42088  
commission determines that the site is not suitable for 42089  
construction purposes. The commission may perform soil tests in 42090  
its determination of whether a site is appropriate for 42091  
construction purposes. 42092

(T) A provision stipulating that, unless otherwise 42093  
authorized by the commission, any contingency reserve portion of 42094  
the construction budget prescribed by the commission shall be 42095  
used only to pay costs resulting from unforeseen job conditions, 42096

to comply with rulings regarding building and other codes, to 42097  
pay costs related to design clarifications or corrections to 42098  
contract documents, and to pay the costs of settlements or 42099  
judgments related to the project as provided under section 42100  
3318.086 of the Revised Code; 42101

(U) A provision stipulating that for continued release of 42102  
project funds the school district board shall comply with 42103  
sections 3313.41, 3313.411, and 3313.413 of the Revised Code 42104  
throughout the project and shall notify the department of 42105  
education and workforce and the Ohio community school 42106  
association when the board plans to dispose of facilities by 42107  
sale under that section; 42108

(V) A provision stipulating that the commission shall not 42109  
approve a contract for demolition of a facility until the school 42110  
district board has complied with sections 3313.41, 3313.411, and 42111  
3313.413 of the Revised Code relative to that facility, unless 42112  
demolition of that facility is to clear a site for construction 42113  
of a replacement facility included in the district's project. 42114

**Sec. 3318.084.** (A) Notwithstanding anything to the 42115  
contrary in Chapter 3318. of the Revised Code, a school district 42116  
board may apply any local donated contribution toward any of the 42117  
following: 42118

(1) The district's portion of the basic project cost of a 42119  
project under either sections 3318.01 to 3318.20 or sections 42120  
3318.40 to 3318.45 of the Revised Code to reduce the amount of 42121  
bonds the district otherwise must issue in order to receive 42122  
state assistance under those sections; 42123

(2) If the school district is not a joint vocational 42124  
school district proceeding under sections 3318.40 to 3318.45 of 42125

the Revised Code, an offset of all or part of a district's 42126  
obligation to levy the tax described in division (B) of section 42127  
3318.05 of the Revised Code, which shall be applied only in the 42128  
manner prescribed in division (B) of this section; 42129

(3) If the school district is a joint vocational school 42130  
district proceeding under sections 3318.40 to 3318.45 of the 42131  
Revised Code, all or part of the amount the school district is 42132  
obligated to set aside for maintenance of the classroom 42133  
facilities acquired under that project pursuant to section 42134  
3318.43 of the Revised Code. 42135

(B) No school district board shall apply any local donated 42136  
contribution under division (A) (2) of this section unless the 42137  
Ohio facilities construction commission first approves that 42138  
application. 42139

Upon the request of the school district board to apply 42140  
local donated contribution under division (A) (2) of this 42141  
section, the commission in consultation with the department of 42142  
taxation shall determine the amount of total revenue that likely 42143  
would be generated by one-half mill of the tax described in 42144  
division (B) of section 3318.05 of the Revised Code over the 42145  
entire twenty-three-year period required under that section and 42146  
shall deduct from that amount any amount of local donated 42147  
contribution that the board has committed to apply under 42148  
division (A) (2) of this section. The commission then shall 42149  
determine in consultation with the department of taxation the 42150  
rate of tax over twenty-three years necessary to generate the 42151  
amount of a one-half mill tax not offset by the local donated 42152  
contribution. Notwithstanding anything to the contrary in 42153  
section 3318.06, 3318.061, or 3318.361 of the Revised Code, the 42154  
rate determined by the commission shall be the rate for which 42155

the district board shall seek elector approval under those 42156  
sections to meet its obligation under division (B) of section 42157  
3318.05 of the Revised Code. In the case of a complete offset of 42158  
the district's obligation under division (B) of section 3318.05 42159  
of the Revised Code, the district shall not be required to levy 42160  
the tax otherwise required under that section. At the end of the 42161  
twenty-three-year period of the tax required under division (B) 42162  
of section 3318.05 of the Revised Code, whether or not the tax 42163  
is actually levied, the commission in consultation of the 42164  
department of taxation shall recalculate the amount that would 42165  
have been generated by the tax if it had been levied at one-half 42166  
mill. If the total amount actually generated over that period 42167  
from both the tax that was actually levied and any local donated 42168  
contribution applied under division (A) (2) of this section is 42169  
less than the amount that would have been raised by a one-half 42170  
mill tax, the district shall pay any difference. If the total 42171  
amount actually raised in such manner is greater than the amount 42172  
that would have been raised by a one-half mill tax the 42173  
difference shall be zero and no payments shall be made by either 42174  
the district or the commission. 42175

(C) As used in this section, "local donated contribution" 42176  
means any of the following: 42177

(1) Any moneys irrevocably donated or granted to a school 42178  
district board by a source other than the state which the board 42179  
has the authority to apply to the school district's project 42180  
under sections 3318.01 to 3318.20 of the Revised Code and which 42181  
the board has pledged for that purpose by resolution adopted by 42182  
a majority of its members; 42183

(2) Any irrevocable letter of credit issued on behalf of a 42184  
school district which the school district board has encumbered 42185

for payment of the school district's share of its project under 42186  
sections 3318.01 to 3318.20 of the Revised Code that has been 42187  
approved by the commission in consultation with the department 42188  
of education and workforce; 42189

(3) Any cash a school district has on hand that the school 42190  
district board has encumbered for payment of the school 42191  
district's share of its project under sections 3318.01 to 42192  
3318.20 of the Revised Code that has been approved by the 42193  
commission in consultation with the department ~~of education~~, 42194  
including the following: 42195

(a) Any year-end operating fund balances that can be spent 42196  
for classroom facilities; 42197

(b) Any cash resulting from a lease-purchase agreement 42198  
that the school district board has entered into under section 42199  
3313.375 of the Revised Code, provided that the agreement and 42200  
the related financing documents contain provisions protecting 42201  
the state's superior interest in the project. 42202

(4) Any moneys spent by a source other than the school 42203  
district or the state for construction or renovation of specific 42204  
classroom facilities that have been approved by the commission 42205  
as part of the basic project cost of the district's project. The 42206  
school district, the commission, and the entity providing the 42207  
local donated contribution under division (C) (4) of this section 42208  
shall enter into an agreement identifying the classroom 42209  
facilities to be acquired by the expenditures made by that 42210  
entity. The agreement shall include, but not be limited to, 42211  
stipulations that require an audit by the commission of such 42212  
expenditures made on behalf of the district and that specify the 42213  
maximum amount of credit to be allowed for those expenditures. 42214  
Upon completion of the construction or renovation, the 42215

commission shall determine the actual amount that the commission 42216  
will credit, at the request of the district board, toward the 42217  
district's portion of the basic project cost, any project cost 42218  
overruns, or the basic project cost of future segments if the 42219  
project has been divided into segments under section 3318.38 of 42220  
the Revised Code. The actual amount of the credit shall not 42221  
exceed the lesser of the amount specified in the agreement or 42222  
the actual cost of the construction or renovation. 42223

(D) No state moneys shall be released for a project to 42224  
which this section applies until: 42225

(1) Any local donated contribution authorized under 42226  
division (A) (1) of this section is first deposited into the 42227  
school district's project construction fund. 42228

(2) The school district board and the commission have 42229  
included a stipulation in their agreement entered into under 42230  
section 3318.08 of the Revised Code under which the board will 42231  
deposit into a fund approved by the commission according to a 42232  
schedule that does not extend beyond the anticipated completion 42233  
date of the project the total amount of any local donated 42234  
contribution authorized under division (A) (2) or (3) of this 42235  
section and dedicated by the board for that purpose. 42236

However, if any local donated contribution as described in 42237  
division (C) (4) of this section has been approved under this 42238  
section, the state moneys may be released even if the entity 42239  
providing that local donated contribution has not spent the 42240  
moneys so dedicated as long as the agreement required under that 42241  
section has been executed. 42242

**Sec. 3318.18.** (A) As used in this section: 42243

(1) "Valuation" of a school district means the sum of the 42244

amounts described in divisions (A) (1) and (2) of section 42245  
3317.021 of the Revised Code as most recently certified for the 42246  
district before the annual computation is made under division 42247  
(B) of this section. 42248

(2) "Valuation per pupil" of a school district means the 42249  
district's valuation divided by the district's formula ADM as 42250  
most recently calculated under section 3317.03 of the Revised 42251  
Code before the annual computation is made under division (B) of 42252  
this section. 42253

(3) "Statewide average valuation per pupil" means the 42254  
total of the valuations of all school districts divided by the 42255  
total of the formula ADMs of all school districts as most 42256  
recently calculated under section 3317.03 of the Revised Code 42257  
before the annual computation is made under division (C) of this 42258  
section. 42259

(4) "Maintenance levy requirement" means the tax required 42260  
to be levied pursuant to division (C) (2) (a) of section 3318.08 42261  
and division (B) of section 3318.05 of the Revised Code or the 42262  
application of proceeds of another levy to paying the costs of 42263  
maintaining classroom facilities pursuant to division (A) (2) of 42264  
section 3318.052, division (C) (1) or (C) (2) (b) of section 42265  
3318.08, or division (D) (2) of section 3318.36 of the Revised 42266  
Code, or a combination thereof. 42267

(5) "Project agreement" means an agreement between a 42268  
school district and the Ohio facilities construction commission 42269  
under section 3318.08 or division (B) (1) of section 3318.36 of 42270  
the Revised Code. 42271

~~(B) On or before July 1, 2006, the department of education 42272~~  
~~shall compute the statewide average valuation per pupil and the 42273~~

~~valuation per pupil of each school district, and provide them to~~ 42274  
~~the Ohio facilities construction commission.~~ On or before the 42275  
first day of July each year beginning in 2007, the department of 42276  
education and workforce shall compute the statewide average 42277  
valuation per pupil and the valuation per pupil of each school 42278  
district that has not already entered into a project agreement, 42279  
and provide the results of those computations to the commission. 42280

(C) (1) At the time the Ohio facilities construction 42281  
commission enters into a project agreement with a school 42282  
district, the commission shall compute the difference between 42283  
the district's valuation per pupil and the statewide average 42284  
valuation per pupil as most recently provided to the commission 42285  
under division (B) of this section. If the school district's 42286  
valuation per pupil is less than the average statewide valuation 42287  
per pupil, the commission shall multiply the difference between 42288  
those amounts by one-half mill times the formula ADM of the 42289  
district as most recently reported to the department ~~of~~ 42290  
~~education~~ for October under division (A) of section 3317.03 of 42291  
the Revised Code. The commission shall certify the resulting 42292  
product to the department ~~of education~~, along with the date on 42293  
which the maintenance levy requirement terminates as provided in 42294  
the project agreement between the school district board and the 42295  
commission. 42296

(2) In the case of a school district that entered into a 42297  
project agreement after July 1, 1997, but before July 1, 2006, 42298  
the commission shall make the computation described in division 42299  
(C) (1) of this section on the basis of the district's valuation 42300  
per pupil and the statewide average valuation per pupil computed 42301  
as of September 1, 2006, and the district's formula ADM reported 42302  
for October 2005. 42303

(3) The amount computed for a school district under 42304  
division (C) (1) or (2) of this section shall not change for the 42305  
period during which payments are made to the district under 42306  
division (D) of this section. 42307

(4) A computation need not be made under division (C) (1) 42308  
or (2) of this section for a school district that certified a 42309  
resolution to the commission under division (D) (3) of section 42310  
3318.36 of the Revised Code until the district becomes eligible 42311  
for state assistance as provided in that division. 42312

(D) In the fourth quarter of each fiscal year, for each 42313  
school district for which a computation has been made under 42314  
division (C) of this section, the department ~~of education~~ shall 42315  
pay the amount computed to each such school district. Payments 42316  
shall be made to a school district each year until and including 42317  
the tax year in which the district's maintenance levy 42318  
requirement terminates. Payments shall be paid from the half- 42319  
mill equalization fund, subject to appropriation by the general 42320  
assembly. However, the department shall make no payments under 42321  
this section to any district that elects the procedure 42322  
authorized by section 3318.051 of the Revised Code. 42323

(E) Payments made to a school district under this section 42324  
shall be credited to the district's classroom facilities 42325  
maintenance fund and shall be used only for the purpose of 42326  
maintaining facilities constructed or renovated under the 42327  
project agreement. 42328

(F) There is hereby created in the state treasury the 42329  
half-mill equalization fund. The fund shall receive transfers 42330  
pursuant to section 5727.85 of the Revised Code. The fund shall 42331  
be used first to make annual payments under division (D) of this 42332  
section. If a balance remains in the fund after such payments 42333

are made in full for a year, the Ohio facilities construction 42334  
commission may request the controlling board to transfer a 42335  
reasonable amount from such remaining balance to the public 42336  
school building fund created under section 3318.15 of the 42337  
Revised Code for the purposes of this chapter. 42338

All investment earnings arising from investment of money 42339  
in the half-mill equalization fund shall be credited to the 42340  
fund. 42341

**Sec. 3318.363.** (A) This section applies beginning in 42342  
fiscal year 2003 and only to a school district participating in 42343  
the school building assistance expedited local partnership 42344  
program under section 3318.36 of the Revised Code. 42345

(B) If there is a decrease in the tax valuation of a 42346  
school district to which this section applies by ten per cent or 42347  
greater from one tax year to the next due to a decrease in the 42348  
assessment rate of the taxable property of an electric company 42349  
that owns property in the district, as provided for in section 42350  
5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of 42351  
the 123rd General Assembly, the Ohio facilities construction 42352  
commission shall calculate or recalculate the state and school 42353  
district portions of the basic project cost of the school 42354  
district's project by determining the percentile rank in which 42355  
the district would be located if such ranking were made using 42356  
the adjusted valuation per pupil calculated under division (C) 42357  
of this section rather than the three-year average adjusted 42358  
valuation per pupil, calculated under division (B) of section 42359  
3318.011 of the Revised Code. For such district, the required 42360  
percentage of the basic project cost used to determine the state 42361  
and school district shares of that cost under division (C) of 42362  
section 3318.36 of the Revised Code shall be based on the 42363

percentile rank as calculated under this section rather than as 42364  
otherwise provided in division (C) (1) of section 3318.36 of the 42365  
Revised Code. If the commission has determined the state and 42366  
school district portion of the basic project cost of such a 42367  
district's project under section 3318.36 of the Revised Code 42368  
prior to that decrease in tax valuation, the commission shall 42369  
adjust the state and school district shares of the basic project 42370  
cost of such project in accordance with this section. 42371

(C) (1) As used in divisions (C) and (D) of this section, 42372  
"total taxable value" and "formula ADM" have the same meanings 42373  
as in section 3317.02 of the Revised Code, and "income factor" 42374  
has the same meaning as in section 3318.011 of the Revised Code. 42375

(2) The adjusted valuation per pupil for a school district 42376  
to which this section applies shall be calculated using the 42377  
following formula: 42378

(The district's total taxable value for the tax year 42379  
preceding the calendar year in which the current fiscal year 42380  
begins / the district's formula ADM for the previous fiscal 42381  
year) - [\$30,000 x (1 - the district's income factor)]. 42382

(D) At the request of the Ohio facilities construction 42383  
commission, the department of education and workforce shall 42384  
report a district's total taxable value for the tax year 42385  
preceding the calendar year in which the current fiscal year 42386  
begins for any district to which this section applies as that 42387  
information has been certified to the department by the tax 42388  
commissioner pursuant to section 3317.021 of the Revised Code. 42389

**Sec. 3318.42.** (A) Not later than the sixty-first day after 42390  
March 14, 2003, and subsequently not later than the sixty-first 42391  
day after the first day of each ensuing fiscal year, the 42392

department of education and workforce shall do all of the 42393  
following: 42394

(1) Calculate the valuation per pupil of each joint 42395  
vocational school district according to the following formula: 42396

The school district's average taxable value divided by the 42397  
school district's formula ADM calculated under section 3317.03 42398  
of the Revised Code for the previous fiscal year. For purposes 42399  
of this calculation: 42400

(a) "Average taxable value" means the average of the 42401  
amounts certified for a school district in the second, third, 42402  
and fourth preceding tax years under divisions (A) (1) and (2) of 42403  
section 3317.021 of the Revised Code. 42404

(b) "Formula ADM" has the same meaning as defined in 42405  
section 3317.02 of the Revised Code. 42406

(2) Calculate for each school district the three-year 42407  
average of the valuations per pupil calculated for the school 42408  
district for the current and two preceding fiscal years; 42409

(3) Rank all joint vocational school districts in order 42410  
from the school district with the lowest three-year average 42411  
valuation per pupil to the school district with the highest 42412  
three-year average valuation per pupil; 42413

(4) Divide the ranking under division (A) (3) of this 42414  
section into percentiles with the first percentile containing 42415  
the one per cent of school districts having the lowest three- 42416  
year average valuations per pupil and the one-hundredth 42417  
percentile containing the one per cent of school districts 42418  
having the highest three-year average valuations per pupil; 42419

(5) Certify the information described in divisions (A) (1) 42420

to (4) of this section to the Ohio facilities construction 42421  
commission. 42422

(B) The commission annually shall select school districts 42423  
for assistance under sections 3318.40 to 3318.45 of the Revised 42424  
Code in the order of the school districts' three-year average 42425  
valuations per pupil such that the school district with the 42426  
lowest three-year average valuation per pupil shall be given the 42427  
highest priority for assistance. 42428

(C) Each joint vocational school district's portion of the 42429  
basic project cost of the school district's project under 42430  
sections 3318.40 to 3318.45 of the Revised Code shall be one per 42431  
cent times the percentile in which the district ranks, except 42432  
that no school district's portion shall be less than twenty-five 42433  
per cent or greater than ninety-five per cent of the basic 42434  
project cost. 42435

**Sec. 3319.02.** (A) (1) As used in this section, "other 42436  
administrator" means any of the following: 42437

(a) Except as provided in division (A) (2) of this section, 42438  
any employee in a position for which a board of education 42439  
requires a license designated by rule of the ~~department~~state 42440  
board of education for being an administrator issued under 42441  
section 3319.22 of the Revised Code, including a professional 42442  
pupil services employee or administrative specialist or an 42443  
equivalent of either one who is not employed as a school 42444  
counselor and spends less than fifty per cent of the time 42445  
employed teaching or working with students; 42446

(b) Any nonlicensed employee whose job duties enable such 42447  
employee to be considered as either a "supervisor" or a 42448  
"management level employee," as defined in section 4117.01 of 42449

the Revised Code; 42450

(c) A business manager appointed under section 3319.03 of 42451  
the Revised Code. 42452

(2) As used in this section, "other administrator" does 42453  
not include a superintendent, assistant superintendent, 42454  
principal, or assistant principal. 42455

(B) The board of education of each school district and the 42456  
governing board of an educational service center may appoint one 42457  
or more assistant superintendents and such other administrators 42458  
as are necessary. An assistant educational service center 42459  
superintendent or service center supervisor employed on a part- 42460  
time basis may also be employed by a local board as a teacher. 42461  
The board of each city, exempted village, and local school 42462  
district shall employ principals for all high schools and for 42463  
such other schools as the board designates, and those boards may 42464  
appoint assistant principals for any school that they designate. 42465

(C) In educational service centers and in city, exempted 42466  
village, and local school districts, assistant superintendents, 42467  
principals, assistant principals, and other administrators shall 42468  
only be employed or reemployed in accordance with nominations of 42469  
the superintendent, except that a board of education of a school 42470  
district or the governing board of a service center, by a three- 42471  
fourths vote of its full membership, may reemploy any assistant 42472  
superintendent, principal, assistant principal, or other 42473  
administrator whom the superintendent refuses to nominate. 42474

The board of education or governing board shall execute a 42475  
written contract of employment with each assistant 42476  
superintendent, principal, assistant principal, and other 42477  
administrator it employs or reemploys. The term of such contract 42478

shall not exceed three years except that in the case of a person 42479  
who has been employed as an assistant superintendent, principal, 42480  
assistant principal, or other administrator in the district or 42481  
center for three years or more, the term of the contract shall 42482  
be for not more than five years and, unless the superintendent 42483  
of the district recommends otherwise, not less than two years. 42484  
If the superintendent so recommends, the term of the contract of 42485  
a person who has been employed by the district or service center 42486  
as an assistant superintendent, principal, assistant principal, 42487  
or other administrator for three years or more may be one year, 42488  
but all subsequent contracts granted such person shall be for a 42489  
term of not less than two years and not more than five years. 42490  
When a teacher with continuing service status becomes an 42491  
assistant superintendent, principal, assistant principal, or 42492  
other administrator with the district or service center with 42493  
which the teacher holds continuing service status, the teacher 42494  
retains such status in the teacher's nonadministrative position 42495  
as provided in sections 3311.77, 3319.08, and 3319.09 of the 42496  
Revised Code. 42497

A board of education or governing board may reemploy an 42498  
assistant superintendent, principal, assistant principal, or 42499  
other administrator at any regular or special meeting held 42500  
during the period beginning on the first day of January of the 42501  
calendar year immediately preceding the year of expiration of 42502  
the employment contract and ending on the first day of June of 42503  
the year the employment contract expires. 42504

Except by mutual agreement of the parties thereto, no 42505  
assistant superintendent, principal, assistant principal, or 42506  
other administrator shall be transferred during the life of a 42507  
contract to a position of lesser responsibility. No contract may 42508  
be terminated by a board except pursuant to section 3319.16 of 42509

the Revised Code. No contract may be suspended except pursuant 42510  
to section 3319.17 or 3319.171 of the Revised Code. The salaries 42511  
and compensation prescribed by such contracts shall not be 42512  
reduced by a board unless such reduction is a part of a uniform 42513  
plan affecting the entire district or center. The contract shall 42514  
specify the employee's administrative position and duties as 42515  
included in the job description adopted under division (D) of 42516  
this section, the salary and other compensation to be paid for 42517  
performance of duties, the number of days to be worked, the 42518  
number of days of vacation leave, if any, and any paid holidays 42519  
in the contractual year. 42520

An assistant superintendent, principal, assistant 42521  
principal, or other administrator is, at the expiration of the 42522  
current term of employment, deemed reemployed at the same salary 42523  
plus any increments that may be authorized by the board, unless 42524  
such employee notifies the board in writing to the contrary on 42525  
or before the fifteenth day of June, or unless such board, on or 42526  
before the first day of June of the year in which the contract 42527  
of employment expires, either reemploys such employee for a 42528  
succeeding term or gives written notice of its intention not to 42529  
reemploy the employee. The term of reemployment of a person 42530  
reemployed under this paragraph shall be one year, except that 42531  
if such person has been employed by the school district or 42532  
service center as an assistant superintendent, principal, 42533  
assistant principal, or other administrator for three years or 42534  
more, the term of reemployment shall be two years. 42535

(D) (1) Each board shall adopt procedures for the 42536  
evaluation of all assistant superintendents, principals, 42537  
assistant principals, and other administrators and shall 42538  
evaluate such employees in accordance with those procedures. The 42539  
procedures for the evaluation of principals and assistant 42540

principals shall be based on principles comparable to the 42541  
teacher evaluation policy adopted by the board under section 42542  
3319.111 of the Revised Code, but shall be tailored to the 42543  
duties and responsibilities of principals and assistant 42544  
principals and the environment in which they work. An evaluation 42545  
based upon procedures adopted under this division shall be 42546  
considered by the board in deciding whether to renew the 42547  
contract of employment of an assistant superintendent, 42548  
principal, assistant principal, or other administrator. 42549

(2) The evaluation shall measure each assistant 42550  
superintendent's, principal's, assistant principal's, and other 42551  
administrator's effectiveness in performing the duties included 42552  
in the job description and the evaluation procedures shall 42553  
provide for, but not be limited to, the following: 42554

(a) Each assistant superintendent, principal, assistant 42555  
principal, and other administrator shall be evaluated annually 42556  
through a written evaluation process. 42557

(b) The evaluation shall be conducted by the 42558  
superintendent or designee. 42559

(c) In order to provide time to show progress in 42560  
correcting the deficiencies identified in the evaluation 42561  
process, the evaluation process shall be completed as follows: 42562

(i) In any school year that the employee's contract of 42563  
employment is not due to expire, at least one evaluation shall 42564  
be completed in that year. A written copy of the evaluation 42565  
shall be provided to the employee no later than the end of the 42566  
employee's contract year as defined by the employee's annual 42567  
salary notice. 42568

(ii) In any school year that the employee's contract of 42569

employment is due to expire, at least a preliminary evaluation 42570  
and at least a final evaluation shall be completed in that year. 42571  
A written copy of the preliminary evaluation shall be provided 42572  
to the employee at least sixty days prior to any action by the 42573  
board on the employee's contract of employment. The final 42574  
evaluation shall indicate the superintendent's intended 42575  
recommendation to the board regarding a contract of employment 42576  
for the employee. A written copy of the evaluation shall be 42577  
provided to the employee at least five days prior to the board's 42578  
acting to renew or not renew the contract. 42579

(3) Termination of an assistant superintendent, principal, 42580  
assistant principal, or other administrator's contract shall be 42581  
pursuant to section 3319.16 of the Revised Code. Suspension of 42582  
any such employee shall be pursuant to section 3319.17 or 42583  
3319.171 of the Revised Code. 42584

(4) Before taking action to renew or nonrenew the contract 42585  
of an assistant superintendent, principal, assistant principal, 42586  
or other administrator under this section and prior to the first 42587  
day of June of the year in which such employee's contract 42588  
expires, the board shall notify each such employee of the date 42589  
that the contract expires and that the employee may request a 42590  
meeting with the board. Upon request by such an employee, the 42591  
board shall grant the employee a meeting in executive session. 42592  
In that meeting, the board shall discuss its reasons for 42593  
considering renewal or nonrenewal of the contract. The employee 42594  
shall be permitted to have a representative, chosen by the 42595  
employee, present at the meeting. 42596

(5) The establishment of an evaluation procedure shall not 42597  
create an expectancy of continued employment. Nothing in 42598  
division (D) of this section shall prevent a board from making 42599

the final determination regarding the renewal or nonrenewal of 42600  
the contract of any assistant superintendent, principal, 42601  
assistant principal, or other administrator. However, if a board 42602  
fails to provide evaluations pursuant to division (D) (2) (c) (i) 42603  
or (ii) of this section, or if the board fails to provide at the 42604  
request of the employee a meeting as prescribed in division (D) 42605  
(4) of this section, the employee automatically shall be 42606  
reemployed at the same salary plus any increments that may be 42607  
authorized by the board for a period of one year, except that if 42608  
the employee has been employed by the district or service center 42609  
as an assistant superintendent, principal, assistant principal, 42610  
or other administrator for three years or more, the period of 42611  
reemployment shall be for two years. 42612

(E) On nomination of the superintendent of a service 42613  
center a governing board may employ supervisors who shall be 42614  
employed under written contracts of employment for terms not to 42615  
exceed five years each. Such contracts may be terminated by a 42616  
governing board pursuant to section 3319.16 of the Revised Code. 42617  
Any supervisor employed pursuant to this division may terminate 42618  
the contract of employment at the end of any school year after 42619  
giving the board at least thirty days' written notice prior to 42620  
such termination. On the recommendation of the superintendent 42621  
the contract or contracts of any supervisor employed pursuant to 42622  
this division may be suspended for the remainder of the term of 42623  
any such contract pursuant to section 3319.17 or 3319.171 of the 42624  
Revised Code. 42625

(F) A board may establish vacation leave for any 42626  
individuals employed under this section. Upon such an 42627  
individual's separation from employment, a board that has such 42628  
leave may compensate such an individual at the individual's 42629  
current rate of pay for all lawfully accrued and unused vacation 42630

leave credited at the time of separation, not to exceed the 42631  
amount accrued within three years before the date of separation. 42632  
In case of the death of an individual employed under this 42633  
section, such unused vacation leave as the board would have paid 42634  
to the individual upon separation under this section shall be 42635  
paid in accordance with section 2113.04 of the Revised Code, or 42636  
to the estate. 42637

(G) The board of education of any school district may 42638  
contract with the governing board of the educational service 42639  
center from which it otherwise receives services to conduct 42640  
searches and recruitment of candidates for assistant 42641  
superintendent, principal, assistant principal, and other 42642  
administrator positions authorized under this section. 42643

**Sec. 3319.073.** (A) The board of education of each city and 42644  
exempted village school district and the governing board of each 42645  
educational service center shall adopt or adapt the curriculum 42646  
developed by the department of education and workforce for, or 42647  
shall develop in consultation with public or private agencies or 42648  
persons involved in child abuse prevention or intervention 42649  
programs, a program of in-service training in the prevention of 42650  
child abuse, violence, and substance abuse and the promotion of 42651  
positive youth development. Each person employed by any school 42652  
district or service center to work in a school as a nurse, 42653  
teacher, counselor, school psychologist, or administrator shall 42654  
complete at least four hours of the in-service training within 42655  
two years of commencing employment with the district or center, 42656  
and every five years thereafter. A person who is employed by any 42657  
school district or service center to work in an elementary 42658  
school as a nurse, teacher, counselor, school psychologist, or 42659  
administrator on March 30, 2007, shall complete at least four 42660  
hours of the in-service training not later than March 30, 2009, 42661

and every five years thereafter. A person who is employed by any 42662  
school district or service center to work in a middle or high 42663  
school as a nurse, teacher, counselor, school psychologist, or 42664  
administrator on October 16, 2009, shall complete at least four 42665  
hours of the in-service training not later than October 16, 42666  
2011, and every five years thereafter. 42667

(B) Each board shall incorporate training in school safety 42668  
and violence prevention, including human trafficking content, 42669  
into the in-service training required by division (A) of this 42670  
section. For this purpose, the board shall adopt or adapt the 42671  
curriculum developed by the department or shall develop its own 42672  
curriculum in consultation with public or private agencies or 42673  
persons involved in school safety and violence prevention 42674  
programs. 42675

(C) Each board shall incorporate training on the board's 42676  
harassment, intimidation, or bullying policy adopted under 42677  
section 3313.666 of the Revised Code into the in-service 42678  
training required by division (A) of this section. Each board 42679  
also shall incorporate training in the prevention of dating 42680  
violence into the in-service training required by that division 42681  
for middle and high school employees. The board shall develop 42682  
its own curricula for these purposes. 42683

(D) Each board shall incorporate training in youth suicide 42684  
awareness and prevention into the in-service training required 42685  
by division (A) of this section for each person employed by a 42686  
school district or service center to work in a school as a 42687  
nurse, teacher, counselor, school psychologist, or 42688  
administrator, and any other personnel that the board determines 42689  
appropriate. The board shall require each such person to undergo 42690  
training in youth suicide awareness and prevention programs once 42691

every two years. For this purpose, the board shall adopt or 42692  
adapt the curriculum developed by the department under section 42693  
3301.221 of the Revised Code or shall develop its own curriculum 42694  
in consultation with public or private agencies or persons 42695  
involved in youth suicide awareness and prevention programs. 42696

The training completed under this division shall count 42697  
toward the satisfaction of requirements for professional 42698  
development required by the school district or service center 42699  
board, and the training may be accomplished through self-review 42700  
of suitable suicide prevention materials approved by the board. 42701

(E) Each board shall incorporate training on child sexual 42702  
abuse into the in-service training required by division (A) of 42703  
this section. The training completed under this division shall 42704  
count toward the satisfaction of requirements for professional 42705  
development required by the school district or service center 42706  
board. Any training provided under this section shall be 42707  
presented by either of the following who have experience in 42708  
handling cases involving child sexual abuse or child sexual 42709  
violence: 42710

(1) Law enforcement officers; 42711

(2) Prosecutors. 42712

**Sec. 3319.074.** (A) As used in this section: 42713

(1) "Core subject area" means reading and English language 42714  
arts, mathematics, science, social studies, foreign language, 42715  
and fine arts. 42716

(2) "Properly certified or licensed teacher" means a 42717  
classroom teacher who has successfully completed all 42718  
requirements for certification or licensure under this chapter 42719  
applicable to the subject areas and grade levels in which the 42720

teacher provides instruction and the students to whom the 42721  
teacher provides the instruction. 42722

(3) "Properly certified paraprofessional" means a 42723  
paraprofessional who holds an educational aide permit issued 42724  
under section 3319.088 of the Revised Code and satisfies at 42725  
least one of the following conditions: 42726

(a) Has a designation of "ESEA qualified" on the 42727  
educational aide permit; 42728

(b) Has successfully completed at least two years of 42729  
coursework at an accredited institution of higher education; 42730

(c) Holds an associate degree or higher from an accredited 42731  
institution of higher education; 42732

(d) Meets a rigorous standard of quality as demonstrated 42733  
by attainment of a qualifying score on an academic assessment 42734  
specified by the department of education and workforce. 42735

(B) Beginning July 1, 2019, no city, exempted village, 42736  
local, joint vocational, or cooperative education school 42737  
district shall do either of the following: 42738

(1) Employ any classroom teacher to provide instruction in 42739  
a core subject area to any student, unless such teacher is a 42740  
properly certified or licensed teacher; 42741

(2) Employ any paraprofessional in a program supported 42742  
with funds received under Title I of the "Elementary and 42743  
Secondary Education Act of 1965," 20 U.S.C. 6301 et seq., to 42744  
provide academic support in a core subject area to any student, 42745  
unless such paraprofessional is a properly certified 42746  
paraprofessional. 42747

(C) At the start of each school year, each school district 42748

shall notify the parent or guardian of each student enrolled in 42749  
the district that the parent or guardian may request information 42750  
on the professional qualifications of each classroom teacher who 42751  
provides instruction to the student. The district shall provide 42752  
the information on each applicable teacher in a timely manner to 42753  
any parent or guardian who requests it. Such information shall 42754  
include at least the following: 42755

(1) Whether the teacher has satisfied all requirements for 42756  
certification or licensure under this chapter applicable to the 42757  
subject areas and grade levels in which the teacher provides 42758  
instruction and the students to whom the teacher provides the 42759  
instruction, or whether the teacher provides instruction under a 42760  
waiver of any such requirements; 42761

(2) Whether a paraprofessional provides any services to 42762  
the student and, if so, the qualifications of the 42763  
paraprofessional. 42764

**Sec. 3319.077.** (A) As used in this section: 42765

(1) "Dyslexia" has the same meaning as in section 3323.25 42766  
of the Revised Code. 42767

(2) "Ohio dyslexia committee" means the committee 42768  
established under section 3325.25 of the Revised Code. 42769

(3) "Special education" has the same meaning as in section 42770  
3323.01 of the Revised Code. 42771

(4) "Teacher" does not include any teacher who provides 42772  
instruction in fine arts, music, or physical education. 42773

(B) (1) The department of education and workforce, in 42774  
collaboration with the Ohio dyslexia committee, shall maintain a 42775  
list of training that fulfills the professional development 42776

requirements prescribed in division (C) of this section. The 42777  
list may consist of online or classroom learning models. 42778

(2) Each approved training shall align with the guidebook 42779  
developed under section 3323.25 of the Revised Code, be 42780  
evidence-based, and require instruction and training for 42781  
identifying characteristics of dyslexia and understanding the 42782  
pedagogy for instructing students with dyslexia. 42783

(3) The Ohio dyslexia committee shall prescribe a total 42784  
number of clock hours of instruction in training approved under 42785  
this section for a teacher to complete to satisfy the 42786  
professional development requirements prescribed in division (C) 42787  
of this section. The Ohio dyslexia committee shall prescribe a 42788  
total number of clock hours that is not less than six clock 42789  
hours and not more than eighteen clock hours. 42790

(C) (1) Not later than the beginning of the 2023-2024 42791  
school year, each teacher employed by a local, city, or exempted 42792  
village school district who provides instruction for students in 42793  
kindergarten and first grade, including those providing special 42794  
education instruction, shall complete the number of 42795  
instructional hours in approved professional development 42796  
training required by the committee under this section. 42797

(2) Not later than the beginning of the 2024-2025 school 42798  
year, each teacher employed by a school district who provides 42799  
instruction for students in grades two and three, including 42800  
those providing special education instruction, shall complete 42801  
the number of instructional hours in approved professional 42802  
development training required by the committee under this 42803  
section. 42804

(3) Not later than the beginning of the 2025-2026 school 42805

year, each teacher employed by a school district who provides 42806  
special education instruction for students in grades four 42807  
through twelve shall complete a professional development 42808  
training approved under division (B) of this section. 42809

(D) Any professional development training completed by a 42810  
teacher prior to April 12, 2021, that is then included on the 42811  
list of training approved under division (B)(1) of this section 42812  
shall count toward the number of instructional hours in approved 42813  
professional development training required under division (C) of 42814  
this section. 42815

(E) Nothing in this section shall prohibit a school 42816  
district from requiring employees who are not subject to this 42817  
section from completing professional development training 42818  
approved under division (B) of this section. 42819

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 42820  
Revised Code, this section applies to any person who is employed 42821  
under a teacher license issued under this chapter, or under a 42822  
professional or permanent teacher's certificate issued under 42823  
former section 3319.222 of the Revised Code, and who spends at 42824  
least fifty per cent of the time employed providing student 42825  
instruction. However, this section does not apply to any person 42826  
who is employed as a substitute teacher or as an instructor of 42827  
adult education. 42828

(A) ~~Not later than July 1, 2020, the~~ The board of 42829  
education of each school district, in consultation with teachers 42830  
employed by the board, shall update its standards-based teacher 42831  
evaluation policy to conform with the framework for evaluation 42832  
of teachers adopted under section 3319.112 of the Revised Code. 42833  
The policy shall become operative at the expiration of any 42834  
collective bargaining agreement covering teachers employed by 42835

the board that is in effect on ~~the effective date of this~~ 42836  
~~amendment~~ November 2, 2018, and shall be included in any renewal 42837  
or extension of such an agreement. 42838

(B) When using measures of student performance as evidence 42839  
in a teacher's evaluation, those measures shall be high-quality 42840  
student data. The board of education of each school district may 42841  
use data from the assessments on the list developed under 42842  
division (B) (2) of section 3319.112 of the Revised Code as high- 42843  
quality student data. 42844

(C) (1) The board shall conduct an evaluation of each 42845  
teacher employed by the board at least once each school year, 42846  
except as provided in division (C) (2) of this section. The 42847  
evaluation shall be completed by the first day of May and the 42848  
teacher shall receive a written report of the results of the 42849  
evaluation by the tenth day of May. 42850

(2) (a) The board may evaluate each teacher who received a 42851  
rating of accomplished on the teacher's most recent evaluation 42852  
conducted under this section once every three school years, so 42853  
long as the teacher submits a self-directed professional growth 42854  
plan to the evaluator that focuses on specific areas identified 42855  
in the observations and evaluation and the evaluator determines 42856  
that the teacher is making progress on that plan. 42857

(b) The board may evaluate each teacher who received a 42858  
rating of skilled on the teacher's most recent evaluation 42859  
conducted under this section once every two years, so long as 42860  
the teacher and evaluator jointly develop a professional growth 42861  
plan for the teacher that focuses on specific areas identified 42862  
in the observations and evaluation and the evaluator determines 42863  
that the teacher is making progress on that plan. 42864

(c) For each teacher who is evaluated pursuant to division 42865  
(C) (2) of this section, the evaluation shall be completed by the 42866  
first day of May of the applicable school year, and the teacher 42867  
shall receive a written report of the results of the evaluation 42868  
by the tenth day of May of that school year. 42869

(d) The board may elect not to conduct an evaluation of a 42870  
teacher who meets one of the following requirements: 42871

(i) The teacher was on leave from the school district for 42872  
fifty per cent or more of the school year, as calculated by the 42873  
board. 42874

(ii) The teacher has submitted notice of retirement and 42875  
that notice has been accepted by the board not later than the 42876  
first day of December of the school year in which the evaluation 42877  
is otherwise scheduled to be conducted. 42878

(e) The board may elect not to conduct an evaluation of a 42879  
teacher who is participating in the teacher residency program 42880  
established under section 3319.223 of the Revised Code for the 42881  
year during which that teacher takes, for the first time, at 42882  
least half of the performance-based assessment prescribed by the 42883  
state board of education for resident educators. 42884

(3) In any year that a teacher is not formally evaluated 42885  
pursuant to division (C) of this section as a result of 42886  
receiving a rating of accomplished or skilled on the teacher's 42887  
most recent evaluation, an individual qualified to evaluate a 42888  
teacher under division (D) of this section shall conduct at 42889  
least one observation of the teacher and hold at least one 42890  
conference with the teacher. The conference shall include a 42891  
discussion of progress on the teacher's professional growth 42892  
plan. 42893

(D) Each evaluation conducted pursuant to this section 42894  
shall be conducted by one or more of the following persons who 42895  
hold a credential established by the ~~department~~ state board of 42896  
education for being an evaluator: 42897

(1) A person who is under contract with the board pursuant 42898  
to section 3319.01 or 3319.02 of the Revised Code and holds a 42899  
license designated for being a superintendent, assistant 42900  
superintendent, or principal issued under section 3319.22 of the 42901  
Revised Code; 42902

(2) A person who is under contract with the board pursuant 42903  
to section 3319.02 of the Revised Code and holds a license 42904  
designated for being a vocational director, administrative 42905  
specialist, or supervisor in any educational area issued under 42906  
section 3319.22 of the Revised Code; 42907

(3) A person designated to conduct evaluations under an 42908  
agreement entered into by the board, including an agreement 42909  
providing for peer review entered into by the board and 42910  
representatives of teachers employed by the board; 42911

(4) A person who is employed by an entity contracted by 42912  
the board to conduct evaluations and who holds a license 42913  
designated for being a superintendent, assistant superintendent, 42914  
principal, vocational director, administrative specialist, or 42915  
supervisor in any educational area issued under section 3319.22 42916  
of the Revised Code or is qualified to conduct evaluations. 42917

(E) Notwithstanding division (A) (3) of section 3319.112 of 42918  
the Revised Code, the board shall require at least three formal 42919  
observations of each teacher who is under consideration for 42920  
nonrenewal and with whom the board has entered into a limited 42921  
contract or an extended limited contract under section 3319.11 42922

of the Revised Code. 42923

(F) The board shall include in its evaluation policy 42924  
procedures for using the evaluation results for retention and 42925  
promotion decisions and for removal of poorly performing 42926  
teachers. Seniority shall not be the basis for a decision to 42927  
retain a teacher, except when making a decision between teachers 42928  
who have comparable evaluations. 42929

(G) For purposes of section 3333.0411 of the Revised Code, 42930  
the board annually shall report to the ~~department of education~~ 42931  
state board the number of teachers for whom an evaluation was 42932  
conducted under this section and the number of teachers assigned 42933  
each rating prescribed under division (B) (1) of section 3319.112 42934  
of the Revised Code, aggregated by the teacher preparation 42935  
programs from which and the years in which the teachers 42936  
graduated. The ~~department~~ state board shall establish guidelines 42937  
for reporting the information required by this division. The 42938  
guidelines shall not permit or require that the name of, or any 42939  
other personally identifiable information about, any teacher be 42940  
reported under this division. 42941

(H) Notwithstanding any provision to the contrary in 42942  
Chapter 4117. of the Revised Code, the requirements of this 42943  
section prevail over any conflicting provisions of a collective 42944  
bargaining agreement entered into on or after ~~the effective date~~ 42945  
~~of this amendment~~ November 2, 2018. 42946

**Sec. 3319.112.** (A) The state board of education shall 42947  
revise the standards-based state framework for the evaluation of 42948  
teachers based on the recommendations of the educator standards 42949  
board established under section 3319.60 of the Revised Code. The 42950  
state board shall hold at least one public hearing on the 42951  
revised framework and shall make the full text of the revised 42952

framework available at each hearing it holds on the revised 42953  
framework. ~~Not later than May 1, 2020, the~~ The state board shall 42954  
adopt the revised framework. The state board may update the 42955  
framework periodically by adoption of a resolution. The 42956  
framework shall establish an evaluation system that does the 42957  
following: 42958

(1) Provides for multiple evaluation factors; 42959

(2) Is aligned with the standards for teachers adopted 42960  
under section 3319.61 of the Revised Code; 42961

(3) Requires observation of the teacher being evaluated, 42962  
including at least two formal observations by the evaluator of 42963  
at least thirty minutes each and classroom walk-throughs; 42964

(4) Assigns a rating on each evaluation in accordance with 42965  
division (B) of this section; 42966

(5) Requires each teacher to be provided with a written 42967  
report of the results of the teacher's evaluation; 42968

(6) Uses at least two measures of high-quality student 42969  
data to provide evidence of student learning attributable to the 42970  
teacher being evaluated. The state board shall define "high- 42971  
quality student data" for this purpose. When applicable to the 42972  
grade level or subject area taught by a teacher, high-quality 42973  
student data shall include the value-added progress dimension 42974  
established under section 3302.021 of the Revised Code, but the 42975  
teacher or evaluator shall use at least one other measure of 42976  
high-quality student data to demonstrate student learning. In 42977  
accordance with the guidance described in division (D) (3) of 42978  
this section, high-quality student data may be used as evidence 42979  
in any component of the evaluation related to the following: 42980

(a) Knowledge of the students to whom the teacher provides 42981

instruction;	42982
(b) The teacher's use of differentiated instructional practices based on the needs or abilities of individual students;	42983 42984 42985
(c) Assessment of student learning;	42986
(d) The teacher's use of assessment data;	42987
(e) Professional responsibility and growth.	42988
(7) Prohibits the shared attribution of student performance data among all teachers in a district, building, grade, content area, or other group;	42989 42990 42991
(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.;	42992 42993 42994 42995 42996 42997 42998
(9) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;	42999 43000 43001
(10) Provides for the allocation of financial resources to support professional development;	43002 43003
(11) Prohibits the use of student learning objectives.	43004
(B) For purposes of the framework adopted under this section, the state board also shall do the following:	43005 43006
(1) Revise, as necessary, specific standards and criteria that distinguish between the following levels of performance for	43007 43008

teachers and principals for the purpose of assigning ratings on	43009
the evaluations conducted under sections 3311.80, 3311.84,	43010
3319.02, and 3319.111 of the Revised Code:	43011
(a) Accomplished;	43012
(b) Skilled;	43013
(c) Developing;	43014
(d) Ineffective.	43015
(2) Develop a list of student assessments that measure	43016
mastery of the course content for the appropriate grade level,	43017
which may include nationally normed standardized assessments,	43018
industry certification examinations, or end-of-course	43019
examinations. The data from these assessments may be considered	43020
high-quality student data.	43021
(C) The state board shall consult with experts, teachers	43022
and principals employed in public schools, the educator	43023
standards board, and representatives of stakeholder groups in	43024
revising the standards and criteria required by division (B) (1)	43025
of this section.	43026
(D) To assist school districts in developing evaluation	43027
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111	43028
of the Revised Code, the <del>department</del> <u>state board</u> shall do all of	43029
the following:	43030
(1) Serve as a clearinghouse of promising evaluation	43031
procedures and evaluation models that districts may use;	43032
(2) Provide technical assistance to districts in creating	43033
evaluation policies;	43034
(3) Provide guidance to districts on how high-quality	43035

student data may be used as evidence of student learning 43036  
attributable to a particular teacher, including examples of 43037  
appropriate use of that data within the framework adopted under 43038  
this section; 43039

(4) Provide guidance to districts on how information from 43040  
student surveys, student portfolios, peer review evaluations, 43041  
teacher self-evaluations, and other components determined 43042  
appropriate by the district may be used as part of the 43043  
evaluation process. 43044

(E) Not later than July 1, 2020, the state board, in 43045  
consultation with state agencies that employ teachers, shall 43046  
update its standards-based framework for the evaluation of 43047  
teachers employed by those agencies. Each state agency that 43048  
employs teachers shall adopt a standards-based teacher 43049  
evaluation policy to conform with the framework. The policy 43050  
shall become operative at the expiration of any collective 43051  
bargaining agreement covering teachers employed by the agency 43052  
that is in effect ~~on the effective date of this amendment~~ 43053  
November 2, 2018, and shall be included in any renewal or 43054  
extension of such an agreement. However, this division does not 43055  
apply to any person who is employed as a substitute teacher or 43056  
as an instructor of adult education. 43057

**Sec. 3319.113.** (A) ~~Not later than May 31, 2016, the~~ The 43058  
state board of education shall develop a standards-based state 43059  
framework for the evaluation of school counselors. The state 43060  
board may update the framework periodically by adoption of a 43061  
resolution. The framework shall establish an evaluation system 43062  
that does the following: 43063

(1) Requires school counselors to demonstrate their 43064  
ability to produce positive student outcomes using metrics, 43065

including those from the school or school district's report card	43066
issued under section 3302.03 of the Revised Code when	43067
appropriate;	43068
(2) Is aligned with the standards for school counselors	43069
adopted under section 3319.61 of the Revised Code and requires	43070
school counselors to demonstrate their ability in all the areas	43071
identified by those standards;	43072
(3) Requires that all school counselors be evaluated	43073
annually, except as otherwise appropriate for high-performing	43074
school counselors or as specified in division (D) of this	43075
section;	43076
(4) Assigns a rating on each evaluation in accordance with	43077
division (B) of this section;	43078
(5) Designates the personnel that may conduct evaluations	43079
of school counselors in accordance with this framework;	43080
(6) Requires that each school counselor be provided with a	43081
written report of the results of that school counselor's	43082
evaluation;	43083
(7) Provides for professional development to accelerate	43084
and continue school counselor growth and provide support to	43085
poorly performing school counselors.	43086
(B) (1) The state board shall develop specific standards	43087
and criteria that distinguish between the following levels of	43088
performance for school counselors for the purposes of assigning	43089
ratings on the evaluations conducted under this section:	43090
(a) Accomplished;	43091
(b) Skilled;	43092

(c) Developing;	43093
(d) Ineffective.	43094
(2) The state board shall consult with experts, school counselors and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by division (B) (1) of this section.	43095 43096 43097 43098 43099
(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.	43100 43101 43102 43103 43104 43105 43106 43107 43108
(2) A district board shall include both of the following in its evaluation policy:	43109 43110
(a) The implementation of the framework for the evaluation of school counselors developed under this section beginning in the 2016-2017 school year;	43111 43112 43113
(b) Procedures for using the evaluation results, beginning in the 2017-2018 school year, for both of the following:	43114 43115
(i) Decisions regarding retention and promotion of school counselors;	43116 43117
(ii) Removal of poorly performing school counselors.	43118
(D) Beginning with the 2017-2018 school year, a district board may elect not to conduct an evaluation of a school	43119 43120

counselor who meets one of the following requirements: 43121

(1) The school counselor was on leave from the school 43122  
district for fifty per cent or more of the school year, as 43123  
calculated by the board. 43124

(2) The school counselor has submitted notice of 43125  
retirement and that notice has been accepted by the board not 43126  
later than the first day of December of the school year in which 43127  
the evaluation is otherwise scheduled to be conducted. 43128

(E) Each district board shall annually submit a report to 43129  
~~the department of education~~ state board, in a form and manner 43130  
prescribed by the ~~department~~ state board, regarding its 43131  
implementation of division (C) of this section. At no time shall 43132  
the ~~department~~ state board permit or require that the name or 43133  
personally identifiable information of any school counselor be 43134  
reported to the ~~department~~ state board under this division. 43135

(F) Notwithstanding any provision to the contrary in 43136  
Chapter 4117. of the Revised Code, the requirements of this 43137  
section prevail over any conflicting provision of a collective 43138  
bargaining agreement entered into on or after September 29, 43139  
2015. 43140

**Sec. 3319.143.** Notwithstanding section 3319.141 of the 43141  
Revised Code, the board of education of a city, exempted 43142  
village, local or joint vocational school district may adopt a 43143  
policy of assault leave by which an employee who is absent due 43144  
to physical disability resulting from an assault which occurs in 43145  
the course of board employment will be maintained on full pay 43146  
status during the period of such absence. A board of education 43147  
electing to effect such a policy of assault leave shall 43148  
establish rules for the entitlement, crediting, and use of 43149

assault leave and file a copy of same with the ~~state board-~~ 43150  
department of education and workforce. A board of education 43151  
adopting this policy shall require an employee to furnish a 43152  
signed statement on forms prescribed by such board to justify 43153  
the use of assault leave. If medical attention is required, a 43154  
certificate from a licensed physician stating the nature of the 43155  
disability and its duration shall be required before assault 43156  
leave can be approved for payment. Falsification of either a 43157  
signed statement or a physician's certificate is ground for 43158  
suspension or termination of employment under section 3311.82 or 43159  
3319.16 of the Revised Code. 43160

Assault leave granted under rules adopted by a board of 43161  
education pursuant to this section shall not be charged against 43162  
sick leave earned or earnable under section 3319.141 of the 43163  
Revised Code or leave granted under rules adopted by a board of 43164  
education pursuant to section 3311.77 or 3319.08 of the Revised 43165  
Code. This section shall be uniformly administered in those 43166  
districts where such policy is adopted. 43167

**Sec. 3319.151.** (A) As used in this section, "assessment" 43168  
means an assessment administered under section 3301.0711 of the 43169  
Revised Code. 43170

(B) No person shall do any of the following: 43171

(1) Reveal to any student any specific question that the 43172  
person knows is part of an assessment or in any other way assist 43173  
a pupil to cheat on an assessment; 43174

(2) Obtain prior knowledge of the contents of an 43175  
assessment; 43176

(3) Use prior knowledge of the contents of an assessment 43177  
to assist students in preparing for the assessment; 43178

(4) Fail to comply with any rule adopted by the department 43179  
of education and workforce regarding security protocols for an 43180  
assessment. 43181

(C) On a finding by the state board of education, after 43182  
investigation, that a school employee who holds a license, as 43183  
defined in section 3319.31 of the Revised Code, has violated 43184  
division (B) of this section, the state board shall take any 43185  
action against the employee under section 3319.31 of the Revised 43186  
Code that it considers appropriate, based on the nature and 43187  
extent of the violation. The state board shall give the employee 43188  
notice of the allegation upon commencing an investigation and 43189  
shall give the employee an opportunity to respond prior to 43190  
taking any disciplinary action. 43191

(D) (1) Violation of division (B) of this section is 43192  
grounds for termination of employment of a nonteaching employee 43193  
under division (C) of section 3319.081 or section 124.34 of the 43194  
Revised Code. 43195

(2) Violation of division (B) of this section is grounds 43196  
for termination of a teacher contract under section 3311.82 or 43197  
3319.16 of the Revised Code. 43198

**Sec. 3319.16.** The contract of any teacher employed by the 43199  
board of education of any city, exempted village, local, county, 43200  
or joint vocational school district may not be terminated except 43201  
for good and just cause. Notwithstanding any provision to the 43202  
contrary in Chapter 4117. of the Revised Code, the provisions of 43203  
this section relating to the grounds for termination of the 43204  
contract of a teacher prevail over any conflicting provisions of 43205  
a collective bargaining agreement entered into after ~~the~~ 43206  
~~effective date of this amendment~~ October 16, 2009. 43207

Before terminating any contract, the employing board shall 43208  
furnish the teacher a written notice signed by its treasurer of 43209  
its intention to consider the termination of the teacher's 43210  
contract with full specification of the grounds for such 43211  
consideration. The board shall not proceed with formal action to 43212  
terminate the contract until after the tenth day after receipt 43213  
of the notice by the teacher. Within ten days after receipt of 43214  
the notice from the treasurer of the board, the teacher may file 43215  
with the treasurer a written demand for a hearing before the 43216  
board or before a referee, and the board shall set a time for 43217  
the hearing which shall be within thirty days from the date of 43218  
receipt of the written demand, and the treasurer shall give the 43219  
teacher at least twenty days' notice in writing of the time and 43220  
place of the hearing. If a referee is demanded by either the 43221  
teacher or board, the treasurer also shall give twenty days' 43222  
notice to the ~~superintendent of public instruction~~ department of 43223  
education and workforce. No hearing shall be held during the 43224  
summer vacation without the teacher's consent. The hearing shall 43225  
be private unless the teacher requests a public hearing. The 43226  
hearing shall be conducted by a referee appointed pursuant to 43227  
section 3319.161 of the Revised Code, if demanded; otherwise, it 43228  
shall be conducted by a majority of the members of the board and 43229  
shall be confined to the grounds given for the termination. The 43230  
board shall provide for a complete stenographic record of the 43231  
proceedings, a copy of the record to be furnished to the 43232  
teacher. The board may suspend a teacher pending final action to 43233  
terminate the teacher's contract if, in its judgment, the 43234  
character of the charges warrants such action. 43235

Both parties may be present at such hearing, be 43236  
represented by counsel, require witnesses to be under oath, 43237  
cross-examine witnesses, take a record of the proceedings, and 43238

require the presence of witnesses in their behalf upon subpoena 43239  
to be issued by the treasurer of the board. In case of the 43240  
failure of any person to comply with a subpoena, a judge of the 43241  
court of common pleas of the county in which the person resides, 43242  
upon application of any interested party, shall compel 43243  
attendance of the person by attachment proceedings as for 43244  
contempt. Any member of the board or the referee may administer 43245  
oaths to witnesses. After a hearing by a referee, the referee 43246  
shall file a report within ten days after the termination of the 43247  
hearing. After consideration of the referee's report, the board, 43248  
by a majority vote, may accept or reject the referee's 43249  
recommendation on the termination of the teacher's contract. 43250  
After a hearing by the board, the board, by majority vote, may 43251  
enter its determination upon its minutes. Any order of 43252  
termination of a contract shall state the grounds for 43253  
termination. If the decision, after hearing, is against 43254  
termination of the contract, the charges and the record of the 43255  
hearing shall be physically expunged from the minutes, and, if 43256  
the teacher has suffered any loss of salary by reason of being 43257  
suspended, the teacher shall be paid the teacher's full salary 43258  
for the period of such suspension. 43259

Any teacher affected by an order of termination of 43260  
contract may appeal to the court of common pleas of the county 43261  
in which the school is located within thirty days after receipt 43262  
of notice of the entry of such order. The appeal shall be an 43263  
original action in the court and shall be commenced by the 43264  
filing of a complaint against the board, in which complaint the 43265  
facts shall be alleged upon which the teacher relies for a 43266  
reversal or modification of such order of termination of 43267  
contract. Upon service or waiver of summons in that appeal, the 43268  
board immediately shall transmit to the clerk of the court for 43269

filing a transcript of the original papers filed with the board, 43270  
a certified copy of the minutes of the board into which the 43271  
termination finding was entered, and a certified transcript of 43272  
all evidence adduced at the hearing or hearings before the board 43273  
or a certified transcript of all evidence adduced at the hearing 43274  
or hearings before the referee, whereupon the cause shall be at 43275  
issue without further pleading and shall be advanced and heard 43276  
without delay. The court shall examine the transcript and record 43277  
of the hearing and shall hold such additional hearings as it 43278  
considers advisable, at which it may consider other evidence in 43279  
addition to the transcript and record. 43280

Upon final hearing, the court shall grant or deny the 43281  
relief prayed for in the complaint as may be proper in 43282  
accordance with the evidence adduced in the hearing. Such an 43283  
action is a special proceeding, and either the teacher or the 43284  
board may appeal from the decision of the court of common pleas 43285  
pursuant to the Rules of Appellate Procedure and, to the extent 43286  
not in conflict with those rules, Chapter 2505. of the Revised 43287  
Code. 43288

In any court action, the board may utilize the services of 43289  
the prosecuting attorney, village solicitor, city director of 43290  
law, or other chief legal officer of a municipal corporation as 43291  
authorized by section 3313.35 of the Revised Code, or may employ 43292  
other legal counsel. 43293

A violation of division (A) (7) of section 2907.03 of the 43294  
Revised Code is grounds for termination of a teacher contract 43295  
under this section. 43296

**Sec. 3319.161.** For the purpose of providing referees for 43297  
the hearings required by section 3319.16 of the Revised Code, 43298  
the ~~superintendent of public instruction~~ department of education 43299

and workforce shall compile a list of resident electors from 43300  
names that the ~~superintendent~~ department shall solicit annually 43301  
from the state bar association. 43302

Upon receipt of notice that a referee has been demanded by 43303  
a teacher or by a board of education, the ~~superintendent of~~ 43304  
~~public instruction~~ department shall immediately designate three 43305  
persons from such list, from whom the referee to hear the matter 43306  
shall be chosen, and the ~~superintendent~~ department shall 43307  
immediately notify the designees, the teacher, and the board of 43308  
the school district involved. If within five days of receipt of 43309  
the notice, the teacher and board are unable to select a 43310  
mutually agreeable designee to serve as referee, the 43311  
~~superintendent of public instruction~~ department shall appoint 43312  
one of the three designees to serve as referee. The appointment 43313  
of the referee shall be entered in the minutes of the board. The 43314  
referee appointed shall be paid the referee's usual and 43315  
customary fee for attending the hearing which shall be paid from 43316  
the school district general fund upon vouchers approved by the 43317  
~~superintendent of public instruction~~ department and presented to 43318  
the treasurer of the district. No referee shall be a member of, 43319  
an employee of, or teacher employed by the board of education 43320  
nor related to any such person by consanguinity or marriage. 43321

**Sec. 3319.22.** (A) (1) The state board of education shall 43322  
issue the following educator licenses: 43323

(a) A resident educator license, which shall be valid for 43324  
two years and shall be renewable for reasons specified by rules 43325  
adopted by the state board pursuant to division (A) (3) of this 43326  
section. The state board, on a case-by-case basis, may extend 43327  
the license's duration as necessary to enable the license holder 43328  
to complete the Ohio teacher residency program established under 43329

section 3319.223 of the Revised Code; 43330

(b) A professional educator license, which shall be valid 43331  
for five years and shall be renewable; 43332

(c) A senior professional educator license, which shall be 43333  
valid for five years and shall be renewable; 43334

(d) A lead professional educator license, which shall be 43335  
valid for five years and shall be renewable. 43336

Licenses issued under division (A) (1) of this section on 43337  
and after November 2, 2018, shall specify whether the educator 43338  
is licensed to teach grades pre-kindergarten through five, 43339  
grades four through nine, or grades seven through twelve. The 43340  
changes to the grade band specifications under this amendment 43341  
shall not apply to a person who holds a license under division 43342  
(A) (1) of this section prior to November 2, 2018. Further, the 43343  
changes to the grade band specifications under this amendment 43344  
shall not apply to any license issued to teach in the area of 43345  
computer information science, bilingual education, dance, drama 43346  
or theater, world language, health, library or media, music, 43347  
physical education, teaching English to speakers of other 43348  
languages, career-technical education, or visual arts or to any 43349  
license issued to an intervention specialist, including a gifted 43350  
intervention specialist, or to any other license that does not 43351  
align to the grade band specifications. 43352

(2) (a) Except as provided in division (A) (2) (b) of this 43353  
section, the state board may issue any additional educator 43354  
licenses of categories, types, and levels the board elects to 43355  
provide. 43356

(b) Not later than December 31, 2024, the state board 43357  
shall cease licensing school psychologists. The state board 43358

shall coordinate with the state board of psychology to 43359  
transition to licensure under Chapter 4732. of the Revised Code 43360  
any school psychologists licensed under rules adopted in 43361  
accordance with sections 3301.07 and 3319.22 of the Revised 43362  
Code. 43363

(3) The state board shall adopt rules establishing the 43364  
standards and requirements for obtaining each educator license 43365  
issued under this section. The rules shall also include the 43366  
reasons for which a resident educator license may be renewed 43367  
under division (A) (1) (a) of this section. 43368

(B) The rules adopted under this section shall require at 43369  
least the following standards and qualifications for the 43370  
educator licenses described in division (A) (1) of this section: 43371

(1) An applicant for a resident educator license shall 43372  
hold at least a bachelor's degree from an accredited teacher 43373  
preparation program or be a participant in the teach for America 43374  
program and meet the qualifications required under section 43375  
3319.227 of the Revised Code. 43376

(2) An applicant for a professional educator license 43377  
shall: 43378

(a) Hold at least a bachelor's degree from an institution 43379  
of higher education accredited by a regional accrediting 43380  
organization; 43381

(b) Have successfully completed the Ohio teacher residency 43382  
program established under section 3319.223 of the Revised Code, 43383  
if the applicant's current or most recently issued license is a 43384  
resident educator license issued under this section or an 43385  
alternative resident educator license issued under section 43386  
3319.26 of the Revised Code. 43387

(3) An applicant for a senior professional educator license shall:	43388
	43389
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	43390
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	43392
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	43393
	43394
	43395
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	43396
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	43399
(4) An applicant for a lead professional educator license shall:	43400
	43401
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	43402
	43403
	43404
(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;	43405
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(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;	43409
	43410
	43411
(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	43412
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(5) of section 3319.61 of the Revised Code. 43416

(C) The state board shall align the standards and 43417  
qualifications for obtaining a principal license with the 43418  
standards for principals adopted by the state board under 43419  
section 3319.61 of the Revised Code. 43420

(D) If the state board requires any examinations for 43421  
educator licensure, the ~~department of education~~ state board 43422  
shall provide the results of such examinations received by the 43423  
~~department~~ state board to the chancellor of higher education, in 43424  
the manner and to the extent permitted by state and federal law. 43425

(E) Any rules the state board of education adopts, amends, 43426  
or rescinds for educator licenses under this section, ~~division~~ 43427  
~~(D) of section 3301.07 of the Revised Code,~~ or any other law 43428  
shall be adopted, amended, or rescinded under Chapter 119. of 43429  
the Revised Code except as follows: 43430

(1) Notwithstanding division (E) of section 119.03 and 43431  
division (A)(1) of section 119.04 of the Revised Code, in the 43432  
case of the adoption of any rule or the amendment or rescission 43433  
of any rule that necessitates institutions' offering preparation 43434  
programs for educators and other school personnel that are 43435  
approved by the chancellor of higher education under section 43436  
3333.048 of the Revised Code to revise the curriculum of those 43437  
programs, the effective date shall not be as prescribed in 43438  
division (E) of section 119.03 and division (A)(1) of section 43439  
119.04 of the Revised Code. Instead, the effective date of such 43440  
rules, or the amendment or rescission of such rules, shall be 43441  
the date prescribed by section 3333.048 of the Revised Code. 43442

(2) Notwithstanding the authority to adopt, amend, or 43443  
rescind emergency rules in division (G) of section 119.03 of the 43444

Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F) (1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. The ~~department of education state~~ board shall provide technical assistance and support to committees as the committees incorporate the professional development standards adopted ~~by the state board of education~~ pursuant to section 3319.61 of the Revised Code into their review of coursework that is appropriate for license renewal. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be established as described in division (F) (2) of this section.

Not later than the effective date of the rules adopted under this section, the board of education of each school district shall establish the structure for one or more local professional development committees to be operated by such school district. The committee structure so established by a district board shall remain in effect unless within thirty days

prior to an anniversary of the date upon which the current 43475  
committee structure was established, the board provides notice 43476  
to all affected district employees that the committee structure 43477  
is to be modified. Professional development committees may have 43478  
a district-level or building-level scope of operations, and may 43479  
be established with regard to particular grade or age levels for 43480  
which an educator license is designated. 43481

Each professional development committee shall consist of 43482  
at least three classroom teachers employed by the district, one 43483  
principal employed by the district, and one other employee of 43484  
the district appointed by the district superintendent. For 43485  
committees with a building-level scope, the teacher and 43486  
principal members shall be assigned to that building, and the 43487  
teacher members shall be elected by majority vote of the 43488  
classroom teachers assigned to that building. For committees 43489  
with a district-level scope, the teacher members shall be 43490  
elected by majority vote of the classroom teachers of the 43491  
district, and the principal member shall be elected by a 43492  
majority vote of the principals of the district, unless there 43493  
are two or fewer principals employed by the district, in which 43494  
case the one or two principals employed shall serve on the 43495  
committee. If a committee has a particular grade or age level 43496  
scope, the teacher members shall be licensed to teach such grade 43497  
or age levels, and shall be elected by majority vote of the 43498  
classroom teachers holding such a license and the principal 43499  
shall be elected by all principals serving in buildings where 43500  
any such teachers serve. The district superintendent shall 43501  
appoint a replacement to fill any vacancy that occurs on a 43502  
professional development committee, except in the case of 43503  
vacancies among the elected classroom teacher members, which 43504  
shall be filled by vote of the remaining members of the 43505

committee so selected. 43506

Terms of office on professional development committees 43507  
shall be prescribed by the district board establishing the 43508  
committees. The conduct of elections for members of professional 43509  
development committees shall be prescribed by the district board 43510  
establishing the committees. A professional development 43511  
committee may include additional members, except that the 43512  
majority of members on each such committee shall be classroom 43513  
teachers employed by the district. Any member appointed to fill 43514  
a vacancy occurring prior to the expiration date of the term for 43515  
which a predecessor was appointed shall hold office as a member 43516  
for the remainder of that term. 43517

The initial meeting of any professional development 43518  
committee, upon election and appointment of all committee 43519  
members, shall be called by a member designated by the district 43520  
superintendent. At this initial meeting, the committee shall 43521  
select a chairperson and such other officers the committee deems 43522  
necessary, and shall adopt rules for the conduct of its 43523  
meetings. Thereafter, the committee shall meet at the call of 43524  
the chairperson or upon the filing of a petition with the 43525  
district superintendent signed by a majority of the committee 43526  
members calling for the committee to meet. 43527

(3) In the case of a school district in which an exclusive 43528  
representative has been established pursuant to Chapter 4117. of 43529  
the Revised Code, professional development committees shall be 43530  
established in accordance with any collective bargaining 43531  
agreement in effect in the district that includes provisions for 43532  
such committees. 43533

If the collective bargaining agreement does not specify a 43534  
different method for the selection of teacher members of the 43535

committees, the exclusive representative of the district's 43536  
teachers shall select the teacher members. 43537

If the collective bargaining agreement does not specify a 43538  
different structure for the committees, the board of education 43539  
of the school district shall establish the structure, including 43540  
the number of committees and the number of teacher and 43541  
administrative members on each committee; the specific 43542  
administrative members to be part of each committee; whether the 43543  
scope of the committees will be district levels, building 43544  
levels, or by type of grade or age levels for which educator 43545  
licenses are designated; the lengths of terms for members; the 43546  
manner of filling vacancies on the committees; and the frequency 43547  
and time and place of meetings. However, in all cases, except as 43548  
provided in division (F) (4) of this section, there shall be a 43549  
majority of teacher members of any professional development 43550  
committee, there shall be at least five total members of any 43551  
professional development committee, and the exclusive 43552  
representative shall designate replacement members in the case 43553  
of vacancies among teacher members, unless the collective 43554  
bargaining agreement specifies a different method of selecting 43555  
such replacements. 43556

(4) Whenever an administrator's coursework plan is being 43557  
discussed or voted upon, the local professional development 43558  
committee shall, at the request of one of its administrative 43559  
members, cause a majority of the committee to consist of 43560  
administrative members by reducing the number of teacher members 43561  
voting on the plan. 43562

(G) (1) The department of education and workforce, 43563  
educational service centers, county boards of developmental 43564  
disabilities, college and university departments of education, 43565

head start programs, and the Ohio education computer network may 43566  
establish local professional development committees to determine 43567  
whether the coursework proposed by their employees who are 43568  
licensed or certificated under this section or section 3319.222 43569  
of the Revised Code, or under the former version of either 43570  
section as it existed prior to October 16, 2009, meet the 43571  
requirements of the rules adopted under this section. They may 43572  
establish local professional development committees on their own 43573  
or in collaboration with a school district or other agency 43574  
having authority to establish them. 43575

Local professional development committees established by 43576  
county boards of developmental disabilities shall be structured 43577  
in a manner comparable to the structures prescribed for school 43578  
districts in divisions (F)(2) and (3) of this section, as shall 43579  
the committees established by any other entity specified in 43580  
division (G)(1) of this section that provides educational 43581  
services by employing or contracting for services of classroom 43582  
teachers licensed or certificated under this section or section 43583  
3319.222 of the Revised Code, or under the former version of 43584  
either section as it existed prior to October 16, 2009. All 43585  
other entities specified in division (G)(1) of this section 43586  
shall structure their committees in accordance with guidelines 43587  
which shall be issued by the ~~state board~~ department. 43588

(2) Educational service centers may establish local 43589  
professional development committees to serve educators who are 43590  
not employed in schools in this state, including pupil services 43591  
personnel who are licensed under this section. Local 43592  
professional development committees shall be structured in a 43593  
manner comparable to the structures prescribed for school 43594  
districts in divisions (F)(2) and (3) of this section. 43595

These committees may agree to review the coursework, 43596  
continuing education units, or other equivalent activities 43597  
related to classroom teaching or the area of licensure that is 43598  
proposed by an individual who satisfies both of the following 43599  
conditions: 43600

(a) The individual is licensed or certificated under this 43601  
section or under the former version of this section as it 43602  
existed prior to October 16, 2009. 43603

(b) The individual is not currently employed as an 43604  
educator or is not currently employed by an entity that operates 43605  
a local professional development committee under this section. 43606

Any committee that agrees to work with such an individual 43607  
shall work to determine whether the proposed coursework, 43608  
continuing education units, or other equivalent activities meet 43609  
the requirements of the rules adopted by the state board under 43610  
this section. 43611

(3) Any public agency that is not specified in division 43612  
(G) (1) or (2) of this section but provides educational services 43613  
and employs or contracts for services of classroom teachers 43614  
licensed or certificated under this section or section 3319.222 43615  
of the Revised Code, or under the former version of either 43616  
section as it existed prior to October 16, 2009, may establish a 43617  
local professional development committee, subject to the 43618  
approval of the department of education and workforce. The 43619  
committee shall be structured in accordance with guidelines 43620  
issued by the ~~state board~~ department. 43621

(H) Not later than July 1, 2016, the state board, in 43622  
accordance with Chapter 119. of the Revised Code, shall adopt 43623  
rules pursuant to division (A) (3) of this section that do both 43624

of the following: 43625

(1) Exempt consistently high-performing teachers from the 43626  
requirement to complete any additional coursework for the 43627  
renewal of an educator license issued under this section or 43628  
section 3319.26 of the Revised Code. The rules also shall 43629  
specify that such teachers are exempt from any requirements 43630  
prescribed by professional development committees established 43631  
under divisions (F) and (G) of this section. 43632

(2) For purposes of division (H)(1) of this section, the 43633  
state board shall define the term "consistently high-performing 43634  
teacher." 43635

**Sec. 3319.221.** (A) The state board of education, the 43636  
department of education and workforce, any city, local, exempted 43637  
village, and joint vocational school district board of 43638  
education, and any other public school, as defined in section 43639  
3301.0711 of the Revised Code, shall not require a separate 43640  
pupil services license issued by the state board as a credential 43641  
for working in a public school, on either a permanent basis or a 43642  
substitute or other temporary basis, for the following licensed 43643  
professionals: 43644

(1) A speech-language pathologist who holds a currently 43645  
valid license issued under Chapter 4753. of the Revised Code; 43646

(2) An audiologist who holds a currently valid license 43647  
issued under Chapter 4753. of the Revised Code; 43648

(3) A registered nurse who holds a bachelor's degree and a 43649  
currently valid license issued under Chapter 4723. of the 43650  
Revised Code; 43651

(4) A physical therapist who holds a currently valid 43652  
license issued under Chapter 4755. of the Revised Code; 43653

(5) An occupational therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code; 43654  
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(6) A physical therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code; 43656  
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(7) An occupational therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code; 43658  
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(8) A social worker who holds a currently valid license issued under Chapter 4757. of the Revised Code. 43661  
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(B) A person employed by a school district or school for any of the occupations listed in divisions (A) (1) to (8) of this section shall be required to apply for and receive a registration from the ~~department~~ state board of education. The registration shall be valid for five years. As a condition of registration under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the ~~department~~ state board, the individual shall submit the criminal records check to the ~~department~~ state board. The ~~department~~ state board shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code. 43663  
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If the ~~department~~ state board receives notification of the arrest or conviction of an individual registered under division (B) of this section, the ~~department~~ state board shall promptly notify the employing district and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it 43678  
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considers appropriate. No district shall employ any individual 43683  
under division (A) of this section if the district learns that 43684  
the individual has plead guilty to, has been found guilty by a 43685  
jury or court of, or has been convicted of any of the offenses 43686  
listed in division (C) of section 3319.31 of the Revised Code. 43687

(C) The ~~department~~state board shall charge a registration 43688  
fee of one hundred fifty dollars each for the initial 43689  
registration and one hundred fifty dollars for renewal of the 43690  
registration. 43691

**Sec. 3319.224.** Notwithstanding section 3319.30 of the 43692  
Revised Code, a school district or educational service center 43693  
may contract with a provider licensed under Chapter 4753. of the 43694  
Revised Code for speech and language services or for audiology 43695  
services. The contracted services shall be retained only after 43696  
the district or service center has demonstrated to the 43697  
department of education and workforce that attempts to obtain 43698  
the services of a speech and language or audiology provider 43699  
licensed under this chapter have been unsuccessful. 43700

**Sec. 3319.228.** (A) This section applies only to a person 43701  
who meets the following conditions: 43702

(1) Holds a minimum of a baccalaureate degree; 43703

(2) Has been licensed and employed as a teacher in another 43704  
state for each of the preceding five years; 43705

(3) Was initially licensed as a teacher in any state 43706  
within the preceding fifteen years; 43707

(4) Has not had a teacher's license suspended or revoked 43708  
in any state. 43709

(B) (1) Not later than July 1, 2012, the superintendent of 43710

public instruction shall develop a list of states that the superintendent considers to have standards for teacher licensure that are inadequate to ensure that a person to whom this section applies and who was most recently licensed to teach in that state is qualified for a professional educator license issued under section 3319.22 of the Revised Code.

(2) Following development of the list, the superintendent shall establish a panel of experts to evaluate the adequacy of the teacher licensure standards of each state on the list. Each person selected by the superintendent to be a member of the panel shall be approved by the state board of education. In evaluating the superintendent's list, the panel shall provide an opportunity for representatives of the department of education, or similar state-level agency, of each state on the list to provide evidence to refute the state's placement on the list.

Not later than April 1, 2013, the panel shall recommend to the state board that the list be approved without changes or that specified states be removed from the list prior to approval. Not later than July 1, 2013, the state board shall approve a final list of states with standards for teacher licensure that are inadequate to ensure that a person to whom this section applies and who was most recently licensed to teach in that state is qualified for a professional educator license issued under section 3319.22 of the Revised Code.

(C) Except as otherwise provided in division (E) (1) of this section, until the date on which the state board approves a final list of states with inadequate teacher licensure standards under division (B) (2) of this section, the state board shall issue a one-year provisional educator license to any applicant to whom this section applies. On and after that date, neither

the state board nor the department of education and workforce 43741  
shall be party to any reciprocity agreement with a state on that 43742  
list that requires the state board to issue a person to whom 43743  
this section applies any type of professional educator license 43744  
on the basis of the person's licensure and teaching experience 43745  
in that state. 43746

(D) Upon the expiration of a provisional license issued to 43747  
a person under division (C) of this section, the state board 43748  
shall issue the person a professional educator license, if the 43749  
person satisfies either of the following conditions: 43750

(1) The person was issued the provisional license prior to 43751  
the development of the list by the state superintendent under 43752  
division (B) (1) of this section and, prior to issuance of the 43753  
provisional license, the person was most recently licensed to 43754  
teach by a state not on the superintendent's list or, if the 43755  
final list of states with inadequate teacher licensure standards 43756  
has been approved by the state board under division (B) (2) of 43757  
this section, by a state not on that list. 43758

(2) All of the following apply to the person: 43759

(a) Prior to obtaining the provisional license, the person 43760  
was most recently licensed to teach by a state on the 43761  
superintendent's list or, if the final list of states with 43762  
inadequate teacher licensure standards has been approved by the 43763  
state board under division (B) (2) of this section, by a state on 43764  
that list. 43765

(b) The person was employed under the provisional license 43766  
by a school district; community school established under Chapter 43767  
3314. of the Revised Code; science, technology, engineering, and 43768  
mathematics school established under Chapter 3326. of the 43769

Revised Code; or an entity contracted by such a district or 43770  
school to provide internet- or computer-based instruction or 43771  
distance learning programs to students. 43772

(c) The district or school certifies to the state board 43773  
that the person's teaching was satisfactory while employed or 43774  
contracted by the district or school. 43775

(E) (1) From July 1, 2012, until the date on which the 43776  
state board approves a final list of states with inadequate 43777  
teacher licensure standards under division (B) (2) of this 43778  
section, the state board shall issue a professional educator 43779  
license to any applicant to whom this section applies and who 43780  
was most recently licensed to teach by a state that is not on 43781  
the list developed by the state superintendent under division 43782  
(B) (1) of this section. 43783

(2) Beginning on the date on which the state board 43784  
approves a final list of states with inadequate teacher 43785  
licensure standards under division (B) (2) of this section, the 43786  
state board shall issue a professional educator license to any 43787  
applicant to whom this section applies and who was most recently 43788  
licensed to teach by a state that is not on that list. 43789

**Sec. 3319.229.** (A) (1) Notwithstanding the repeal of former 43790  
section 3319.229 of the Revised Code by S.B. 216 of the 132nd 43791  
general assembly, the state board of education shall accept 43792  
applications for new, and for renewal of, professional career- 43793  
technical teaching licenses through June 30, 2019, and issue 43794  
them on the basis of the applications received by that date in 43795  
accordance with the rules described in that former section. 43796  
Except as otherwise provided in divisions (A) (2) and (3) of this 43797  
section, beginning July 1, 2019, the state board shall issue 43798  
career-technical workforce development educator licenses only 43799

under this section. 43800

(2) An individual who, on July 1, 2019, holds a 43801  
professional career-technical teaching license issued under the 43802  
rules described in former section 3319.229 of the Revised Code, 43803  
may continue to renew that license in accordance with those 43804  
rules for the remainder of the individual's teaching career. 43805  
However, nothing in this division shall be construed to prohibit 43806  
the individual from applying to the state board for a career- 43807  
technical workforce development educator license under this 43808  
section. 43809

(3) An individual who, on July 1, 2019, holds an 43810  
alternative resident educator license for teaching career- 43811  
technical education issued under section 3319.26 of the Revised 43812  
Code may, upon the expiration of the license, apply for a 43813  
professional career-technical teaching license issued under the 43814  
rules described in former section 3319.229 of the Revised Code. 43815  
Such an individual may continue to renew the professional 43816  
license in accordance with those rules for the remainder of the 43817  
individual's teaching career. However, nothing in this division 43818  
shall be construed to prohibit the individual from applying to 43819  
the state board for a career-technical workforce development 43820  
educator license under this section. 43821

(B) The state board, in collaboration with the chancellor 43822  
of higher education, shall adopt rules establishing standards 43823  
and requirements for obtaining a two-year initial career- 43824  
technical workforce development educator license and a five-year 43825  
advanced career-technical workforce development educator 43826  
license. Each license shall be valid for teaching career- 43827  
technical education or workforce development programs in grades 43828  
four through twelve. The rules shall require applicants for 43829

either license to have a high school diploma or a certificate of 43830  
high school equivalence as awarded under section 3301.80 of the 43831  
Revised Code or as recognized as the equivalent of such 43832  
certificate under division (C) of that section. 43833

(C) (1) The state board shall issue an initial career- 43834  
technical workforce development educator license to an applicant 43835  
upon request from the superintendent of a school district that 43836  
has agreed to employ the applicant. In making the request, the 43837  
superintendent shall provide documentation, in accordance with 43838  
procedures prescribed by the ~~department of education~~ state 43839  
board, showing that the applicant has at least five years of 43840  
work experience, or the equivalent, in the subject area in which 43841  
the applicant will teach. The license shall be valid for 43842  
teaching only in the requesting district. The superintendent 43843  
also shall provide documentation, in accordance with procedures 43844  
prescribed by the ~~department~~ state board, that the applicant is 43845  
enrolled in a career-technical workforce development educator 43846  
preparation program offered by an institution of higher 43847  
education that has an existing teacher preparatory program in 43848  
place that meets all of the following criteria: 43849

(a) Is approved by the chancellor of higher education to 43850  
provide instruction in teaching methods and principles; 43851

(b) Provides classroom support to the license holder; 43852

(c) Includes at least three semester hours of coursework 43853  
in the teaching of reading in the subject area; 43854

(d) Is aligned with career-technical education and 43855  
workforce development competencies developed by the department; 43856

(e) Uses a summative performance-based assessment 43857  
developed by the program and aligned to the competencies 43858

described in division (C) (1) (d) of this section to evaluate the 43859  
license holder's knowledge and skills; 43860

(f) Consists of not less than twenty-four semester hours 43861  
of coursework, or the equivalent. 43862

(2) As a condition of continuing to hold the initial 43863  
career-technical workforce development license, the holder of 43864  
the license shall be participating in a career-technical 43865  
workforce development educator preparation program described in 43866  
division (C) (1) of this section. 43867

(3) The state board shall renew an initial career- 43868  
technical workforce development educator license if the 43869  
supervisor of the program described in division (C) (1) of this 43870  
section and the superintendent of the employing school district 43871  
indicate that the applicant is making sufficient progress in 43872  
both the program and the teaching position. 43873

(D) The state board shall issue an advanced career- 43874  
technical workforce development educator license to an applicant 43875  
who has successfully completed the program described in division 43876  
(C) (1) of this section, as indicated by the supervisor of the 43877  
program, and who demonstrates mastery of the applicable career- 43878  
technical education and workforce development competencies 43879  
described in division (C) (1) (d) of this section in the teaching 43880  
position, as indicated by the superintendent of the employing 43881  
school district. 43882

(E) The holder of an advanced career-technical workforce 43883  
development educator license shall work with a local 43884  
professional development committee established under section 43885  
3319.22 of the Revised Code in meeting requirements for renewal 43886  
of the license. 43887

(F) Notwithstanding the provisions of section 3319.226 of 43888  
the Revised Code, the state board shall not require any 43889  
applicant for an educator license for substitute teaching who 43890  
holds a license issued under this section to hold a post- 43891  
secondary degree in order to be issued a license under section 43892  
3319.226 of the Revised Code to work as a substitute teacher for 43893  
career-technical education classes. 43894

**Sec. 3319.231.** As used in this section, "community 43895  
service" has the same meaning as in section 3313.605 of the 43896  
Revised Code. 43897

The ~~state board~~ department of education and workforce 43898  
shall adopt rules establishing qualifications for the teaching 43899  
of community service education for high school credit under 43900  
division (C) of section 3313.605 of the Revised Code. In 43901  
addition, the ~~board~~ department shall provide technical 43902  
assistance to school districts providing community service 43903  
instructional programs for teachers. 43904

**Sec. 3319.234.** The teacher quality partnership, a 43905  
consortium of teacher preparation programs that have been 43906  
approved by the chancellor of ~~the Ohio board of regents~~ higher 43907  
education under section 3333.048 of the Revised Code, shall 43908  
study the relationship of teacher performance on educator 43909  
licensure assessments, as adopted by the state board of 43910  
education under section 3319.22 of the Revised Code, to teacher 43911  
effectiveness in the classroom. Not later than September 1, 43912  
2008, the partnership shall begin submitting annual data reports 43913  
along with any other data on teacher effectiveness the 43914  
partnership determines appropriate to the governor, the 43915  
president and minority leader of the senate, the speaker and 43916  
minority leader of the house of representatives, the 43917

chairpersons and ranking minority members of the standing 43918  
committees of the senate and the house of representatives that 43919  
consider education legislation, the ~~superintendent of public~~ 43920  
~~instruction, the state board of education, and the chancellor of~~ 43921  
~~the Ohio board of regents.~~ 43922

**Sec. 3319.235.** (A) The standards for the preparation of 43923  
teachers adopted under section 3333.048 of the Revised Code 43924  
shall require any institution that provides a course of study 43925  
for the training of teachers to ensure that graduates of such 43926  
course of study are skilled at integrating educational 43927  
technology in the instruction of children, as evidenced by the 43928  
graduate having either demonstrated proficiency in such skills 43929  
in a manner prescribed by the department of education and 43930  
workforce or completed a course that includes training in such 43931  
skills. 43932

(B) The chancellor of ~~the Ohio board of regents, higher~~ 43933  
education, in consultation with the department of education and 43934  
workforce, shall establish model professional development 43935  
programs to assist teachers who completed their teacher 43936  
preparation prior to the effective date of division (A) of this 43937  
section to become skilled at integrating educational technology 43938  
in the instruction of children. The chancellor shall provide 43939  
technical assistance to school districts wishing to establish 43940  
such programs. 43941

**Sec. 3319.236.** (A) Except as provided in division (B) of 43942  
this section, a school district shall require an individual to 43943  
hold a valid educator license in computer science, or have a 43944  
license endorsement in computer technology and a passing score 43945  
on a content examination in the area of computer science, to 43946  
teach computer science courses. 43947

(B) A school district may employ an individual, for the purpose of teaching computer science courses, who holds a valid educator license in any of grades kindergarten through twelve, provided the individual meets the requirements established by rules of the state board of education to qualify for a supplemental teaching license for teaching computer science. The rules shall require an applicant for a supplemental teaching license to pass a content examination in the area of computer science. The rules also shall permit an individual, after at least two years of successfully teaching computer science courses under the supplemental teaching license, to advance to a standard educator license in computer science by completing a pedagogy course applicable to the grade levels in which the individual is teaching. However, the rules may exempt an individual teaching computer science from the requirement to complete a pedagogy course if the individual previously completed a pedagogy course applicable to the grade levels in which the individual is teaching.

(C) In order for an individual to teach advanced placement computer science courses, a school district shall require the individual to also complete a professional development program endorsed or provided by the organization that creates and administers national advanced placement examinations. For this purpose, the individual may complete the program at any time during the calendar year.

(D) Notwithstanding section 3301.012 of the Revised Code, as used in this section, "computer science courses" means any courses that are reported in the education management information system established under section 3301.0714 of the Revised Code as computer science courses and which are aligned to computer science standards adopted by the ~~state board~~

department of education and workforce. 43979

**Sec. 3319.25.** Any teacher performance assessment entity 43980  
with which the department of education and workforce or the 43981  
state board of education contracts or any independent agent with 43982  
whom such entity, the department, or the state board contracts 43983  
to provide services as a teacher performance assessor, trainer 43984  
of assessors, or assessment coordinator is not liable for 43985  
damages in a civil action concerning the actions of such entity 43986  
or agent made in the conduct of a teacher performance assessment 43987  
unless those actions were conducted with malicious purpose, in 43988  
bad faith, or in a wanton or reckless manner. 43989

As used in this section, "teacher performance assessment" 43990  
means an assessment prescribed by the state board of education 43991  
to measure the classroom performance of a teacher who is a 43992  
candidate for licensure based on observations conducted by a 43993  
trained assessor while the teacher is engaged in actual 43994  
classroom instruction. 43995

**Sec. 3319.262.** (A) Notwithstanding any other provision of 43996  
the Revised Code or any rule adopted by the state board of 43997  
education to the contrary, the state board shall adopt rules 43998  
establishing standards and requirements for obtaining a 43999  
nonrenewable four-year initial early college high school 44000  
educator license for teaching grades seven through twelve at an 44001  
early college high school described in section 3313.6013 of the 44002  
Revised Code to any applicant who meets the following 44003  
conditions: 44004

(1) Has a graduate or terminal degree from an accredited 44005  
institution of higher education in a field related to the 44006  
subject area to be taught, as determined by the ~~department of~~ 44007  
education state board; 44008

(2) Has obtained a passing score on an examination in the subject area to be taught, as prescribed by the state board;

(3) Has experience teaching students at any grade level, including post-secondary students;

(4) Has proof that an early college high school intends to employ the applicant pending a valid license under this section.

An individual licensed under this section shall be subject to sections 3319.291 and 3319.39 of the Revised Code. An initial educator license issued under division (A) of this section shall be valid for teaching only at the employing school described in division (A)(4) of this section.

(B) After four years of teaching under an initial early college high school educator license issued under this section, an individual may apply for a renewable five-year professional educator license in the same subject area named in the initial license. The state board shall issue the applicant a professional educator license if the applicant attains a passing score on an assessment of professional knowledge prescribed by the state board. Nothing in division (B) of this section shall be construed to prohibit an individual from applying for a professional ~~education~~ educator license under section 3319.22 of the Revised Code.

~~Sec. 3319.263. Beginning on the first day of July succeeding the effective date of this section and for only five years thereafter~~ Until July 1, 2028, notwithstanding anything to the contrary in section 3319.26 of the Revised Code or any rule of the state board of education adopted under that section, the state board ~~and the department of education~~ shall not limit the subject areas for which an individual may receive an alternative

resident educator license issued under that section. 44038

**Sec. 3319.28.** (A) As used in this section, "STEM school" 44039  
means a science, technology, engineering, and mathematics school 44040  
established under Chapter 3326. of the Revised Code. 44041

(B) Notwithstanding any other provision of the Revised 44042  
Code or any rule adopted by the state board of education to the 44043  
contrary, the state board shall issue a two-year provisional 44044  
educator license for teaching science, technology, engineering, 44045  
or mathematics in grades six through twelve in a STEM school to 44046  
any applicant who meets the following conditions: 44047

(1) Holds a bachelor's degree from an accredited 44048  
institution of higher education in a field related to the 44049  
subject area to be taught; 44050

(2) Has passed an examination prescribed by the state 44051  
board in the subject area to be taught. 44052

(C) The holder of a provisional educator license issued 44053  
under this section shall complete a structured apprenticeship 44054  
program provided by an educational service center or a teacher 44055  
preparation program approved under section 3333.048 of the 44056  
Revised Code, in partnership with the STEM school that employs 44057  
the license holder. The apprenticeship program shall include the 44058  
following: 44059

(1) Mentoring by a teacher or administrator who regularly 44060  
observes the license holder's classroom instruction, provides 44061  
feedback on the license holder's teaching strategies and 44062  
classroom management, and engages the license holder in 44063  
discussions about methods for fostering and measuring student 44064  
learning; 44065

(2) Regularly scheduled seminars or meetings that address 44066

the following topics:	44067
(a) The statewide academic standards adopted <del>by the state board</del> under section 3301.079 of the Revised Code and the importance of aligning curriculum with those standards;	44068 44069 44070
(b) The achievement assessments prescribed by section 3301.0710 of the Revised Code;	44071 44072
(c) The school district and building accountability system established under Chapter 3302. of the Revised Code;	44073 44074
(d) Instructional methods and strategies;	44075
(e) Student development;	44076
(f) Assessing student progress and providing remediation and intervention, as necessary, to meet students' special needs;	44077 44078
(g) Classroom management and record keeping.	44079
(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:	44080 44081 44082 44083 44084 44085
(1) The applicant completed the apprenticeship program described in division (C) of this section.	44086 44087
(2) The applicant receives a positive recommendation indicating that the applicant is an effective teacher from both of the following:	44088 44089 44090
(a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom teacher;	44091 44092 44093

(b) The educational service center or teacher preparation program administrator in charge of the apprenticeship program completed by the applicant. 44094  
44095  
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(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. 44097  
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(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. 44100  
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**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. 44107  
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(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; 44113  
44114  
44115  
44116

(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; 44117  
44118  
44119

(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; 44120  
44121  
44122

(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.

(2) If both of the following conditions apply to a person subject to a criminal records check under this section, the state board shall require the person to submit one complete set of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation so that bureau may forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person:

(a) Under this section or any former version of this section, the state board or the superintendent of public instruction previously requested 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, on the 44153  
person. 44154

(b) The person presents proof that the person has been a 44155  
resident of this state for the five-year period immediately 44156  
prior to the date upon which the person becomes subject to a 44157  
criminal records check under this section. 44158

(C) Except as provided in division (D) of this section, 44159  
prior to issuing or renewing any certificate, license, or permit 44160  
for a person described in division (A) (1) or (2) of this section 44161  
who is subject to a criminal records check and in the case of a 44162  
person described in division (A) (3) or (4) of this section who 44163  
is subject to a criminal records check, the state board or the 44164  
superintendent of public instruction shall do one of the 44165  
following: 44166

(1) If the person is required to submit fingerprints and 44167  
written permission under division (B) (1) of this section, 44168  
request the superintendent of the bureau of criminal 44169  
identification and investigation to determine whether the bureau 44170  
has any information, gathered pursuant to division (A) of 44171  
section 109.57 of the Revised Code, pertaining to the person and 44172  
to obtain any criminal records that the federal bureau of 44173  
investigation has on the person. 44174

(2) If the person is required to submit fingerprints and 44175  
written permission under division (B) (2) of this section, 44176  
request the superintendent of the bureau of criminal 44177  
identification and investigation to obtain any criminal records 44178  
that the federal bureau of investigation has on the person. 44179

(D) The state board or the superintendent of public 44180  
instruction may choose not to request any information about a 44181

person required by division (C) of this section if the person 44182  
provides proof that a criminal records check that satisfies the 44183  
requirements of that division was conducted on the person as a 44184  
condition of employment pursuant to section 3319.39 of the 44185  
Revised Code within the immediately preceding year. The state 44186  
board or the superintendent of public instruction may accept a 44187  
certified copy of records that were issued by the bureau of 44188  
criminal identification and investigation and that are presented 44189  
by the person in lieu of requesting that information under 44190  
division (C) of this section if the records were issued by the 44191  
bureau within the immediately preceding year. 44192

(E) (1) If a person described in division (A) (3) or (4) of 44193  
this section who is subject to a criminal records check fails to 44194  
submit fingerprints and written permission by the date specified 44195  
in the applicable division, and the state board or the 44196  
superintendent of public instruction does not apply division (D) 44197  
of this section to the person, or if a person who is subject to 44198  
division (G) of this section fails to submit fingerprints and 44199  
written permission by the date prescribed under that division, 44200  
the superintendent shall prepare a written notice stating that 44201  
if the person does not submit the fingerprints and written 44202  
permission within fifteen days after the date the notice was 44203  
mailed, the person's application will be rejected or the 44204  
person's professional or permanent teaching certificate or 44205  
license will be inactivated. The superintendent shall send the 44206  
notification by regular mail to the person's last known 44207  
residence address or last known place of employment, as 44208  
indicated in the ~~department of education's~~ state board's 44209  
records, or both. 44210

If the person fails to submit the fingerprints and written 44211  
permission within fifteen days after the date the notice was 44212

mailed, the superintendent of public instruction, on behalf of 44213  
the state board, shall issue a written order rejecting the 44214  
application or inactivating the person's professional or 44215  
permanent teaching certificate or license. The rejection or 44216  
inactivation shall remain in effect until the person submits the 44217  
fingerprints and written permission. The superintendent shall 44218  
send the order by regular mail to the person's last known 44219  
residence address or last known place of employment, as 44220  
indicated in the ~~department's~~ state board's records, or both. 44221  
The order shall state the reason for the rejection or 44222  
inactivation and shall explain that the rejection or 44223  
inactivation remains in effect until the person submits the 44224  
fingerprints and written permission. 44225

The rejection or inactivation of a professional or 44226  
permanent teaching certificate or license under division (E) (1) 44227  
of this section does not constitute a suspension or revocation 44228  
of the certificate or license by the state board under section 44229  
3319.31 of the Revised Code and the state board and the 44230  
superintendent of public instruction need not provide the person 44231  
with an opportunity for a hearing with respect to the rejection 44232  
or inactivation. 44233

(2) If a person whose professional or permanent teaching 44234  
certificate or license has been rejected or inactivated under 44235  
division (E) (1) of this section submits fingerprints and written 44236  
permission as required by division (B) or (G) of this section, 44237  
the superintendent of public instruction, on behalf of the state 44238  
board, shall issue a written order issuing or reactivating the 44239  
certificate or license. The superintendent shall send the order 44240  
to the person by regular mail. 44241

(F) Notwithstanding divisions (A) to (C) of this section, 44242

if a person holds more than one certificate, license, or permit 44243  
described in division (A) (1) of this section, the following 44244  
shall apply: 44245

(1) If the certificates, licenses, or permits are of 44246  
different durations, the person shall be subject to divisions 44247  
(A) to (C) of this section only when applying for renewal of the 44248  
certificate, license, or permit that is of the longest duration. 44249  
Prior to renewing any certificate, license, or permit with a 44250  
shorter duration, the state board or the superintendent of 44251  
public instruction shall determine whether the ~~department of~~ 44252  
~~education~~ state board has received any information about the 44253  
person pursuant to section 109.5721 of the Revised Code, but the 44254  
person shall not be subject to divisions (A) to (C) of this 44255  
section as long as the person's certificate, license, or permit 44256  
with the longest duration is valid. 44257

(2) If the certificates, licenses, or permits are of the 44258  
same duration but do not expire in the same year, the person 44259  
shall designate one of the certificates, licenses, or permits as 44260  
the person's primary certificate, license, or permit and shall 44261  
notify the ~~department~~ state board of that designation. The 44262  
person shall be subject to divisions (A) to (C) of this section 44263  
only when applying for renewal of the person's primary 44264  
certificate, license, or permit. Prior to renewing any 44265  
certificate, license, or permit that is not the person's primary 44266  
certificate, license, or permit, the state board or the 44267  
superintendent of public instruction shall determine whether the 44268  
~~department~~ state board has received any information about the 44269  
person pursuant to section 109.5721 of the Revised Code, but the 44270  
person shall not be subject to divisions (A) to (C) of this 44271  
section as long as the person's primary certificate, license, or 44272  
permit is valid. 44273

(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 superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation for the purpose of enrolling the person in the database. If the person fails to comply by the prescribed date, the ~~department~~state board shall reject the application or shall take action to inactivate the person's license in accordance with division (E) of this section.

**Sec. 3319.292.** As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code.

The state board of education ~~and the department of education~~ may question an applicant for issuance or renewal of any license with respect to any criminal offense committed or alleged to have been committed by the applicant. If the record of a conviction, plea of guilty, bail forfeiture, or other

disposition of a criminal offense committed or alleged to have 44304  
been committed by the applicant has been sealed or expunged, the 44305  
state board ~~and the department~~ need not assert or demonstrate 44306  
that its questioning with respect to the offense bears a direct 44307  
and substantial relationship to the issuance or renewal of the 44308  
license or to the position in which the applicant will work 44309  
under the license. 44310

Any questions regarding a record of a conviction, plea of 44311  
guilty, bail forfeiture, or other disposition of a criminal 44312  
offense committed or alleged to have been committed by the 44313  
applicant that has been sealed or expunged and the responses of 44314  
the applicant to such questions shall not be a public record 44315  
under section 149.43 of the Revised Code. 44316

**Sec. 3319.316.** ~~The department of education, on behalf of~~ 44317  
~~the~~ state board of education, shall be a participating public 44318  
office for purposes of the retained applicant fingerprint 44319  
database established under section 109.5721 of the Revised Code 44320  
and shall receive notification from the bureau of criminal 44321  
identification and investigation of the arrest or conviction of 44322  
persons to whom the state board has issued a license, as defined 44323  
in section 3319.31 of the Revised Code. 44324

**Sec. 3319.319.** The appointing or hiring officer of a 44325  
school district or school located in Ohio or another state may 44326  
request from the ~~department~~ state board of education any report 44327  
~~the department has~~ received under sections 3314.40, 3319.313, 44328  
3326.24, 3328.19, or 5126.253 of the Revised Code regarding an 44329  
individual who is under consideration for employment by the 44330  
district or school. If the ~~department~~ superintendent of public 44331  
instruction has received a report under any of those sections 44332  
regarding the individual, the ~~department~~ state superintendent 44333

shall provide the contents of the report to the requesting officer. Upon provision of the contents of the report to the requesting officer, the ~~department~~ state superintendent shall notify the officer that the information provided is confidential and may not be disseminated to any other person or entity.

If the ~~department~~ state superintendent provides the contents of a report to an appointing or hiring officer under this section, the ~~department~~ state superintendent shall document the information provided in the record of any investigation undertaken pursuant to section 3319.311 of the Revised Code based on the report. Such documentation shall include a list of the information provided, the date the information was provided, and the name and contact information of the appointing or hiring officer to whom the information was provided.

**Sec. 3319.33.** On or before the first day of August in each 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 44364  
to the proceeding; 44365

(D) The total expenses incurred by the board with respect 44366  
to the proceeding during the reporting period. 44367

Divisions (A) to (D) of this section do not apply to any 44368  
proceeding for which no expenses have been incurred during the 44369  
reporting period. 44370

The board of education of each city, exempted village, and 44371  
local school district may prepare and publish annually a report 44372  
of the condition and administration of the schools under its 44373  
supervision which shall include therein an exhibit of the 44374  
financial affairs of the district and the information required 44375  
in divisions (A) to (D) of this section. Such annual report 44376  
shall be for a full year. 44377

**Sec. 3319.35.** If the superintendent or treasurer of any 44378  
school district or educational service center fails to prepare 44379  
any required report, that superintendent shall be liable in the 44380  
sum of three hundred dollars, to be recovered by a civil action. 44381  
In the case of reports required to be submitted to the 44382  
superintendent, such action shall be instituted in the name of 44383  
the governing board of the service center upon the complaint of 44384  
the service center superintendent and the amount collected shall 44385  
be paid into the service center's general fund. In the case of 44386  
reports to be submitted to the ~~state board department~~ of 44387  
education and workforce, the action shall be instituted in the 44388  
name of the state on complaint of the board and the amount 44389  
collected shall be paid into the general revenue fund. 44390

**Sec. 3319.361.** (A) The state board of education shall 44391  
establish rules for the issuance of a supplemental teaching 44392

license. This license shall be issued at the request of the 44393  
superintendent of a city, local, exempted village, or joint 44394  
vocational school district, educational service center, or the 44395  
governing authority of a STEM school, chartered nonpublic 44396  
school, or community school to an individual who meets all of 44397  
the following criteria: 44398

(1) Holds a current professional or permanent Ohio 44399  
teaching certificate or resident educator license, professional 44400  
educator license, senior professional educator license, or lead 44401  
professional educator license, as issued under section 3319.22 44402  
or 3319.26 of the Revised Code; 44403

(2) Is of good moral character; 44404

(3) Is employed in a supplemental licensure area or 44405  
teaching field, as defined by the state board; 44406

(4) Completes an examination prescribed by the state board 44407  
in the licensure area; 44408

(5) Completes, while employed under the supplemental 44409  
teaching license and subsequent renewals thereof, additional 44410  
coursework, if applicable, and testing requirements for full 44411  
licensure in the supplemental area as a condition of holding and 44412  
teaching under a supplemental teaching license. 44413

(B) The employing school district, service center, or 44414  
school shall assign a mentor to the individual holding a 44415  
supplemental teaching license. The assigned mentor shall be an 44416  
experienced teacher who currently holds a license in the same, 44417  
or a related, content area as the supplemental license. 44418

(C) Before the ~~department of education~~ state board will 44419  
issue an individual a supplemental teaching license in another 44420  
area, the supplemental licensee must complete the supplemental 44421

licensure program, or its equivalent, and be issued a standard 44422  
teaching license in the area of the currently held supplemental 44423  
license. 44424

(D) An individual may advance from a supplemental teaching 44425  
license to a standard teaching license upon: 44426

(1) Verification from the employing superintendent or 44427  
governing authority that the individual holding the supplemental 44428  
teaching license has taught successfully in the licensure area 44429  
for a minimum of two years; and 44430

(2) Completing requirements as applicable to the licensure 44431  
area or teaching field as established by the state board. 44432

(E) A licensee who has filed an application under this 44433  
section may work in the supplemental licensure area for up to 44434  
sixty school days while completing the requirements in division 44435  
(A) (4) of this section. If the requirements are not completed 44436  
within sixty days, the application shall be declined. 44437

**Sec. 3319.39.** (A) (1) Except as provided in division (F) (2) 44438  
(b) of section 109.57 of the Revised Code, the appointing or 44439  
hiring officer of the board of education of a school district, 44440  
the governing board of an educational service center, or of a 44441  
chartered nonpublic school shall request the superintendent of 44442  
the bureau of criminal identification and investigation to 44443  
conduct a criminal records check with respect to any applicant 44444  
who has applied to the school district, educational service 44445  
center, or school for employment in any position. The appointing 44446  
or hiring officer shall request that the superintendent include 44447  
information from the federal bureau of investigation in the 44448  
criminal records check, unless all of the following apply to the 44449  
applicant: 44450

(a) The applicant is applying to be an instructor of adult education. 44451  
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(b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the school district, educational service center, or chartered nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child. 44453  
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(c) The applicant presents proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or provides evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check. 44464  
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(2) A person required by division (A) (1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C) (2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person 44471  
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requests a criminal records check pursuant to division (A) (1) of 44481  
this section. 44482

(3) An applicant who receives pursuant to division (A) (2) 44483  
of this section a copy of the form prescribed pursuant to 44484  
division (C) (1) of section 109.572 of the Revised Code and a 44485  
copy of an impression sheet prescribed pursuant to division (C) 44486  
(2) of that section and who is requested to complete the form 44487  
and provide a set of fingerprint impressions shall complete the 44488  
form or provide all the information necessary to complete the 44489  
form and shall provide the impression sheet with the impressions 44490  
of the applicant's fingerprints. If an applicant, upon request, 44491  
fails to provide the information necessary to complete the form 44492  
or fails to provide impressions of the applicant's fingerprints, 44493  
the board of education of a school district, governing board of 44494  
an educational service center, or governing authority of a 44495  
chartered nonpublic school shall not employ that applicant for 44496  
any position. 44497

(4) Notwithstanding any provision of this section to the 44498  
contrary, an applicant who meets the conditions prescribed in 44499  
divisions (A) (1) (a) and (b) of this section and who, within the 44500  
two-year period prior to the date of application, was the 44501  
subject of a criminal records check under this section prior to 44502  
being hired for short-term employment with the school district, 44503  
educational service center, or chartered nonpublic school to 44504  
which application is being made shall not be required to undergo 44505  
a criminal records check prior to the applicant's rehiring by 44506  
that district, service center, or school. 44507

(B) (1) Except as provided in rules adopted by the 44508  
~~department~~ state board of education in accordance with division 44509  
(E) of this section and as provided in division (B) (3) of this 44510

section, no board of education of a school district, no 44511  
governing board of an educational service center, and no 44512  
governing authority of a chartered nonpublic school shall employ 44513  
a person if the person previously has been convicted of or 44514  
pleaded guilty to any of the following: 44515

(a) A violation of section 2903.01, 2903.02, 2903.03, 44516  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 44517  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 44518  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 44519  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 44520  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 44521  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 44522  
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 44523  
section 2905.04 of the Revised Code as it existed prior to July 44524  
1, 1996, a violation of section 2919.23 of the Revised Code that 44525  
would have been a violation of section 2905.04 of the Revised 44526  
Code as it existed prior to July 1, 1996, had the violation been 44527  
committed prior to that date, a violation of section 2925.11 of 44528  
the Revised Code that is not a minor drug possession offense, or 44529  
felonious sexual penetration in violation of former section 44530  
2907.12 of the Revised Code; 44531

(b) A violation of an existing or former law of this 44532  
state, another state, or the United States that is substantially 44533  
equivalent to any of the offenses or violations described in 44534  
division (B)(1)(a) of this section. 44535

(2) A board, governing board of an educational service 44536  
center, or a governing authority of a chartered nonpublic school 44537  
may employ an applicant conditionally until the criminal records 44538  
check required by this section is completed and the board or 44539  
governing authority receives the results of the criminal records 44540

check. If the results of the criminal records check indicate 44541  
that, pursuant to division (B) (1) of this section, the applicant 44542  
does not qualify for employment, the board or governing 44543  
authority shall release the applicant from employment. 44544

(3) No board and no governing authority of a chartered 44545  
nonpublic school shall employ a teacher who previously has been 44546  
convicted of or pleaded guilty to any of the offenses listed in 44547  
section 3319.31 of the Revised Code. 44548

(C) (1) Each board and each governing authority of a 44549  
chartered nonpublic school shall pay to the bureau of criminal 44550  
identification and investigation the fee prescribed pursuant to 44551  
division (C) (3) of section 109.572 of the Revised Code for each 44552  
criminal records check conducted in accordance with that section 44553  
upon the request pursuant to division (A) (1) of this section of 44554  
the appointing or hiring officer of the board or governing 44555  
authority. 44556

(2) A board and the governing authority of a chartered 44557  
nonpublic school may charge an applicant a fee for the costs it 44558  
incurs in obtaining a criminal records check under this section. 44559  
A fee charged under this division shall not exceed the amount of 44560  
fees the board or governing authority pays under division (C) (1) 44561  
of this section. If a fee is charged under this division, the 44562  
board or governing authority shall notify the applicant at the 44563  
time of the applicant's initial application for employment of 44564  
the amount of the fee and that, unless the fee is paid, the 44565  
board or governing authority will not consider the applicant for 44566  
employment. 44567

(D) The report of any criminal records check conducted by 44568  
the bureau of criminal identification and investigation in 44569  
accordance with section 109.572 of the Revised Code and pursuant 44570

to a request under division (A) (1) of this section is not a 44571  
public record for the purposes of section 149.43 of the Revised 44572  
Code and shall not be made available to any person other than 44573  
the applicant who is the subject of the criminal records check 44574  
or the applicant's representative, the board or governing 44575  
authority requesting the criminal records check or its 44576  
representative, and any court, hearing officer, or other 44577  
necessary individual involved in a case dealing with the denial 44578  
of employment to the applicant. 44579

(E) The ~~department of education~~ state board shall adopt 44580  
rules pursuant to Chapter 119. of the Revised Code to implement 44581  
this section, including rules specifying circumstances under 44582  
which the board or governing authority may hire a person who has 44583  
been convicted of an offense listed in division (B) (1) or (3) of 44584  
this section but who meets standards in regard to rehabilitation 44585  
set by the ~~department~~ state board. Any rules adopted by the 44586  
~~department~~ state board under this division regarding the 44587  
employment of a person holding a certificate, license, or permit 44588  
described in this chapter or in division (B) of section 3301.071 44589  
or in section 3301.074 of the Revised Code shall comply with 44590  
section 9.79 of the Revised Code. 44591

The ~~department~~ state board shall amend rule 3301-83-23 of 44592  
the Ohio Administrative Code that took effect August 27, 2009, 44593  
and that specifies the offenses that disqualify a person for 44594  
employment as a school bus or school van driver and establishes 44595  
rehabilitation standards for school bus and school van drivers. 44596

(F) Any person required by division (A) (1) of this section 44597  
to request a criminal records check shall inform each person, at 44598  
the time of the person's initial application for employment, of 44599  
the requirement to provide a set of fingerprint impressions and 44600

that a criminal records check is required to be conducted and 44601  
satisfactorily completed in accordance with section 109.572 of 44602  
the Revised Code if the person comes under final consideration 44603  
for appointment or employment as a precondition to employment 44604  
for the school district, educational service center, or school 44605  
for that position. 44606

(G) As used in this section: 44607

(1) "Applicant" means a person who is under final 44608  
consideration for appointment or employment in a position with a 44609  
board of education, governing board of an educational service 44610  
center, or a chartered nonpublic school, except that "applicant" 44611  
does not include a person already employed by a board or 44612  
chartered nonpublic school who is under consideration for a 44613  
different position with such board or school. 44614

(2) "Teacher" means a person holding an educator license 44615  
or permit issued under section 3319.22 or 3319.301 of the 44616  
Revised Code and teachers in a chartered nonpublic school. 44617

(3) "Criminal records check" has the same meaning as in 44618  
section 109.572 of the Revised Code. 44619

(4) "Minor drug possession offense" has the same meaning 44620  
as in section 2925.01 of the Revised Code. 44621

(H) If the board of education of a local school district 44622  
adopts a resolution requesting the assistance of the educational 44623  
service center in which the local district has territory in 44624  
conducting criminal records checks of substitute teachers and 44625  
substitutes for other district employees under this section, the 44626  
appointing or hiring officer of such educational service center 44627  
shall serve for purposes of this section as the appointing or 44628  
hiring officer of the local board in the case of hiring 44629

substitute teachers and other substitute employees for the local 44630  
district. 44631

**Sec. 3319.391.** This section applies to any person hired by 44632  
a school district, educational service center, or chartered 44633  
nonpublic school in any position that does not require a 44634  
"license" issued by the state board of education, as defined in 44635  
section 3319.31 of the Revised Code, and is not for the 44636  
operation of a vehicle for pupil transportation. 44637

(A) For each person to whom this section applies who is 44638  
hired on or after November 14, 2007, the employer shall request 44639  
a criminal records check in accordance with section 3319.39 of 44640  
the Revised Code and shall request a subsequent criminal records 44641  
check by the fifth day of September every fifth year thereafter. 44642  
For each person to whom this division applies who is hired prior 44643  
to November 14, 2007, the employer shall request a criminal 44644  
records check by a date prescribed by the ~~department of~~ 44645  
~~education state board~~ and shall request a subsequent criminal 44646  
records check by the fifth day of September every fifth year 44647  
thereafter. 44648

(B) (1) Each request for a criminal records check under 44649  
this section shall be made to the superintendent of the bureau 44650  
of criminal identification and investigation in the manner 44651  
prescribed in section 3319.39 of the Revised Code, except that 44652  
if both of the following conditions apply to the person subject 44653  
to the records check, the employer shall request the 44654  
superintendent only to obtain any criminal records that the 44655  
federal bureau of investigation has on the person: 44656

(a) The employer previously requested the superintendent 44657  
to determine whether the bureau of criminal identification and 44658  
investigation has any information, gathered pursuant to division 44659

(A) of section 109.57 of the Revised Code, on the person in 44660  
conjunction with a criminal records check requested under 44661  
section 3319.39 of the Revised Code or under this section. 44662

(b) The person presents proof that the person has been a 44663  
resident of this state for the five-year period immediately 44664  
prior to the date upon which the person becomes subject to a 44665  
criminal records check under this section. 44666

(2) Upon receipt of a request under division (B)(1) of 44667  
this section, the superintendent shall conduct the criminal 44668  
records check in accordance with section 109.572 of the Revised 44669  
Code as if the request had been made under section 3319.39 of 44670  
the Revised Code. However, as specified in division (B)(2) of 44671  
section 109.572 of the Revised Code, if the employer requests 44672  
the superintendent only to obtain any criminal records that the 44673  
federal bureau of investigation has on the person for whom the 44674  
request is made, the superintendent shall not conduct the review 44675  
prescribed by division (B)(1) of that section. 44676

(C) Any person who is the subject of a criminal records 44677  
check under this section and has been convicted of or pleaded 44678  
guilty to any offense described in division (B)(1) of section 44679  
3319.39 of the Revised Code shall not be hired or shall be 44680  
released from employment, as applicable, unless the person meets 44681  
the rehabilitation standards adopted by the ~~department~~state 44682  
board under division (E) of that section. 44683

**Sec. 3319.393.** (A) Each school district and chartered 44684  
nonpublic school shall include the following notice in boldface 44685  
type in each employment application: "ANY PERSON WHO KNOWINGLY 44686  
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 44687  
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 44688  
DEGREE." 44689

(B) (1) Each district and chartered nonpublic school shall 44690  
consult the "educator profile" database maintained on the web 44691  
site of the ~~department~~ state board of education prior to making 44692  
any hiring decision. 44693

(2) After consulting the "educator profile" database, a 44694  
district or chartered nonpublic school may further discern the 44695  
employment, disciplinary, or criminal record of an applicant for 44696  
employment in either or both of the following ways: 44697

(a) Consulting the state board of education's office of 44698  
professional conduct ~~within the department of education in~~ 44699  
accordance with section 3319.319 of the Revised Code to 44700  
determine whether the individual has been the subject of either: 44701

(i) Any notice to the ~~department~~ superintendent of public 44702  
instruction under section 3314.40, 3319.313, 3326.24, 3328.19, 44703  
or 5126.253 of the Revised Code; 44704

(ii) Any disciplinary actions conducted by the 44705  
~~department~~ state board. 44706

(b) Consulting any prior education-related employers of 44707  
the individual. 44708

(3) A district or chartered nonpublic school may require 44709  
additional background checks other than the criminal records 44710  
checks authorized under sections 109.574 to 109.577 of the 44711  
Revised Code or those required under section 3319.39 or 3319.391 44712  
of the Revised Code for any applicant for employment or 44713  
potential volunteer. 44714

(C) A district or chartered nonpublic school may 44715  
conditionally employ an individual pending the receipt of 44716  
information sought in accordance with division (B) (2) of this 44717  
section. Should that information indicate that the individual 44718

has engaged in conduct unbecoming to the teaching profession or 44719  
has committed an offense that prevents, limits, or otherwise 44720  
affects the applicant's employment with the district or school, 44721  
the district or chartered nonpublic school may release the 44722  
individual from employment. 44723

**Sec. 3319.40.** (A) As used in this section, "license" has 44724  
the same meaning as in section 3319.31 of the Revised Code. 44725

(B) If a person who is employed by a school district or 44726  
chartered nonpublic school is arrested, summoned, or indicted 44727  
for an alleged violation of an offense listed in division (C) of 44728  
section 3319.31 of the Revised Code, if the person holds a 44729  
license, or an offense listed in division (B) (1) of section 44730  
3319.39 of the Revised Code, if the person does not hold a 44731  
license, the superintendent of the district or the chief 44732  
administrative officer of the chartered nonpublic school shall 44733  
suspend that person from all duties that require the care, 44734  
custody, or control of a child during the pendency of the 44735  
criminal action against the person. If the person who is 44736  
arrested, summoned, or indicted for an alleged violation of an 44737  
offense listed in division (C) of section 3319.31 or division 44738  
(B) (1) of section 3319.39 of the Revised Code is a person whose 44739  
duties are assigned by the district treasurer under division (B) 44740  
of section 3313.31 of the Revised Code, the treasurer shall 44741  
suspend the person from all duties that require the care, 44742  
custody, or control of a child. If the person who is arrested, 44743  
summoned, or indicted for an alleged violation of an offense 44744  
listed in division (C) of section 3319.31 or division (B) (1) of 44745  
section 3319.39 of the Revised Code is the superintendent or 44746  
treasurer of the district, the district board shall suspend the 44747  
superintendent or treasurer from all duties that require the 44748  
care, custody, or control of a child. If the person who is 44749

arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code is the chief administrative officer of the chartered nonpublic school, the governing authority of the chartered nonpublic school shall suspend the chief administrative officer from all duties that require the care, custody, or control of a child.

(C) When a person who holds a license is suspended in accordance with this section, the superintendent, treasurer, board of education, chief administrative officer, or governing authority that imposed the suspension promptly shall report the person's suspension to the ~~department~~state board of education. The report shall include the offense for which the person was arrested, summoned, or indicted.

**Sec. 3319.44.** True copies of all contracts made on behalf 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. 44779  
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(B) (1) Each school district board of education shall do all of the following: 44781  
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(a) Implement a positive behavior intervention and supports framework on a system-wide basis that complies with this section; 44783  
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(b) Comply with any policy and standards adopted, amended, or updated by the ~~state board~~ department under this section; 44786  
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(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. 44788  
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(2) Each school district's positive behavior intervention and supports framework may focus on the following: 44793  
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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; 44795  
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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; 44798  
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(c) An expectation by school administrators that classroom practices be linked to and aligned with the school-wide system; 44801  
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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. 44803  
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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.

(D) The department ~~of education~~ shall oversee each school district's and school's compliance with this section.

**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 with Chapter 119. of the Revised Code.

In each fiscal year that the general assembly appropriates funds for purposes of this section, the ~~superintendent of public instruction~~ department shall award a grant to each person who, by the first day of April of that year and in accordance with the rules adopted under this section, submits to the ~~superintendent~~ department evidence indicating both of the following:

(1) The person holds a valid certificate or license issued by the national board for professional teaching standards;

(2) The person has been employed full-time as a teacher by the board of education of a school district or by a chartered nonpublic school in this state during the current school year.

An individual may receive a grant under this section in 44835  
each fiscal year the person is eligible for a grant and submits 44836  
evidence of that eligibility in accordance with this section. No 44837  
person may receive a grant after the expiration of the person's 44838  
initial certification or license issued by the national board. 44839

(B) The amount of the grant awarded to each eligible 44840  
person under division (A) of this section in any fiscal year 44841  
shall equal two thousand five hundred dollars. However, if the 44842  
funds appropriated for purposes of this section in any fiscal 44843  
year are not sufficient to award the full grant amount to each 44844  
person who is eligible in that fiscal year, the ~~superintendent-~~ 44845  
department shall prorate the amount of the grant awarded in that 44846  
fiscal year to each eligible person. 44847

**Sec. 3319.56.** The department of education and workforce 44848  
shall identify promising practices in Ohio and throughout the 44849  
country for engaging teachers certified by the national board 44850  
for professional teaching standards, and lead teachers who meet 44851  
the criteria adopted by the educator standards board pursuant to 44852  
section 3319.61 of the Revised Code, in ways that add value 44853  
beyond their own classrooms. Practices identified by the 44854  
department as promising may include placing national board 44855  
certified and lead teachers in key roles in peer review 44856  
programs; having such teachers serve as coaches, mentors, and 44857  
trainers for other teachers; or having such teachers develop 44858  
curricula or instructional integration strategies. 44859

Once the department has identified promising practices, 44860  
the department shall inform all school districts of the 44861  
practices by posting such information on the department's world 44862  
wide web site. 44863

**Sec. 3319.57.** (A) A grant program is hereby established 44864

under which the department of education and workforce shall 44865  
award grants to assist certain schools in a city, exempted 44866  
village, local, or joint vocational school district in 44867  
implementing one of the following innovations: 44868

(1) The use of instructional specialists to mentor and 44869  
support classroom teachers; 44870

(2) The use of building managers to supervise the 44871  
administrative functions of school operation so that a school 44872  
principal can focus on supporting instruction, providing 44873  
instructional leadership, and engaging teachers as part of the 44874  
instructional leadership team; 44875

(3) The reconfiguration of school leadership structure in 44876  
a manner that allows teachers to serve in leadership roles so 44877  
that teachers may share the responsibility for making and 44878  
implementing school decisions; 44879

(4) The adoption of new models for restructuring the 44880  
school day or school year, such as including teacher planning 44881  
and collaboration time as part of the school day; 44882

(5) The creation of smaller schools or smaller units 44883  
within larger schools for the purpose of facilitating teacher 44884  
collaboration to improve and advance the professional practice 44885  
of teaching; 44886

(6) The implementation of "grow your own" recruitment 44887  
strategies that are designed to assist individuals who show a 44888  
commitment to education become licensed teachers, to assist 44889  
experienced teachers obtain licensure in subject areas for which 44890  
there is need, and to assist teachers in becoming principals; 44891

(7) The provision of better conditions for new teachers, 44892  
such as reduced teaching load and reduced class size; 44893

(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;	44894 44895
(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;	44896 44897 44898
(10) The implementation of a program to increase the cultural competency of both new and veteran teachers;	44899 44900
(11) The implementation of a program to increase the subject matter competency of veteran teachers.	44901 44902
(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:	44903 44904 44905
(1) Be hard to staff, as defined by the department.	44906
(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share percentage for the fiscal year in which the grant is awarded).	44907 44908 44909 44910
For purposes of division (B) (2) of this section, "state share percentage" has the same meaning as in section 3317.02 of the Revised Code.	44911 44912 44913
(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section.	44914 44915 44916 44917
(D) The <del>state board of education</del> <u>department</u> shall adopt rules for the administration of this grant program.	44918 44919
<b>Sec. 3319.60.</b> There is hereby established the educator	44920

standards board. The board shall develop and recommend to the 44921  
state board of education standards for entering and continuing 44922  
in the educator professions and standards for educator 44923  
professional development. The board membership shall reflect the 44924  
diversity of the state in terms of gender, race, ethnic 44925  
background, and geographic distribution. 44926

(A) The board shall consist of the following members: 44927

(1) The following nineteen members appointed by the state 44928  
board of education: 44929

(a) Ten persons employed as teachers in a school district. 44930  
Three persons appointed under this division shall be employed as 44931  
teachers in a secondary school, two persons shall be employed as 44932  
teachers in a middle school, three persons shall be employed as 44933  
teachers in an elementary school, one person shall be employed 44934  
as a teacher in a pre-kindergarten classroom, and one person 44935  
shall be a teacher who serves on a local professional 44936  
development committee pursuant to section 3319.22 of the Revised 44937  
Code. At least one person appointed under this division shall 44938  
hold a teaching certificate or license issued by the national 44939  
board for professional teaching standards. The Ohio education 44940  
association shall submit a list of fourteen nominees for these 44941  
appointments and the state board may appoint up to seven members 44942  
to the educator standards board from that list. The Ohio 44943  
federation of teachers shall submit a list of six nominees for 44944  
these appointments and the state board may appoint up to three 44945  
members to the educator standards board from that list. If there 44946  
is an insufficient number of nominees from both lists to satisfy 44947  
the membership requirements of this division, the state board 44948  
shall request additional nominees who satisfy those 44949  
requirements. 44950

(b) One person employed as a teacher in a chartered, 44951  
nonpublic school. Stakeholder groups selected by the state board 44952  
shall submit a list of two nominees for this appointment. 44953

(c) Five persons employed as school administrators in a 44954  
school district. Of those five persons, one person shall be 44955  
employed as a secondary school principal, one person shall be 44956  
employed as a middle school principal, one person shall be 44957  
employed as an elementary school principal, one person shall be 44958  
employed as a school district treasurer or business manager, and 44959  
one person shall be employed as a school district 44960  
superintendent. The buckeye association of school administrators 44961  
shall submit a list of two nominees for the school district 44962  
superintendent, the Ohio association of school business 44963  
officials shall submit a list of two nominees for the school 44964  
district treasurer or business manager, the Ohio association of 44965  
elementary school administrators shall submit a list of two 44966  
nominees for the elementary school principal, and the Ohio 44967  
association of secondary school administrators shall submit a 44968  
list of two nominees for the middle school principal and a list 44969  
of two nominees for the secondary school principal. 44970

(d) One person who is a member of a school district board 44971  
of education. The Ohio school boards association shall submit a 44972  
list of two nominees for this appointment. 44973

(e) One person who is a parent of a student currently 44974  
enrolled in a school operated by a school district. The Ohio 44975  
parent teacher association shall submit a list of two nominees 44976  
for this appointment. 44977

(f) One person who represents community schools 44978  
established under Chapter 3314. of the Revised Code. 44979

(2) The chancellor of higher education shall appoint three persons employed by institutions of higher education that offer educator preparation programs. One person shall be employed by an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code; one person shall be employed by a state university, as defined in section 3345.011 of the Revised Code, or a university branch; and one person shall be employed by a state community college, community college, or technical college. Of the two persons appointed from an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code and from a state university or university branch:

(a) One shall be a representative of the Ohio association of private colleges for teacher education, or its successor organization.

(b) One shall be a representative of the state university education deans of Ohio, or its successor organization.

The chancellor shall appoint a representative from each of the organizations specified in divisions (A) (2) (a) and (b) of this section not later than sixty days after ~~the effective date of this amendment~~ April 6, 2023. Each representative shall serve a two-year term beginning July 1, 2023.

(3) The speaker of the house of representatives shall appoint two persons who are active in or retired from the education profession.

(4) The president of the senate shall appoint two persons who are active in or retired from the education profession.

(5) The superintendent of public instruction ~~or a designee of the superintendent~~, the chancellor of higher education ~~or a~~

~~designee of the chancellor, the director of education and~~ 45009  
~~workforce, their designees,~~ and the chairpersons and the ranking 45010  
minority members of the education committees of the senate and 45011  
house of representatives shall serve as nonvoting, ex officio 45012  
members. 45013

(B) Terms of office shall be for two years. Each member 45014  
shall hold office from the date of the member's appointment 45015  
until the end of the term for which the member was appointed. At 45016  
the first meeting, appointed members shall select a chairperson 45017  
and a vice-chairperson. Vacancies on the board shall be filled 45018  
in the same manner as prescribed for appointments under division 45019  
(A) of this section. Any member appointed to fill a vacancy 45020  
occurring prior to the expiration of the term for which the 45021  
member's predecessor was appointed shall hold office for the 45022  
remainder of such term. Any member shall continue in office 45023  
subsequent to the expiration date of the member's term until the 45024  
member's successor takes office, or until a period of sixty days 45025  
has elapsed, whichever occurs first. The terms of office of 45026  
members are renewable. 45027

(C) Members shall receive no compensation for their 45028  
services. 45029

(D) The board shall establish guidelines for its 45030  
operation. These guidelines shall permit the creation of 45031  
standing subcommittees when necessary. The board shall determine 45032  
the membership of any subcommittee it creates. The board may 45033  
select persons who are not members of the board to participate 45034  
in the deliberations of any subcommittee as representatives of 45035  
stakeholder groups, but no such person shall vote on any issue 45036  
before the subcommittee. 45037

**Sec. 3319.61.** (A) The educator standards board, in 45038

consultation with the chancellor of higher education, shall do 45039  
all of the following: 45040

(1) Develop state standards for teachers and principals 45041  
that reflect what teachers and principals are expected to know 45042  
and be able to do at all stages of their careers. These 45043  
standards shall be aligned with the statewide academic content 45044  
standards for students adopted pursuant to section 3301.079 of 45045  
the Revised Code, be primarily based on educator performance 45046  
instead of years of experience or certain courses completed, and 45047  
rely on evidence-based factors. These standards shall also be 45048  
aligned with the operating standards adopted under division (D) 45049  
(3) of section 3301.07 of the Revised Code. 45050

(a) The standards for teachers shall reflect the following 45051  
additional criteria: 45052

(i) Alignment with the interstate new teacher assessment 45053  
and support consortium standards; 45054

(ii) Differentiation among novice, experienced, and 45055  
advanced teachers; 45056

(iii) Reliance on competencies that can be measured; 45057

(iv) Reliance on content knowledge, teaching skills, 45058  
discipline-specific teaching methods, and requirements for 45059  
professional development; 45060

(v) Alignment with a career-long system of professional 45061  
development and evaluation that ensures teachers receive the 45062  
support and training needed to achieve the teaching standards as 45063  
well as reliable feedback about how well they meet the 45064  
standards; 45065

(vi) The standards under section 3301.079 of the Revised 45066

Code, including standards on collaborative learning environments	45067
and interdisciplinary, project-based, real-world learning and	45068
differentiated instruction;	45069
(vii) The Ohio leadership framework.	45070
(b) The standards for principals shall be aligned with the	45071
interstate school leaders licensing consortium standards.	45072
(2) Develop standards for school district superintendents	45073
that reflect what superintendents are expected to know and be	45074
able to do at all stages of their careers. The standards shall	45075
reflect knowledge of systems theory and effective management	45076
principles and be aligned with the buckeye association of school	45077
administrators standards and the operating standards developed	45078
under division (D) (3) of section 3301.07 of the Revised Code.	45079
(3) Develop standards for school district treasurers and	45080
business managers that reflect what treasurers and business	45081
managers are expected to know and be able to do at all stages of	45082
their careers. The standards shall reflect knowledge of systems	45083
theory and effective management principles and be aligned with	45084
the association of school business officials international	45085
standards and the operating standards developed under division	45086
(D) (3) of section 3301.07 of the Revised Code.	45087
(4) Develop standards for the renewal of licenses under	45088
sections 3301.074 and 3319.22 of the Revised Code;	45089
(5) Develop standards for educator professional	45090
development;	45091
(6) Investigate and make recommendations for the creation,	45092
expansion, and implementation of school building and school	45093
district leadership academies;	45094

(7) Develop standards for school counselors that reflect 45095  
what school counselors are expected to know and be able to do at 45096  
all stages of their careers. The standards shall reflect 45097  
knowledge of academic, personal, and social counseling for 45098  
students and effective principles to implement an effective 45099  
school counseling program. The standards also shall reflect 45100  
Ohio-specific knowledge of career counseling for students and 45101  
education options that provide flexibility for earning credit, 45102  
such as earning units of high school credit using the methods 45103  
adopted by the ~~state board~~ department of education and workforce 45104  
under division (J) of section 3313.603 of the Revised Code and 45105  
earning college credit through the college credit plus program 45106  
established under Chapter 3365. of the Revised Code and the 45107  
career-technical education credit transfer criteria, policies, 45108  
and procedures established under section 3333.162 of the Revised 45109  
Code. The standards shall align with the American school 45110  
counselor association's professional standards and the operating 45111  
standards developed under division (D) (3) of section 3301.07 of 45112  
the Revised Code. 45113

The director of education and workforce, superintendent of 45114  
public instruction, the chancellor of higher education, or the 45115  
education standards board itself may request that the educator 45116  
standards board update, review, or reconsider any standards 45117  
developed under this section. 45118

(B) The educator standards board shall incorporate 45119  
indicators of cultural competency into the standards developed 45120  
under division (A) of this section. For this purpose, the 45121  
educator standards board shall develop a definition of cultural 45122  
competency based upon content and experiences that enable 45123  
educators to know, understand, and appreciate the students, 45124  
families, and communities that they serve and skills for 45125

addressing cultural diversity in ways that respond equitably and 45126  
appropriately to the cultural needs of individual students. 45127

(C) In developing the standards under division (A) of this 45128  
section, the educator standards board shall consider the impact 45129  
of the standards on closing the achievement gap between students 45130  
of different subgroups. 45131

(D) In developing the standards under division (A) of this 45132  
section, the educator standards board shall ensure both of the 45133  
following: 45134

(1) That teachers have sufficient knowledge to provide 45135  
appropriate instruction for students identified as gifted 45136  
pursuant to Chapter 3324. of the Revised Code and to assist in 45137  
the identification of such students, and have sufficient 45138  
knowledge that will enable teachers to provide learning 45139  
opportunities for all children to succeed; 45140

(2) That principals, superintendents, school treasurers, 45141  
and school business managers have sufficient knowledge to 45142  
provide principled, collaborative, foresighted, and data-based 45143  
leadership that will provide learning opportunities for all 45144  
children to succeed. 45145

(E) The standards for educator professional development 45146  
developed under division (A) (5) of this section shall include 45147  
the following: 45148

(1) Standards for the inclusion of local professional 45149  
development committees established under section 3319.22 of the 45150  
Revised Code in the planning and design of professional 45151  
development; 45152

(2) Standards that address the crucial link between 45153  
academic achievement and mental health issues. 45154

(F) The educator standards board shall also perform the following functions: 45155  
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(1) Monitor compliance with the standards developed under division (A) of this section and make recommendations to the state board of education for appropriate corrective action if such standards are not met; 45157  
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45160

(2) Research, develop, and recommend policies on the professions of teaching and school administration; 45161  
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(3) Recommend policies to close the achievement gap between students of different subgroups; 45163  
45164

(4) Define a "master teacher" in a manner that can be used uniformly by all school districts; 45165  
45166

(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a lead teacher, which shall not be the total number of 45167  
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criteria adopted by the board. 45184

(6) Develop model teacher and principal evaluation 45185  
instruments and processes. The models shall be based on the 45186  
standards developed under division (A) of this section. 45187

(7) Develop a method of measuring the academic improvement 45188  
made by individual students during a one-year period and make 45189  
recommendations for incorporating the measurement as one of 45190  
multiple evaluation criteria into each of the following: 45191

(a) Eligibility for a professional educator license, 45192  
senior professional educator license, lead professional educator 45193  
license, or principal license issued under section 3319.22 of 45194  
the Revised Code; 45195

(b) The Ohio teacher residency program established under 45196  
section 3319.223 of the Revised Code; 45197

(c) The model teacher and principal evaluation instruments 45198  
and processes developed under division (F)(6) of this section. 45199

~~(G) The educator standards board shall submit 45200  
recommendations of standards developed under division (A) of 45201  
this section to the state board of education not later than 45202  
September 1, 2010. The state board of education shall review 45203  
those recommendations at the state board's regular meeting that 45204  
next succeeds the date that the recommendations are submitted to 45205  
the state board. At that meeting, the state board of education 45206  
shall vote to either adopt standards based on those 45207  
recommendations or request that the educator standards board 45208  
reconsider its recommendations. The state board of education 45209  
shall articulate reasons for requesting reconsideration of the 45210  
recommendations but shall not direct the content of the 45211  
recommendations. The educator standards board shall reconsider 45212~~

~~its recommendations if the state board of education so requests,~~ 45213  
~~may revise the recommendations, and shall resubmit the~~ 45214  
~~recommendations, whether revised or not, to the state board not~~ 45215  
~~later than two weeks prior to the state board's regular meeting~~ 45216  
~~that next succeeds the meeting at which the state board~~ 45217  
~~requested reconsideration of the initial recommendations. The~~ 45218  
~~state board of education shall review the recommendations as~~ 45219  
~~resubmitted by the educator standards board at the state board's~~ 45220  
~~regular meeting that next succeeds the meeting at which the~~ 45221  
~~state board requested reconsideration of the initial~~ 45222  
~~recommendations and may adopt the standards as resubmitted or,~~ 45223  
~~if the resubmitted standards have not addressed the state~~ 45224  
~~board's concerns, the state board may modify the standards prior~~ 45225  
~~to adopting them. The final responsibility to determine whether~~ 45226  
~~to adopt standards as described in division (A) of this section~~ 45227  
~~and the content of those standards, if adopted, belongs solely~~ 45228  
~~to the state board of education.~~ 45229

**Sec. 3319.611.** The subcommittee on standards for 45230  
superintendents of the education standards board is hereby 45231  
established. The subcommittee shall consist of the following 45232  
members: 45233

(A) The school district superintendent appointed to the 45234  
educator standards board under section 3319.60 of the Revised 45235  
Code, who shall act as chairperson of the subcommittee; 45236

(B) Three additional school district superintendents 45237  
appointed by the state board of education, for terms of two 45238  
years. The buckeye association of school administrators shall 45239  
submit a list of six nominees for appointments under this 45240  
section. 45241

(C) Three additional members of the educator standards 45242

board, appointed by the chairperson of the educator standards board; 45243  
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(D) The superintendent of public instruction ~~and, the~~ 45245  
chancellor of ~~the Ohio board of regents~~ higher education, and the 45246  
director of education and workforce, or their designees, who 45247  
shall serve as nonvoting, ex officio members of the 45248  
subcommittee. 45249

Members of the subcommittee shall receive no compensation 45250  
for their services. The members appointed under divisions (B) 45251  
and (C) of this section may be reappointed. 45252

The subcommittee shall assist the educator standards board 45253  
in developing the standards for superintendents and with any 45254  
additional matters the educator standards board directs the 45255  
subcommittee to examine. 45256

**Sec. 3319.612.** The subcommittee on standards for school 45257  
treasurers and business managers of the educator standards board 45258  
is hereby established. The subcommittee shall consist of the 45259  
following members: 45260

(A) The school district treasurer or business manager 45261  
appointed to the educator standards board under section 3319.60 45262  
of the Revised Code, who shall act as chairperson of the 45263  
subcommittee; 45264

(B) Three additional school district treasurers or 45265  
business managers appointed by the state board of education for 45266  
terms of two years. The Ohio association of school business 45267  
officials shall submit a list of six nominees for appointments 45268  
under this section. 45269

(C) Three additional members of the educator standards 45270  
board, appointed by the chairperson of the educator standards 45271

board; 45272

(D) The superintendent of public instruction ~~and, the~~ 45273  
chancellor of ~~the Ohio board of regents~~ higher education, and the 45274  
director of education and workforce, or their designees, who 45275  
shall serve as nonvoting, ex officio members of the 45276  
subcommittee. 45277

Members of the subcommittee shall receive no compensation 45278  
for their services. The members appointed under divisions (B) 45279  
and (C) of this section may be reappointed. 45280

The subcommittee shall assist the educator standards board 45281  
in developing the standards for school treasurers and business 45282  
managers and with any additional matters the educator standards 45283  
board directs the subcommittee to examine. 45284

**Sec. 3321.01.** (A) (1) As used in this chapter, "parent," 45285  
"guardian," or "other person having charge or care of a child" 45286  
means either parent unless the parents are separated or divorced 45287  
or their marriage has been dissolved or annulled, in which case 45288  
"parent" means the parent who is the residential parent and 45289  
legal custodian of the child. If the child is in the legal or 45290  
permanent custody of a person or government agency, "parent" 45291  
means that person or government agency. When a child is a 45292  
resident of a home, as defined in section 3313.64 of the Revised 45293  
Code, and the child's parent is not a resident of this state, 45294  
"parent," "guardian," or "other person having charge or care of 45295  
a child" means the head of the home. 45296

A child between six and eighteen years of age is "of 45297  
compulsory school age" for the purpose of sections 3321.01 to 45298  
3321.13 of the Revised Code. A child under six years of age who 45299  
has been enrolled in kindergarten also shall be considered "of 45300

compulsory school age" for the purpose of sections 3321.01 to 45301  
3321.13 of the Revised Code unless at any time the child's 45302  
parent or guardian, at the parent's or guardian's discretion and 45303  
in consultation with the child's teacher and principal, formally 45304  
withdraws the child from kindergarten. The compulsory school age 45305  
of a child shall not commence until the beginning of the term of 45306  
such schools, or other time in the school year fixed by the 45307  
rules of the board of the district in which the child resides. 45308

(2) In a district in which all children are admitted to 45309  
kindergarten and the first grade in August or September, a child 45310  
shall be admitted if the child is five or six years of age, 45311  
respectively, by the thirtieth day of September of the year of 45312  
admittance, or by the first day of a term or semester other than 45313  
one beginning in August or September in school districts 45314  
granting admittance at the beginning of such term or semester. A 45315  
child who does not meet the age requirements of this section for 45316  
admittance to kindergarten or first grade, but who will be five 45317  
or six years old, respective, prior to the first day of January 45318  
of the school year in which admission is requested, shall be 45319  
evaluated for early admittance in accordance with district 45320  
policy upon referral by the child's parent or guardian, an 45321  
educator employed by the district, a preschool educator who 45322  
knows the child, or a pediatrician or psychologist who knows the 45323  
child. Following an evaluation in accordance with a referral 45324  
under this section, the district board shall decide whether to 45325  
admit the child. If a child for whom admission to kindergarten 45326  
or first grade is requested will not be five or six years of 45327  
age, respectively, prior to the first day of January of the 45328  
school year in which admission is requested, the child shall be 45329  
admitted only in accordance with the district's acceleration 45330  
policy adopted under section 3324.10 of the Revised Code. 45331

(3) Notwithstanding division (A)(2) of this section, 45332  
beginning with the school year that starts in 2001 and 45333  
continuing thereafter the board of education of any district may 45334  
adopt a resolution establishing the first day of August in lieu 45335  
of the thirtieth day of September as the required date by which 45336  
students must have attained the age specified in that division. 45337

(4) After a student has been admitted to kindergarten in a 45338  
school district or chartered nonpublic school, no board of 45339  
education of a school district to which the student transfers 45340  
shall deny that student admission based on the student's age. 45341

(B) As used in division (C) of this section, "successfully 45342  
completed kindergarten" means that the child has completed the 45343  
kindergarten requirements at one of the following: 45344

(1) A public or chartered nonpublic school; 45345

(2) A kindergarten class that is both of the following: 45346

(a) Offered by a day-care provider licensed under Chapter 45347  
5104. of the Revised Code; 45348

(b) If offered after July 1, 1991, is directly taught by a 45349  
teacher who holds one of the following: 45350

(i) A valid educator license issued under section 3319.22 45351  
of the Revised Code; 45352

(ii) A Montessori preprimary credential or age-appropriate 45353  
diploma granted by the American Montessori society or the 45354  
association Montessori internationale; 45355

(iii) Certification determined under division (F) of this 45356  
section to be equivalent to that described in division (B)(2)(b) 45357

(ii) of this section; 45358

(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code. 45359  
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(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. 45361  
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(2) Notwithstanding division (A) (2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade. 45364  
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(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. 45368  
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(E) Any kindergarten class offered by a day-care provider or school described by division (B) (1) or (B) (2) (a) of this section shall be developmentally appropriate. 45372  
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(F) Upon written request of a day-care provider described by division (B) (2) (a) of this section, the department of education and workforce shall determine whether certification held by a teacher employed by the provider meets the requirement of division (B) (2) (b) (iii) of this section and, if so, shall furnish the provider a statement to that effect. 45375  
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(G) As used in this division, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code. 45381  
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(1) A school district that is offering all-day kindergarten for the first time or that charged fees or tuition for all-day kindergarten in the 2012-2013 school year may charge fees or tuition for a student enrolled in all-day kindergarten in any school year following the 2012-2013 school year. The 45383  
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department shall adjust the district's average daily membership 45388  
certification under section 3317.03 of the Revised Code by one- 45389  
half of the full-time equivalency for each student charged fees 45390  
or tuition for all-day kindergarten under this division. If a 45391  
district charges fees or tuition for all-day kindergarten under 45392  
this division, the district shall develop a sliding fee scale 45393  
based on family incomes. 45394

(2) The department ~~of education~~ shall conduct an annual 45395  
survey of each school district described in division (G) (1) of 45396  
this section to determine the following: 45397

(a) Whether the district charges fees or tuition for 45398  
students enrolled in all-day kindergarten; 45399

(b) The amount of the fees or tuition charged; 45400

(c) How many of the students for whom tuition is charged 45401  
are eligible for free lunches under the "National School Lunch 45402  
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the 45403  
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 45404  
amended, and how many of the students for whom tuition is 45405  
charged are eligible for reduced price lunches under those acts; 45406

(d) How many students are enrolled in traditional half-day 45407  
kindergarten rather than all-day kindergarten. 45408

Each district shall report to the department, in the 45409  
manner prescribed by the department, the information described 45410  
in divisions (G) (2) (a) to (d) of this section. 45411

The department shall issue an annual report on the results 45412  
of the survey and shall post the report on its web site. The 45413  
department shall issue the first report not later than April 30, 45414  
2008, and shall issue a report not later than the thirtieth day 45415  
of April each year thereafter. 45416

**Sec. 3321.03.** As used in this section and section 3321.04 45417  
of the Revised Code, "special education program" means a school 45418  
or the educational agency that provides special education and 45419  
related services to children with disabilities in accordance 45420  
with Chapter 3323. of the Revised Code. 45421

Except as provided in this section, the parent of a child 45422  
of compulsory school age shall cause such child to attend a 45423  
school in the school district in which the child is entitled to 45424  
attend school under division (B) or (F) of section 3313.64 or 45425  
section 3313.65 of the Revised Code, to participate in a special 45426  
education program under Chapter 3323. of the Revised Code, or to 45427  
otherwise cause the child to be instructed in accordance with 45428  
law. Every child of compulsory school age shall attend a school 45429  
or participate in a special education program that conforms to 45430  
the minimum standards prescribed by the ~~state board~~ director of 45431  
education and workforce until the child: 45432

(A) Receives a diploma granted by the board of education 45433  
or other governing authority, successfully completes the 45434  
curriculum of any high school, or successfully completes the 45435  
individualized education program developed for the student by 45436  
any high school pursuant to Chapter 3323. of the Revised Code; 45437

(B) Receives an age and schooling certificate as provided 45438  
in section 3331.01 of the Revised Code; or 45439

(C) Is excused from school under standards adopted by the 45440  
~~state board~~ department of education and workforce pursuant to 45441  
section 3321.04 or 3321.042 of the Revised Code, or if in need 45442  
of special education, the child is excused from such programs 45443  
pursuant to section 3321.04 of the Revised Code. 45444

**Sec. 3321.04.** Notwithstanding division (D) of section 45445

3311.19 and division (D) of section 3311.52 of the Revised Code, 45446  
this section does not apply to any joint vocational or 45447  
cooperative education school district or its superintendent. 45448

Every parent of any child of compulsory school age who is 45449  
not employed under an age and schooling certificate or exempt 45450  
under section 3321.042 of the Revised Code must send such child 45451  
to a school or a special education program that conforms to the 45452  
minimum standards prescribed by the ~~state board~~ director of 45453  
education and workforce, for the full time the school or program 45454  
attended is in session, which shall not be for less than thirty- 45455  
two weeks per school year. Such attendance must begin within the 45456  
first week of the school term or program or within one week of 45457  
the date on which the child begins to reside in the district or 45458  
within one week after the child's withdrawal from employment. 45459

For the purpose of operating a school or program on a 45460  
trimester plan, "full time the school attended is in session," 45461  
as used in this section means the two trimesters to which the 45462  
child is assigned by the board of education. For the purpose of 45463  
operating a school or program on a quarterly plan, "full time 45464  
the school attended is in session," as used in this section, 45465  
means the three quarters to which the child is assigned by the 45466  
board of education. For the purpose of operating a school or 45467  
program on a pentamester plan, "full time the school is in 45468  
session," as used in this section, means the four pentamesters 45469  
to which the child is assigned by the board of education. 45470

Excuses from future attendance at or past absence from 45471  
school or a special education program may be granted for the 45472  
causes, by the authorities, and under the following conditions: 45473

(A) The superintendent of the school district in which the 45474  
child resides may excuse the child from attendance for any part 45475

of the remainder of the current school year upon a satisfactory 45476  
showing ~~of either of the following facts:~~ 45477

~~(1) That that~~ the child's bodily or mental condition does 45478  
not permit attendance at school or a special education program 45479  
during such period; this fact is certified in writing by a 45480  
licensed physician or, in the case of a mental condition, by a 45481  
licensed physician, a licensed psychologist, licensed school 45482  
psychologist or a certificated school psychologist; and 45483  
provision is made for appropriate instruction of the child, in 45484  
accordance with Chapter 3323. of the Revised Code, 45485

~~(2) That the child is being instructed at home by a person~~ 45486  
~~qualified to teach the branches in which instruction is~~ 45487  
~~required, and such additional branches, as the advancement and~~ 45488  
~~needs of the child may, in the opinion of such superintendent,~~ 45489  
~~require. In each such case the . The~~ issuing superintendent 45490  
shall file in the superintendent's office, with a copy of the 45491  
excuse, papers showing how the inability of the child to attend 45492  
school or a special education program ~~or the qualifications of~~ 45493  
~~the person instructing the child at home were determined.~~ All 45494  
such excuses shall become void and subject to recall upon the 45495  
removal of the disability of the child ~~or the cessation of~~ 45496  
~~proper home instruction;~~ and thereupon the child or the child's 45497  
parents may be proceeded against after due notice whether such 45498  
excuse be recalled or not. 45499

(B) The ~~state board~~ department of education and workforce 45500  
may adopt rules authorizing the superintendent of schools of the 45501  
district in which the child resides to excuse a child over 45502  
fourteen years of age from attendance for a future limited 45503  
period for the purpose of performing necessary work directly and 45504  
exclusively for the child's parents or legal guardians. 45505

All excuses provided for in divisions (A) and (B) of this section shall be in writing and shall show the reason for excusing the child. A copy thereof shall be sent to the person in charge of the child.

(C) The board of education of the school district or the governing authorities of a private or parochial school may in the rules governing the discipline in such schools, prescribe the authority by which and the manner in which any child may be excused for absence from such school for good and sufficient reasons.

The ~~state board of education department~~ may by rule prescribe conditions governing the issuance of excuses, which shall be binding upon the authorities empowered to issue them.

**Sec. 3321.042.** (A) A child is exempt from compulsory school attendance when receiving home education in the subject areas of English language arts, mathematics, science, history and government, and social studies as supervised and directed by the child's parent. Upon the commencement of home education or when moving into a new district, and annually thereafter within five days of the start of school in the child's school district of residence, the parent shall file a notice with the superintendent of the child's school district of residence. The notice shall include the parent's name and address, the child's name, and an assurance the child will receive instruction in the required subjects. Upon receipt of the notice, the exemption takes immediate effect, and the superintendent shall send a letter of acknowledgment to the parent.

(B) A student that enrolls in a public school following any period of home education shall be placed in the appropriate grade level based on the policies of the student's resident

school district. 45536

(C) A student who is receiving a home education pursuant 45537  
to this section is subject to section 3321.19 of the Revised 45538  
Code. 45539

**Sec. 3321.07.** If any child attends upon instruction 45540  
elsewhere than in a public school such instruction shall be in a 45541  
school which conforms to the minimum standards prescribed by the 45542  
~~state board~~ director of education and workforce. The hours and 45543  
term of attendance exacted shall be equivalent to the hours and 45544  
term of attendance required of children in the public schools of 45545  
the district. This section does not require a child to attend a 45546  
high school instead of a vocational, commercial, or other 45547  
special type of school, provided the instruction therein is for 45548  
a term and for hours equivalent to those of the high school, and 45549  
provided ~~his~~ the child's attendance at such school will not 45550  
interfere with a continuous program of education for the child 45551  
to the age of sixteen. 45552

**Sec. 3321.09.** Attendance at a part-time school or class 45553  
provided by an employer, by a partnership, corporation, or 45554  
individual, by a private or parochial school, by a college, or 45555  
by a philanthropic or similar agency shall serve in lieu of 45556  
attendance at a part-time school or class provided by a board of 45557  
education in case the given school or class is conducted for 45558  
substantially a term and hours equivalent to those of the part- 45559  
time schools or classes provided by the local board, and in case 45560  
the school or class is approved by the ~~state board~~ department of 45561  
education and workforce. When such school or class is conducted 45562  
within or in connection with the establishment in which the 45563  
child is working the obligation of attendance at part-time 45564  
school or class indicated in section 3321.08 of the Revised 45565

Code, shall apply to the children holding age and schooling certificates who are employed in the given establishment regardless of the accessibility of public part-time schools or classes.

**Sec. 3321.12.** Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section that require reporting to the treasurer of a city school district do not require reporting to the treasurer of any joint vocational or cooperative education school district.

The principal or teacher in charge of any public, private, or parochial school, shall report to the treasurer of the board of education of the city, local, or exempted village school district in which the school is situated, the names, ages, and places of residence of all pupils below eighteen years of age in attendance at their schools together with such other facts as said treasurer requires to facilitate the carrying out of the laws relating to compulsory education and the employment of minors. Such report shall be made within the first two weeks of the beginning of school in each school year, and shall be corrected with the entry of such items as are prescribed by the ~~state board~~ department of education and workforce within the first week of each subsequent school month of the year.

Nothing in this section shall require any person to release, or to permit access to, public school records in violation of section 3319.321 of the Revised Code.

**Sec. 3321.13.** (A) Whenever any child of compulsory school age withdraws from school the teacher of that child shall ascertain the reason for withdrawal. The fact of the withdrawal and the reason for it shall be immediately transmitted by the

teacher to the superintendent of the city, local, or exempted 45596  
village school district. If the child who has withdrawn from 45597  
school has done so because of change of residence, the next 45598  
residence shall be ascertained and shall be included in the 45599  
notice thus transmitted. The superintendent shall thereupon 45600  
forward a card showing the essential facts regarding the child 45601  
and stating the place of the child's new residence to the 45602  
superintendent of schools of the district to which the child has 45603  
moved. 45604

The ~~superintendent of public instruction~~ department of 45605  
education and workforce may prescribe the forms to be used in 45606  
the operation of this division. 45607

(B) (1) Upon receipt of information that a child of 45608  
compulsory school age has withdrawn from school for a reason 45609  
other than because of change of residence and is not enrolled in 45610  
and attending in accordance with school policy an approved 45611  
program to obtain a diploma or its equivalent, the district 45612  
superintendent shall notify the registrar of motor vehicles and 45613  
the juvenile judge of the county in which the district is 45614  
located of the withdrawal and failure to enroll in and attend an 45615  
approved program to obtain a diploma or its equivalent. A 45616  
notification to the registrar required by this division shall be 45617  
given in the manner the registrar by rule requires and a 45618  
notification to the juvenile judge required by this division 45619  
shall be given in writing. Each notification shall be given 45620  
within two weeks after the withdrawal and failure to enroll in 45621  
and attend an approved program or its equivalent. 45622

(2) The board of education of a school district may adopt 45623  
a resolution providing that the provisions of division (B) (2) of 45624  
this section apply within the district. The provisions of 45625

division (B) (2) of this section do not apply within any school 45626  
district, and no superintendent of a school district shall send 45627  
a notification of the type described in division (B) (2) of this 45628  
section to the registrar of motor vehicles or the juvenile judge 45629  
of the county in which the district is located, unless the board 45630  
of education of the district has adopted such a resolution. If 45631  
the board of education of a school district adopts a resolution 45632  
providing that the provisions of division (B) (2) of this section 45633  
apply within the district, and if the superintendent of schools 45634  
of that district receives information that, during any semester 45635  
or term, a child of compulsory school age has been absent 45636  
without legitimate excuse from the school the child is supposed 45637  
to attend for more than sixty consecutive hours in a single 45638  
month or for at least ninety hours in a school year, the 45639  
superintendent shall notify the child and the child's parent, 45640  
guardian, or custodian, in writing, that the information has 45641  
been provided to the superintendent, that as a result of that 45642  
information the child's temporary instruction permit or driver's 45643  
license will be suspended or the opportunity to obtain such a 45644  
permit or license will be denied, and that the child and the 45645  
child's parent, guardian, or custodian may appear in person at a 45646  
scheduled date, time, and place before the superintendent or a 45647  
designee to challenge the information provided to the 45648  
superintendent. 45649

The notification to the child and the child's parent, 45650  
guardian, or custodian required by division (B) (2) of this 45651  
section shall set forth the information received by the 45652  
superintendent and shall inform the child and the child's 45653  
parent, guardian, or custodian of the scheduled date, time, and 45654  
place of the appearance that they may have before the 45655  
superintendent or a designee. The date scheduled for the 45656

appearance shall be no earlier than three and no later than five 45657  
days after the notification is given, provided that an extension 45658  
may be granted upon request of the child or the child's parent, 45659  
guardian, or custodian. If an extension is granted, the 45660  
superintendent shall schedule a new date, time, and place for 45661  
the appearance and shall inform the child and the child's 45662  
parent, guardian, or custodian of the new date, time, and place. 45663

If the child and the child's parent, guardian, or 45664  
custodian do not appear before the superintendent or a designee 45665  
on the scheduled date and at the scheduled time and place, or if 45666  
the child and the child's parent, guardian, or custodian appear 45667  
before the superintendent or a designee on the scheduled date 45668  
and at the scheduled time and place but the superintendent or a 45669  
designee determines that the information the superintendent 45670  
received indicating that, during the semester or term, the child 45671  
had been absent without legitimate excuse from the school the 45672  
child was supposed to attend for more than sixty consecutive 45673  
hours or for at least ninety total hours, the superintendent 45674  
shall notify the registrar of motor vehicles and the juvenile 45675  
judge of the county in which the district is located that the 45676  
child has been absent for that period of time and that the child 45677  
does not have any legitimate excuse for the habitual absence. A 45678  
notification to the registrar required by this division shall be 45679  
given in the manner the registrar by rule requires and a 45680  
notification to the juvenile judge required by this division 45681  
shall be given in writing. Each notification shall be given 45682  
within two weeks after the receipt of the information of the 45683  
habitual absence from school without legitimate excuse, or, if 45684  
the child and the child's parent, guardian, or custodian appear 45685  
before the superintendent or a designee to challenge the 45686  
information, within two weeks after the appearance. 45687

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 or 3321.042 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 the Revised Code.

(3) Whenever a pupil is suspended or expelled from school  
pursuant to section 3313.66 of the Revised Code and the reason  
for the suspension or expulsion is the use or possession of  
alcohol, a drug of abuse, or alcohol and a drug of abuse, the  
superintendent of schools of that district may notify the  
registrar and the juvenile judge of the county in which the  
district is located of such suspension or expulsion. Any such  
notification of suspension or expulsion shall be given to the  
registrar, in the manner the registrar by rule requires and  
shall be given to the juvenile judge in writing. The  
notifications shall be given within two weeks after the  
suspension or expulsion.

(4) Whenever a pupil is suspended, expelled, removed, or  
permanently excluded from a school for misconduct included in a  
policy that the board of education of a city, exempted village,  
or local school district has adopted under division (A) of  
section 3313.661 of the Revised Code, and the misconduct  
involves a firearm or a knife or other weapon as defined in that  
policy, the superintendent of schools of that district shall  
notify the registrar and the juvenile judge of the county in  
which the district is located of the suspension, expulsion,  
removal, or permanent exclusion. The notification shall be given

to the registrar in the manner the registrar, by rule, requires 45719  
and shall be given to the juvenile judge in writing. The 45720  
notifications shall be given within two weeks after the 45721  
suspension, expulsion, removal, or permanent exclusion. 45722

(C) A notification of withdrawal, habitual absence without 45723  
legitimate excuse, suspension, or expulsion given to the 45724  
registrar or a juvenile judge under division (B) (1), (2), (3), 45725  
or (4) of this section shall contain the name, address, date of 45726  
birth, school, and school district of the child. If the 45727  
superintendent finds, after giving a notification of withdrawal, 45728  
habitual absence without legitimate excuse, suspension, or 45729  
expulsion to the registrar and the juvenile judge under division 45730  
(B) (1), (2), (3), or (4) of this section, that the notification 45731  
was given in error, the superintendent immediately shall notify 45732  
the registrar and the juvenile judge of that fact. 45733

**Sec. 3321.18.** The attendance officer provided for by 45734  
section 3321.14 or 3321.15 of the Revised Code shall institute 45735  
proceedings against any officer, parent, guardian, or other 45736  
person violating laws relating to compulsory education and the 45737  
employment of minors, and otherwise discharge the duties 45738  
described in sections 3321.14 to 3321.21 of the Revised Code, 45739  
and perform any other service that the superintendent of schools 45740  
or board of education of the district by which the attendance 45741  
officer is employed considers necessary to preserve the morals 45742  
and secure the good conduct of school children, and to enforce 45743  
those laws. 45744

The attendance officer shall be furnished with copies of 45745  
the enumeration in each school district in which the attendance 45746  
officer serves and of the lists of pupils enrolled in the 45747  
schools and shall report to the superintendent discrepancies 45748

between these lists and the enumeration. 45749

The attendance officer and assistants shall cooperate with 45750  
the director of commerce in enforcing the laws relating to the 45751  
employment of minors. The attendance officer shall furnish upon 45752  
request any data that the attendance officer and the attendance 45753  
officer's assistants have collected in their reports of children 45754  
from six to eighteen years of age and also concerning employers 45755  
to the director and upon request to the ~~state board department~~ 45756  
of education and workforce. The attendance officer shall keep a 45757  
record of the attendance officer's transactions for the 45758  
inspection and information of the superintendent of schools and 45759  
the board of education; and shall make reports to the 45760  
superintendent of schools as often as required by the 45761  
superintendent. The ~~state board of education department~~ may 45762  
prescribe forms for the use of attendance officers in the 45763  
performance of their duties. The blank forms and record books or 45764  
indexes shall be furnished to the attendance officers by the 45765  
boards of education by which they are employed. 45766

**Sec. 3321.19.** (A) As used in this section and section 45767  
3321.191 of the Revised Code, "habitual truant" has the same 45768  
meaning as in section 2151.011 of the Revised Code. 45769

(B) When a board of education of any city, exempted 45770  
village, local, joint vocational, or cooperative education 45771  
school district or the governing board of any educational 45772  
service center determines that a student in its district has 45773  
been truant and the parent, guardian, or other person having 45774  
care of the child has failed to cause the student's attendance 45775  
at school, the board may require the parent, guardian, or other 45776  
person having care of the child pursuant to division (B) of this 45777  
section to attend an educational program established pursuant to 45778

rules adopted by the ~~state board~~ department of education and 45779  
workforce for the purpose of encouraging parental involvement in 45780  
compelling the attendance of the child at school. 45781

No parent, guardian, or other person having care of a 45782  
child shall fail without good cause to attend an educational 45783  
program described in this division if the parent, guardian, or 45784  
other person has been served notice pursuant to division (C) of 45785  
this section. 45786

(C) On the request of the superintendent of schools, the 45787  
superintendent of any educational service center, the board of 45788  
education of any city, exempted village, local, joint 45789  
vocational, or cooperative education school district, or the 45790  
governing board of any educational service center or when it 45791  
otherwise comes to the notice of the attendance officer or other 45792  
appropriate officer of the school district, the attendance 45793  
officer or other appropriate officer shall examine into any case 45794  
of supposed truancy within the district and shall warn the 45795  
child, if found truant, and the child's parent, guardian, or 45796  
other person having care of the child, in writing, of the legal 45797  
consequences of being truant. When any child of compulsory 45798  
school age, in violation of law, is not attending school, the 45799  
attendance or other appropriate officer shall notify the parent, 45800  
guardian, or other person having care of that child of the fact, 45801  
and require the parent, guardian, or other person to cause the 45802  
child to attend school immediately. The parent, guardian, or 45803  
other person having care of the child shall cause the child's 45804  
attendance at school. Upon the failure of the parent, guardian, 45805  
or other person having care of the child to do so, the 45806  
attendance officer or other appropriate officer, if so directed 45807  
by the superintendent, the district board, or the educational 45808  
service center governing board, shall send notice requiring the 45809

attendance of that parent, guardian, or other person at a 45810  
parental education program established pursuant to division (B) 45811  
of this section and, subject to divisions (D) and (E) of this 45812  
section, may file a complaint against the parent, guardian, or 45813  
other person having care of the child in any court of competent 45814  
jurisdiction. 45815

(D) (1) Upon the failure of the parent, guardian, or other 45816  
person having care of the child to cause the child's attendance 45817  
at school, if the child is considered an habitual truant, the 45818  
board of education of the school district or the governing board 45819  
of the educational service center, within ten days, subject to 45820  
division (E) of this section, shall assign the student to an 45821  
absence intervention team as described in division (C) of 45822  
section 3321.191 of the Revised Code. 45823

(2) The attendance officer shall file a complaint in the 45824  
juvenile court of the county in which the child has a residence 45825  
or legal settlement or in which the child is supposed to attend 45826  
school jointly against the child and the parent, guardian, or 45827  
other person having care of the child, in accordance with the 45828  
timelines and conditions set forth in division (B) of section 45829  
3321.16 of the Revised Code. A complaint filed in the juvenile 45830  
court under this division shall allege that the child is an 45831  
unruly child for being an habitual truant and that the parent, 45832  
guardian, or other person having care of the child has violated 45833  
section 3321.38 of the Revised Code. 45834

(E) A school district with a chronic absenteeism 45835  
percentage that is less than five per cent, as displayed on the 45836  
district's most recent report card issued under section 3302.03 45837  
of the Revised Code, and the school buildings within that 45838  
district, shall be exempt from the requirement to assign 45839

habitually truant students to an absence intervention team for 45840  
the following school year and shall instead take any appropriate 45841  
action as an intervention strategy contained in the policy 45842  
developed by the district board pursuant to divisions (A) and 45843  
(B) of section 3321.191 of the Revised Code. In the event that 45844  
those intervention strategies fail, within sixty-one days after 45845  
their implementation, the attendance officer shall file a 45846  
complaint, provided that the conditions described in division 45847  
(B) of section 3321.16 of the Revised Code are satisfied. 45848

**Sec. 3321.191.** (A) Effective beginning with the 2017-2018 45849  
school year, the board of education of each city, exempted 45850  
village, local, joint vocational, and cooperative education 45851  
school district and the governing board of each educational 45852  
service center shall adopt a new or amended policy to guide 45853  
employees of the school district or service center in addressing 45854  
and ameliorating student absences. In developing the policy, the 45855  
appropriate board shall consult with the judge of the juvenile 45856  
court of the county or counties in which the district or service 45857  
center is located, with the parents, guardians, or other persons 45858  
having care of the pupils attending school in the district, and 45859  
with appropriate state and local agencies. 45860

(B) The policy developed under division (A) of this 45861  
section shall include as an intervention strategy all of the 45862  
following actions, if applicable: 45863

(1) Providing a truancy intervention plan for any student 45864  
who is excessively absent from school, as described in the first 45865  
paragraph of division (C) of this section; 45866

(2) Providing counseling for an habitual truant; 45867

(3) Requesting or requiring a parent, guardian, or other 45868

person having care of an habitual truant to attend parental 45869  
involvement programs, including programs adopted under section 45870  
3313.472 or 3313.663 of the Revised Code; 45871

(4) Requesting or requiring a parent, guardian, or other 45872  
person having care of an habitual truant to attend truancy 45873  
prevention mediation programs; 45874

(5) Notification of the registrar of motor vehicles under 45875  
section 3321.13 of the Revised Code; 45876

(6) Taking legal action under section 2919.222, 3321.20, 45877  
or 3321.38 of the Revised Code. 45878

(C) (1) In the event that a child of compulsory school age 45879  
is absent with a nonmedical excuse or without legitimate excuse 45880  
from the public school the child is supposed to attend for 45881  
thirty-eight or more hours in one school month, or sixty-five or 45882  
more hours in a school year, the attendance officer of that 45883  
school shall notify the child's parent, guardian, or custodian 45884  
of the child's absences, in writing, within seven days after the 45885  
date after the absence that triggered the notice requirement. At 45886  
the time notice is given, the school also may take any 45887  
appropriate action as an intervention strategy contained in the 45888  
policy developed by the board pursuant to division (A) of this 45889  
section. 45890

(2) (a) If the absences of a student surpass the threshold 45891  
for an habitual truant as set forth in section 2151.011 of the 45892  
Revised Code, the principal or chief administrator of the school 45893  
or the superintendent of the school district shall assign the 45894  
student to an absence intervention team. Within fourteen school 45895  
days after the assignment of a student to an absence 45896  
intervention team, the team shall develop an intervention plan 45897

for that student in an effort to reduce or eliminate further 45898  
absences. Each intervention plan shall vary based on the 45899  
individual needs of the student, but the plan shall state that 45900  
the attendance officer shall file a complaint not later than 45901  
sixty-one days after the date the plan was implemented, if the 45902  
child has refused to participate in, or failed to make 45903  
satisfactory progress on, the intervention plan or an 45904  
alternative to adjudication under division (C)(2)(b) of section 45905  
3321.191 of the Revised Code. Within seven days after the 45906  
development of the plan, the school district or school shall 45907  
make reasonable efforts to provide the student's parent, 45908  
guardian, custodian, guardian ad litem, or temporary custodian 45909  
with written notice of the plan. 45910

(b) As part of the absence intervention plan described in 45911  
division (C)(2) of this section, the school district or school, 45912  
in its discretion, may contact the appropriate juvenile court 45913  
and ask to have a student informally enrolled in any alternative 45914  
to adjudication described in division (G) of section 2151.27 of 45915  
the Revised Code. If the school district or school chooses to 45916  
have students informally enrolled in an alternative to 45917  
adjudication, the school district or school shall develop a 45918  
written policy regarding the use of, and selection process for, 45919  
offering alternatives to adjudication to ensure fairness. 45920

(c) The superintendent of each school district, or the 45921  
superintendent's designee, shall establish an absence 45922  
intervention team for the district to be used by any schools of 45923  
the district that do not establish their own absence 45924  
intervention team as permitted under division (C)(2)(d) of this 45925  
section. Membership of each absence intervention team may vary 45926  
based on the needs of each individual student but shall include 45927  
a representative from the child's school district or school, 45928

another representative from the child's school district or 45929  
school who knows the child, and the child's parent or parent's 45930  
designee, or the child's guardian, custodian, guardian ad litem, 45931  
or temporary custodian. The team also may include a school 45932  
psychologist, counselor, social worker, or representative of a 45933  
public or nonprofit agency designed to assist students and their 45934  
families in reducing absences. 45935

(d) The principal or chief administrator of each school 45936  
may establish an absence intervention team or series of teams to 45937  
be used in lieu of the district team established pursuant to 45938  
division (C) (2) (c) of this section. Membership of each absence 45939  
intervention team may vary based on the needs of each individual 45940  
student but shall include a representative from the child's 45941  
school district or school, another representative from the 45942  
child's school district or school who knows the child, and the 45943  
child's parent or parent's designee, or the child's guardian, 45944  
custodian, guardian ad litem, or temporary custodian. The team 45945  
also may include a school psychologist, counselor, social 45946  
worker, or representative of a public or nonprofit agency 45947  
designed to assist students and their families in reducing 45948  
absences. 45949

(e) A superintendent, as described in division (C) (2) (c) 45950  
of this section, or principal or chief administrator, as 45951  
described in division (C) (2) (d) of this section, shall select 45952  
the members of an absence intervention team within seven school 45953  
days of the triggering event described in division (C) (2) (a) of 45954  
this section. The superintendent, principal, or chief 45955  
administrator, within the same period of seven school days, 45956  
shall make at least three meaningful, good faith attempts to 45957  
secure the participation of the student's parent, guardian, 45958  
custodian, guardian ad litem, or temporary custodian on that 45959

team. If the student's parent responds to any of those attempts, 45960  
but is unable to participate for any reason, the representative 45961  
of the school district shall inform the parent of the parent's 45962  
right to appear by designee. If seven school days elapse and the 45963  
student's parent, guardian, custodian, guardian ad litem, or 45964  
temporary custodian fails to respond to the attempts to secure 45965  
participation, the school district or school shall do both of 45966  
the following: 45967

(i) Investigate whether the failure to respond triggers 45968  
mandatory reporting to the public children services agency for 45969  
the county in which the child resides in the manner described in 45970  
section 2151.421 of the Revised Code; 45971

(ii) Instruct the absence intervention team to develop an 45972  
intervention plan for the child notwithstanding the absence of 45973  
the child's parent, guardian, custodian, guardian ad litem, or 45974  
temporary custodian. 45975

(f) In the event that a student becomes habitually truant 45976  
within twenty-one school days prior to the last day of 45977  
instruction of a school year, the school district or school may, 45978  
in its discretion, assign one school official to work with the 45979  
child's parent, guardian, custodian, guardian ad litem, or 45980  
temporary custodian to develop an absence intervention plan 45981  
during the summer. If the school district or school selects this 45982  
method, the plan shall be implemented not later than seven days 45983  
prior to the first day of instruction of the next school year. 45984  
In the alternative, the school district or school may toll the 45985  
time periods to accommodate for the summer months and reconvene 45986  
the absence intervention process upon the first day of 45987  
instruction of the next school year. 45988

(3) For purposes of divisions (C) (2) (c) and (d) of this 45989

section, the ~~state board department~~ of education and workforce 45990  
shall develop a format for parental permission to ensure 45991  
compliance with the "Family Educational Rights and Privacy Act 45992  
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 45993  
regulations promulgated under that act, and section 3319.321 of 45994  
the Revised Code. 45995

(D) Each school district or school may consult or partner 45996  
with public and nonprofit agencies to provide assistance as 45997  
appropriate to students and their families in reducing absences. 45998

(E) Beginning with the 2017-2018 school year, each school 45999  
district shall report to the department ~~of education~~, as soon as 46000  
practicable, and in a format and manner determined by the 46001  
department, any of the following occurrences: 46002

(1) When a notice required by division (C)(1) of this 46003  
section is submitted to a parent, guardian, or custodian; 46004

(2) When a child of compulsory school age has been absent 46005  
without legitimate excuse from the public school the child is 46006  
supposed to attend for thirty or more consecutive hours, forty- 46007  
two or more hours in one school month, or seventy-two or more 46008  
hours in a school year; 46009

(3) When a child of compulsory school age who has been 46010  
adjudicated an unruly child for being an habitual truant 46011  
violates the court order regarding that adjudication; 46012

(4) When an absence intervention plan has been implemented 46013  
for a child under this section. 46014

(F) Nothing in this section shall be construed to limit 46015  
the duty or authority of a district board of education or 46016  
governing body of an educational service center to develop other 46017  
policies related to truancy or to limit the duty or authority of 46018

any employee of the school district or service center to respond 46019  
to pupil truancy. However, a board shall be subject to the 46020  
prohibition against suspending, expelling, or otherwise 46021  
preventing a student from attending school for excessive 46022  
absences as prescribed by section 3313.668 of the Revised Code. 46023

**Sec. 3323.01.** As used in this chapter: 46024

(A) "Child with a disability" means a child who is at 46025  
least three years of age and less than twenty-two years of age; 46026  
who has an intellectual disability, a hearing impairment 46027  
(including deafness), a speech or language impairment, a visual 46028  
impairment (including blindness), a serious emotional 46029  
disturbance, an orthopedic impairment, autism, traumatic brain 46030  
injury, an other health impairment, a specific learning 46031  
disability (including dyslexia), deaf-blindness, or multiple 46032  
disabilities; and who, by reason thereof, needs special 46033  
education and related services. 46034

A "child with a disability" may include a child who is at 46035  
least three years of age and less than ten years of age; who is 46036  
experiencing developmental delays, as defined by standards 46037  
adopted by the ~~state board~~ department of education and workforce 46038  
and as measured by appropriate diagnostic instruments and 46039  
procedures in one or more of the following areas: physical 46040  
development, cognitive development, communication development, 46041  
social or emotional development, or adaptive development; and 46042  
who, by reason thereof, needs special education and related 46043  
services. 46044

(B) "Free appropriate public education" means special 46045  
education and related services that meet all of the following: 46046

(1) Are provided at public expense, under public 46047

supervision and direction, and without charge; 46048

(2) Meet the standards of the ~~state board of education~~  
department; 46049  
46050

(3) Include an appropriate preschool, elementary, or 46051  
secondary education as otherwise provided by the law of this 46052  
state; 46053

(4) Are provided for each child with a disability in 46054  
conformity with the child's individualized education program. 46055

(C) "Homeless children" means "homeless children and 46056  
youths" as defined in section 725 of the "McKinney-Vento 46057  
Homeless Assistance Act," 42 U.S.C. 11434a. 46058

(D) "Individualized education program" or "IEP" means the 46059  
written statement described in section 3323.011 of the Revised 46060  
Code. 46061

(E) "Individualized education program team" or "IEP team" 46062  
means a group of individuals composed of: 46063

(1) The parents of a child with a disability; 46064

(2) At least one regular education teacher of the child, 46065  
if the child is or may be participating in the regular education 46066  
environment; 46067

(3) At least one special education teacher, or where 46068  
appropriate, at least one special education provider of the 46069  
child; 46070

(4) A representative of the school district who meets all 46071  
of the following: 46072

(a) Is qualified to provide, or supervise the provision 46073  
of, specially designed instruction to meet the unique needs of 46074

children with disabilities;	46075
(b) Is knowledgeable about the general education curriculum;	46076 46077
(c) Is knowledgeable about the availability of resources of the school district.	46078 46079
(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team as described in divisions (E) (2) to (4) of this section;	46080 46081 46082
(6) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;	46083 46084 46085 46086
(7) Whenever appropriate, the child with a disability.	46087
(F) "Instruction in braille reading and writing" means the teaching of the system of reading and writing through touch commonly known as standard English braille.	46088 46089 46090
(G) "Other educational agency" means a department, division, bureau, office, institution, board, commission, committee, authority, or other state or local agency, which is not a city, local, or exempted village school district or an agency administered by the department of developmental disabilities, that provides or seeks to provide special education or related services to children with disabilities. The term "other educational agency" includes a joint vocational school district.	46091 46092 46093 46094 46095 46096 46097 46098 46099
(H) "Parent" of a child with a disability, except as used in sections 3323.09 and 3323.141 of the Revised Code, means:	46100 46101
(1) A natural or adoptive parent of a child but not a	46102

foster parent of a child;	46103
(2) A guardian, but not the state if the child is a ward of the state;	46104 46105
(3) An individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare;	46106 46107 46108 46109
(4) An individual assigned to be a surrogate parent, provided the individual is not prohibited by this chapter from serving as a surrogate parent for a child.	46110 46111 46112
(I) "Preschool child with a disability" means a child with a disability who is at least three years of age but is not of compulsory school age, as defined under section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.	46113 46114 46115 46116
(J) "Related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, school health services, social work services in schools, and parent counseling and training, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early	46117 46118 46119 46120 46121 46122 46123 46124 46125 46126 46127 46128 46129 46130 46131

identification and assessment of disabling conditions in 46132  
children. "Related services" does not include a medical device 46133  
that is surgically implanted, or the replacement of such device. 46134

(K) "School district" means a city, local, or exempted 46135  
village school district. 46136

(L) "School district of residence," as used in sections 46137  
3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, 46138  
means: 46139

(1) The school district in which the child's natural or 46140  
adoptive parents reside; 46141

(2) If the school district specified in division (L)(1) of 46142  
this section cannot be determined, the last school district in 46143  
which the child's natural or adoptive parents are known to have 46144  
resided if the parents' whereabouts are unknown; 46145

(3) If the school district specified in division (L)(2) of 46146  
this section cannot be determined, the school district 46147  
determined under section 2151.362 of the Revised Code, or if no 46148  
district has been so determined, the school district as 46149  
determined by the probate court of the county in which the child 46150  
resides. 46151

(4) Notwithstanding divisions (L)(1) to (3) of this 46152  
section, if a school district is required by section 3313.65 of 46153  
the Revised Code to pay tuition for a child, that district shall 46154  
be the child's school district of residence. 46155

(M) "Special education" means specially designed 46156  
instruction, at no cost to parents, to meet the unique needs of 46157  
a child with a disability. "Special education" includes 46158  
instruction conducted in the classroom, in the home, in 46159  
hospitals and institutions, and in other settings, including an 46160

early childhood education setting, and instruction in physical 46161  
education. 46162

(N) "Student with a visual impairment" means any person 46163  
who is less than twenty-two years of age and who has a visual 46164  
impairment as that term is defined in this section. 46165

(O) "Transition services" means a coordinated set of 46166  
activities for a child with a disability that meet all of the 46167  
following: 46168

(1) Is designed to be within a results-oriented process, 46169  
that is focused on improving the academic and functional 46170  
achievement of the child with a disability to facilitate the 46171  
child's movement from school to post-school activities, 46172  
including post-secondary education; vocational education; 46173  
integrated employment (including supported employment); 46174  
continuing and adult education; adult services; independent 46175  
living; or community participation; 46176

(2) Is based on the individual child's needs, taking into 46177  
account the child's strengths, preferences, and interests; 46178

(3) Includes instruction, related services, community 46179  
experiences, the development of employment and other post-school 46180  
adult living objectives, and, when appropriate, acquisition of 46181  
daily living skills and functional vocational evaluation. 46182

"Transition services" for children with disabilities may 46183  
be special education, if provided as specially designed 46184  
instruction, or may be a related service, if required to assist 46185  
a child with a disability to benefit from special education. 46186

(P) "Visual impairment" for any individual means that one 46187  
of the following applies to the individual: 46188

(1) The individual has a visual acuity of 20/200 or less 46189  
in the better eye with correcting lenses or has a limited field 46190  
of vision in the better eye such that the widest diameter 46191  
subtends an angular distance of no greater than twenty degrees. 46192

(2) The individual has a medically indicated expectation 46193  
of meeting the requirements of division (P) (1) of this section 46194  
over a period of time. 46195

(3) The individual has a medically diagnosed and medically 46196  
uncorrectable limitation in visual functioning that adversely 46197  
affects the individual's ability to read and write standard 46198  
print at levels expected of the individual's peers of comparable 46199  
ability and grade level. 46200

(Q) "Ward of the state" has the same meaning as in section 46201  
602(36) of the "Individuals with Disabilities Education 46202  
Improvement Act of 2004," 20 U.S.C. 1401(36). 46203

**Sec. 3323.011.** As used in this chapter, "individualized 46204  
education program" or "IEP" means a written statement for each 46205  
child with a disability that is developed, reviewed, and revised 46206  
in accordance with this definition and that includes: 46207

(A) A statement of the child's present levels of academic 46208  
achievement and functional performance, including: 46209

(1) How the child's disability affects the child's 46210  
involvement and progress in the general education curriculum; 46211

(2) For a preschool child with a disability, as 46212  
appropriate, how the disability affects the child's 46213  
participation in appropriate activities; 46214

(3) For a child with a disability who is not a preschool 46215  
child and who will take alternate assessments aligned to 46216

alternate achievement standards, a description of benchmarks or 46217  
short-term objectives. 46218

(B) A statement of measurable annual goals, including 46219  
academic and functional goals and, at the discretion of the 46220  
department of education and workforce, short-term instructional 46221  
objectives that are designed to: 46222

(1) Meet the child's needs that result from the child's 46223  
disability so as to enable the child to be involved in and make 46224  
progress in the general education curriculum; 46225

(2) Meet each of the child's other educational needs that 46226  
result from the child's disability. 46227

(C) A description of how the child's progress toward 46228  
meeting the annual goals described pursuant to division (B) of 46229  
this section will be measured and when periodic reports on the 46230  
progress the child is making toward meeting the annual goals 46231  
will be provided. Such reports may be quarterly or other 46232  
periodic reports that are issued concurrent with the issuance of 46233  
regular report cards. 46234

(D) A statement of the special education and related 46235  
services and supplementary aids and services, based on peer- 46236  
reviewed research to the extent practicable, to be provided to 46237  
the child, or on behalf of the child, and a statement of the 46238  
program modifications or supports for school personnel that will 46239  
be provided for the child so that the child may: 46240

(1) Advance appropriately toward attaining the annual 46241  
goals described pursuant to division (B) of this section; 46242

(2) Be involved in and make progress in the general 46243  
education curriculum and participate in extracurricular and 46244  
other nonacademic activities; 46245

(3) Be educated with and participate with both other 46246  
children with disabilities and nondisabled children in the 46247  
specific activities described pursuant to division (D) of this 46248  
section. 46249

(E) An explanation of the extent, if any, to which the 46250  
child will not participate with nondisabled children in the 46251  
regular class, including an early childhood education setting, 46252  
and in the activities described pursuant to division (D) of this 46253  
section; 46254

(F) A statement of any individual appropriate 46255  
accommodations that are necessary to measure the academic 46256  
achievement and functional performance of the child on state and 46257  
districtwide assessments consistent with section 612(a)(16) of 46258  
the "Individuals with Disabilities Education Improvement Act of 46259  
2004," 20 U.S.C. 1412(a)(16). If the IEP team determines that 46260  
the child shall take an alternate assessment on a particular 46261  
state or districtwide assessment of student achievement, the IEP 46262  
shall contain a statement of why the child cannot participate in 46263  
the regular assessment and why the particular alternate 46264  
assessment selected is appropriate for the child. 46265

(G) The projected date for the beginning of the services 46266  
and modifications described pursuant to division (D) of this 46267  
section and the anticipated frequency, location, and duration of 46268  
those services and modifications; 46269

(H) Beginning not later than the first IEP to be in effect 46270  
when the child is fourteen years of age, and updated annually 46271  
thereafter, a statement describing: 46272

(1) Appropriate measurable post-secondary goals based upon 46273  
age-appropriate transition assessments related to training, 46274

education, and independent living skills; 46275

(2) Appropriate measurable post-secondary goals based on 46276  
age-appropriate transition assessments related to employment in 46277  
a competitive environment in which workers are integrated 46278  
regardless of disability; 46279

(3) The transition services, including courses of study, 46280  
needed to assist the child in reaching the goals described in 46281  
divisions (H) (1) and (2) of this section. 46282

(I) Beginning not later than one year before the child 46283  
reaches eighteen years of age, a statement that the child has 46284  
been informed of the child's rights under Title XX of the United 46285  
States Code that will transfer to the child on reaching eighteen 46286  
years of age in accordance with section 615(m) of the 46287  
"Individuals with Disabilities Education Improvement Act of 46288  
2004," 20 U.S.C. 1415(m). 46289

Nothing in this section shall be construed to require that 46290  
additional information be included in a child's IEP beyond the 46291  
items explicitly required by this section and that the IEP team 46292  
include information under one component of a child's IEP that is 46293  
already contained under another component of the IEP. 46294

**Sec. 3323.02.** As used in this section, "IDEIA" means the 46295  
"Individuals with Disabilities Education Improvement Act of 46296  
2004," Pub. L. No. 108-446. 46297

It is the purpose of this chapter to ensure that all 46298  
children with disabilities residing in this state who are at 46299  
least three years of age and less than twenty-two years of age, 46300  
including children with disabilities who have been suspended or 46301  
expelled from school, have available to them a free appropriate 46302  
public education. No school district, county board of 46303

developmental disabilities, or other educational agency shall 46304  
receive state or federal funds for special education and related 46305  
services unless those services for children with disabilities 46306  
are provided in accordance with IDEIA and related provisions of 46307  
the Code of Federal Regulations, the provisions of this chapter, 46308  
rules and standards adopted by the ~~state board department of~~ 46309  
~~education and workforce~~, and any procedures or guidelines issued 46310  
by the ~~superintendent of public instruction~~director of education 46311  
and workforce. Any options or discretion provided to the state 46312  
by IDEIA may be exercised in state law or in rules or standards 46313  
adopted by the ~~state board of education~~department. 46314

The ~~state board of education department~~ shall establish 46315  
rules or standards for the provision of special education and 46316  
related services for all children with disabilities who are at 46317  
least three years of age and less than twenty-two years of age 46318  
residing in the state, regardless of the severity of their 46319  
disabilities, including children with disabilities who have been 46320  
suspended or expelled from school. The state law and the rules 46321  
or standards of the ~~state board of education department~~ may 46322  
impose requirements that are not required by IDEIA or related 46323  
provisions of the Code of Federal Regulations. The school 46324  
district of residence is responsible, in all instances, for 46325  
ensuring that the requirements of Part B of IDEIA are met for 46326  
every eligible child in its jurisdiction, regardless of whether 46327  
services are provided by another school district, other 46328  
educational agency, or other agency, department, or entity, 46329  
unless IDEIA or related provisions of the Code of Federal 46330  
Regulations, another section of this chapter, or a rule adopted 46331  
by the ~~state board of education department~~ specifies that 46332  
another school district, other educational agency, or other 46333  
agency, department, or entity is responsible for ensuring 46334

compliance with Part B of IDEIA. 46335

Notwithstanding division (A) (4) of section 3301.53 of the 46336  
Revised Code and any rules adopted pursuant to that section and 46337  
division (A) of section 3313.646 of the Revised Code, a board of 46338  
education of a school district may provide special education and 46339  
related services for preschool children with disabilities in 46340  
accordance with this chapter and section 3301.52, divisions (A) 46341  
(1) to (3) and (A) (5) and (6) of section 3301.53, and sections 46342  
3301.54 to 3301.59 of the Revised Code. 46343

The ~~superintendent of public instruction department~~ may 46344  
require any state or local agency to provide documentation that 46345  
special education and related services for children with 46346  
disabilities provided by the agency are in compliance with the 46347  
requirements of this chapter. 46348

Not later than the first day of February of each year the 46349  
~~superintendent of public instruction department~~ shall furnish 46350  
the chairpersons of the education committees of the house of 46351  
representatives and the senate with a report on the status of 46352  
implementation of special education and related services for 46353  
children with disabilities required by this chapter. The report 46354  
shall include but shall not be limited to the following items: 46355  
the most recent available figures on the number of children 46356  
identified as children with disabilities and the number of 46357  
identified children receiving special education and related 46358  
services. The information contained in these reports shall be 46359  
public information. 46360

**Sec. 3323.021.** As used in this section, "participating 46361  
county board of developmental disabilities" means a county board 46362  
of developmental disabilities electing to participate in the 46363  
provision of or contracting for educational services for 46364

children under division (D) of section 5126.05 of the Revised Code. 46365  
46366

(A) When a school district, educational service center, or participating county board of developmental disabilities enters into an agreement or contract with another school district, educational service center, or participating county board of developmental disabilities to provide educational services to a disabled child during a school year, both of the following shall apply: 46367  
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(1) Beginning with fiscal year 1999, if the provider of the services intends to increase the amount it charges for some or all of those services during the next school year or if the provider intends to cease offering all or part of those services during the next school year, the provider shall notify the entity for which the services are provided of these intended changes no later than the first day of March of the current fiscal year. 46374  
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(2) Beginning with fiscal year 1999, if the entity for which services are provided intends to cease obtaining those services from the provider for the next school year or intends to change the type or amount of services it obtains from the provider for the next school year, the entity shall notify the service provider of these intended changes no later than the first day of March of the current fiscal year. 46382  
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(B) School districts, educational service centers, participating county boards of developmental disabilities, and other applicable governmental entities shall collaborate where possible to maximize federal sources of revenue to provide additional funds for special education related services for disabled children. Annually, each school district shall report 46389  
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to the department of education and workforce any amounts of such 46395  
federal revenue the district received. 46396

(C) The ~~state board~~ department of education and workforce, 46397  
the department of developmental disabilities, and the department 46398  
of medicaid shall develop working agreements for pursuing 46399  
additional funds for services for disabled children. 46400

**Sec. 3323.022.** The rules of the ~~state board~~ department of 46401  
education and workforce for staffing ratios for programs with 46402  
preschool children with disabilities shall require the 46403  
following: 46404

(A) A full-time staff member shall be provided when there 46405  
are eight full-day or sixteen half-day preschool children 46406  
eligible for special education enrolled in a center-based 46407  
preschool special education program. 46408

(B) Staff ratios of one teacher for every eight children 46409  
shall be maintained at all times for a program with a center- 46410  
based teacher, and a second adult shall be present when there 46411  
are nine or more children, including nondisabled children 46412  
enrolled in a class session. 46413

(C) Unless otherwise specified in the individualized 46414  
education program, a minimum of ten hours of services per week 46415  
shall be provided for each child served by a center-based 46416  
teacher. 46417

**Sec. 3323.03.** The ~~state board~~ department of education and 46418  
workforce shall, in consultation with the department of health, 46419  
the department of mental health and addiction services, and the 46420  
department of developmental disabilities, establish standards 46421  
and procedures for the identification, location, and evaluation 46422  
of all children with disabilities residing in the state, 46423

including children with disabilities who are homeless children 46424  
or are wards of the state and children with disabilities 46425  
attending nonpublic schools, regardless of the severity of their 46426  
disabilities, and who are in need of special education and 46427  
related services. The ~~state board~~ department of education and 46428  
workforce shall develop and implement a practical method to 46429  
determine which children with disabilities are currently 46430  
receiving needed special education and related services. 46431

In conducting the evaluation, the board of education of 46432  
each school district shall use a variety of assessment tools and 46433  
strategies to gather relevant functional, developmental, and 46434  
academic information about the child, including information 46435  
provided by the child's parent. The board of education of each 46436  
school district, in consultation with the county board of 46437  
developmental disabilities, the county family and children first 46438  
council, and the board of alcohol, drug addiction, and mental 46439  
health services of each county in which the school district has 46440  
territory, shall identify, locate, and evaluate all children 46441  
with disabilities residing within the district to determine 46442  
which children with disabilities are not receiving appropriate 46443  
special education and related services. In addition, the board 46444  
of education of each school district, in consultation with such 46445  
county boards or council, shall identify, locate, and evaluate 46446  
all children with disabilities who are enrolled by their parents 46447  
in nonpublic elementary and secondary schools located within the 46448  
public school district, without regard to where those children 46449  
reside in accordance with rules ~~of the state board of education~~ 46450  
or guidelines of the ~~superintendent of public instruction~~ 46451  
department of education and workforce. 46452

Each county board of developmental disabilities, county 46453  
family and children first council, and board of alcohol, drug 46454

addiction, and mental health services and the board's or 46455  
council's contract agencies may transmit to boards of education 46456  
the names and addresses of children with disabilities who are 46457  
not receiving appropriate special education and related 46458  
services. 46459

**Sec. 3323.04.** The ~~state board~~ department of education and 46460  
workforce, in consultation with the department of mental health 46461  
and addiction services and the department of developmental 46462  
disabilities, shall establish procedures and standards for the 46463  
development of individualized education programs for children 46464  
with disabilities. 46465

The ~~state board~~ department of education and workforce 46466  
shall require the board of education of each school district to 46467  
develop an individualized education program for each child with 46468  
a disability who is at least three years of age and less than 46469  
twenty-two years of age residing in the district in a manner 46470  
that is in accordance with rules of the ~~state board~~ department. 46471

Prior to the placement of a child with a disability in a 46472  
program operated under section 3323.09 of the Revised Code, the 46473  
district board of education shall consult the county board of 46474  
developmental disabilities of the county in which the child 46475  
resides regarding the proposed placement. 46476

A child with a disability enrolled in a nonpublic school 46477  
or facility shall be provided special education and related 46478  
services, in accordance with an individualized education 46479  
program, at no cost for those services, if the child is placed 46480  
in, or referred to, that nonpublic school or facility by the 46481  
department of education and workforce or a school district. 46482

The IEP team shall review the individualized education 46483

program of each child with a disability periodically, but at 46484  
least annually, to determine whether the annual goals for the 46485  
child are being achieved, and shall revise the individualized 46486  
education program as appropriate. 46487

The ~~state board~~ department of education and workforce 46488  
shall establish procedures and standards to assure that to the 46489  
maximum extent appropriate, children with disabilities, 46490  
including children in public or private institutions or other 46491  
care facilities, shall be educated with children who are not 46492  
disabled. Special classes, separate schools, or other removal of 46493  
children with disabilities from the regular educational 46494  
environment shall be used only when the nature or severity of a 46495  
child's disability is such that education in regular classes 46496  
with supplementary aids and services cannot be achieved 46497  
satisfactorily. 46498

If an agency directly affected by a placement decision 46499  
objects to such decision, an impartial hearing officer, 46500  
appointed by the department of education and workforce from a 46501  
list prepared by the department, shall conduct a hearing to 46502  
review the placement decision. The agencies that are parties to 46503  
a hearing shall divide the costs of such hearing equally. The 46504  
decision of the hearing officer shall be final, except that any 46505  
party to the hearing who is aggrieved by the findings or the 46506  
decision of the hearing officer may appeal the findings or 46507  
decision in accordance with division (H) of section 3323.05 of 46508  
the Revised Code or the parent of any child affected by such 46509  
decision may present a complaint in accordance with that 46510  
section. 46511

**Sec. 3323.041.** To the extent consistent with the number 46512  
and location of children with disabilities in the state who are 46513

enrolled by their parents in nonpublic elementary and secondary 46514  
schools in the school district served by a board of education of 46515  
a school district, provision is made for the participation of 46516  
those children in the program for the education of children with 46517  
disabilities which is assisted or carried out under Part B of 46518  
the "Individuals with Disabilities Education Improvement Act of 46519  
2004, P.L." Pub. L. No. 108-446. The district in which the 46520  
nonpublic elementary or secondary school is located shall 46521  
provide for such children special education and related services 46522  
in accordance with Section 612(a)(10) of the "Individuals with 46523  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 46524  
1412(a)(10) and related provisions of the Code of Federal 46525  
Regulations and in accordance with any rules adopted ~~by the~~ 46526  
~~state board of education,~~ or guidelines issued, by the- 46527  
~~superintendent of public instruction,~~ department of education and 46528  
workforce. 46529

Amounts to be expended for the provision of those 46530  
services, including direct services to parentally placed 46531  
nonpublic school children, by the school district shall be equal 46532  
to a proportionate amount of federal funds made available under 46533  
Part B of the "Individuals with Disabilities Education 46534  
Improvement Act of 2004." The school district shall exercise the 46535  
following responsibilities towards parentally placed children 46536  
with disabilities who attend nonpublic schools located in the 46537  
school district: child find, timely and meaningful consultation, 46538  
written affirmation of timely and meaningful consultation, 46539  
compliance, and provision of equitable services, as provided by 46540  
the "Individuals with Disabilities Education Improvement Act of 46541  
2004" and related provisions of the Code of Federal Regulations 46542  
and in accordance with any rules adopted ~~by the state board of~~ 46543  
~~education,~~ or guidelines issued by, ~~the superintendent of public~~ 46544

instruction department. 46545

**Sec. 3323.05.** The ~~state board~~ department of education and 46546  
workforce shall establish procedures to ensure that children 46547  
with disabilities and their parents are guaranteed procedural 46548  
safeguards under this chapter with respect to a free appropriate 46549  
public education. 46550

The procedures shall include, but need not be limited to: 46551

(A) An opportunity for the parents of a child with a 46552  
disability to examine all records related to the child and to 46553  
participate in meetings with respect to identification, 46554  
evaluation, and educational placement of the child, and to 46555  
obtain an independent educational evaluation of the child; 46556

(B) Procedures to protect the rights of the child whenever 46557  
the parents of the child are not known, an agency after making 46558  
reasonable efforts cannot find the parents, or the child is a 46559  
ward of the state, including the assignment of an individual to 46560  
act as a surrogate for the parents made by the school district 46561  
or other educational agency responsible for educating the child 46562  
or by the court with jurisdiction over the child's custody. Such 46563  
assignment shall be made in accordance with section 3323.051 of 46564  
the Revised Code. 46565

(C) Prior written notice to the child's parents of a 46566  
school district's proposal or refusal to initiate or change the 46567  
identification, evaluation, or educational placement of the 46568  
child or the provision of a free appropriate education for the 46569  
child. The procedures established under this division shall: 46570

(1) Be designed to ensure that the written prior notice is 46571  
in the native language of the parents, unless it clearly is not 46572  
feasible to do so. 46573

- (2) Specify that the prior written notice shall include: 46574
- (a) A description of the action proposed or refused by the district; 46575  
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- (b) An explanation of why the district proposes or refuses to take the action and a description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action; 46577  
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- (c) A statement that the parents of a child with a disability have protection under the procedural safeguards and, if the notice is not in regard to an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; 46581  
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- (d) Sources for parents to contact to obtain assistance in understanding the provisions of Part B of the "Individuals with Disabilities Education Improvement Act of 2004"; 46586  
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- (e) A description of other options considered by the IEP team and the reason why those options were rejected; 46589  
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- (f) A description of the factors that are relevant to the agency's proposal or refusal. 46591  
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- (D) An opportunity for the child's parents to present complaints to the superintendent of the child's school district of residence with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education under this chapter. 46593  
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- Within twenty school days after receipt of a complaint, the district superintendent or the superintendent's designee, without undue delay and at a time and place convenient to all 46599  
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parties, shall review the case, may conduct an administrative review, and shall notify all parties in writing of the superintendent's or designee's decision. Where the child is placed in a program operated by a county board of developmental disabilities or other educational agency, the superintendent shall consult with the administrator of that board or agency.

Any party aggrieved by the decision of the district superintendent or the superintendent's designee may file a complaint with the ~~state board~~ department as provided under division (E) of this section, request mediation as provided under division (F) of this section, or present a due process complaint notice and request for a due process hearing in writing to the superintendent of the district, with a copy to the ~~state board~~ department, as provided under division (G) of this section.

(E) An opportunity for a party to file a complaint with the ~~state board of education~~ department with respect to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child. The department ~~of education~~ shall review and, where appropriate, investigate the complaint and issue findings.

(F) An opportunity for parents and a school district to resolve through mediation disputes involving any matter.

(1) The procedures established under this section shall ensure that the mediation process is voluntary on the part of the parties, is not used to deny or delay a parent's right to a due process hearing or to deny any other rights afforded under this chapter, and is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(2) A school district may establish procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party to encourage the use, and explain the benefits, of the mediation process to the parents. The disinterested party shall be an individual who is under contract with a parent training and information center or community parent resource center in the state or is under contract with an appropriate alternative dispute resolution entity.

(3) The department shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

(4) The department shall bear the cost of the mediation process, including the costs of meetings described in division (F) (2) of this section.

(5) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

(6) Discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding.

(7) In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and that:

(a) States that all discussions that occurred during the mediation process shall be confidential and shall not be used as

evidence in any subsequent due process hearing or civil proceeding; 46660  
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(b) Is signed by both the parent and a representative for the school district who has the authority to bind the district; 46662  
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(c) Is enforceable in any state court of competent jurisdiction or in a district court of the United States. 46664  
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(G) (1) An opportunity for parents or a school district to present a due process complaint and request for a due process hearing to the superintendent of the school district of the child's residence with respect to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child. 46666  
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The party presenting the due process complaint and request for a due process hearing shall provide due process complaint notice to the other party and forward a copy of the notice to the ~~state board~~ department. The due process complaint notice shall include: 46672  
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(a) The name of the child, the address of the residence of the child, or the available contact information in the case of a homeless child, and the name of the school the child is attending; 46677  
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(b) A description of the nature of the problem of the child relating to the proposed initiation or change, including facts relating to the problem; 46681  
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(c) A proposed resolution of the problem to the extent known and available to the party at the time. 46684  
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A party shall not have a due process hearing until the party, or the attorney representing the party, files a notice that meets the requirement for filing a due process complaint 46686  
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notice. 46689

A due process hearing shall be conducted by an impartial 46690  
hearing officer in accordance with standards and procedures 46691  
adopted by the ~~state board~~ department. A hearing officer shall 46692  
not be an employee of the ~~state board~~ department or any agency 46693  
involved in the education or care of the child or a person 46694  
having a personal or professional interest that conflicts with 46695  
the person's objectivity in the hearing. A hearing officer shall 46696  
possess knowledge of, and the ability to understand, the 46697  
provisions of the "Individuals with Disabilities Education 46698  
Improvement Act of 2004," federal and state regulations 46699  
pertaining to that act, and legal interpretations of that act by 46700  
federal and state courts; possess the knowledge and ability to 46701  
conduct hearings in accordance with appropriate standard legal 46702  
practice; and possess the knowledge and ability to render and 46703  
write decisions in accordance with appropriate standard legal 46704  
practice. The due process requirements of section 615 of the 46705  
"Individuals with Disabilities Education Improvement Act of 46706  
2004," 20 U.S.C. 1415, apply to due process complaint notices 46707  
and requests for due process hearings and to due process 46708  
hearings held under division (G) of this section, including, but 46709  
not limited to, timelines for requesting hearings, requirements 46710  
for sufficient complaint notices, resolution sessions, and 46711  
sufficiency and hearing decisions. 46712

(2) Discussions that occur during a resolution session 46713  
shall be confidential and shall not be used as evidence in any 46714  
subsequent due process hearing or civil proceeding. If a 46715  
resolution to the dispute is reached at a resolution session, 46716  
the parties must execute a legally binding written settlement 46717  
agreement which shall state that all discussions that occurred 46718  
during the resolution process shall be confidential and shall 46719

not be used as evidence in any subsequent due process hearing or 46720  
civil proceeding. 46721

(3) A party to a hearing under division (G) of this 46722  
section shall be accorded: 46723

(a) The right to be accompanied and advised by counsel and 46724  
by individuals with special knowledge or training with respect 46725  
to the problems of children with disabilities; 46726

(b) The right to present evidence and confront, cross- 46727  
examine, and compel the attendance of witnesses; 46728

(c) The right to a written or electronic verbatim record 46729  
of the hearing; 46730

(d) The right to written findings of fact and decisions, 46731  
which findings of fact and decisions shall be made available to 46732  
the public consistent with the requirements relating to the 46733  
confidentiality of personally identifiable data, information, 46734  
and records collected and maintained by state educational 46735  
agencies and local educational agencies; and shall be 46736  
transmitted to the advisory panel established and maintained by 46737  
the department for the purpose of providing policy guidance with 46738  
respect to special education and related services for children 46739  
with disabilities in the state. 46740

(H) An opportunity for any party aggrieved by the findings 46741  
and decision rendered in a hearing under division (G) of this 46742  
section to appeal within forty-five days of notification of the 46743  
decision to the ~~state board~~ department, which shall appoint a 46744  
state level officer who shall review the case and issue a final 46745  
order. The state level officer shall be appointed and shall 46746  
review the case in accordance with standards and procedures 46747  
adopted by the ~~state board~~ department. 46748

Any party aggrieved by the final order of the state level 46749  
officer may appeal the final order, in accordance with Chapter 46750  
119. of the Revised Code, within forty-five days after 46751  
notification of the order to the court of common pleas of the 46752  
county in which the child's school district of residence is 46753  
located, or to a district court of the United States within 46754  
ninety days after the date of the decision of the state level 46755  
review officer, as provided in section 615(i) (2) of the 46756  
"Individuals with Disabilities Education Improvement Act of 46757  
2004," 20 U.S.C. 1415(i) (2). 46758

**Sec. 3323.051.** No individual shall be assigned to act as a 46759  
surrogate for the parents of a child with a disability under 46760  
division (B) of section 3323.05 of the Revised Code if the 46761  
individual is an employee of the department of education and 46762  
workforce or the school district or any other agency involved in 46763  
the education or care of the child or if the individual has any 46764  
interest that conflicts with the interests of the child. If a 46765  
conflict of interest arises subsequent to the assignment of a 46766  
surrogate, the authority that made the assignment shall 46767  
terminate it and assign another surrogate. Neither the surrogate 46768  
nor the authority that assigned the surrogate shall be liable in 46769  
civil damages for acts of the surrogate unless such acts 46770  
constitute willful or wanton misconduct. 46771

**Sec. 3323.052.** (A) The department of education and 46772  
workforce shall develop a document that compares a parent's and 46773  
child's rights under this chapter and 20 U.S.C. 1400 et seq. 46774  
with the parent's and child's rights under the Jon Peterson 46775  
special needs scholarship program, established in sections 46776  
3310.51 to 3310.64 of the Revised Code, including the provisions 46777  
of divisions (A) and (B) of section 3310.53 of the Revised Code. 46778  
The department shall revise that document as necessary to 46779

reflect any pertinent changes in state or federal statutory law, 46780  
rule, or regulation. 46781

(B) The department and each school district shall ensure 46782  
that the document prescribed in division (A) of this section is 46783  
included in, appended to, or otherwise distributed in 46784  
conjunction with the notice required under 20 U.S.C. 1415(d), 46785  
and any provision of the Code of Federal Regulations 46786  
implementing that requirement, in the manner and at all the 46787  
times specified for such notice in federal law or regulation. 46788

(C) In addition to the requirement prescribed by division 46789  
(B) of this section, each time a child's school district 46790  
completes an evaluation for a child with a disability or 46791  
undertakes the development, review, or revision of the child's 46792  
IEP, the district shall notify the child's parent, by letter or 46793  
electronic means, about both the autism scholarship program, 46794  
under section 3310.41 of the Revised Code, and the Jon Peterson 46795  
special needs scholarship program, under sections 3310.51 to 46796  
3310.64 of the Revised Code. The notice shall include the 46797  
following statement: 46798

"Your child may be eligible for a scholarship under the 46799  
Autism Scholarship Program or the Jon Peterson Special Needs 46800  
Scholarship Program to attend a special education program that 46801  
implements the child's individualized education program and that 46802  
is operated by an alternative public provider or by a registered 46803  
private provider." 46804

The notice shall include the telephone number of the 46805  
office of the department responsible for administering the 46806  
scholarship programs and the specific location of scholarship 46807  
information on the department's web site. 46808

(D) As used in this section, a "child's school district" 46809  
means the school district in which the child is entitled to 46810  
attend school under section 3313.64 or 3313.65 of the Revised 46811  
Code. 46812

**Sec. 3323.06.** (A) The ~~state board~~ department of education 46813  
and workforce shall develop, implement, provide general 46814  
supervision of, and assure compliance with a state plan for the 46815  
following: 46816

(1) The identification, location, and evaluation of all 46817  
children with disabilities in the state; 46818

(2) The provision of special education and related 46819  
services to ensure a free appropriate public education for all 46820  
children with disabilities at least three years of age and less 46821  
than twenty-two years of age, including children with 46822  
disabilities who have been suspended or expelled from school; 46823

(3) The availability of special education and related 46824  
services for children with disabilities under three years of 46825  
age, as authorized by division (C) of this section and as 46826  
specified in rules of the ~~state board~~ department. 46827

The state plan shall provide assurances that the ~~state-~~ 46828  
~~board~~ department has in effect policies and procedures to ensure 46829  
that the state meets the conditions specified in section 612 of 46830  
the "Individuals with Disabilities Education Improvement Act of 46831  
2004," 20 U.S.C. 1412. 46832

(B) The ~~state board~~ department shall establish and 46833  
maintain an advisory panel for the purpose of providing policy 46834  
guidance with respect to special education and related services 46835  
for children with disabilities in the state. A majority of the 46836  
members of the panel shall be individuals with disabilities or 46837

parents of children with disabilities representing all ages, 46838  
birth through twenty-six years of age. The advisory panel shall 46839  
meet the requirements of section 612(a)(21) of the "Individuals 46840  
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 46841  
1412(a)(21), and related provisions of the Code of Federal 46842  
Regulations. The panel shall advise the Ohio department of 46843  
education and workforce of unmet needs within the state in the 46844  
education of children with disabilities; comment publicly on 46845  
rules proposed by that department regarding the education of 46846  
children with disabilities; advise that department in developing 46847  
evaluations and reporting on data to the United States secretary 46848  
of education under section 618 of the act, 20 U.S.C. 1418; 46849  
advise the Ohio department in developing corrective action plans 46850  
to address findings identified in federal monitoring reports 46851  
under Part B of the act; and advise the Ohio department in 46852  
developing and implementing policies relating to the 46853  
coordination of services for children with disabilities. 46854

(C) In addition to the policies and procedures authorized 46855  
under division (A) of this section, the ~~state board~~ department 46856  
may authorize school districts to establish and maintain special 46857  
education and related services for children less than three 46858  
years of age as specified in rules of the ~~state board~~ 46859  
department. 46860

(D) In the exercise of its general supervisory 46861  
responsibility, the ~~state board~~ department shall monitor the 46862  
implementation of Part B of the "Individuals with Disabilities 46863  
Education Improvement Act of 2004" by school districts. 46864  
Monitoring activities shall include, but are not limited to, 46865  
focused monitoring, investigations of complaints, and technical 46866  
assistance. The primary focus of the ~~state board's~~ department's 46867  
monitoring activities shall be improving educational results and 46868

functional outcomes for all children with disabilities and 46869  
ensuring that the ~~state board department~~ meets the program 46870  
requirements under Part B, with a particular emphasis on those 46871  
requirements that are most closely related to improving 46872  
educational results for children with disabilities. 46873

**Sec. 3323.07.** The ~~state board department~~ of education and 46874  
workforce shall authorize the establishment and maintenance of 46875  
special education and related services for all children with 46876  
disabilities who are at least three years of age and less than 46877  
twenty-two years of age, including children with disabilities 46878  
who have been suspended or expelled from school, and may 46879  
authorize special education and related services for children 46880  
with disabilities who are less than three years of age in 46881  
accordance with rules adopted by the ~~state board department~~. The 46882  
~~state board department of education and workforce~~ shall require 46883  
the boards of education of school districts, shall authorize the 46884  
department of mental health and addiction services and the 46885  
department of developmental disabilities, and may authorize any 46886  
other educational agency, to establish and maintain such special 46887  
education and related services in accordance with standards 46888  
adopted by the ~~state board department of education and~~ 46889  
workforce. 46890

**Sec. 3323.08.** (A) Each school district shall submit a plan 46891  
to the ~~superintendent of public instruction department of~~ 46892  
education and workforce that provides assurances that the school 46893  
district will provide for the education of children with 46894  
disabilities within its jurisdiction and has in effect policies, 46895  
procedures, and programs that are consistent with the policies 46896  
and procedures adopted by the ~~state board of education department~~ 46897  
in accordance with section 612 of the "Individuals with 46898  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 46899

and that meet the conditions applicable to school districts 46900  
under section 613 of that act, 20 U.S.C. 1413. 46901

Each district's plan shall do all of the following: 46902

(1) Provide, as specified in section 3323.11 of the 46903  
Revised Code and in accordance with standards established by the 46904  
~~state board~~ department, for an organizational structure and 46905  
necessary and qualified staffing and supervision for the 46906  
identification of and provision of special education and related 46907  
services for children with disabilities; 46908

(2) Provide, as specified by section 3323.03 of the 46909  
Revised Code and in accordance with standards established by the 46910  
~~state board~~ department, for the identification, location, and 46911  
evaluation of all children with disabilities residing in the 46912  
district, including children with disabilities who are homeless 46913  
children or are wards of the state and children with 46914  
disabilities attending private schools and who are in need of 46915  
special education and related services. A practical method shall 46916  
be developed and implemented to determine which children with 46917  
disabilities are currently receiving needed special education 46918  
and related services. 46919

(3) Provide, as specified by section 3323.07 of the 46920  
Revised Code and standards established by the ~~state board~~ 46921  
department, for the establishment and maintenance of special 46922  
education and related services for children with disabilities 46923  
who are at least three years of age and less than twenty-two 46924  
years of age, including children with disabilities who have been 46925  
suspended or expelled from school. 46926

(4) Provide, as specified by section 3323.04 of the 46927  
Revised Code and in accordance with standards adopted by the— 46928

~~state board department~~, for an individualized education program 46929  
for each child with a disability who is at least three years of 46930  
age and less than twenty-two years of age residing within the 46931  
district; 46932

(5) Provide, as specified by section 3323.02 of the 46933  
Revised Code and in accordance with standards established by the 46934  
~~state board department~~, for special education and related 46935  
services and a free appropriate public education for every child 46936  
with a disability who is at least three years of age and less 46937  
than twenty-two years of age, including children with 46938  
disabilities who have been suspended or expelled from school; 46939

(6) Provide procedural safeguards and prior written notice 46940  
as required under section 3323.05 of the Revised Code and the 46941  
standards established by the ~~state board department~~; 46942

(7) Outline the steps that have been or are being taken to 46943  
comply with standards established by ~~the state board department~~. 46944

(B) (1) A school district may arrange, by a cooperative 46945  
agreement or contract with one or more school districts or with 46946  
a cooperative education or joint vocational school district or 46947  
an educational service center, to provide for the 46948  
identification, location, and evaluation of children with 46949  
disabilities, and to provide special education and related 46950  
services for such children that meet the standards established 46951  
by the ~~state board department~~. A school district may arrange, by 46952  
a cooperative agreement or contract, for the provision of 46953  
related services for children with disabilities that meet the 46954  
standards established by the ~~state board department~~. 46955

(2) A school district shall arrange by interagency 46956  
agreement with one or more school districts or with a 46957

cooperative education or joint vocational school district or an 46958  
educational service center or other providers of early learning 46959  
services to provide for the identification, location, evaluation 46960  
of children with disabilities of ages birth through five years 46961  
of age and for the transition of children with disabilities at 46962  
age three in accordance with the standards established by the- 46963  
~~state board department~~. A school district may arrange by 46964  
interagency agreement with providers of early learning services 46965  
to provide special education and related services for such 46966  
children that meet the standards established by the ~~state board~~ 46967  
department. 46968

(3) If at the time an individualized education program is 46969  
developed for a child a school district is not providing special 46970  
education and related services required by that individualized 46971  
education program, the school district may arrange by contract 46972  
with a nonpublic entity for the provision of the special 46973  
education and related services, provided the special education 46974  
and related services meet the standards for special education 46975  
and related services established by the ~~state board~~ department 46976  
and is provided within the state. 46977

(4) Any cooperative agreement or contract under division 46978  
(B) (1) or (2) of this section involving a local school district 46979  
shall be approved by the governing board of the educational 46980  
service center which serves that district. 46981

(C) No plan of a local school district shall be submitted 46982  
to the ~~superintendent of public instruction~~ department until it 46983  
has been approved by the superintendent of the educational 46984  
service center which serves that district. 46985

(D) Upon approval of a school district's plan by the 46986  
~~superintendent of public instruction~~ department, the district 46987

shall immediately certify students for state funds under section 46988  
3317.03 of the Revised Code to implement and maintain such plan. 46989  
The district shall, in accordance with guidelines adopted by the 46990  
~~state board~~ department, identify problems relating to the 46991  
provision of qualified personnel and adequate facilities, and 46992  
indicate the extent to which the cost of programs required under 46993  
the plan will exceed anticipated state reimbursement. Each 46994  
school district shall immediately implement the identification, 46995  
location, and evaluation of children with disabilities in 46996  
accordance with this chapter, and shall implement those parts of 46997  
the plan involving placement and provision of special education 46998  
and related services. 46999

**Sec. 3323.09.** (A) As used in this section: 47000

(1) "Home" has the meaning given in section 3313.64 of the 47001  
Revised Code. 47002

(2) "Preschool child" means a child who is at least age 47003  
three but under age six on the thirtieth day of September of an 47004  
academic year. 47005

(B) Each county board of developmental disabilities shall 47006  
establish special education programs for all children with 47007  
disabilities who in accordance with section 3323.04 of the 47008  
Revised Code have been placed in special education programs 47009  
operated by the county board and for preschool children who are 47010  
developmentally delayed or at risk of being developmentally 47011  
delayed. The board annually shall submit to the department of 47012  
education and workforce a plan for the provision of these 47013  
programs. The ~~superintendent of public instruction department~~ 47014  
shall review the plan and approve or modify it in accordance 47015  
with rules adopted ~~by the state board of education~~ under section 47016  
3301.07 of the Revised Code. The ~~superintendent of public~~ 47017

~~instruction department~~ shall compile the plans submitted by 47018  
county boards and shall submit a comprehensive plan to the state 47019  
board. 47020

A county board of developmental disabilities may combine 47021  
transportation for children enrolled in classes funded under 47022  
sections 3317.0213 or 3317.20 with transportation for children 47023  
and adults enrolled in programs and services offered by the 47024  
board under Chapter 5126. of the Revised Code. 47025

(C) A county board of developmental disabilities that 47026  
during the school year provided special education pursuant to 47027  
this section for any child with mental disabilities under 47028  
twenty-two years of age shall prepare and submit the following 47029  
reports and statements: 47030

(1) The board shall prepare a statement for each child who 47031  
at the time of receiving such special education was a resident 47032  
of a home and was not in the legal or permanent custody of an 47033  
Ohio resident or a government agency in this state, and whose 47034  
natural or adoptive parents are not known to have been residents 47035  
of this state subsequent to the child's birth. The statement 47036  
shall contain the child's name, the name of the child's school 47037  
district of residence, the name of the county board providing 47038  
the special education, and the number of months, including any 47039  
fraction of a month, it was provided. Not later than the 47040  
thirtieth day of June, the board shall forward a certified copy 47041  
of such statement to both the director of developmental 47042  
disabilities and to the home. 47043

Within thirty days after its receipt of a statement, the 47044  
home shall pay tuition to the county board computed in the 47045  
manner prescribed by section 3323.141 of the Revised Code. 47046

(2) The board shall prepare a report for each school 47047  
district that is the school district of residence of one or more 47048  
of such children for whom statements are not required by 47049  
division (C)(1) of this section. The report shall contain the 47050  
name of the county board providing special education, the name 47051  
of each child receiving special education, the number of months, 47052  
including fractions of a month, that the child received it, and 47053  
the name of the child's school district of residence. Not later 47054  
than the thirtieth day of June, the board shall forward 47055  
certified copies of each report to the school district named in 47056  
the report, the ~~superintendent of public instruction~~department, 47057  
and the director of developmental disabilities. 47058

**Sec. 3323.091.** (A) The department of mental health and 47059  
addiction services, the department of developmental 47060  
disabilities, the department of youth services, and the 47061  
department of rehabilitation and correction shall establish and 47062  
maintain special education programs for children with 47063  
disabilities in institutions under their jurisdiction according 47064  
to standards adopted by the ~~state board~~ department of education  
and workforce. 47066

(B) The superintendent of each state institution required 47067  
to provide services under division (A) of this section may apply 47068  
to the department of education and workforce for special 47069  
education and related services funding for children with 47070  
disabilities other than preschool children with disabilities, 47071  
calculated in accordance with section 3317.201 of the Revised 47072  
Code. 47073

Each county board of developmental disabilities providing 47074  
special education for children with disabilities other than 47075  
preschool children with disabilities may apply to the department 47076

of education and workforce for opportunity funds and special 47077  
education and related services funding calculated in accordance 47078  
with section 3317.20 of the Revised Code. 47079

(C) In addition to the authorization to apply for state 47080  
funding described in division (B) of this section, each state 47081  
institution required to provide services under division (A) of 47082  
this section is entitled to tuition payments calculated in the 47083  
manner described in division (C) of this section. 47084

On or before the thirtieth day of June of each year, the 47085  
superintendent of each institution that during the school year 47086  
provided special education pursuant to this section shall 47087  
prepare a statement for each child with a disability under 47088  
twenty-two years of age who has received special education. The 47089  
statement shall contain the child's data verification code 47090  
assigned pursuant to division (D) (2) of section 3301.0714 of the 47091  
Revised Code and the name of the child's school district of 47092  
residence. Within sixty days after receipt of such statement, 47093  
the department of education and workforce shall perform one of 47094  
the following: 47095

(1) For any child except a preschool child with a 47096  
disability described in division (C) (2) of this section, pay to 47097  
the institution submitting the statement an amount equal to the 47098  
tuition calculated under division (A) of section 3317.08 of the 47099  
Revised Code for the period covered by the statement, and deduct 47100  
the same from the amount of state funds, if any, payable under 47101  
Chapter 3317. of the Revised Code, to the child's school 47102  
district of residence or, if the amount of such state funds is 47103  
insufficient, require the child's school district of residence 47104  
to pay the institution submitting the statement an amount equal 47105  
to the amount determined under this division. 47106

(2) For any preschool child with a disability, perform the following: 47107  
47108

(a) Pay to the institution submitting the statement an amount equal to the tuition calculated under division (B) of section 3317.08 of the Revised Code for the period covered by the statement, except that in calculating the tuition under that section the operating expenses of the institution submitting the statement under this section shall be used instead of the operating expenses of the school district of residence; 47109  
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(b) Deduct from the amount of state funds, if any, payable under Chapter 3317. of the Revised Code to the child's school district of residence an amount equal to the amount paid under division (C) (2) (a) of this section. 47116  
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**Sec. 3323.13.** (A) If a child who is a school resident of one school district receives special education from another district, the board of education of the district providing the education, subject to division (C) of this section, may require the payment by the board of education of the district of residence of a sum not to exceed one of the following, as applicable: 47120  
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(1) For any child except a preschool child with a disability described in division (A) (2) of this section, the tuition of the district providing the education for a child of normal needs of the same school grade. The determination of the amount of such tuition shall be in the manner provided for by division (A) of section 3317.08 of the Revised Code. 47127  
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(2) For any preschool child with a disability, the tuition of the district providing the education for the child as calculated under division (B) of section 3317.08 of the Revised 47133  
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47135

Code. 47136

(B) The board of the district of residence may contract 47137  
with the board of another district for the transportation of 47138  
such child into any school in such other district, on terms 47139  
agreed upon by such boards. Upon direction of the ~~state board~~ 47140  
department of education and workforce, the board of the district 47141  
of residence shall pay for the child's transportation and the 47142  
tuition. 47143

(C) The board of education of a district providing the 47144  
education for a child shall be entitled to require payment from 47145  
the district of residence under this section or section 3323.14 47146  
of the Revised Code only if the district providing the education 47147  
has done at least one of the following: 47148

(1) Invited the district of residence to send 47149  
representatives to attend the meetings of the team developing 47150  
the child's individualized education program; 47151

(2) Received from the district of residence a copy of the 47152  
individualized education program or a multifactored evaluation 47153  
developed for the child by the district of residence; 47154

(3) Informed the district of residence in writing that the 47155  
district is providing the education for the child. 47156

As used in division (C) (2) of this section, "multifactored 47157  
evaluation" means an evaluation, conducted by a 47158  
multidisciplinary team, of more than one area of the child's 47159  
functioning so that no single procedure shall be the sole 47160  
criterion for determining an appropriate educational program 47161  
placement for the child. 47162

**Sec. 3323.14.** (A) Where a child who is a school resident 47163  
of one school district receives special education from another 47164

district and the per capita cost to the educating district for 47165  
that child exceeds the sum of the amount received by the 47166  
educating district for that child under division (A) of section 47167  
3317.08 of the Revised Code and the amount received by the 47168  
district from the ~~state board~~ department of education and 47169  
workforce for that child, then the board of education of the 47170  
district of residence shall pay to the board of the school 47171  
district that is providing the special education such excess 47172  
cost as is determined by using a formula approved by the 47173  
~~department of education~~ and agreed upon in contracts entered 47174  
into by the boards of the districts concerned at the time the 47175  
district providing such special education accepts the child for 47176  
enrollment. The department shall certify the amount of the 47177  
payments under Chapter 3317. of the Revised Code for such pupils 47178  
with disabilities for each school year ending on the thirtieth 47179  
day of July. 47180

(B) In the case of a child described in division (A) of 47181  
this section who has been placed in a home, as defined in 47182  
section 3313.64 of the Revised Code, pursuant to the order of a 47183  
court and who is not subject to section 3323.141 of the Revised 47184  
Code, the district providing the child with special education 47185  
and related services may charge to the child's district of 47186  
residence the excess cost determined by formula approved by the 47187  
department, regardless of whether the district of residence has 47188  
entered into a contract with the district providing the 47189  
services. If the district providing the services chooses to 47190  
charge excess costs, the district may report the amount 47191  
calculated under this division to the department. 47192

(C) If a district providing special education for a child 47193  
reports an amount for the excess cost of those services, as 47194  
authorized and calculated under division (A) or (B) of this 47195

section, the department shall pay that amount of excess cost to 47196  
the district providing the services and shall deduct that amount 47197  
from the child's district of residence in accordance with 47198  
division (K) of section 3317.023 of the Revised Code. 47199

(D) If a district providing special education to a child 47200  
to whom division (C) (4) of section 3313.64 of the Revised Code 47201  
applies chooses to receive a tuition payment for that child 47202  
under that division, that district shall not receive any 47203  
payments under this section. 47204

**Sec. 3323.141.** (A) When a child who is not in the legal or 47205  
permanent custody of an Ohio resident or a government agency in 47206  
this state and whose natural or adoptive parents are not known 47207  
to have been residents of this state subsequent to the child's 47208  
birth is a resident of a home as defined in section 3313.64 of 47209  
the Revised Code and receives special education and related 47210  
services from a school district or county board of developmental 47211  
disabilities, the home shall pay tuition to the board providing 47212  
the special education. 47213

(B) In the case of a child described in division (A) of 47214  
this section who receives special education and related services 47215  
from a school district, tuition shall be the amount determined 47216  
under division (B) (1) or (2) of this section. 47217

(1) For a child other than a child described in division 47218  
(B) (2) of this section the tuition shall be an amount equal to 47219  
the sum of the following: 47220

(a) Tuition as determined in the manner provided for by 47221  
division (B) of section 3317.081 of the Revised Code for the 47222  
district that provides the special education; 47223

(b) Such excess cost as is determined by using a formula 47224

established by rule of the department of education and 47225  
workforce. The excess cost computed in this section shall not be 47226  
used as excess cost computed under section 3323.14 of the 47227  
Revised Code. 47228

(2) For a child who is a preschool child with a 47229  
disability, the tuition shall be computed as follows: 47230

(a) Determine the amount of the tuition of the district 47231  
providing the education for the child as calculated under 47232  
division (B) of section 3317.08 of the Revised Code; 47233

(b) For each type of special education service included in 47234  
the computation of the amount of tuition under division (B) (2) 47235  
(a) of this section, divide the amount determined for that 47236  
computation under division (B) (2) of section 3317.08 of the 47237  
Revised Code by the total number of preschool children with 47238  
disabilities used for that computation under division (B) (3) of 47239  
section 3317.08 of the Revised Code; 47240

(c) Determine the sum of the quotients obtained under 47241  
division (B) (2) (b) of this section; 47242

(d) Determine the sum of the amounts determined under 47243  
divisions (B) (2) (a) and (c) of this section. 47244

(C) In the case of a child described in division (A) of 47245  
this section who receives special education and related services 47246  
from a county board of developmental disabilities, tuition shall 47247  
be the amount determined under division (C) (1) or (2) of this 47248  
section. 47249

(1) For a child other than a child described in division 47250  
(C) (2) of this section, the tuition shall be an amount equal to 47251  
such board's per capita cost of providing special education and 47252  
related services for children at least three but less than 47253

twenty-two years of age as determined by using a formula 47254  
established by rule of the department of developmental 47255  
disabilities. 47256

(2) For a child who is a preschool child with a 47257  
disability, the tuition shall equal the sum of the amounts of 47258  
each such board's per capita cost of providing each of the 47259  
special education or related service that the child receives. 47260  
The calculation of tuition shall be made by using a formula 47261  
established by rule of the department of developmental 47262  
disabilities. The formula for the calculation of per capita 47263  
costs under division (C) (2) of this section shall be based only 47264  
on each such county board's cost of providing each type of 47265  
special education or related service to preschool children with 47266  
disabilities. 47267

(D) If a home fails to pay the tuition required under this 47268  
section, the board of education or county board of developmental 47269  
disabilities providing the education may recover in a civil 47270  
action the tuition and the expenses incurred in prosecuting the 47271  
action, including court costs and reasonable attorney's fees. If 47272  
the prosecuting attorney or city director of law represents the 47273  
board in such action, costs and reasonable attorney's fees 47274  
awarded by the court, based upon the time spent preparing and 47275  
presenting the case by the prosecuting attorney, director, or a 47276  
designee of either, shall be deposited in the county or city 47277  
general fund. 47278

**Sec. 3323.142.** As used in this section, "per pupil amount" 47279  
for a preschool child with a disability included in such an 47280  
approved unit means the amount determined by dividing the amount 47281  
received for the classroom unit in which the child has been 47282  
placed by the number of children in the unit. For any other 47283

child, "per pupil amount" means the amount paid for the child 47284  
under section 3317.20 of the Revised Code. 47285

When a school district places or has placed a child with a 47286  
county board of developmental disabilities for special 47287  
education, but another district is responsible for tuition under 47288  
section 3313.64 or 3313.65 of the Revised Code and the child is 47289  
not a resident of the territory served by the county board of 47290  
developmental disabilities, the board may charge the district 47291  
responsible for tuition with the educational costs in excess of 47292  
the per pupil amount received by the board under Chapter 3317. 47293  
of the Revised Code. The amount of the excess cost shall be 47294  
determined by the formula established by rule of the department 47295  
of education and workforce under section 3323.14 of the Revised 47296  
Code, and the payment for such excess cost shall be made by the 47297  
school district directly to the county board of developmental 47298  
disabilities. 47299

A school district board of education and the county board 47300  
of developmental disabilities that serves the school district 47301  
may negotiate and contract, at or after the time of placement, 47302  
for payments by the board of education to the county board for 47303  
additional services provided to a child placed with the county 47304  
board and whose individualized education program established 47305  
pursuant to section 3323.08 of the Revised Code requires 47306  
additional services that are not routinely provided children in 47307  
the county board's program but are necessary to maintain the 47308  
child's enrollment and participation in the program. Additional 47309  
services may include, but are not limited to, specialized 47310  
supplies and equipment for the benefit of the child and 47311  
instruction, training, or assistance provided by staff members 47312  
other than staff members for which funding is received under 47313  
Chapter 3317. of the Revised Code. 47314

**Sec. 3323.15.** The ~~state board~~ department of education and workforce may arrange to pay to any board of education, the board for any children with disabilities who are not residents of the district but for whom the district is providing special education. Payments shall be made in accordance with rules and standards of the state board of education.

**Sec. 3323.17.** The department of education and workforce shall:

(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;

(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;

(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;

(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.

**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 47344  
student to undergo a comprehensive eye examination performed 47345  
either by an optometrist licensed under Chapter 4725. of the 47346  
Revised Code or by a physician authorized under Chapter 4731. of 47347  
the Revised Code to practice medicine and surgery or osteopathic 47348  
medicine and surgery who is comprehensively trained and educated 47349  
in the treatment of the human eye, eye disease, or comprehensive 47350  
vision services, unless the student underwent such an 47351  
examination within the nine-month period immediately prior to 47352  
being identified with disabilities. 47353

However, no student who has not undergone the eye 47354  
examination required under this section shall be prohibited from 47355  
initiating, receiving, or continuing to receive services 47356  
prescribed in the student's individualized education program. 47357

(B) The superintendent of each school district or the 47358  
superintendent's designee may determine fulfillment of the 47359  
requirement prescribed in division (A) of this section based on 47360  
any special circumstances of the student, the student's parent, 47361  
guardian, or family that may prevent the student from undergoing 47362  
the eye examination prior to beginning special education 47363  
services. 47364

(C) Except for a student who may be entitled to a 47365  
comprehensive eye examination in the identification of the 47366  
student's disabilities, in the development of the student's 47367  
individualized education program, or as a related service under 47368  
the student's individualized education program, neither the 47369  
state nor any school district shall be responsible for paying 47370  
for the eye examination required by this section. 47371

(D) The department of education and workforce annually 47372  
shall do both of the following: 47373

(1) Notify each school district and community school of the requirements of this section; 47374  
47375

(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 documentation received from the district. 47376  
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**Sec. 3323.20.** On July 1, 2006, and on each first day of July thereafter, the department of education and workforce shall electronically report to the general assembly the number of preschool children with disabilities who received services for which the department made a payment to any provider during the previous fiscal year, disaggregated according to each area of developmental deficiency identified by the department for the evaluation of such children. 47381  
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**Sec. 3323.25.** (A) As used in this section and section 3323.251 of the Revised Code: 47389  
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(1) "Dyslexia" means a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities not consistent with the person's intelligence, motivation, and sensory capabilities, which difficulties typically result from a deficit in the phonological component of language. 47391  
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(2) "Appropriate certification" means either of the following: 47398  
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(a) Certification at a certified level, or higher, from a research-based, structured literacy program; 47400  
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(b) Any other certification as recognized by a majority 47402

vote of the Ohio dyslexia committee. 47403

(B) (1) The department of education and workforce shall 47404  
establish the Ohio dyslexia committee which shall consist of the 47405  
following members: 47406

(a) A school district superintendent appointed by the- 47407  
~~superintendent of public instruction~~ director of education and 47408  
workforce; 47409

(b) An elementary school principal appointed by the ~~state-~~ 47410  
~~superintendent~~ director; 47411

(c) A classroom teacher appointed by the ~~state-~~ 47412  
~~superintendent~~ director. The teacher shall have an appropriate 47413  
certification and at least two years of experience teaching in a 47414  
structured literacy program. 47415

(d) An educational service center employee appointed by 47416  
the ~~state superintendent~~ director. The employee shall have an 47417  
appropriate certification. 47418

(e) An employee of the department ~~of education~~ appointed 47419  
by the ~~state superintendent~~ director; 47420

(f) A parent of a child with dyslexia or an adult with 47421  
dyslexia appointed by the international dyslexia association in 47422  
Ohio; 47423

(g) An individual with experience in higher education and 47424  
teacher preparation programs appointed by the chancellor of 47425  
higher education. The individual appointed by the chancellor 47426  
shall have an appropriate certification. 47427

(h) A board member of the international dyslexia 47428  
association in Ohio appointed by the international dyslexia 47429  
association in Ohio. The board member shall have an appropriate 47430

certification. 47431

(i) A school psychologist appointed by the ~~state~~  
~~superintendent~~ director; 47432  
47433

(j) A reading intervention specialist appointed by the ~~state~~  
~~superintendent~~ director. The reading intervention 47434  
specialist shall have an appropriate certification. 47435  
47436

(k) A speech-language pathologist appointed by the state 47437  
speech and hearing professionals board. The speech-language 47438  
pathologist shall have an appropriate certification. 47439

(2) Each appointing authority shall determine a selection 47440  
process for the appointments under this section. Each appointing 47441  
authority that is not the ~~state superintendent~~ director shall 47442  
make and submit to the department each appointment prescribed 47443  
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 47444  
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the pleasure of their appointing authority. 47448

(3) An individual may be appointed to the committee 47449  
without required certification or experience if the appointing 47450  
authority determines that the individual has sufficient 47451  
experience in the individual's respective field. 47452

(4) The ~~state superintendent~~ director shall convene the 47453  
first meeting of the committee within thirty days after nine 47454  
members have been appointed to the committee. At the first 47455  
meeting, members of the committee shall elect one of the members 47456  
as chairperson. 47457

(5) The department shall provide facilities for the 47458  
meetings of the committee. 47459

(C) (1) Not later than December 31, 2021, the Ohio dyslexia committee shall develop a guidebook regarding the best practices and methods for universal screening, intervention, and remediation for children with dyslexia or children displaying dyslexic characteristics and tendencies using a structured literacy program. 47460  
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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. 47466  
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(3) Prior to its distribution, the guidebook shall be subject to final approval by the ~~state board of education~~ department. 47469  
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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. 47472  
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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: 47476  
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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. 47479  
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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; 47483  
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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; 47486  
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(4) Develop academic standards for kindergarten in reading and writing that incorporate a structured literacy program;	47489 47490
(5) Provide on the department's web site information about training for teachers about dyslexia that is available at minimal or no cost.	47491 47492 47493
(E) The department, in collaboration with the Ohio dyslexia committee, shall identify reliable, valid, universal, and evidence-based screening and intervention measures that evaluate the literacy skills of students enrolled in grades kindergarten through five using a structured literacy program.	47494 47495 47496 47497 47498
(F) The Ohio dyslexia committee may do any of the following:	47499 47500
(1) Recommend appropriate ratios in school buildings for students to teachers who have received certification in identifying and addressing dyslexia;	47501 47502 47503
(2) Recommend which other school personnel, including school psychologists or speech-language pathologists, should receive certification in identifying and addressing dyslexia;	47504 47505 47506
(3) Consider and make recommendations regarding whether professional development required under section 3319.077 of the Revised Code should require the completion of a practicum.	47507 47508 47509
<b>Sec. 3323.251.</b> (A) Each school district and other public school shall do all of the following:	47510 47511
(1) For the 2023-2024 school year, administer a tier one dyslexia screening measure to a student to whom either of the following applies:	47512 47513 47514
(a) The student is enrolled in any of grades kindergarten through three. A screening measure shall be administered to a	47515 47516

student enrolled in kindergarten after January 1, 2024, but 47517  
prior to January 1, 2025. 47518

(b) The student is enrolled in any of grades four through 47519  
six and either of the following applies: 47520

(i) The student's parent, guardian, or custodian requests 47521  
that the screening measure be administered to the student. 47522

(ii) A classroom teacher requests that the screening 47523  
measure be administered to the student and the student's parent, 47524  
guardian, or custodian grants permission for the screening 47525  
measure to be administered. 47526

A school district may implement the screening under 47527  
division (A) (1) of this section prior to the 2023-2024 school 47528  
year. 47529

(2) For the 2024-2025 school year and each school year 47530  
thereafter, administer a tier one dyslexia screening measure to 47531  
a student to whom either of the following applies: 47532

(a) A student enrolled in kindergarten. A screening 47533  
measure shall be administered to a student after the first day 47534  
of January of the school year in which the student is enrolled 47535  
in kindergarten and prior to the first day of January of the 47536  
following school year. 47537

(b) A student enrolled in any of grades one through six if 47538  
either of the following applies: 47539

(i) The student's parent, guardian, or custodian requests 47540  
that the screening measure be administered to the student. 47541

(ii) A classroom teacher requests that the screening 47542  
measure be administered to the student and the student's parent, 47543  
guardian, or custodian grants permission for the screening 47544

measure to be administered. 47545

A district or school may administer a tier two dyslexia 47546  
screening measure to a student to whom the district or school 47547  
administers a tier one screening measure under division (A) (1) 47548  
or (2) of this section. In that case, a district or school shall 47549  
not be required to complete division (A) (4) of this section. 47550

(3) Identify each student that is at risk of dyslexia 47551  
based on the student's results on the tier one screening measure 47552  
and notify the student's parent, guardian, or custodian that the 47553  
student has been identified as being at risk. 47554

(4) Monitor the progress of each at-risk student toward 47555  
attaining grade-level reading and writing skills for up to six 47556  
weeks. The district or school shall check each at-risk student's 47557  
progress on at least the second week, fourth week, and sixth 47558  
week after the student is identified as being at risk. If no 47559  
progress is observed during the monitoring period, the district 47560  
or school shall notify the parent, guardian, or custodian of the 47561  
student and administer a tier two dyslexia screening measure to 47562  
the student. 47563

(5) Report to a student's parent or guardian the student's 47564  
results on a tier two screening measure approved by the Ohio 47565  
dyslexia committee within thirty days after the measure's 47566  
administration. If, as determined by the tier two screening 47567  
measure, the student is identified as having dyslexia 47568  
tendencies, the student's parent or guardian shall be provided 47569  
with information about reading development, the risk factors for 47570  
dyslexia, and descriptions for evidenced-based interventions. 47571

(6) If a student demonstrates markers for dyslexia, 47572  
provide the student's parents or guardian with a written 47573

explanation of the district or school's structured literacy program. 47574  
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(B) (1) Beginning in the 2023-2024 school year, each district or school shall: 47576  
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(a) Administer a tier one dyslexia screening measure to each kindergarten student that transfers into the district or school midyear during the school's regularly scheduled screening of the kindergarten class or within thirty days after the student's enrollment if the screening already has been completed; 47578  
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(b) Administer a tier one dyslexia screening measure to each student in grades one through six that transfers into the district or school midyear within thirty days after the student's enrollment. 47584  
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(2) If a student is identified as being at risk of dyslexia under division (B) (1) of this section, the district or school shall administer a tier two screening measure in a timely manner. 47588  
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(C) Each district or school shall do all of the following: 47592

(1) Comply with any provisions that are statutorily required, as they pertain to the guidebook developed under division (C) of section 3323.25 of the Revised Code; 47593  
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(2) Select screening and intervention measures to administer to students from the measures identified under division (E) of section 3323.25 of the Revised Code; 47596  
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(3) Establish a multidisciplinary team to administer screening and intervention measures and analyze the results of the measures. The team shall include trained and certified 47599  
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personnel and a stakeholder with expertise in the 47602  
identification, intervention, and remediation of dyslexia. 47603

(4) Report to the department of education and workforce 47604  
the results of screening measures administered under this 47605  
section. 47606

In addition, districts and schools may utilize any best 47607  
practices and recommendations contained in the guidebook 47608  
developed under division (C) of section 3323.25 of the Revised 47609  
Code. 47610

**Sec. 3323.32.** (A) The department of education and 47611  
workforce shall contract with an entity to administer programs 47612  
and coordinate services for infants, preschool and school-age 47613  
children, and adults with autism and low incidence disabilities. 47614  
The entity shall be selected by the ~~superintendent of public~~ 47615  
~~instruction~~ director of education and workforce in consultation 47616  
with the advisory board established under section 3323.33 of the 47617  
Revised Code. 47618

The contract with the entity selected shall include, but 47619  
not be limited to, the following provisions: 47620

(1) A description of the programs to be administered and 47621  
services to be provided or coordinated by the entity, which 47622  
shall include at least the duties prescribed by sections 3323.34 47623  
and 3323.35 of the Revised Code; 47624

(2) A description of the expected outcomes from the 47625  
programs administered and services provided or coordinated by 47626  
the entity; 47627

(3) A stipulation that the entity's performance is subject 47628  
to evaluation by the department and renewal of the entity's 47629  
contract is subject to the department's satisfaction with the 47630

entity's performance; 47631

(4) A description of the measures and milestones the 47632  
department will use to determine whether the performance of the 47633  
entity is satisfactory; 47634

(5) Any other provision the department determines is 47635  
necessary to ensure the quality of services to individuals with 47636  
autism and low incidence disabilities. 47637

(B) In selecting the entity under division (A) of this 47638  
section, the ~~superintendent~~director of education and workforce 47639  
and the advisory board shall give primary consideration to the 47640  
Ohio Center for Autism and Low Incidence, established under 47641  
section 3323.31 of the Revised Code, as long as the principal 47642  
goals and mission of the Center, as determined by the 47643  
~~superintendent~~director and the advisory board, are consistent 47644  
with the requirements of divisions (A) (1) to (5) of this 47645  
section. 47646

**Sec. 3323.33.** The ~~superintendent of public instruction~~ 47647  
director of education and workforce shall establish an advisory 47648  
board to assist and advise the Franklin county educational 47649  
service center in the operation of the Ohio Center for Autism 47650  
and Low Incidence and the ~~superintendent of public instruction~~ 47651  
director in selecting an entity to administer programs and 47652  
coordinate services for individuals with autism and low 47653  
incidence disabilities as required by section 3323.32 of the 47654  
Revised Code and to provide technical assistance in the 47655  
provision of such services. As determined by the 47656  
~~superintendent~~director, the advisory board shall consist of 47657  
individuals who are stakeholders in the service to persons with 47658  
autism and low incidence disabilities, including, but not 47659  
limited to, the following: 47660

- (A) Persons with autism and low incidence disabilities; 47661
- (B) Parents and family members; 47662
- (C) Educators and other professionals; 47663
- (D) Higher education instructors; 47664
- (E) Representatives of state agencies. 47665

The advisory board shall be organized as determined by the 47666  
~~superintendent~~director. 47667

Members of the advisory board shall receive no 47668  
compensation for their services. 47669

**Sec. 3324.01.** As used in this section and sections 3324.02 47670  
through 3324.06 of the Revised Code: 47671

(A) "Approved" means approved by the department of 47672  
education and workforce and included on the list compiled by the 47673  
department under section 3324.02 of the Revised Code. 47674

(B) "Gifted" means students who perform or show potential 47675  
for performing at remarkably high levels of accomplishment when 47676  
compared to others of their age, experience, or environment and 47677  
who are identified under division (A), (B), (C), or (D) of 47678  
section 3324.03 of the Revised Code. 47679

(C) "School district" does not include a joint vocational 47680  
school district. 47681

(D) "Specific academic ability field" means one or more of 47682  
the following areas of instruction: 47683

- (1) Mathematics; 47684
- (2) Science; 47685
- (3) Reading, writing, or a combination of these skills; 47686

(4) Social studies. 47687

**Sec. 3324.02.** (A) The department of education and 47688  
workforce shall construct lists of existing assessment 47689  
instruments it approves for use by school districts, and may 47690  
include on the lists and make available to school districts 47691  
additional assessment instruments developed by the department. 47692  
Wherever possible, the department shall approve assessment 47693  
instruments that utilize nationally recognized standards for 47694  
scoring or are nationally normed. The lists of instruments shall 47695  
include: 47696

(1) Initial screening instruments for use in selecting 47697  
potentially gifted students for further assessment; 47698

(2) Instruments for identifying gifted students under 47699  
section 3324.03 of the Revised Code. 47700

(B) The department, under Chapter 119. of the Revised 47701  
Code, shall also adopt rules for the administration of any tests 47702  
or assessment instruments it approves on the list required by 47703  
division (A) of this section and for establishing the scores or 47704  
performance levels required under section 3324.03 of the Revised 47705  
Code. 47706

(C) The department shall ensure that the approved list of 47707  
assessment instruments under this section includes instruments 47708  
that allow for appropriate screening and identification of 47709  
gifted minority and disadvantaged students, children with 47710  
disabilities, and students for whom English is a second 47711  
language. 47712

(D) Districts shall select screening and identification 47713  
instruments from the approved lists for inclusion in their 47714  
district policies. 47715

(E) The department shall make initial lists of approved 47716  
assessment instruments and the rules for the administration of 47717  
the instruments available by September 1, 1999. 47718

**Sec. 3324.03.** The board of education of each school 47719  
district shall identify gifted students in grades kindergarten 47720  
through twelve as follows: 47721

(A) A student shall be identified as exhibiting "superior 47722  
cognitive ability" if the student did either of the following 47723  
within the preceding twenty-four months: 47724

(1) Scored two standard deviations above the mean, minus 47725  
the standard error of measurement, on an approved individual 47726  
standardized intelligence test administered by a licensed school 47727  
psychologist or licensed psychologist; 47728

(2) Accomplished any one of the following: 47729

(a) Scored at least two standard deviations above the 47730  
mean, minus the standard error of measurement, on an approved 47731  
standardized group intelligence test; 47732

(b) Performed at or above the ninety-fifth percentile on 47733  
an approved individual or group standardized basic or composite 47734  
battery of a nationally normed achievement test; 47735

(c) Attained an approved score on one or more above-grade 47736  
level standardized, nationally normed approved tests. 47737

(B) A student shall be identified as exhibiting "specific 47738  
academic ability" superior to that of children of similar age in 47739  
a specific academic ability field if within the preceding 47740  
twenty-four months the student performs at or above the ninety- 47741  
fifth percentile at the national level on an approved individual 47742  
or group standardized achievement test of specific academic 47743

ability in that field. A student may be identified as gifted in 47744  
more than one specific academic ability field. 47745

(C) A student shall be identified as exhibiting "creative 47746  
thinking ability" superior to children of a similar age, if 47747  
within the previous twenty-four months, the student scored one 47748  
standard deviation above the mean, minus the standard error of 47749  
measurement, on an approved individual or group intelligence 47750  
test and also did either of the following: 47751

(1) Attained a sufficient score, as established by the 47752  
department of education and workforce, on an approved individual 47753  
or group test of creative ability; 47754

(2) Exhibited sufficient performance, as established by 47755  
the department ~~of education~~, on an approved checklist of 47756  
creative behaviors. 47757

(D) A student shall be identified as exhibiting "visual or 47758  
performing arts ability" superior to that of children of similar 47759  
age if the student has done both of the following: 47760

(1) Demonstrated through a display of work, an audition, 47761  
or other performance or exhibition, superior ability in a visual 47762  
or performing arts area; 47763

(2) Exhibited sufficient performance, as established by 47764  
the department ~~of education~~, on an approved checklist of 47765  
behaviors related to a specific arts area. 47766

**Sec. 3324.04.** The board of education of each school 47767  
district shall adopt a plan by January 1, 2000, for identifying 47768  
gifted students. The plan shall be submitted to the department 47769  
of education and workforce for approval. The department shall 47770  
approve the plan within sixty days if it contains all of the 47771  
following: 47772

(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; 47773  
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(B) Acceptable scheduling procedures for screening and for administering assessment instruments for identifying gifted students. These procedures shall provide: 47776  
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(1) At least two opportunities a year for assessment in the case of students requesting assessment or recommended for assessment by teachers, parents, or other students; 47779  
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(2) Assurance of inclusion in screening and assessment procedures for minority and disadvantaged students, children with disabilities, and students for whom English is a second language; 47782  
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(3) Assurance that any student transferring into the district will be assessed within ninety days of the transfer at the request of a parent. 47786  
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(C) Procedures for notification of parents within thirty days about the results of any screening procedure or assessment instrument and the provision of an opportunity for parents to appeal any decision about the results of any screening procedure or assessment, the scheduling of children for assessment, or the placement of a student in any program or for receipt of services; 47789  
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(D) A commitment that the district will accept scores on assessment instruments provided by other school districts or trained personnel outside the school district, provided the assessment instruments are on the list approved by the department of ~~education~~ under section 3324.02 of the Revised Code. 47796  
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The district's plan may provide for the district to 47802  
contract with any qualified public or private service provider 47803  
to provide screening or assessment services under the plan. 47804

The department shall assist any district whose plan it 47805  
disapproves under this section to amend the plan so that it 47806  
meets the requirements of this section. 47807

**Sec. 3324.05.** (A) Each school district shall submit an 47808  
annual report to the department of education and workforce 47809  
specifying the number of students in each of grades kindergarten 47810  
through twelve screened, the number assessed, and the number 47811  
identified as gifted in each category specified in section 47812  
3324.03 of the Revised Code. For fiscal years 2022 and 2023, 47813  
this report shall also specify the number of students served in 47814  
each category specified in section 3324.03 of the Revised Code. 47815

(B) For fiscal years 2022 and 2023, not later than the 47816  
thirty-first day of October, the department shall publish both 47817  
of the following using data submitted by school districts under 47818  
the education management information system established under 47819  
section 3301.0714 of the Revised Code: 47820

(1) Services offered by each school district to students 47821  
identified as gifted in each of the following grade bands: 47822

(a) Kindergarten through third grade; 47823

(b) Fourth through eighth grade; 47824

(c) Ninth through twelfth grade. 47825

(2) The number of licensed gifted intervention specialists 47826  
and coordinators employed or contracted by each school district. 47827

(C) The department ~~of education~~ shall audit each school 47828  
district's identification numbers at least once every three 47829

years and may select any district at random or upon complaint or 47830  
suspicion of noncompliance for a further audit to determine 47831  
compliance with sections 3324.03 to 3324.06 of the Revised Code. 47832  
If a school district's audit under this division occurs during 47833  
fiscal year 2022 or 2023, the department shall also audit the 47834  
district's service numbers. 47835

(D) The department shall provide technical assistance to 47836  
any district found in noncompliance under division (C) of this 47837  
section. For fiscal years 2022 and 2023, the department shall 47838  
reduce funds received by the district under Chapter 3317. of the 47839  
Revised Code by any amount if the district continues to be 47840  
noncompliant. For fiscal year 2024 and each fiscal year 47841  
thereafter, the department may reduce funds received by the 47842  
district under Chapter 3317. of the Revised Code by any amount 47843  
if the district continues to be noncompliant. 47844

**Sec. 3324.06.** The board of education of each school 47845  
district shall adopt a statement of its policy for the screening 47846  
and identification of gifted students and shall distribute the 47847  
policy statement to parents. The policy statement shall specify: 47848

(A) The criteria and methods the district uses to screen 47849  
students and to select students for further assessment who 47850  
perform or show potential for performing at remarkably high 47851  
levels of accomplishment in one of the gifted areas specified in 47852  
section 3324.03 of the Revised Code; 47853

(B) The sources of assessment data the district uses to 47854  
select students for further testing and an explanation for 47855  
parents of the multiple assessment instruments required to 47856  
identify gifted students under section 3324.03 of the Revised 47857  
Code; 47858

(C) An explanation for parents of the methods the district uses to ensure equal access to screening and further assessment by all district students, including minority or disadvantaged students, children with disabilities, and students for whom English is a second language;

(D) Provisions to ensure equal opportunity for all district students identified as gifted to receive any services offered by the district;

(E) Provisions for students to withdraw from gifted programs or services, for reassessment of students, and for assessment of students transferring into the district;

(F) Methods for resolving disagreements between parents and the district concerning identification and placement decisions.

A copy of the district's policy adopted under this section shall accompany the district's plan submitted to the department of education and workforce under section 3324.04 of the Revised Code.

**Sec. 3324.07.** (A) The board of education of each school district shall develop a plan for the service of gifted students enrolled in the district that are identified under section 3324.03 of the Revised Code. Services specified in the plan developed by each board may include such options as the following:

(1) A differentiated curriculum;

(2) Cluster grouping;

(3) Mentorships;

(4) Accelerated course work;

(5) The college credit plus program under Chapter 3365. of the Revised Code;	47887 47888
(6) Advanced placement;	47889
(7) Honors classes;	47890
(8) Magnet schools;	47891
(9) Self-contained classrooms;	47892
(10) Independent study;	47893
(11) International baccalaureate;	47894
(12) Other options identified in rules adopted by the department of education <u>and workforce</u> .	47895 47896
(B) Each board shall file the plan developed under division (A) of this section with the department of education <del>by December 15, 2000</del> <u>and workforce</u> . The department shall review and analyze each plan to determine if it is adequate and to make funding estimates.	47897 47898 47899 47900 47901
(C) Unless otherwise required by law, rule, or as a condition for receipt of funds, school boards may implement the plans developed under division (A) of this section, but shall not be required to do so until further action by the general assembly or the <del>state superintendent of public instruction</del> <u>director of education and workforce</u> .	47902 47903 47904 47905 47906 47907
<b>Sec. 3324.08.</b> Any person employed by a school district and assigned to a school as a principal or any other position may also serve as the district's gifted education coordinator, if qualified to do so pursuant to the rules adopted by the <del>state board</del> <u>department of education and workforce</u> under this chapter.	47908 47909 47910 47911 47912
<b>Sec. 3324.09.</b> (A) For fiscal years 2022 and 2023, not	47913

later than the thirtieth day of October, the department of 47914  
education and workforce shall publish on its web site the funds 47915  
received for the previous fiscal year by each school district 47916  
under division (A) (6) of section 3317.022 of the Revised Code 47917  
for the identification of and services provided to the 47918  
district's gifted students and each district's expenditures of 47919  
those funds. 47920

(B) For fiscal year 2024 and each fiscal year thereafter, 47921  
not later than the thirtieth day of October, the department 47922  
shall publish on its web site each school district's 47923  
expenditures for the previous fiscal year of funds received 47924  
under division (A) (6) of section 3317.022 of the Revised Code 47925  
for the identification of and services provided to the 47926  
district's gifted students. 47927

**Sec. 3324.10.** (A) ~~Prior to June 30, 2006, the state board~~ 47928  
The department of education and workforce shall adopt a model 47929  
student acceleration policy addressing recommendations in the 47930  
former department of education's 2005 study conducted under the 47931  
gifted research and demonstration grant program. The policy 47932  
shall address, but not be limited to, whole grade acceleration, 47933  
subject area acceleration, and early high school graduation. 47934

(B) The board of education of each city, local, and 47935  
exempted village school district shall implement a student 47936  
acceleration policy to take effect beginning in the 2006-2007 47937  
school year. The policy shall either be the model adopted by the 47938  
~~state board~~ department under division (A) of this section or a 47939  
policy covering similar issues that is adopted by the district 47940  
board. If the district board does not adopt the ~~state board's~~ 47941  
department's model, it shall submit its policy to the department 47942  
for review and approval. The department, upon request, shall 47943

provide technical assistance to the district board in developing 47944  
the policy. 47945

**Sec. 3324.11.** No rule adopted by the ~~state board~~ director 47946  
of education and workforce pursuant to this chapter, section 47947  
3301.07 of the Revised Code, or any other provision of the 47948  
Revised Code shall permit a school district to report that it 47949  
has provided services to a student identified as gifted unless 47950  
those services are paid for by the district. Nothing in this 47951  
section shall prohibit a district from requiring a student to 47952  
pay the costs of advanced placement or international 47953  
baccalaureate examinations. 47954

**Sec. 3325.01.** The state school for the deaf and the state 47955  
school for the blind shall be under the control and supervision 47956  
of the ~~state board~~ department of education and workforce. ~~On the~~ 47957  
~~recommendation of the superintendent of public instruction, the~~ 47958  
~~state board of education~~ The department shall appoint a 47959  
superintendent for the state school for the deaf and a 47960  
superintendent for the state school for the blind, each of whom 47961  
shall serve at the pleasure of the ~~state board~~ department. 47962

**Sec. 3325.011.** Subject to the regulations adopted by the 47963  
~~state board~~ department of education and workforce, the state 47964  
school for the deaf shall be open to receive persons who are 47965  
deaf, partially deaf, and both blind and deaf residents of this 47966  
state, who, in the judgment of the ~~superintendent of public~~ 47967  
~~instruction~~ director of education and workforce and the 47968  
superintendent of the school for the deaf, due to such 47969  
disability, cannot be educated in the public school system and 47970  
are suitable persons to receive instructions according to the 47971  
methods employed in such school. The superintendent of the 47972  
school for the deaf may pay the expenses necessary for the 47973

instruction of children who are both blind and deaf, who are 47974  
resident of this state, in any suitable institution. 47975

**Sec. 3325.02.** (A) As used in this chapter, "visual 47976  
impairment" means blindness, partial blindness, deaf-blindness, 47977  
or multiple disabilities if one of the disabilities is vision 47978  
related. 47979

(B) Subject to the regulations adopted by the ~~state board-~~ 47980  
department of education and workforce, the state school for the 47981  
blind shall be open to receive persons who are residents of this 47982  
state, whose disabilities are visual impairments, and who, in 47983  
the judgment of the ~~superintendent of public instruction-~~ 47984  
director of education and workforce and the superintendent of 47985  
the school for the blind, due to such disability, cannot be 47986  
educated in the public school system and are suitable persons to 47987  
receive instructions according to the methods employed in the 47988  
school. 47989

**Sec. 3325.03.** The superintendent of the state school for 47990  
the deaf or the superintendent of the state school for the blind 47991  
may return to ~~its~~the pupil's parents, guardian, or proper agency 47992  
any pupil under ~~his~~the superintendent's jurisdiction, who, in 47993  
the opinion of such superintendent and the ~~superintendent of-~~ 47994  
~~public instruction~~director of education and workforce, is not 47995  
making sufficient progress in ~~its~~the pupil's school or 47996  
industrial work to justify ~~its~~ continuance as a pupil in such 47997  
school. 47998

**Sec. 3325.04.** The superintendent of the state school for 47999  
the deaf and the superintendent of the state school for the 48000  
blind, with the approval of the ~~superintendent of public-~~ 48001  
~~instruction~~director of education and workforce, shall, for their 48002  
respective schools and subject to the rules and regulations of 48003

the civil service, employ suitable teachers, nurses, and other 48004  
help necessary to provide the proper instruction and care for 48005  
the pupils under their jurisdiction. 48006

No individual hired on or after ~~the effective date of this~~ 48007  
~~amendment~~ August 29, 1991, as a classroom teacher at the state 48008  
school for the blind shall be permitted to retain employment as 48009  
a teacher at the school unless prior to the date of such hiring, 48010  
or within one year of that date, the individual completes at 48011  
least two courses of instruction in braille at an institution of 48012  
higher education or demonstrates equivalent competency in the 48013  
use of braille to the satisfaction of the superintendent of the 48014  
state school for the blind. 48015

**Sec. 3325.05.** The ~~state board~~ department of education and 48016  
workforce may provide for the further and higher education of 48017  
any blind pupils, who in its judgment are capable of receiving 48018  
sufficient benefit to render them more efficient as citizens, by 48019  
appointing readers for such persons to read from textbooks and 48020  
pamphlets used in their studies while in attendance as regularly 48021  
matriculated students in any college, university, or technical 48022  
or professional school located in this state and authorized to 48023  
grant degrees. Any fund appropriated for such purpose shall be 48024  
distributed under the direct supervision of the ~~state board of~~ 48025  
~~education~~ department. No person shall receive the benefit 48026  
conferred by this section who has not had an actual residence in 48027  
this state for at least one year. 48028

**Sec. 3325.06.** (A) The ~~state board~~ department of education 48029  
and workforce shall institute and establish a program of 48030  
education ~~by the department of education~~ to train parents of 48031  
deaf or hard of hearing children of preschool age. The object 48032  
and purpose of the educational program shall be to aid and 48033

assist the parents of deaf or hard of hearing children of 48034  
preschool age in affording to the children the means of optimum 48035  
communicational facilities. 48036

(B) The ~~state board of education~~ department shall 48037  
institute and establish a program of education to train and 48038  
assist parents of children of preschool age whose disabilities 48039  
are visual impairments. The object and purpose of the 48040  
educational program shall be to enable the parents of children 48041  
of preschool age whose disabilities are visual impairments to 48042  
provide their children with learning experiences that develop 48043  
early literacy, communication, mobility, and daily living skills 48044  
so the children can function independently in their living 48045  
environments. 48046

**Sec. 3325.07.** The ~~state board~~ department of education and 48047  
workforce in carrying out this section and division (A) of 48048  
section 3325.06 of the Revised Code shall, insofar as 48049  
practicable, plan, present, and carry into effect an educational 48050  
program by means of any of the following methods of instruction: 48051

(A) Classes for parents of deaf or hard of hearing 48052  
children of preschool age; 48053

(B) A nursery school where parent and child would enter 48054  
the nursery school as a unit; 48055

(C) Correspondence course; 48056

(D) Personal consultations and interviews; 48057

(E) Day-care or child development courses; 48058

(F) Summer enrichment courses; 48059

(G) By such other means or methods as the superintendent 48060  
of the state school for the deaf deems advisable that would 48061

permit a deaf or hard of hearing child of preschool age to 48062  
construct a pattern of communication at an early age. 48063

The superintendent may allow children who are not deaf or 48064  
hard of hearing to participate in the methods of instruction 48065  
described in divisions (A) to (G) of this section as a means to 48066  
assist deaf or hard of hearing children to construct a pattern 48067  
of communication. The superintendent shall establish policies 48068  
and procedures regarding the participation of children who are 48069  
not deaf or hard of hearing. 48070

The superintendent may establish reasonable fees for 48071  
participation in the methods of instruction described in 48072  
divisions (A) to (G) of this section to defray the costs of 48073  
carrying them out. The superintendent shall determine the manner 48074  
by which any such fees shall be collected. All fees shall be 48075  
deposited in the even start fees and gifts fund, which is hereby 48076  
created in the state treasury. The money in the fund shall be 48077  
used to implement this section. 48078

**Sec. 3325.071.** The ~~state board~~ department of education and 48079  
workforce in carrying out this section and division (B) of 48080  
section 3325.06 of the Revised Code shall, insofar as 48081  
practicable, plan, present, and carry into effect an educational 48082  
program by means of any of the following methods of instruction: 48083

(A) Classes for parents of children of preschool age whose 48084  
disabilities are visual impairments, independently or in 48085  
cooperation with community agencies; 48086

(B) Periodic interactive parent-child classes for infants 48087  
and toddlers whose disabilities are visual impairments; 48088

(C) Correspondence course; 48089

(D) Personal consultations and interviews; 48090

(E) Day-care or child development courses for children and parents; 48091  
48092

(F) Summer enrichment courses; 48093

(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. 48094  
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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. 48099  
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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. 48109  
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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 48117  
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enrolled in one of these state schools to whom all of the 48120  
following apply: 48121

(1) The student has successfully completed the 48122  
individualized education program developed for the student for 48123  
the student's high school education pursuant to section 3323.08 48124  
of the Revised Code; 48125

(2) Subject to section 3313.614 of the Revised Code, the 48126  
student has met the assessment requirements of division (A) (2) 48127  
(a) or (b) of this section, as applicable. 48128

(a) If the student entered the ninth grade prior to July 48129  
1, 2014, the student either: 48130

(i) Has attained at least the applicable scores designated 48131  
under division (B) (1) of section 3301.0710 of the Revised Code 48132  
on all the assessments prescribed by that division unless 48133  
division (L) of section 3313.61 of the Revised Code applies to 48134  
the student; 48135

(ii) Has satisfied the alternative conditions prescribed 48136  
in section 3313.615 of the Revised Code. 48137

(b) If the student entered the ninth grade on or after 48138  
July 1, 2014, the student has met the requirement prescribed by 48139  
section 3313.618 of the Revised Code, except to the extent that 48140  
division (L) of section 3313.61 of the Revised Code applies to 48141  
the student. 48142

(3) The student is not eligible to receive an honors 48143  
diploma granted pursuant to division (B) of this section. 48144

No diploma shall be granted under this division to anyone 48145  
except as provided under this division. 48146

(B) In lieu of a diploma granted under division (A) of 48147

this section, the superintendent of the state school for the 48148  
blind and the superintendent of the state school for the deaf 48149  
shall grant an honors diploma, in the same manner that the 48150  
boards of education of school districts grant such diplomas 48151  
under division (B) of section 3313.61 of the Revised Code, to 48152  
any student enrolled in one of these state schools who 48153  
accomplishes all of the following: 48154

(1) Successfully completes the individualized education 48155  
program developed for the student for the student's high school 48156  
education pursuant to section 3323.08 of the Revised Code; 48157

(2) Subject to section 3313.614 of the Revised Code, has 48158  
met the assessment requirements of division (B) (2) (a) or (b) of 48159  
this section, as applicable. 48160

(a) If the student entered the ninth grade prior to July 48161  
1, 2014, the student either: 48162

(i) Has attained at least the applicable scores designated 48163  
under division (B) (1) of section 3301.0710 of the Revised Code 48164  
on all the assessments prescribed under that division; 48165

(ii) Has satisfied the alternative conditions prescribed 48166  
in section 3313.615 of the Revised Code. 48167

(b) If the student entered the ninth grade on or after 48168  
July 1, 2014, the student has met the requirement prescribed by 48169  
section 3313.618 of the Revised Code. 48170

(3) Has met additional criteria for granting an honors 48171  
diploma. 48172

These additional criteria shall be the same as those 48173  
prescribed by the state board under division (B) of section 48174  
3313.61 of the Revised Code for the granting of such diplomas by 48175

school districts. No honors diploma shall be granted to anyone 48176  
failing to comply with this division and not more than one 48177  
honors diploma shall be granted to any student under this 48178  
division. 48179

(C) A diploma or honors diploma awarded under this section 48180  
shall be signed by the ~~superintendent of public instruction~~ 48181  
director of education and workforce and the superintendent of 48182  
the state school for the blind or the superintendent of the 48183  
state school for the deaf, as applicable. Each diploma shall 48184  
bear the date of its issue and be in such form as the school 48185  
superintendent prescribes. 48186

(D) Upon granting a diploma to a student under this 48187  
section, the superintendent of the state school in which the 48188  
student is enrolled shall provide notice of receipt of the 48189  
diploma to the board of education of the school district where 48190  
the student is entitled to attend school under section 3313.64 48191  
or 3313.65 of the Revised Code when not residing at the state 48192  
school for the blind or the state school for the deaf. The 48193  
notice shall indicate the type of diploma granted. 48194

**Sec. 3325.09.** (A) The ~~state board~~ department of education\_ 48195  
and workforce shall institute and establish career-technical 48196  
education and work training programs for secondary and post- 48197  
secondary students whose disabilities are visual impairments. 48198  
These programs shall develop communication, mobility, and work 48199  
skills and assist students in becoming productive members of 48200  
society so that they can contribute to their communities and 48201  
living environments. 48202

(B) The state school for the blind may use any gifts, 48203  
donations, or bequests it receives under section 3325.10 of the 48204  
Revised Code for one or more of the following purposes that are 48205

related to career-technical and work training programs for	48206
secondary and post-secondary students whose disabilities are	48207
visual impairments:	48208
(1) Room and board;	48209
(2) Training in mobility and orientation;	48210
(3) Activities that teach daily living skills;	48211
(4) Rehabilitation technology;	48212
(5) Activities that teach group and individual social and	48213
interpersonal skills;	48214
(6) Work placement in the community by the school or a	48215
community agency;	48216
(7) Transportation to and from work sites or locations of	48217
community interaction;	48218
(8) Supervision and management of programs and services.	48219
<b>Sec. 3325.11.</b> There is hereby created in the state	48220
treasury the state school for the blind student activity and	48221
work-study fund. Moneys received from donations, bequests, the	48222
school vocational program, and any other moneys designated for	48223
deposit in the fund by the superintendent of the state school	48224
for the blind shall be credited to the fund. Notwithstanding	48225
section 3325.01 of the Revised Code, the approval of the <del>state</del>	48226
<del>board</del> <u>department of education and workforce</u> is not required to	48227
designate money for deposit into the fund. The school for the	48228
blind shall use money in the fund for school operating expenses,	48229
including, but not limited to, personal services, maintenance,	48230
and equipment related to student support, activities, and	48231
vocational programs, and for providing scholarships to students	48232
for further training upon graduation.	48233

**Sec. 3325.12.** Money deposited with the superintendent of 48234  
the state school for the blind and the superintendent of the 48235  
state school for the deaf by parents, relatives, guardians, and 48236  
friends for the special benefit of any pupil shall remain in the 48237  
hands of the respective superintendent for use accordingly. Each 48238  
superintendent shall deposit the money into one or more personal 48239  
deposit funds. Each superintendent shall keep itemized book 48240  
accounts of the receipt and disposition of the money, which 48241  
books shall be open at all times to the inspection of the 48242  
~~superintendent of public instruction~~director of education and 48243  
workforce. The superintendent of the state school for the blind 48244  
and the superintendent of the state school for the deaf each 48245  
shall adopt rules governing the deposit, transfer, withdrawal, 48246  
or investment of the money and the investment earnings of the 48247  
money. 48248

Whenever a pupil ceases to be enrolled in the state school 48249  
for the blind or the state school for the deaf, if personal 48250  
money of the pupil remains in the hands of the respective 48251  
superintendent and no demand is made upon the superintendent by 48252  
the pupil or the pupil's parent or guardian, the superintendent 48253  
shall hold the money in a personal deposit fund for a period of 48254  
at least one year. During that time, the superintendent shall 48255  
make every effort possible to locate the pupil or the pupil's 48256  
parent or guardian. If, at the end of this period, no demand has 48257  
been made for the money held by the state school for the blind, 48258  
the superintendent of the state school for the blind shall 48259  
dispose of the money by transferring it to the state school for 48260  
the blind student activity and work-study fund established by 48261  
section 3325.11 of the Revised Code. If at the end of this 48262  
period, no demand has been made for the money held by the state 48263  
school for the deaf, the superintendent of the state school for 48264

the deaf shall dispose of the money by transferring it to the 48265  
state school for the deaf educational program expenses fund 48266  
established by section 3325.16 of the Revised Code. 48267

**Sec. 3325.13.** The state school for the blind employees 48268  
food service fund is hereby created in the state treasury. The 48269  
fund shall consist of payments received from employees who make 48270  
purchases from the school's food service program. 48271  
Notwithstanding section 3325.01 of the Revised Code, the 48272  
approval of the ~~state board~~ department of education and 48273  
workforce is not required to designate money for deposit into 48274  
the fund. The school for the blind shall use money in the fund 48275  
to pay costs associated with the school's food service program. 48276

**Sec. 3325.14.** The state school for the deaf employees food 48277  
service fund is hereby created in the state treasury. The fund 48278  
shall consist of payments received from employees who make 48279  
purchases from the school's food service program. 48280  
Notwithstanding section 3325.01 of the Revised Code, the 48281  
approval of the ~~state board~~ department of education and 48282  
workforce is not required to designate money for deposit into 48283  
the fund. The school for the deaf shall use money in the fund to 48284  
pay costs associated with the school's food service program. 48285

**Sec. 3325.16.** There is hereby created in the state 48286  
treasury the state school for the deaf educational program 48287  
expenses fund. Moneys received by the school from donations, 48288  
bequests, student fundraising activities, fees charged for camps 48289  
and workshops, gate receipts from athletic contests, and the 48290  
student work experience program operated by the school, and any 48291  
other moneys designated for deposit in the fund by the 48292  
superintendent of the school, shall be credited to the fund. 48293  
Notwithstanding section 3325.01 of the Revised Code, the 48294

approval of the ~~state board~~ department of education and 48295  
workforce is not required to designate money for deposit into 48296  
the fund. The state school for the deaf shall use moneys in the 48297  
fund for educational programs, after-school activities, and 48298  
expenses associated with student activities and clubs. 48299

**Sec. 3325.17.** There is hereby created in the state 48300  
treasury the state school for the blind educational program 48301  
expense fund. Moneys received by the school from donations, 48302  
bequests, student fundraising activities, fees charged for 48303  
camps, workshops, and summer work and learn cooperative 48304  
programs, gate receipts from school activities, and any other 48305  
moneys designated for deposit in the fund by the superintendent 48306  
of the school, shall be credited to the fund. Notwithstanding 48307  
section 3325.01 of the Revised Code, the approval of the ~~state-~~ 48308  
~~board department of education and workforce~~ is not required to 48309  
designate money for deposit into the fund. The state school for 48310  
the blind shall use moneys in the fund for educational programs, 48311  
after-school activities, and expenses associated with student 48312  
activities. 48313

**Sec. 3326.02.** There is hereby established the STEM 48314  
committee of the department of education and workforce 48315  
consisting of the following members: 48316

(A) The ~~superintendent of public instruction~~ director of 48317  
education and workforce, or the ~~superintendent's~~ director's 48318  
designee; 48319

(B) The chancellor of higher education, or the 48320  
chancellor's designee; 48321

(C) The director of development, or the director's 48322  
designee; 48323

(D) Four members of the public, two of whom shall be 48324  
appointed by the governor, one of whom shall be appointed by the 48325  
speaker of the house of representatives, and one of whom shall 48326  
be appointed by the president of the senate. Members of the 48327  
public shall be appointed based on their expertise in business 48328  
or in STEM fields. 48329

All members of the committee appointed under division (D) 48330  
of this section shall serve at the pleasure of their appointing 48331  
authority. 48332

If a member listed in divisions (A) to (C) of this section 48333  
elects to assign a designee to participate in committee business 48334  
on the member's behalf, the member shall assign that designation 48335  
to a single person for the time period in which the designation 48336  
is effective. 48337

Members of the committee shall receive no compensation for 48338  
their services. The department of education and workforce shall 48339  
provide administrative support for the committee. 48340

**Sec. 3326.03.** (A) The STEM committee shall authorize the 48341  
establishment of science, technology, engineering, and 48342  
mathematics schools based on proposals submitted to the 48343  
committee. 48344

The committee shall determine the criteria for proposals, 48345  
establish procedures for the submission of proposals, accept and 48346  
evaluate proposals, and choose which proposals to approve to 48347  
become a STEM school. In approving proposals for STEM schools, 48348  
the committee shall consider designating schools in diverse 48349  
geographic regions of the state so that all students have access 48350  
to a STEM school. 48351

The committee shall seek technical assistance from the 48352

Ohio STEM learning network, or its successor, throughout the 48353  
process of accepting and evaluating proposals and choosing which 48354  
proposals to approve. In approving proposals for STEM schools, 48355  
the committee shall consider the recommendations of the Ohio 48356  
STEM learning network, or its successor. 48357

The committee may authorize the establishment of a group 48358  
of multiple STEM schools to operate from multiple facilities 48359  
located in one or more school districts under the direction of a 48360  
single governing body in the manner prescribed by section 48361  
3326.031 of the Revised Code. The committee shall consider the 48362  
merits of each of the proposed STEM schools within a group and 48363  
shall authorize each school separately. Anytime after 48364  
authorizing a group of STEM schools to be under the direction of 48365  
a single governing body, the committee may authorize one or more 48366  
additional schools to operate as part of that group, provided a 48367  
proposal for each school is submitted in accordance with this 48368  
section. 48369

The STEM committee may approve one or more STEM schools to 48370  
serve only students identified as gifted under Chapter 3324. of 48371  
the Revised Code. 48372

(B) Proposals may be submitted only by a partnership of 48373  
public and private entities consisting of at least all of the 48374  
following: 48375

(1) A city, exempted village, or local school district; 48376

(2) Higher education entities; 48377

(3) Business organizations. 48378

A community school established under Chapter 3314. of the 48379  
Revised Code, a chartered nonpublic school, or both may be part 48380  
of the partnership. 48381

(C) Each proposal shall include at least the following:	48382
(1) A statement of which of grades kindergarten through twelve will be offered by the school;	48383 48384
(2) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;	48385 48386 48387 48388
(3) Assurances that each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee and that the school will maintain the STEM education practices set forth in the proposal;	48389 48390 48391 48392
(4) Evidence that each school will exhibit school-wide cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability;	48393 48394 48395 48396
(5) Evidence that each school will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to all students enrolled in the school, with the goal to prepare all students for post-high school learning experiences, the workforce, and citizenship, and that does all of the following:	48397 48398 48399 48400 48401
(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	48402 48403 48404
(b) Emphasizes the use of design thinking as a school-wide approach;	48405 48406
(c) Provides opportunities for students to engage in personalized learning;	48407 48408
(d) Includes the arts and humanities. If the proposal is	48409

for a STEAM school, it also shall include evidence that the 48410  
curriculum will integrate arts and design into the study of 48411  
science, technology, engineering, and mathematics to foster 48412  
creative thinking, problem-solving, and new approaches to 48413  
scientific invention. 48414

(6) Evidence that school leadership supports the 48415  
curriculum principles of division (C) (5) of this section; 48416

(7) A description of how each school's curriculum was 48417  
developed using the curriculum principles described in division 48418  
(C) (5) of this section and approved by a team in accordance with 48419  
section 3326.09 of the Revised Code; 48420

(8) Evidence that each school will participate in regular 48421  
STEM-focused professional development and share knowledge of 48422  
best practices; 48423

(9) Evidence that each school has established partnerships 48424  
with institutions of higher education and businesses. If the 48425  
proposal is for a STEAM school, it also shall include evidence 48426  
of established partnerships with one or more arts organizations. 48427

(10) Assurances that each school has received commitments 48428  
of sustained and verifiable fiscal and in-kind support from 48429  
regional education and business entities. If the proposal is for 48430  
a STEAM school, it also shall include assurances that the school 48431  
has received commitments of sustained and verifiable fiscal and 48432  
in-kind support from arts organizations. 48433

(11) A description of how each school's assets will be 48434  
distributed if the school closes for any reason. 48435

(D) A STEM school that is designated under this section 48436  
may submit an amended proposal to the STEM committee at any time 48437  
to offer additional grade levels. Upon approval of the amended 48438

proposal by the committee, those grades may be offered by the 48439  
school. 48440

(E) (1) If a school is designated as a STEM school under 48441  
this section, it shall maintain that designation for five years 48442  
unless the STEM committee revokes its designation during that 48443  
five-year period under division (F) of this section. At the end 48444  
of that five-year period, the school shall reapply to the STEM 48445  
committee in order to maintain that designation. The committee 48446  
shall authorize the continuation of the school's STEM 48447  
designation if the committee finds that the school is in 48448  
compliance with this chapter and the provisions of its proposal 48449  
and any subsequent amendments to that proposal. 48450

If a school chooses not to reapply for designation as a 48451  
STEM school under division (E) (1) of this section, the committee 48452  
shall revoke the school's designation at the end of its five- 48453  
year designation period. 48454

(2) If a school reapplies for its designation as a STEM 48455  
school under division (E) (1) of this section and the committee 48456  
has reason to believe that it is not in compliance with this 48457  
chapter or the provisions of its proposal and any subsequent 48458  
amendments to that proposal, the committee shall require the 48459  
school, in collaboration with the department of education and 48460  
workforce and the Ohio STEM learning network or its successor, 48461  
to develop a corrective action plan. The school shall implement 48462  
the corrective action plan and demonstrate exemplary STEM 48463  
pedagogy and practices within one year of the plan's 48464  
development. If the school fails to implement the corrective 48465  
action plan to the satisfaction of the committee at the end of 48466  
that year, the committee shall revoke the school's designation. 48467

(3) The department shall maintain records of the 48468

application status and designation renewal deadlines for each 48469  
school that has been designated as a STEM school under this 48470  
section. 48471

(F) If the STEM committee has reason to believe that a 48472  
school that is designated as a STEM school under this section is 48473  
not in compliance with this chapter or the provisions of its 48474  
proposal and any subsequent amendments to that proposal, it may 48475  
review the school's designation prior to the end of its five- 48476  
year designation period. If the committee reviews a school's 48477  
designation under this division, it must require the school to 48478  
develop a corrective action plan in the same manner as specified 48479  
in division (E) (2) of this section and implement that plan and 48480  
demonstrate exemplary STEM pedagogy and practices within one 48481  
year of the plan's development. If the school fails to implement 48482  
the corrective action plan to the satisfaction of the committee 48483  
at the end of that year, the committee shall revoke the school's 48484  
designation. 48485

(G) If a STEM school wishes to become a STEAM school, it 48486  
may change its existing proposal to include the items required 48487  
under divisions (C) (5) (d), (C) (9), and (C) (10) of this section 48488  
and submit the revised proposal to the STEM committee for 48489  
approval. 48490

(H) Notwithstanding division (B) (1) of this section, on 48491  
~~and after the effective date of this amendment~~ September 30, 48492  
2021, a school operated by a joint vocational school district 48493  
that was designated as a STEM school prior to that date may 48494  
maintain that designation provided the school continues to 48495  
comply with this chapter and all provisions of its proposal and 48496  
any subsequent amendments to that proposal. However, nothing 48497  
shall prohibit that school from electing to apply for a 48498

designation of STEM school equivalent or distinction as a STEM 48499  
program of excellence under section 3326.032 or 3326.04 of the 48500  
Revised Code, respectively. 48501

**Sec. 3326.032.** (A) The STEM committee may grant a 48502  
designation of STEM school equivalent to any of the following 48503  
schools: 48504

(1) A school operated by a joint vocational school 48505  
district; 48506

(2) A school offering career-technical education programs 48507  
that is operated by a school district that is a comprehensive 48508  
career-technical education provider; 48509

(3) A school offering career-technical education programs 48510  
that is operated by a school district that is a participant in a 48511  
compact career-technical education provider; 48512

(4) A community school established under Chapter 3314. of 48513  
the Revised Code; 48514

(5) A chartered nonpublic school. 48515

In order to be eligible for this designation, a school 48516  
shall submit a proposal that satisfies the requirements of this 48517  
section. 48518

The committee shall determine the criteria for proposals, 48519  
establish procedures for the submission of proposals, accept and 48520  
evaluate proposals, and choose which proposals warrant a school 48521  
to be designated as a STEM school equivalent. 48522

(B) A proposal for designation as a STEM school equivalent 48523  
shall include at least the following: 48524

(1) A statement of which of grades kindergarten through 48525

twelve will be offered by the school;	48526
(2) Assurances that the school will operate in compliance with this section and the provisions of the proposal as accepted by the committee and that the school will maintain the STEM education practices set forth in the proposal;	48527 48528 48529 48530
(3) Evidence that the school will exhibit school-wide cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability;	48531 48532 48533 48534
(4) Evidence that the school will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to all students enrolled in the school, with the goal to prepare all students for post-secondary learning experiences, the workforce, and citizenship, and that does all of the following:	48535 48536 48537 48538 48539
(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	48540 48541 48542
(b) Emphasizes the use of design thinking as a school-wide approach;	48543 48544
(c) Provides opportunities for students to engage in personalized learning;	48545 48546
(d) Includes the arts and humanities. If the proposal is for a STEAM school equivalent, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.	48547 48548 48549 48550 48551 48552
(5) Evidence that the school leadership supports the	48553

curriculum principles of division (B)(4) of this section; 48554

(6) A description of how the school's curriculum was 48555  
developed using the principles of division (B)(4) of this 48556  
section and approved by a team in accordance with section 48557  
3326.09 of the Revised Code; 48558

(7) Evidence that the school will participate in regular 48559  
professional development and share knowledge of best practices; 48560

(8) Evidence that the school has established partnerships 48561  
with institutions of higher education and businesses. If the 48562  
proposal is for a STEAM school equivalent, it also shall include 48563  
evidence of established partnerships with one or more arts 48564  
organizations. 48565

(9) Assurances that the school has received commitments of 48566  
sustained and verifiable fiscal and in-kind support from 48567  
regional education and business entities. If the proposal is for 48568  
a STEAM school equivalent, it also shall include assurances that 48569  
the school has received commitments of sustained and verifiable 48570  
fiscal and in-kind support from arts organizations. 48571

(C)(1) If a school is designated as a STEM school 48572  
equivalent under this section, it shall maintain that 48573  
designation for five years unless the STEM committee revokes its 48574  
designation during that five-year period under division (D) of 48575  
this section. At the end of that five-year period, the school 48576  
shall reapply to the STEM committee in order to maintain that 48577  
designation. The committee shall authorize the continuation of 48578  
the school's designation as a STEM school equivalent if the 48579  
committee finds that the school is in compliance with this 48580  
chapter and the provisions of its proposal and any subsequent 48581  
amendments to that proposal. 48582

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 48613  
plan and demonstrate exemplary STEM pedagogy and practices 48614  
within one year of the plan's development. If the school fails 48615  
to implement the corrective action plan to the satisfaction of 48616  
the committee at the end of that year, the committee shall 48617  
revoke the school's designation. 48618

(E) A school that is designated as a STEM school 48619  
equivalent under this section shall not be subject to the 48620  
requirements of Chapter 3326. of the Revised Code, except that 48621  
the school shall be subject to the requirements of this section 48622  
and to the curriculum requirements of section 3326.09 of the 48623  
Revised Code. 48624

Nothing in this section, however, shall relieve a 48625  
community school of the applicable requirements of Chapter 3314. 48626  
of the Revised Code. Nor shall anything in this section relieve 48627  
a school operated by a joint vocational school district, a 48628  
school operated by a comprehensive career-technical education 48629  
provider, a school operated by a compact career-technical 48630  
education provider, or a chartered nonpublic school of any 48631  
provisions of law outside of this chapter that are applicable to 48632  
such schools. 48633

(2) A school that is designated as a STEM school 48634  
equivalent under this section shall not be eligible for 48635  
operating funding under sections 3326.31 to 3326.37, 3326.39 to 48636  
3326.40, and 3326.51 of the Revised Code. 48637

(3) A school that is designated as a STEM school 48638  
equivalent under this section may apply for any of the grants 48639  
and additional funds described in section 3326.38 of the Revised 48640  
Code for which the school is eligible. 48641

(F) If a school that is designated as a STEM school 48642  
equivalent under this section intends to close or intends to no 48643  
longer be designated as a STEM school equivalent, it shall 48644  
notify the STEM committee of that fact. 48645

(G) If a school that is designated as a STEM school 48646  
equivalent wishes to be designated as a STEAM school equivalent, 48647  
it may change its existing proposal to include the items 48648  
required under divisions (B) (4) (d), (B) (8), and (B) (9) of this 48649  
section and submit the revised proposal to the STEM committee 48650  
for approval. 48651

**Sec. 3326.04.** (A) The STEM committee shall grant 48652  
distinctions as STEM programs of excellence to STEM programs 48653  
operated by joint vocational school districts, comprehensive 48654  
career-technical education providers, compact career-technical 48655  
education providers, and educational service centers in 48656  
accordance with this section. 48657

(B) A joint vocational school district, comprehensive 48658  
career-technical education provider, compact career-technical 48659  
education provider, or educational service center may submit a 48660  
proposal to the STEM committee seeking distinction as a STEM 48661  
program of excellence. The proposal shall demonstrate to the 48662  
satisfaction of the STEM committee that the program meets at 48663  
least the following standards: 48664

(1) Unless the program is designed to serve only students 48665  
identified as gifted under Chapter 3324. of the Revised Code, 48666  
the program will serve all students enrolled in the grades for 48667  
which the program is designed. 48668

(2) The program will provide students with the opportunity 48669  
to innovate, develop an entrepreneurial spirit, engage in 48670

inquiry, and collaborate with individual accountability. 48671

(3) The program will offer a rigorous, diverse, 48672  
integrated, and problem- or project-based curriculum to 48673  
students, with the goal to prepare students for post-secondary 48674  
learning experiences, the workforce, and citizenship, and that 48675  
does all of the following: 48676

(a) Emphasizes and supports the role of science, 48677  
technology, engineering, and mathematics in promoting innovation 48678  
and economic progress; 48679

(b) Emphasizes the use of design thinking as a school-wide 48680  
approach; 48681

(c) Provides opportunities for students to engage in 48682  
personalized learning; 48683

(d) Includes the arts and humanities. If the proposal is 48684  
for distinction as a STEAM program of excellence, it also shall 48685  
include evidence that the curriculum will integrate arts and 48686  
design into the study of science, technology, engineering, and 48687  
mathematics to foster creative thinking, problem-solving, and 48688  
new approaches to scientific invention. 48689

(4) The district, provider, or service center leadership 48690  
supports the curriculum principles of division (B) (3) of this 48691  
section. 48692

(5) The program's leaders participate in regular STEM- 48693  
focused professional development and share knowledge of best 48694  
practices. 48695

(6) The program has established partnerships with 48696  
institutions of higher education and businesses. If the proposal 48697  
is for distinction as a STEAM program of excellence, it also 48698

shall include evidence of established partnerships with one or 48699  
more arts organizations. 48700

(7) The program has received commitments of sustained and 48701  
verifiable fiscal and in-kind support from regional education 48702  
and business entities. If the proposal is for distinction as a 48703  
STEAM program of excellence, the program also has received 48704  
commitments of sustained and verifiable fiscal and in-kind 48705  
support from arts organizations; 48706

(8) The program's curriculum was developed using the 48707  
principles described in division (B)(3) of this section and 48708  
approved by a team in accordance with section 3326.09 of the 48709  
Revised Code. 48710

(C)(1) If a joint vocational school district, 48711  
comprehensive career-technical education provider, compact 48712  
career-technical education provider, or educational service 48713  
center receives a distinction as a STEM program of excellence 48714  
under this section, it shall maintain that distinction for five 48715  
years unless the STEM committee revokes the distinction during 48716  
that five-year period under division (E) of this section. At the 48717  
end of that five-year period, the district, provider, or service 48718  
center shall reapply to the STEM committee in order to maintain 48719  
that distinction. The committee shall authorize the continuation 48720  
of the district's, provider's, or service center's distinction 48721  
as a STEM program of excellence if the committee finds that the 48722  
district, provider, or service center is in compliance with this 48723  
chapter and the provisions of its proposal and any subsequent 48724  
amendments to that proposal. 48725

If a joint vocational school district, comprehensive 48726  
career-technical education provider, compact career-technical 48727  
education provider, or educational service center chooses not to 48728

reapply for a distinction for a STEM program of excellence under 48729  
division (C)(1) of this section, the committee shall revoke the 48730  
district's, provider's, or service center's distinction at the 48731  
end of its five-year period of distinction. 48732

(2) If a joint vocational school district, comprehensive 48733  
career-technical education provider, compact career-technical 48734  
education provider, or educational service center reapplies for 48735  
distinction as a STEM program of excellence under division (C) 48736  
(1) of this section and the committee has reason to believe that 48737  
it is not in compliance with this chapter or the provisions of 48738  
its proposal and any subsequent amendments to that proposal, the 48739  
committee shall require the district, provider, or service 48740  
center, in collaboration with the department of education and 48741  
workforce and the Ohio STEM learning network or its successor, 48742  
to develop a corrective action plan. The district, provider, or 48743  
service center shall implement the corrective action plan and 48744  
demonstrate exemplary STEM pedagogy and practices within one 48745  
year of the plan's development. If the district, provider, or 48746  
service center fails to implement the corrective action plan to 48747  
the satisfaction of the committee at the end of that year, the 48748  
committee shall revoke the district's, provider's, or service 48749  
center's distinction. 48750

(3) The department shall maintain records of the 48751  
application status and designation renewal deadlines for each 48752  
joint vocational school district, comprehensive career-technical 48753  
education provider, compact career-technical education provider, 48754  
or educational service center that has received a distinction as 48755  
a STEM program of excellence under this section. 48756

(D) If the STEM committee has reason to believe that a 48757  
joint vocational school district, comprehensive career-technical 48758

education provider, compact career-technical education provider, 48759  
or educational service center that has received a distinction as 48760  
a STEM program of excellence under this section is not in 48761  
compliance with this chapter or the provisions of its proposal 48762  
and any subsequent amendments to that proposal, it may review 48763  
the district's, provider's, or service center's distinction 48764  
prior to the end of the five-year period during which that 48765  
distinction is effective. If the committee reviews a district's, 48766  
provider's, or service center's distinction under this division, 48767  
it must require the district, provider, or service center to 48768  
develop a corrective action plan in the same manner as specified 48769  
in division (C) (2) of this section and implement that plan and 48770  
demonstrate exemplary STEM pedagogy and practices within one 48771  
year of the plan's development. If the district, provider, or 48772  
service center fails to implement the corrective action plan to 48773  
the satisfaction of the committee at the end of that year, the 48774  
committee shall revoke the district's, provider's, or service 48775  
center's distinction. 48776

(E) If a joint vocational school district, comprehensive 48777  
career-technical education provider, compact career-technical 48778  
education provider, or educational service center that has 48779  
received distinction for a STEM program of excellence instead 48780  
wishes to receive a distinction for a STEAM program of 48781  
excellence, it may change its existing proposal to include the 48782  
items required under divisions (B) (3) (d), (B) (6), and (B) (7) of 48783  
this section and submit the revised proposal to the STEM 48784  
committee for approval. 48785

**Sec. 3326.08.** (A) The governing body of each science, 48786  
technology, engineering, and mathematics school shall engage the 48787  
services of administrative officers, teachers, and nonteaching 48788  
employees of the STEM school necessary for the school to carry 48789

out its mission and shall oversee the operations of the school. 48790  
The governing body of each STEM school shall engage the services 48791  
of a chief administrative officer to serve as the school's 48792  
instructional and administrative leader. The chief 48793  
administrative officer shall be granted the authority to oversee 48794  
the recruitment, retention, and employment of teachers and 48795  
nonteaching employees. 48796

(B) The department of education and workforce shall 48797  
monitor the oversight of each STEM school exercised by the 48798  
school's governing body and shall monitor the school's 48799  
compliance with this chapter and with the proposal for the 48800  
establishment of the school as it was approved by the STEM 48801  
committee under section 3326.03 of the Revised Code. Except in 48802  
the case of a STEM school that is governed and controlled by a 48803  
school district in accordance with section 3326.51 of the 48804  
Revised Code, if the department finds that the school is not in 48805  
compliance with this chapter or with the proposal and the STEM 48806  
committee has revoked the school's STEM designation under 48807  
division (E) (1) or (2) or (F) of section 3326.03 of the Revised 48808  
Code, the department shall consult with the STEM committee, and 48809  
the committee shall order the school to close on the last day of 48810  
the school year in which the committee issues its order. 48811

(C) The governing body of each STEM school shall comply 48812  
with sections 121.22 and 149.43 of the Revised Code. 48813

**Sec. 3326.081.** (A) As used in this section, "license" has 48814  
the same meaning as in section 3319.31 of the Revised Code. 48815

(B) If a person who is employed by a science, technology, 48816  
engineering, and mathematics school established under this 48817  
chapter is arrested, summoned, or indicted for an alleged 48818  
violation of an offense listed in division (C) of section 48819

3319.31 of the Revised Code, if the person holds a license, or 48820  
an offense listed in division (B)(1) of section 3319.39 of the 48821  
Revised Code, if the person does not hold a license, the chief 48822  
administrative officer of the school shall suspend that person 48823  
from all duties that require the care, custody, or control of a 48824  
child during the pendency of the criminal action against the 48825  
person. If the person who is arrested, summoned, or indicted for 48826  
an alleged violation of an offense listed in division (C) of 48827  
section 3319.31 or division (B)(1) of section 3319.39 of the 48828  
Revised Code is the chief administrative officer of the school, 48829  
the governing body of the school shall suspend the chief 48830  
administrative officer from all duties that require the care, 48831  
custody, or control of a child. 48832

(C) When a person who holds a license is suspended in 48833  
accordance with this section, the chief administrative officer 48834  
or governing body that imposed the suspension promptly shall 48835  
report the person's suspension to the department of education\_ 48836  
and workforce and to the state board of education. The report 48837  
shall include the offense for which the person was arrested, 48838  
summoned, or indicted. 48839

**Sec. 3326.15.** Each science, technology, engineering, and 48840  
mathematics school and its governing body shall comply with 48841  
sections 3313.603 and 3313.6027 of the Revised Code as if it 48842  
were a school district. However, a STEM school may permit a 48843  
student to earn units of high school credit based on a 48844  
demonstration of subject area competency instead of or in 48845  
combination with completing hours of classroom instruction prior 48846  
to the adoption by the ~~state board~~ department of education and 48847  
workforce of the plan for granting high school credit based on 48848  
competency, as required by division (J) of that section. Upon 48849  
adoption of the plan, each STEM school shall comply with that 48850

plan and award units of high school credit in accordance with 48851  
the plan. 48852

**Sec. 3326.17.** (A) The department of education and 48853  
workforce shall issue an annual report card for each science, 48854  
technology, engineering, and mathematics school that includes 48855  
all information applicable to school buildings under section 48856  
3302.03 of the Revised Code. 48857

(B) Beginning with the report cards issued for the 2020- 48858  
2021 school year, for each student enrolled in a STEM school 48859  
that is not a STEM school governed by a STEM school sponsoring 48860  
district, as defined in section 3326.51 of the Revised Code, the 48861  
department shall combine data regarding the academic performance 48862  
of that student with comparable data from the school district in 48863  
which the student is entitled to attend school pursuant to 48864  
section 3313.64 or 3313.65 of the Revised Code for the purpose 48865  
of calculating the performance of the district as a whole on the 48866  
report card issued for the district under section 3302.03 of the 48867  
Revised Code. 48868

(C) The department also shall compute a rating for each 48869  
group of STEM schools that is under the direction of the same 48870  
governing body, as authorized under section 3326.031 of the 48871  
Revised Code, and issue a distinct report card for the group as 48872  
a whole. 48873

(D) Each STEM school and its governing body shall comply 48874  
with sections 3302.04 and 3302.041 of the Revised Code, except 48875  
that any action required to be taken by a school district 48876  
pursuant to those sections shall be taken by the school. 48877  
~~However, the school shall not be required to take any action~~ 48878  
~~described in division (F) of section 3302.04 of the Revised~~ 48879  
~~Code.~~ 48880

Sec. 3326.211. (A) If the auditor of state or a public 48881  
accountant, pursuant to section 117.41 of the Revised Code, 48882  
declares a science, technology, engineering, and mathematics 48883  
school to be unauditabile, the auditor of state shall provide 48884  
written notification of that declaration to the school and the 48885  
department of education and workforce. The auditor of state also 48886  
shall post the notification on the auditor of state's web site. 48887

(B) If the STEM school's current treasurer held that 48888  
position during the period for which the school is unauditabile, 48889  
upon receipt of the notification under division (A) of this 48890  
section, the governing body of the school shall suspend the 48891  
treasurer until the auditor of state or a public accountant has 48892  
completed an audit of the school. Suspension of the treasurer 48893  
may be with or without pay, as determined by the governing body 48894  
based on the circumstances that prompted the auditor of state's 48895  
declaration. The governing body shall appoint a person to assume 48896  
the duties of the treasurer during the period of the suspension. 48897  
If the appointee is not licensed as a treasurer under section 48898  
3301.074 of the Revised Code, the appointee shall be approved by 48899  
the ~~superintendent of public instruction~~ director of education 48900  
and workforce before assuming the duties of the treasurer. The 48901  
state board of education may take action under section 3319.31 48902  
of the Revised Code to suspend, revoke, or limit the license of 48903  
a treasurer who has been suspended under this division. 48904

(C) Not later than forty-five days after receiving the 48905  
notification under division (A) of this section, the governing 48906  
body of the STEM school shall provide a written response to the 48907  
auditor of state. The response shall include the following: 48908

(1) An overview of the process the governing body will use 48909  
to review and understand the circumstances that led to the 48910

school becoming unauditabile; 48911

(2) A plan for providing the auditor of state with the 48912  
documentation necessary to complete an audit of the school and 48913  
for ensuring that all financial documents are available in the 48914  
future; 48915

(3) The actions the governing body will take to ensure 48916  
that the plan described in division (C) (2) of this section is 48917  
implemented. 48918

(D) If the STEM school fails to make reasonable efforts 48919  
and continuing progress to bring its accounts, records, files, 48920  
or reports into an auditabile condition within ninety days after 48921  
being declared unauditabile, the auditor of state, in addition to 48922  
requesting legal action under sections 117.41 and 117.42 of the 48923  
Revised Code, shall notify the school and the department of the 48924  
school's failure. If the auditor of state or a public accountant 48925  
subsequently is able to complete a financial audit of the 48926  
school, the auditor of state shall notify the school and the 48927  
department that the audit has been completed. 48928

(E) Notwithstanding any provision to the contrary in this 48929  
chapter or in any other provision of law, upon notification by 48930  
the auditor of state under division (D) of this section that the 48931  
STEM school has failed to make reasonable efforts and continuing 48932  
progress to bring its accounts, records, files, or reports into 48933  
an auditabile condition, the department shall immediately cease 48934  
all payments to the school under this chapter and any other 48935  
provision of law. Upon subsequent notification from the auditor 48936  
of state under that division that the auditor of state or a 48937  
public accountant was able to complete a financial audit of the 48938  
school, the department shall release all funds withheld from the 48939  
school under this section. 48940

**Sec. 3326.23.** This section does not apply to any science, 48941  
technology, engineering, and mathematics school that is governed 48942  
and controlled by a school district in accordance with section 48943  
3326.51 of the Revised Code on or after ~~the effective date of~~ 48944  
~~this amendment~~ September 30, 2021. 48945

The governing body of each science, technology, 48946  
engineering, and mathematics school annually shall provide the 48947  
following assurances in writing to the department of education\_ 48948  
and workforce not later than ten business days prior to the 48949  
opening of the school: 48950

(A) That the school has a plan for providing special 48951  
education and related services to students with disabilities and 48952  
has demonstrated the capacity to provide those services in 48953  
accordance with Chapter 3323. of the Revised Code and federal 48954  
law; 48955

(B) That the school has a plan and procedures for 48956  
administering the achievement and diagnostic assessments 48957  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 48958  
the Revised Code; 48959

(C) That school personnel have the necessary training, 48960  
knowledge, and resources to properly use and submit information 48961  
to all databases maintained by the department for the collection 48962  
of education data, including the education management 48963  
information system established under section 3301.0714 of the 48964  
Revised Code; 48965

(D) That all required information about the school has 48966  
been submitted to the Ohio education directory system or any 48967  
successor system; 48968

(E) That all classroom teachers are licensed in accordance 48969

with sections 3319.22 to 3319.31 of the Revised Code or are 48970  
engaged to teach pursuant to section 3319.301 of the Revised 48971  
Code; 48972

(F) That the school's treasurer is in compliance with 48973  
section 3326.21 of the Revised Code; 48974

(G) That the school has complied with sections 3319.39 and 48975  
3319.391 of the Revised Code with respect to all employees and 48976  
that the school has conducted a criminal records check of each 48977  
of its governing body members; 48978

(H) That the school holds all of the following: 48979

(1) Proof of property ownership or a lease for the 48980  
facilities used by the school; 48981

(2) A certificate of occupancy; 48982

(3) Liability insurance for the school, as required by 48983  
section 3326.11 of the Revised Code; 48984

(4) A satisfactory health and safety inspection; 48985

(5) A satisfactory fire inspection; 48986

(6) A valid food permit, if applicable. 48987

(I) That the governing body has conducted a pre-opening 48988  
site visit to the school for the school year for which the 48989  
assurances are provided; 48990

(J) That the school has designated a date it will open for 48991  
the school year for which the assurances are provided; 48992

(K) That the school has met all of the governing body's 48993  
requirements for opening and any other requirements of the 48994  
governing body. 48995

**Sec. 3326.28.** (A) With the approval of its governing body, 48996  
a STEM school established under this chapter may procure 48997  
epinephrine autoinjectors in the manner prescribed by section 48998  
3313.7110 of the Revised Code. A STEM school that elects to do 48999  
so shall comply with all provisions of that section as if it 49000  
were a school district. 49001

(B) (1) The following are not liable in damages in a civil 49002  
action for injury, death, or loss to person or property that 49003  
allegedly arises from an act or omission associated with 49004  
procuring, maintaining, accessing, or using an epinephrine 49005  
autoinjector under this section, unless the act or omission 49006  
constitutes willful or wanton misconduct: 49007

(a) A STEM school; 49008

(b) A member of a STEM school governing body; 49009

(c) A STEM school employee or contractor; 49010

(d) A licensed health professional authorized to prescribe 49011  
drugs who personally furnishes or prescribes epinephrine 49012  
autoinjectors, provides a consultation, or issues a protocol 49013  
pursuant to this section. 49014

(2) This division does not eliminate, limit, or reduce any 49015  
other immunity or defense that a STEM school or governing body, 49016  
member of a STEM school governing body, STEM school employee or 49017  
contractor, or licensed health professional may be entitled to 49018  
under Chapter 2744. or any other provision of the Revised Code 49019  
or under the common law of this state. 49020

(C) A STEM school may accept donations of epinephrine 49021  
autoinjectors from a wholesale distributor of dangerous drugs or 49022  
a manufacturer of dangerous drugs, as defined in section 4729.01 49023  
of the Revised Code, and may accept donations of money from any 49024

person to purchase epinephrine autoinjectors. 49025

(D) A STEM school that elects to procure epinephrine 49026  
autoinjectors under this section shall report to the department 49027  
of education and workforce each procurement and occurrence in 49028  
which an epinephrine autoinjector is used from the school's 49029  
supply of epinephrine autoinjectors. 49030

**Sec. 3326.30.** (A) As used in this section, "inhaler" has 49031  
the same meaning as in section 3313.7113 of the Revised Code. 49032

(B) With the approval of its governing body, a STEM school 49033  
may procure inhalers in the manner prescribed by section 49034  
3313.7113 of the Revised Code. A STEM school that elects to do 49035  
so shall comply with all provisions of that section as if it 49036  
were a school district. 49037

(C) A STEM school, a member of a STEM school governing 49038  
body, or a STEM school employee or contractor is not liable in 49039  
damages in a civil action for injury, death, or loss to person 49040  
or property that allegedly arises from an act or omission 49041  
associated with procuring, maintaining, accessing, or using an 49042  
inhaler under this section, unless the act or omission 49043  
constitutes willful or wanton misconduct. 49044

This division does not eliminate, limit, or reduce any 49045  
other immunity or defense that a STEM school or governing body, 49046  
member of a STEM school governing body, or STEM school employee 49047  
or contractor may be entitled to under Chapter 2744. or any 49048  
other provision of the Revised Code or under the common law of 49049  
this state. 49050

(D) A STEM school may accept donations of inhalers from a 49051  
wholesale distributor of dangerous drugs or a manufacturer of 49052  
dangerous drugs, as defined in section 4729.01 of the Revised 49053

Code, and may accept donations of money from any person to 49054  
purchase inhalers. 49055

(E) A STEM school that elects to procure inhalers under 49056  
this section shall report to the department of education and 49057  
workforce each procurement and occurrence in which an inhaler is 49058  
used from the school's supply of inhalers. 49059

**Sec. 3326.32.** Each science, technology, engineering, and 49060  
mathematics school shall report to the department of education\_ 49061  
and workforce, in the form and manner required by the 49062  
department, all of the following information: 49063

(A) The total number of students enrolled in the school 49064  
who are residents of this state; 49065

(B) The number of students reported under division (A) of 49066  
this section who are receiving special education and related 49067  
services pursuant to an IEP; 49068

(C) For each student reported under division (B) of this 49069  
section, which category specified in divisions (A) to (F) of 49070  
section 3317.013 of the Revised Code applies to the student; 49071

(D) The full-time equivalent number of students reported 49072  
under division (A) of this section who are enrolled in career- 49073  
technical education programs or classes described in each of 49074  
divisions (A) (1), (2), (3), (4), and (5) of section 3317.014 of 49075  
the Revised Code that are provided by the STEM school; 49076

(E) The number of students reported under division (A) of 49077  
this section who are English learners and which category 49078  
specified in divisions (A) to (C) of section 3317.016 of the 49079  
Revised Code applies to each student; 49080

(F) The number of students reported under division (A) of 49081

this section who are economically disadvantaged, as defined by 49082  
the department. A student shall not be categorically excluded 49083  
from the number reported under division (F) of this section 49084  
based on anything other than family income. 49085

(G) The resident district of each student reported under 49086  
division (A) of this section; 49087

(H) The total number of students enrolled in the school 49088  
who are not residents of this state and any additional 49089  
information regarding these students that the department 49090  
requires the school to report. The school shall not receive any 49091  
payments under this chapter for students reported under this 49092  
division. 49093

(I) Any additional information the department determines 49094  
necessary to make payments under this chapter. 49095

**Sec. 3326.34.** If a science, technology, engineering, and 49096  
mathematics school established under this chapter incurs costs 49097  
for a fiscal year for a student receiving special education and 49098  
related services pursuant to an IEP for a disability described 49099  
in divisions (B) to (F) of section 3317.013 of the Revised Code 49100  
that exceed the threshold catastrophic cost for serving the 49101  
student as specified in division (B) of section 3317.0214 of the 49102  
Revised Code, the STEM school may submit to the ~~superintendent~~ 49103  
~~of public instruction~~ department of education and workforce 49104  
documentation, as prescribed by the ~~superintendent~~ department, of 49105  
all its costs for that student. Upon submission of documentation 49106  
for a student of the type and in the manner prescribed, the 49107  
department ~~of education~~ shall pay to the school or, if the 49108  
school is part of a group of science, technology, engineering, 49109  
and mathematics schools under section 3326.031 of the Revised 49110  
Code, to the governing body of that group an amount equal to the 49111

school's costs for the student in excess of the threshold 49112  
catastrophic costs. 49113

The school shall only report under this section, and the 49114  
department shall only pay for, the costs of educational expenses 49115  
and the related services provided to the student in accordance 49116  
with the student's IEP. Any legal fees, court costs, or other 49117  
costs associated with any cause of action relating to the 49118  
student may not be included in the amount. 49119

**Sec. 3326.35.** The department of education and workforce 49120  
shall adjust the amounts paid under section 3317.022 of the 49121  
Revised Code to reflect any enrollment of students in science, 49122  
technology, engineering, and mathematics schools for less than 49123  
the equivalent of a full school year. 49124

**Sec. 3326.36.** The department of education and workforce 49125  
shall reduce the amounts paid to a science, technology, 49126  
engineering, and mathematics school or to the governing body of 49127  
a group of science, technology, engineering, and mathematics 49128  
schools under section 3317.022 of the Revised Code to reflect 49129  
payments made to colleges under section 3365.07 of the Revised 49130  
Code. A student shall be considered enrolled in the school for 49131  
any portion of the school year the student is attending a 49132  
college under Chapter 3365. of the Revised Code. 49133

**Sec. 3326.37.** The department of education and workforce 49134  
shall not pay to a science, technology, engineering, and 49135  
mathematics school or to the governing body of a group of 49136  
science, technology, engineering, or mathematics schools any 49137  
amount for any of the following: 49138

(A) Any student who has graduated from the twelfth grade 49139  
of a public or nonpublic school; 49140

(B) Any student who is not a resident of the state; 49141

(C) Any student who was enrolled in a STEM school during 49142  
the previous school year when assessments were administered 49143  
under section 3301.0711 of the Revised Code but did not take one 49144  
or more of the assessments required by that section and was not 49145  
excused pursuant to division (C) (1) or (3) of that section, 49146  
unless the ~~superintendent of public instruction~~ director of 49147  
education and workforce grants the student a waiver from the 49148  
requirement to take the assessment. The ~~superintendent~~ director 49149  
may grant a waiver only for good cause in accordance with rules 49150  
adopted by the ~~state board of education~~ department. 49151

(D) Any student who has attained the age of twenty-two 49152  
years, except for veterans of the armed services whose 49153  
attendance was interrupted before completing the recognized 49154  
twelve-year course of the public schools by reason of induction 49155  
or enlistment in the armed forces and who apply for enrollment 49156  
in a STEM school not later than four years after termination of 49157  
war or their honorable discharge. If, however, any such veteran 49158  
elects to enroll in special courses organized for veterans for 49159  
whom tuition is paid under federal law, or otherwise, the 49160  
department shall not pay to the school or to the governing body 49161  
any amount for that veteran. 49162

**Sec. 3326.45.** (A) The governing body of a science, 49163  
technology, engineering, and mathematics school may contract 49164  
with the governing board of an educational service center or the 49165  
board of education of a joint vocational school district for the 49166  
provision of services to the STEM school or to any student 49167  
enrolled in the school. Services provided under the contract and 49168  
the amount to be paid for those services shall be mutually 49169  
agreed to by the parties to the contract, and shall be specified 49170

in the contract. 49171

(B) A contract entered into under this section may require 49172  
an educational service center to provide any one or a 49173  
combination of the following services to a STEM school: 49174

(1) Supervisory teachers; 49175

(2) In-service and continuing education programs for 49176  
personnel of the STEM school; 49177

(3) Curriculum services as provided to the client school 49178  
districts of the service center; 49179

(4) Research and development programs; 49180

(5) Academic instruction for which the service center 49181  
governing board employs teachers; 49182

(6) Assistance in the provision of special accommodations 49183  
and classes for students with disabilities. 49184

Services described in division (B) of this section shall 49185  
be provided to the STEM school in the same manner they are 49186  
provided to client school districts of the service center, 49187  
unless otherwise specified in the contract. The contract shall 49188  
specify whether the service center will receive a per-pupil 49189  
payment from the department of education and workforce for the 49190  
provision of these services and, if so, the amount of the per- 49191  
pupil payment. 49192

(C) For each contract entered into under this section, the 49193  
department shall deduct the amount owed by the STEM school from 49194  
the state funds due to the STEM school under this chapter and 49195  
shall pay that amount to the educational service center or joint 49196  
vocational school district that is party to the contract. 49197

(D) No contract entered into under this section shall be 49198  
valid unless a copy is filed with the department by the first 49199  
day of the school year for which the contract is in effect. 49200

(E) As used in this section, "client school district" 49201  
means a city, exempted village, or local school district that 49202  
has entered into an agreement under section 3313.843 or 3313.845 49203  
of the Revised Code to receive any services from an educational 49204  
service center. 49205

**Sec. 3326.51.** (A) As used in this section: 49206

(1) "Resident district" has the same meaning as in section 49207  
3326.31 of the Revised Code. 49208

(2) "STEM school sponsoring district" means a municipal, 49209  
city, local, or exempted village school district that governs 49210  
and controls a STEM school pursuant to this section. 49211

(B) Notwithstanding any other provision of this chapter to 49212  
the contrary: 49213

(1) If a proposal for a STEM school submitted under 49214  
section 3326.03 of the Revised Code proposes that the governing 49215  
body of the school be the board of education of a municipal, 49216  
city, local, or exempted village school district that is one of 49217  
the partners submitting the proposal, and the STEM committee 49218  
approves that proposal, that school district board shall govern 49219  
and control the STEM school as one of the schools of its 49220  
district. 49221

(2) The STEM school sponsoring district shall maintain a 49222  
separate accounting for the STEM school as a separate and 49223  
distinct operational unit within the district's finances. The 49224  
auditor of state, in the course of an annual or biennial audit 49225  
of the school district serving as the STEM school sponsoring 49226

district, shall audit that school district for compliance with 49227  
the financing requirements of this section. 49228

(3) With respect to students enrolled in a STEM school 49229  
whose resident district is the STEM school sponsoring district: 49230

(a) The department of education and workforce shall make 49231  
payments to the school in accordance with section 3317.022 of 49232  
the Revised Code from the STEM school sponsoring district's 49233  
state payments. 49234

(b) The STEM school sponsoring district is responsible for 49235  
providing children with disabilities with a free appropriate 49236  
public education under Chapter 3323. of the Revised Code. 49237

(c) The STEM school sponsoring district shall provide 49238  
student transportation in accordance with laws and policies 49239  
generally applicable to the district. 49240

(4) With respect to students enrolled in the STEM school 49241  
whose resident district is another school district, the 49242  
department shall consider the students as open enrollment 49243  
students and shall make payments to the school in accordance 49244  
with section 3317.022 of the Revised Code. 49245

(5) A STEM school sponsoring district and its board may 49246  
assign its district employees to the STEM school, in which case 49247  
section 3326.18 of the Revised Code shall not apply. The 49248  
district and board may apply any other resources of the district 49249  
to the STEM school in the same manner that it applies district 49250  
resources to other district schools. 49251

(6) Provisions of this chapter requiring a STEM school and 49252  
its governing body to comply with specified laws as if it were a 49253  
school district and in the same manner as a board of education 49254  
shall instead require such compliance by the STEM school 49255

sponsoring district and its board of education, respectively, 49256  
with respect to the STEM school. Where a STEM school or its 49257  
governing body is required to perform a specific duty or 49258  
permitted to take a specific action under this chapter, that 49259  
duty is required to be performed or that action is permitted to 49260  
be taken by the STEM school sponsoring district or its board of 49261  
education, respectively, with respect to the STEM school. 49262

(7) No provision of this chapter limits the authority, as 49263  
provided otherwise by law, of a school district and its board of 49264  
education to levy taxes and issue bonds secured by tax revenues. 49265

(8) The treasurer of the STEM school sponsoring district 49266  
or, if the STEM school sponsoring district is a municipal school 49267  
district, the chief financial officer of the district, shall 49268  
have all of the respective rights, authority, exemptions, and 49269  
duties otherwise conferred upon the treasurer or chief financial 49270  
officer by the Revised Code. 49271

**Sec. 3326.60.** (A) With the approval of its governing body, 49272  
a STEM school established under this chapter may procure 49273  
injectable or nasally administered glucagon in the manner 49274  
prescribed by section 3313.7115 of the Revised Code. A STEM 49275  
school that elects to do so shall comply with all provisions of 49276  
that section as if it were a school district. 49277

(B) (1) The following are not liable in damages in a civil 49278  
action for injury, death, or loss to person or property that 49279  
allegedly arises from an act or omission associated with 49280  
procuring, maintaining, accessing, or using injectable or 49281  
nasally administered glucagon under this section, unless the act 49282  
or omission constitutes willful or wanton misconduct: 49283

(a) A STEM school; 49284

(b) A member of a STEM school governing body;	49285
(c) A STEM school employee or contractor;	49286
(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.	49287 49288 49289 49290
(2) This division does not eliminate, limit, or reduce any other immunity or defense that a STEM school or governing body, member of a STEM school governing body, STEM 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.	49291 49292 49293 49294 49295 49296
(C) A STEM 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.	49297 49298 49299 49300 49301
(D) A STEM school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education <u>and workforce</u> each procurement and each occurrence in which a dose of the drug is used from the school's supply.	49302 49303 49304 49305 49306
<b>Sec. 3327.01.</b> Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district.	49307 49308 49309 49310 49311
In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through	49312 49313

eight live more than two miles from the school for which the 49314  
~~state board director~~ of education and workforce prescribes 49315  
minimum standards pursuant to division (D) of section 3301.07 of 49316  
the Revised Code and to which they are assigned by the board of 49317  
education of the district of residence or to and from the 49318  
nonpublic or community school which they attend, the board of 49319  
education shall provide transportation for such pupils to and 49320  
from that school except as provided in section 3327.02 of the 49321  
Revised Code. 49322

In all city, local, and exempted village school districts 49323  
where pupil transportation is required under a career-technical 49324  
plan approved by the ~~state board~~ department of education and 49325  
workforce under section 3313.90 of the Revised Code, for any 49326  
student attending a career-technical program operated by another 49327  
school district, including a joint vocational school district, 49328  
as prescribed under that section, the board of education of the 49329  
student's district of residence shall provide transportation 49330  
from the public high school operated by that district to which 49331  
the student is assigned to the career-technical program. 49332

In all city, local, and exempted village school districts, 49333  
the board may provide transportation for resident school pupils 49334  
in grades nine through twelve to and from the high school to 49335  
which they are assigned by the board of education of the 49336  
district of residence or to and from the nonpublic or community 49337  
high school which they attend for which the ~~state board director~~ 49338  
of education and workforce prescribes minimum standards pursuant 49339  
to division (D) of section 3301.07 of the Revised Code. 49340

A board of education shall not be required to transport 49341  
elementary or high school pupils to and from a nonpublic or 49342  
community school where such transportation would require more 49343

than thirty minutes of direct travel time as measured by school 49344  
bus from the public school building to which the pupils would be 49345  
assigned if attending the public school designated by the 49346  
district of residence. 49347

Where it is impractical to transport a pupil by school 49348  
conveyance, a board of education may offer payment, in lieu of 49349  
providing such transportation in accordance with section 3327.02 49350  
of the Revised Code. 49351

A board of education shall provide transportation to 49352  
students enrolled in a community school or nonpublic school in 49353  
accordance with this section on each day in which that school is 49354  
open for operation with students in attendance, regardless of 49355  
whether the district's own schools are open for operation with 49356  
students in attendance on that day. However, a board of 49357  
education shall not be required to transport elementary or high 49358  
school pupils to and from a nonpublic or community school on 49359  
Saturday or Sunday, unless a board of education and a nonpublic 49360  
or community school have an agreement in place to do so before 49361  
the first day of July of the school year in which the agreement 49362  
takes effect. 49363

In all city, local, and exempted village school districts, 49364  
the board shall provide transportation for all children who are 49365  
so disabled that they are unable to walk to and from the school 49366  
for which the ~~state board~~ director of education and workforce 49367  
prescribes minimum standards pursuant to division (D) of section 49368  
3301.07 of the Revised Code and which they attend. In case of 49369  
dispute whether the child is able to walk to and from the 49370  
school, the health commissioner shall be the judge of such 49371  
ability. In all city, exempted village, and local school 49372  
districts, the board shall provide transportation to and from 49373

school or special education classes for mentally disabled 49374  
children in accordance with standards adopted by the ~~state board~~ 49375  
department of education and workforce. 49376

When transportation of pupils is provided the conveyance 49377  
shall be run on a time schedule that shall be adopted and put in 49378  
force by the board not later than ten days after the beginning 49379  
of the school term. The operator of every school bus or motor 49380  
van owned and operated by any school district or educational 49381  
service center or privately owned and operated under contract 49382  
with any school district or service center in this state shall 49383  
deliver students enrolled in preschool through twelfth grades to 49384  
their respective public and nonpublic schools not sooner than 49385  
thirty minutes prior to the beginning of school and to be 49386  
available to pick them up not later than thirty minutes after 49387  
the close of their respective schools each day. 49388

The cost of any transportation service authorized by this 49389  
section shall be paid first out of federal funds, if any, 49390  
available for the purpose of pupil transportation, and secondly 49391  
out of state appropriations, in accordance with regulations 49392  
adopted by the ~~state board of education~~department. 49393

No transportation of any pupils shall be provided by any 49394  
board of education to or from any school which in the selection 49395  
of pupils, faculty members, or employees, practices 49396  
discrimination against any person on the grounds of race, color, 49397  
religion, or national origin. 49398

**Sec. 3327.011.** In determining how best to provide 49399  
transportation, where persons or firms on or after April 1, 49400  
1965, were providing transportation to and from schools pursuant 49401  
to contracts with persons or agencies responsible for the 49402  
operation of such schools, the board of education responsible 49403

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 49435  
to operate its buses to assist the agency, group, organization, 49436  
or political subdivision in the fulfillment of its legitimate 49437  
activities and in times of emergency. These contracts shall be 49438  
entered into under the authority of the school district as a 49439  
political subdivision and shall not be considered commerce. When 49440  
buses are made available to other agencies, groups, 49441  
organizations, or political subdivisions under this section, the 49442  
buses must be operated by individuals holding certificates 49443  
issued by either the educational service center governing board 49444  
that has entered into an agreement with the school district 49445  
under section 3313.843 or 3313.845 of the Revised Code or the 49446  
superintendent of the school district certifying that the 49447  
individuals satisfy the requirements of section 3327.10 of the 49448  
Revised Code. All ~~state board~~ department of education and 49449  
workforce regulations governing the operation of school buses 49450  
when transporting students shall apply when buses are used in 49451  
accordance with this section. 49452

Any board of education of a city, local, or exempted 49453  
village school district that makes one or more of its vehicles 49454  
available under this section shall procure liability and 49455  
property damage insurance, as provided in section 3327.09 of the 49456  
Revised Code, covering all vehicles used and passengers 49457  
transported under this section. The board of education may 49458  
recover expenses from contracting entities, not to exceed the 49459  
costs of operation and insurance coverage. 49460

**Sec. 3327.02.** (A) After considering each of the following 49461  
factors, the board of education of a city, exempted village, or 49462  
local school district, or a community school governing authority 49463  
providing transportation pursuant to section 3314.091 of the 49464  
Revised Code, may determine that it is impractical to transport 49465

a pupil who is eligible for transportation to and from a school	49466
under section 3327.01 of the Revised Code:	49467
(1) The time and distance required to provide the	49468
transportation;	49469
(2) The number of pupils to be transported;	49470
(3) The cost of providing transportation in terms of	49471
equipment, maintenance, personnel, and administration;	49472
(4) Whether similar or equivalent service is provided to	49473
other pupils eligible for transportation;	49474
(5) Whether and to what extent the additional service	49475
unavoidably disrupts current transportation schedules;	49476
(6) Whether other reimbursable types of transportation are	49477
available.	49478
(B) Based on its consideration of the factors established	49479
in division (A) of this section, the board or governing	49480
authority may pass a resolution declaring the impracticality of	49481
transportation. The resolution shall include each pupil's name	49482
and the reason for impracticality. Such determination shall be	49483
made not later than thirty calendar days prior to the district's	49484
or school's first day of instruction, or in the case of a	49485
student who enrolls within thirty calendar days prior to the	49486
first day of instruction or on or after the first day of	49487
instruction, not later than fourteen calendar days after the	49488
student's enrollment. The determination may be made by the	49489
superintendent and formalized at the next following meeting of	49490
the board or governing authority.	49491
The board or governing authority shall report its	49492
determination to the <del>state board</del> <u>department of education and</u>	49493

workforce in a manner determined by the ~~state board~~ department. 49494

In addition, the board or governing authority shall issue 49495  
a letter to the pupil's parent, guardian, or other person in 49496  
charge of the pupil, the nonpublic or community school in which 49497  
the pupil is enrolled, and to the ~~state board~~ department with a 49498  
detailed description of the reasons for which such determination 49499  
was made. 49500

(C) After passing the resolution declaring the 49501  
impracticality of transportation, the district board or 49502  
governing authority shall offer to provide payment in lieu of 49503  
transportation by doing the following: 49504

(1) In accordance with guidelines established by the 49505  
~~department of education~~, informing the pupil's parent, guardian, 49506  
or other person in charge of the pupil of both of the following: 49507

(a) The resolution; 49508

(b) The right of the pupil's parent, guardian, or other 49509  
person in charge of the pupil to accept the offer of payment in 49510  
lieu of transportation or to reject the offer and instead 49511  
request the department to initiate mediation procedures. 49512

(2) Issuing the pupil's parent, guardian, or other person 49513  
in charge of the pupil a contract or other form on which the 49514  
parent, guardian, or other person in charge of the pupil is 49515  
given the option to accept or reject the board's offer of 49516  
payment in lieu of transportation. 49517

(D) If the parent, guardian, or other person in charge of 49518  
the pupil accepts the offer of payment in lieu of providing 49519  
transportation, the board or governing authority shall pay the 49520  
parent, guardian, or other person in charge of the pupil an 49521  
amount that shall be not less than fifty per cent, and not more 49522

than the amount determined by the department ~~of education~~ as the 49523  
average cost of pupil transportation for the previous school 49524  
year. Payment may be prorated if the time period involved is 49525  
only a part of the school year. 49526

(E) (1) (a) Upon the request of a parent, guardian, or other 49527  
person in charge of the pupil who rejected the payment in lieu 49528  
of transportation, the department shall conduct mediation 49529  
procedures. A parent, guardian, or other person in charge of the 49530  
pupil may authorize the nonpublic or community school in which 49531  
the pupil is enrolled to act on the parent's, guardian's, or 49532  
other person's behalf during the mediation proceedings. 49533

(b) If the mediation does not resolve the dispute, the 49534  
~~state board department~~ shall conduct a hearing in accordance 49535  
with Chapter 119. of the Revised Code. The ~~state board~~ 49536  
~~department~~ may approve the payment in lieu of transportation or 49537  
may order the district board of education or governing authority 49538  
to provide transportation. The decision of the ~~state board~~ 49539  
~~department~~ is binding in subsequent years and on future parties 49540  
in interest provided the facts of the determination remain 49541  
comparable. 49542

(2) The school district or governing authority shall 49543  
provide transportation for the pupil from the time the parent, 49544  
guardian, or other person in charge of the pupil requests 49545  
mediation until the matter is resolved under division (E) (1) (a) 49546  
or (b) of this section. 49547

(F) (1) If the department determines that a school district 49548  
board or governing authority has failed or is failing to provide 49549  
transportation as required by division (E) (2) of this section or 49550  
as ordered by the ~~state board department~~ under division (E) (1) 49551  
(b) of this section, the department shall order the school 49552

district board or governing authority to pay to the pupil's 49553  
parent, guardian, or other person in charge of the pupil, an 49554  
amount equal to fifty per cent of the cost of providing 49555  
transportation as determined by the board or governing authority 49556  
under division (A) (3) of this section, and not more than two 49557  
thousand five hundred dollars. The school district board or 49558  
governing authority shall make payments on a schedule ordered by 49559  
the department. 49560

(2) If the department subsequently finds that a school 49561  
district board is not in compliance with an order issued under 49562  
division (F) (1) of this section and the affected pupils are 49563  
enrolled in a nonpublic or community school, the department 49564  
shall deduct the amount that the board is required to pay under 49565  
that order from any pupil transportation payments the department 49566  
makes to the school district board under section 3317.0212 of 49567  
the Revised Code or other provisions of law. The department 49568  
shall use the moneys so deducted to make payments to the 49569  
nonpublic or community school attended by the pupil. The 49570  
department shall continue to make the deductions and payments 49571  
required under this division until the school district board 49572  
either complies with the department's order issued under 49573  
division (F) (1) of this section or begins providing 49574  
transportation. 49575

(G) A nonpublic or community school that receives payments 49576  
from the department under division (F) (2) of this section shall 49577  
do either of the following: 49578

(1) Disburse the entire amount of the payments to the 49579  
parent, guardian, or other person in charge of the pupil 49580  
affected by the failure of the school district of residence to 49581  
provide transportation; 49582

(2) Use the entire amount of the payments to provide 49583  
acceptable transportation for the affected pupil. 49584

(H) At any time after a parent, guardian, or other person 49585  
in charge of a pupil requests transportation for a pupil, that 49586  
parent, guardian, or other person may authorize the nonpublic or 49587  
community school in which the pupil is enrolled to act on the 49588  
parent's, guardian's, or other person's behalf for purposes of 49589  
this section. 49590

**Sec. 3327.021.** The department of education and workforce 49591  
shall monitor each city, local, or exempted village school 49592  
district's compliance with sections 3327.01 and 3327.016 and 49593  
division (B) of section 3327.017 of the Revised Code. If the 49594  
department determines a consistent or prolonged period of 49595  
noncompliance on the part of the school district to provide 49596  
transportation as required under those sections, the department 49597  
shall deduct from the district's payment for student 49598  
transportation under Chapter 3317. of the Revised Code the total 49599  
daily amount of that payment, as computed by the department, for 49600  
each day that the district is not in compliance. 49601

This section does not affect the authority of a school 49602  
district to provide payment in lieu of transportation in 49603  
accordance with section 3327.02 of the Revised Code. 49604

**Sec. 3327.05.** (A) Except as provided in division (B) of 49605  
this section, no board of education of any school district shall 49606  
provide transportation for any pupil who is a school resident of 49607  
another school district unless the pupil is enrolled pursuant to 49608  
section 3313.98 of the Revised Code or the board of the other 49609  
district has given its written consent thereto. If the board of 49610  
any school district files with the ~~state board~~ department of 49611  
education and workforce a written complaint that transportation 49612

for resident pupils is being provided by the board of another 49613  
school district contrary to this division, the ~~state board of~~ 49614  
~~education department~~ shall make an investigation of such 49615  
complaint. If the ~~state board of education department~~ finds that 49616  
transportation is being provided contrary to this section, it 49617  
may withdraw from state funds due the offending district any 49618  
part of the amount that has been approved for transportation 49619  
pursuant to section 3317.0212 of the Revised Code or other 49620  
provisions of law. 49621

(B) Notwithstanding division (D) of section 3311.19 and 49622  
division (D) of section 3311.52 of the Revised Code, this 49623  
division does not apply to any joint vocational or cooperative 49624  
education school district. 49625

A board of education may provide transportation to and 49626  
from the nonpublic school of attendance if both of the following 49627  
apply: 49628

(1) The parent, guardian, or other person in charge of the 49629  
pupil agrees to pay the board for all costs incurred in 49630  
providing the transportation that are not reimbursed pursuant to 49631  
Chapter 3317. of the Revised Code; 49632

(2) The pupil's school district of residence does not 49633  
provide transportation for public school pupils of the same 49634  
grade as the pupil being transported under this division, or 49635  
that district is not required under section 3327.01 of the 49636  
Revised Code to transport the pupil to and from the nonpublic 49637  
school because the direct travel time to the nonpublic school is 49638  
more than thirty minutes. 49639

Upon receipt of the request to provide transportation, the 49640  
board shall review the request and determine whether the board 49641

will accommodate the request. If the board agrees to transport 49642  
the pupil, the board may transport the pupil to and from the 49643  
nonpublic school and a collection point in the district, as 49644  
determined by the board. If the board transports the pupil, the 49645  
board may include the pupil in the district's enrollment 49646  
reported to the department ~~of education~~ for purposes of 49647  
calculating the district's transportation ADM under section 49648  
3317.03 of the Revised Code and, accordingly, may receive a 49649  
state payment under section 3317.0212 of the Revised Code or 49650  
other provisions of law for transporting the pupil. 49651

If the board declines to transport the pupil, the board, 49652  
in a written communication to the parent, guardian, or other 49653  
person in charge of the pupil, shall state the reasons for 49654  
declining the request. 49655

**Sec. 3327.08.** Boards of education of city school 49656  
districts, local school districts, exempted village school 49657  
districts, cooperative education school districts, and joint 49658  
vocational school districts and governing boards of educational 49659  
service centers may purchase on individual contract school buses 49660  
and other equipment used in transporting children to and from 49661  
school and to other functions as authorized by the boards, or 49662  
the boards, at their discretion, may purchase the buses and 49663  
equipment through any system of centralized purchasing 49664  
established by the ~~state~~ department of education and workforce 49665  
for that purpose, provided that state subsidy payments shall be 49666  
based on the amount of the lowest price available to the boards 49667  
by either method of purchase. No board shall be deprived of any 49668  
form of state assistance in the purchase of buses and equipment 49669  
by reason of purchases of buses and equipment on an individual 49670  
contract. 49671

The purchase of school buses shall be made only after 49672  
competitive bidding in accordance with section 3313.46 of the 49673  
Revised Code. All bids shall state that the buses, prior to 49674  
delivery, will comply with the safety rules of the department of 49675  
public safety adopted pursuant to section 4511.76 of the Revised 49676  
Code and all other pertinent provisions of law. 49677

At no time shall bid bonds be required for the purchase of 49678  
school buses, unless the district board or educational service 49679  
center governing board requests that bid bonds be part of the 49680  
competitive bidding process for a specified purchase. 49681

**Sec. 3327.10.** (A) No person shall be employed as driver of 49682  
a school bus or motor van, owned and operated by any school 49683  
district or educational service center or privately owned and 49684  
operated under contract with any school district or service 49685  
center in this state, who has not received a certificate from 49686  
either the educational service center governing board that has 49687  
entered into an agreement with the school district under section 49688  
3313.843 or 3313.845 of the Revised Code or the superintendent 49689  
of the school district, certifying that such person is at least 49690  
eighteen years of age and is qualified physically and otherwise 49691  
for such position. The service center governing board or the 49692  
superintendent, as the case may be, shall provide for an annual 49693  
physical examination that conforms with rules adopted by the 49694  
~~state board~~ department of education and workforce of each driver 49695  
to ascertain the driver's physical fitness for such employment. 49696  
The examination shall be performed by one of the following: 49697

(1) A person licensed under Chapter 4731. or 4734. of the 49698  
Revised Code or by another state to practice medicine and 49699  
surgery, osteopathic medicine and surgery, or chiropractic; 49700

(2) A physician assistant; 49701

- (3) A certified nurse practitioner; 49702
- (4) A clinical nurse specialist; 49703
- (5) A certified nurse-midwife; 49704
- (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. 49705  
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- 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. 49709  
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- (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: 49717  
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- (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; 49727  
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- (2) A physician assistant; 49730

(3) A certified nurse practitioner;	49731
(4) A clinical nurse specialist;	49732
(5) A certified nurse-midwife;	49733
(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.	49734 49735 49736 49737
Any written documentation of the physical examination shall be completed by the individual who performed the examination.	49738 49739 49740
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.	49741 49742 49743
(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.	49744 49745 49746 49747
(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:	49748 49749 49750 49751 49752 49753
(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	49754 49755 49756 49757 49758

operated school bus or motor van under contract. 49759

(2) If employed under division (B) of this section, the 49760  
person shall file the notice with the employing school 49761  
administrator or contractor, or a person designated by the 49762  
administrator or contractor. 49763

(E) In addition to resulting in possible revocation of a 49764  
certificate as authorized by divisions (A) and (B) of this 49765  
section, violation of division (D) of this section is a minor 49766  
misdemeanor. 49767

(F) (1) Not later than thirty days after June 30, 2007, 49768  
each owner of a school bus or motor van shall obtain the 49769  
complete driving record for each person who is currently 49770  
employed or otherwise authorized to drive the school bus or 49771  
motor van. An owner of a school bus or motor van shall not 49772  
permit a person to operate the school bus or motor van for the 49773  
first time before the owner has obtained the person's complete 49774  
driving record. Thereafter, the owner of a school bus or motor 49775  
van shall obtain the person's driving record not less frequently 49776  
than semiannually if the person remains employed or otherwise 49777  
authorized to drive the school bus or motor van. An owner of a 49778  
school bus or motor van shall not permit a person to resume 49779  
operating a school bus or motor van, after an interruption of 49780  
one year or longer, before the owner has obtained the person's 49781  
complete driving record. 49782

(2) The owner of a school bus or motor van shall not 49783  
permit a person to operate the school bus or motor van for ten 49784  
years after the date on which the person pleads guilty to or is 49785  
convicted of a violation of section 4511.19 of the Revised Code 49786  
or a substantially equivalent municipal ordinance. 49787

(3) An owner of a school bus or motor van shall not permit 49788  
any person to operate such a vehicle unless the person meets all 49789  
other requirements contained in rules adopted by the ~~state board~~ 49790  
~~of education~~ department prescribing qualifications of drivers of 49791  
school buses and other student transportation. 49792

(G) No superintendent of a school district, educational 49793  
service center, community school, or public or private employer 49794  
shall permit the operation of a vehicle used for pupil 49795  
transportation within this state by an individual unless both of 49796  
the following apply: 49797

(1) Information pertaining to that driver has been 49798  
submitted to the ~~department of education~~, pursuant to procedures 49799  
adopted by that department. Information to be reported shall 49800  
include the name of the employer or school district, name of the 49801  
driver, driver license number, date of birth, date of hire, 49802  
status of physical evaluation, and status of training. 49803

(2) The most recent criminal records check required by 49804  
division (J) of this section has been completed and received by 49805  
the superintendent or public or private employer. 49806

(H) A person, school district, educational service center, 49807  
community school, nonpublic school, or other public or nonpublic 49808  
entity that owns a school bus or motor van, or that contracts 49809  
with another entity to operate a school bus or motor van, may 49810  
impose more stringent restrictions on drivers than those 49811  
prescribed in this section, in any other section of the Revised 49812  
Code, and in rules adopted by the ~~state board~~ department. 49813

(I) For qualified drivers who, on July 1, 2007, are 49814  
employed by the owner of a school bus or motor van to drive the 49815  
school bus or motor van, any instance in which the driver was 49816

convicted of or pleaded guilty to a violation of section 4511.19 49817  
of the Revised Code or a substantially equivalent municipal 49818  
ordinance prior to two years prior to July 1, 2007, shall not be 49819  
considered a disqualifying event with respect to division (F) of 49820  
this section. 49821

(J) (1) This division applies to persons hired by a school 49822  
district, educational service center, community school, 49823  
chartered nonpublic school, or science, technology, engineering, 49824  
and mathematics school established under Chapter 3326. of the 49825  
Revised Code to operate a vehicle used for pupil transportation. 49826

For each person to whom this division applies who is hired 49827  
on or after November 14, 2007, the employer shall request a 49828  
criminal records check in accordance with section 3319.39 of the 49829  
Revised Code and every six years thereafter. For each person to 49830  
whom this division applies who is hired prior to that date, the 49831  
employer shall request a criminal records check by a date 49832  
prescribed by the department ~~of education~~ and every six years 49833  
thereafter. 49834

(2) This division applies to persons hired by a public or 49835  
private employer not described in division (J) (1) of this 49836  
section to operate a vehicle used for pupil transportation. 49837

For each person to whom this division applies who is hired 49838  
on or after November 14, 2007, the employer shall request a 49839  
criminal records check prior to the person's hiring and every 49840  
six years thereafter. For each person to whom this division 49841  
applies who is hired prior to that date, the employer shall 49842  
request a criminal records check by a date prescribed by the 49843  
department and every six years thereafter. 49844

(3) Each request for a criminal records check under 49845

division (J) of this section shall be made to the superintendent 49846  
of the bureau of criminal identification and investigation in 49847  
the manner prescribed in section 3319.39 of the Revised Code, 49848  
except that if both of the following conditions apply to the 49849  
person subject to the records check, the employer shall request 49850  
the superintendent only to obtain any criminal records that the 49851  
federal bureau of investigation has on the person: 49852

(a) The employer previously requested the superintendent 49853  
to determine whether the bureau of criminal identification and 49854  
investigation has any information, gathered pursuant to division 49855  
(A) of section 109.57 of the Revised Code, on the person in 49856  
conjunction with a criminal records check requested under 49857  
section 3319.39 of the Revised Code or under division (J) of 49858  
this section. 49859

(b) The person presents proof that the person has been a 49860  
resident of this state for the five-year period immediately 49861  
prior to the date upon which the person becomes subject to a 49862  
criminal records check under this section. 49863

Upon receipt of a request, the superintendent shall 49864  
conduct the criminal records check in accordance with section 49865  
109.572 of the Revised Code as if the request had been made 49866  
under section 3319.39 of the Revised Code. However, as specified 49867  
in division (B) (2) of section 109.572 of the Revised Code, if 49868  
the employer requests the superintendent only to obtain any 49869  
criminal records that the federal bureau of investigation has on 49870  
the person for whom the request is made, the superintendent 49871  
shall not conduct the review prescribed by division (B) (1) of 49872  
that section. 49873

(K) (1) Until the effective date of the amendments to rule 49874  
3301-83-23 of the Ohio Administrative Code required by the 49875

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 49906  
by the nonpublic school for transporting nonpublic school pupils 49907  
to and from a school related activity that would be an approved 49908  
school related activity if it were being offered by a public 49909  
school within the district to public school pupils. All ~~state-~~ 49910  
~~board department of education and workforce~~ regulations 49911  
governing the use of such busses by public schools while 49912  
transporting pupils to and from school related activities shall 49913  
be applicable to their use by the nonpublic school. 49914

The cost to the nonpublic school of leasing such busses 49915  
shall not exceed the costs of operating such busses, as 49916  
determined by the board of education of the school district. The 49917  
charge to be made to the nonpublic school for the use of the 49918  
busses shall be specified in the contract entered into pursuant 49919  
to this section. 49920

**Sec. 3327.14.** The board of education of any school 49921  
district that owns and operates buses for transporting pupils 49922  
may contract under a lease agreement with a municipal 49923  
corporation or a public or nonprofit private agency or 49924  
organization delivering services to the aged, to make available 49925  
one or more of the district's buses or other vehicles to be used 49926  
for transporting persons sixty years of age or older. The board 49927  
of education of any school district may also contract under a 49928  
similar agreement with any group, organization or other entity 49929  
engaged in adult education activities. 49930

The cost to the lessee of leasing such buses or other 49931  
vehicles shall not exceed the costs of operating such buses or 49932  
other vehicles as determined by the board of education of the 49933  
school district. The charge to the lessee for the use of the 49934  
buses or other vehicles, which may include the cost of providing 49935

an operator holding a certificate pursuant to section 3327.10 of 49936  
the Revised Code, insurance coverage, and other direct and 49937  
indirect costs to the school district shall be specified in the 49938  
contract entered into pursuant to this section. 49939

All ~~state board~~ department of education and workforce 49940  
regulations governing the use of such buses or other vehicles by 49941  
public schools while transporting pupils to and from school 49942  
related activities apply to the extent applicable to their use 49943  
under this section. 49944

Any board of education making available one or more of its 49945  
buses or other vehicles under this section shall procure 49946  
liability and property damage insurance, as provided in section 49947  
3327.09 of the Revised Code, covering each bus or vehicle used 49948  
and each passenger transported under the leasing agreement. 49949

**Sec. 3327.16.** Notwithstanding division (D) of section 49950  
3311.19 and division (D) of section 3311.52 of the Revised Code, 49951  
this section does not apply to any joint vocational or 49952  
cooperative education school district or its superintendent. 49953

(A) The superintendent of each school district may 49954  
establish a volunteer bus rider assistance program, under which 49955  
qualified adults or responsible older pupils, as determined by 49956  
the superintendent, may be authorized to ride on school buses 49957  
with pupils during such periods of time that the buses are being 49958  
used to transport pupils to and from schools. Volunteers shall 49959  
not be compensated for their services, but older pupils may be 49960  
excused early from school to participate in the program. 49961

Volunteers may be assigned duties or responsibilities by 49962  
the superintendent, including but not limited to, assisting 49963  
younger pupils in embarking and disembarking from buses and in 49964

crossing streets where necessary to ensure the safety of the 49965  
pupil, aiding the driver of the bus to maintain order on buses, 49966  
assisting pupils with disabilities, and such other activities as 49967  
the superintendent determines will aid in the safe and efficient 49968  
transportation of pupils. 49969

Volunteers serving under this section are not employees 49970  
for purposes of Chapter 4117. or 4123. of the Revised Code. 49971  
Nothing in this section shall authorize a board of education to 49972  
adversely affect the employment of any employee of the board. 49973

(B) The board of education of each city, local, or 49974  
exempted village school district shall present a program to all 49975  
pupils in kindergarten through third grade who are offered 49976  
school bus transportation and who have not previously attended 49977  
such program. The program shall consist of instruction in bus 49978  
rider behavior, school bus safety, and the potential problems 49979  
and hazards associated with school bus ridership. The department 49980  
of education and workforce shall prescribe the content and 49981  
length of such program, which shall be presented within two 49982  
weeks after the commencement of classes each school year. 49983

**Sec. 3328.01.** As used in this chapter: 49984

(A) "Board of trustees" means the board of trustees 49985  
established for a college-preparatory boarding school in 49986  
accordance with section 3328.15 of the Revised Code. 49987

(B) "Child with a disability," "IEP," and "school district 49988  
of residence" have the same meanings as in section 3323.01 of 49989  
the Revised Code. 49990

(C) "Eligible student" means a student who is entitled to 49991  
attend school in a participating school district; is at risk of 49992  
academic failure; is from a family whose income is below two 49993

hundred per cent of the federal poverty guidelines, as defined	49994
in section 5101.46 of the Revised Code; meets any additional	49995
criteria prescribed by agreement between the <del>state board</del>	49996
<u>department of education and workforce</u> and the operator of the	49997
college-preparatory boarding school in which the student seeks	49998
enrollment; and meets at least two of the following additional	49999
conditions:	50000
(1) The student has a record of in-school disciplinary	50001
actions, suspensions, expulsions, or truancy.	50002
(2) The student has not attained at least a proficient	50003
score on the state achievement assessments in English language	50004
arts, reading, or mathematics prescribed under section 3301.0710	50005
of the Revised Code, after those assessments have been	50006
administered to the student at least once, or the student has	50007
not attained at least a score designated by the board of	50008
trustees of the college-preparatory boarding school in which the	50009
student seeks enrollment under this chapter on an end-of-course	50010
examination in English language arts or mathematics prescribed	50011
under section 3301.0712 of the Revised Code.	50012
(3) The student is a child with a disability.	50013
(4) The student has been referred for academic	50014
intervention services.	50015
(5) The student's head of household is a single parent. As	50016
used in this division and in division (C)(6) of this section,	50017
"head of household" means a person who occupies the same	50018
household as the student and who is financially responsible for	50019
the student.	50020
(6) The student's head of household is not the student's	50021
custodial parent.	50022

(7) A member of the student's family has been imprisoned,	50023
as defined in section 1.05 of the Revised Code.	50024
(D) "Entitled to attend school" means entitled to attend	50025
school in a school district under section 3313.64 or 3313.65 of	50026
the Revised Code.	50027
(E) "Formula ADM," "category one through six special	50028
education ADM," and "state education aid" have the same meanings	50029
as in section 3317.02 of the Revised Code.	50030
(F) "Operator" means the operator of a college-preparatory	50031
boarding school selected under section 3328.11 of the Revised	50032
Code.	50033
(G) "Participating school district" means either of the	50034
following:	50035
(1) The school district in which a college-preparatory	50036
boarding school established under this chapter is located;	50037
(2) A school district other than one described in division	50038
(G) (1) of this section that, pursuant to procedures adopted by	50039
the <del>state board of education department</del> under section 3328.04 of	50040
the Revised Code, agrees to be a participating school district	50041
so that eligible students entitled to attend school in that	50042
district may enroll in a college-preparatory boarding school	50043
established under this chapter.	50044
<b>Sec. 3328.02.</b> (A) Each college-preparatory boarding school	50045
established under this chapter is a public school and is part of	50046
the state's program of education.	50047
(B) Acting through its board of trustees, the school may	50048
sue and be sued, acquire facilities as needed, contract for any	50049
services necessary for the operation of the school, and enter	50050

into contracts with the department of education and workforce 50051  
pursuant to this chapter. The board of trustees may carry out 50052  
any act and ensure the performance of any function that is in 50053  
compliance with the Ohio Constitution, this chapter, other 50054  
statutes applicable to college-preparatory boarding schools, and 50055  
the contract entered into under this chapter establishing the 50056  
school. 50057

(C) Each college-preparatory boarding school shall be 50058  
established as a public benefit corporation under Chapter 1702. 50059  
of the Revised Code. 50060

**Sec. 3328.04.** The city, exempted village, or local school 50061  
district in which a college-preparatory boarding school 50062  
established under this chapter is located is a participating 50063  
school district under this chapter. Any other city, exempted 50064  
village, or local school district may agree to be a 50065  
participating school district. The ~~state board~~ department of 50066  
education and workforce shall adopt procedures for districts to 50067  
agree to be participating school districts. 50068

**Sec. 3328.11.** (A) In accordance with the procedures 50069  
prescribed in division (B) of this section, the ~~state board~~ 50070  
department of education and workforce shall select a private 50071  
nonprofit corporation that meets the following qualifications to 50072  
operate each college-preparatory boarding school established 50073  
under this chapter: 50074

(1) The corporation has experience operating a school or 50075  
program similar to the schools authorized under this chapter. 50076

(2) The school or program described in division (A) (1) of 50077  
this section has demonstrated to the satisfaction of the ~~state~~ 50078  
~~board~~ department success in improving the academic performance 50079

of students. 50080

(3) The corporation has demonstrated to the satisfaction 50081  
of the ~~state board~~ department that the corporation has the 50082  
capacity to secure private funds for the development of the 50083  
school authorized under this chapter. 50084

(B) (1) Not later than sixty days after ~~the effective date~~ 50085  
~~of this section~~ September 29, 2011, the ~~state board~~ department 50086  
shall issue a request for proposals from private nonprofit 50087  
corporations qualified to operate a college-preparatory boarding 50088  
school established under this chapter. If the ~~state board~~ 50089  
department subsequently determines that the establishment of one 50090  
or more additional college-preparatory boarding schools is 50091  
advisable, the ~~state board~~ department shall issue requests for 50092  
proposals from private nonprofit corporations qualified to 50093  
operate those additional schools. 50094

In all cases, the ~~state board~~ department shall select the 50095  
school's operator from among the qualified responders within one 50096  
hundred eighty days after the issuance of the request for 50097  
proposals. If no qualified responder submits a proposal, the 50098  
~~state board~~ department may issue another request for proposals. 50099

(2) Each proposal submitted to the ~~state board~~ department 50100  
shall contain the following information: 50101

(a) The proposed location of the college-preparatory 50102  
boarding school, which may differ from any location recommended 50103  
by the ~~state board~~ department in the request for proposals; 50104

(b) A plan for offering grade six in the school's initial 50105  
year of operation and a plan for increasing the grade levels 50106  
offered by the school in subsequent years; 50107

(c) Any other information about the proposed educational 50108

program, facilities, or operations of the school considered 50109  
necessary by the ~~state board~~ department. 50110

(C) No college-preparatory boarding school established 50111  
under this chapter shall open for operation prior to the 2013- 50112  
2014 school year. 50113

**Sec. 3328.12.** The ~~state board~~ department of education and 50114  
workforce shall enter into a contract with the operator of each 50115  
college-preparatory boarding school established under this 50116  
chapter. The contract shall stipulate the following: 50117

(A) The school's board of trustees shall oversee the 50118  
acquisition of a facility for the school. 50119

(B) The operator shall operate the school in accordance 50120  
with the terms of the proposal accepted by the ~~state board~~ 50121  
department under section 3328.11 of the Revised Code, including 50122  
the plan for increasing the grade levels offered by the school. 50123

(C) The school shall comply with the provisions of this 50124  
chapter. 50125

(D) The school shall comply with any other provisions of 50126  
law specified in the contract and the rules adopted by the ~~state~~ 50127  
~~board~~ department under section 3328.50 of the Revised Code. 50128

(E) The school shall comply with the bylaws adopted by the 50129  
board of trustees under section 3328.13 of the Revised Code. 50130

(F) The school shall meet the academic goals and other 50131  
performance standards specified in the contract. 50132

(G) The school shall have a fiscal officer who meets 50133  
standards established for the purposes of this division by the- 50134  
~~state board~~ department. 50135

(H) In accordance with procedures specified in the 50136  
contract, the ~~department of education~~ shall monitor the 50137  
operation, programs, and facilities of the school, including 50138  
conducting on-site visits of the school. 50139

(I) The department may take actions, as specified in the 50140  
contract, to resolve issues of noncompliance by the school of 50141  
the provisions of this chapter, the contract, the bylaws adopted 50142  
by the board of trustees, or rules adopted by the ~~state board~~ 50143  
department. Such specified actions shall include procedures for 50144  
notice of noncompliance and an appeal ~~to the state board of the~~ 50145  
~~decisions of the department~~process. 50146

(J) The ~~state board~~ department or the operator may 50147  
terminate the contract in accordance with the procedures 50148  
specified in the contract, which shall include at least a 50149  
requirement that the party seeking termination give prior notice 50150  
of the intent to terminate the contract and a requirement that 50151  
the party receiving such notice be granted an opportunity to 50152  
redress any grievances cited in the notice prior to the 50153  
termination. 50154

(K) If the school closes for any reason, the school's 50155  
board of trustees shall execute the closing in the manner 50156  
specified in the contract. 50157

**Sec. 3328.13.** The board of trustees of each college- 50158  
preparatory boarding school established under this chapter shall 50159  
adopt bylaws for the oversight and operation of the school that 50160  
are consistent with the provisions of this chapter, the rules 50161  
adopted under section 3328.50 of the Revised Code, and the 50162  
contract between the operator and the ~~state board~~ department of 50163  
education and workforce. The bylaws shall include procedures for 50164  
the appointment of future members of the school's board of 50165

trustees upon expiration of the terms of the initial members, 50166  
which procedures shall comply with section 3328.15 of the 50167  
Revised Code. The bylaws also shall include standards for the 50168  
admission of students to the school and their dismissal from the 50169  
school. The bylaws shall be subject to the approval of the ~~state~~ 50170  
~~board~~ department. 50171

**Sec. 3328.15.** (A) Each college-preparatory boarding school 50172  
established under this chapter shall be governed by a board of 50173  
trustees consisting of up to twenty-five members. Five of those 50174  
members shall be appointed by the governor, with the advice and 50175  
consent of the senate. The governor's appointments may be based 50176  
on nonbinding recommendations made by the ~~superintendent of~~ 50177  
~~public instruction~~ director of education and workforce. Of the 50178  
remaining members, initial members shall be appointed by the 50179  
school's operator and future members shall be appointed pursuant 50180  
to the bylaws adopted under section 3328.13 of the Revised Code. 50181  
The governor, operator, or any other person or entity who 50182  
appoints a member of the board of trustees under this section or 50183  
the bylaws adopted under section 3328.13 of the Revised Code may 50184  
remove that member from the board at any time. 50185

(B) The terms of office of the initial members shall be as 50186  
follows: 50187

(1) Two members appointed by the governor shall serve for 50188  
an initial term of three years. 50189

(2) Two members appointed by the governor shall serve for 50190  
an initial term of two years. 50191

(3) One member appointed by the governor shall serve for 50192  
an initial term of one year. 50193

(4) One-third of the members appointed by the operator, 50194

rounded down to the nearest whole number, shall serve for an 50195  
initial term of three years. 50196

(5) One-third of the members appointed by the operator, 50197  
rounded down to the nearest whole number, shall serve for an 50198  
initial term of two years. 50199

(6) One-third of the members appointed by the operator, 50200  
rounded down to the nearest whole number, shall serve for an 50201  
initial term of one year. 50202

(7) Any remaining members appointed by the operator shall 50203  
serve for an initial term of one year. 50204

Thereafter the terms of office of all members shall be for 50205  
three years. 50206

The beginning date and ending date of terms of office 50207  
shall be as prescribed by the school's operator, unless modified 50208  
in the bylaws adopted under section 3328.13 of the Revised Code. 50209

(C) Vacancies on the board shall be filled in the same 50210  
manner as the initial appointments. A member appointed to an 50211  
unexpired term shall serve for the remainder of that term and 50212  
may be reappointed subject to division (D) of this section. 50213

(D) No member may serve for more than three consecutive 50214  
three-year terms. 50215

(E) The officers of the board shall be selected by and 50216  
from among the members of the board. 50217

(F) Compensation for the members of the board, if any, 50218  
shall be as prescribed in the bylaws adopted under section 50219  
3328.13 of the Revised Code. 50220

(G) It shall be construed that any contract entered into 50221

by the board of trustees or any officer or trustee of a college- 50222  
preparatory boarding school, including, but not limited to, an 50223  
agreement or contract required by section 3318.08, 3318.60, or 50224  
3318.61 of the Revised Code, is entered into by such individuals 50225  
in their official capacities as representatives of the college- 50226  
preparatory boarding school. No officer, trustee, or member of 50227  
the board of trustees of a college-preparatory boarding school 50228  
incurs any personal liability by virtue of section 3318.08, 50229  
3318.60, or 3318.61 of the Revised Code or the entering into any 50230  
contract on behalf of the school. 50231

**Sec. 3328.18.** (A) As used in this section, "license" has 50232  
the same meaning as in section 3319.31 of the Revised Code. 50233

(B) If a person who is employed by a college-preparatory 50234  
boarding school established under this chapter or its operator 50235  
is arrested, summoned, or indicted for an alleged violation of 50236  
an offense listed in division (C) of section 3319.31 of the 50237  
Revised Code, if the person holds a license, or an offense 50238  
listed in division (B)(1) of section 3319.39 of the Revised 50239  
Code, if the person does not hold a license, the chief 50240  
administrator of the school in which that person works shall 50241  
suspend that person from all duties that require the care, 50242  
custody, or control of a child during the pendency of the 50243  
criminal action against the person. If the person who is 50244  
arrested, summoned, or indicted for an alleged violation of an 50245  
offense listed in division (C) of section 3319.31 or division 50246  
(B)(1) of section 3319.39 of the Revised Code is the chief 50247  
administrator of the school, the board of trustees of the school 50248  
shall suspend the chief administrator from all duties that 50249  
require the care, custody, or control of a child. 50250

(C) When a person who holds a license is suspended in 50251

accordance with this section, the chief administrator or board 50252  
that imposed the suspension promptly shall report the person's 50253  
suspension to the department of education and workforce and to 50254  
the state board of education. The report shall include the 50255  
offense for which the person was arrested, summoned, or 50256  
indicted. 50257

**Sec. 3328.23.** (A) A college-preparatory boarding school 50258  
established under this chapter shall comply with Chapter 3323. 50259  
of the Revised Code as if the school were a school district. For 50260  
each child with a disability enrolled in the school for whom an 50261  
IEP has been developed, the school shall verify in the manner 50262  
prescribed by the department of education and workforce that the 50263  
school is providing the services required under the child's IEP. 50264

(B) The school district in which a child with a disability 50265  
enrolled in the college-preparatory boarding school is entitled 50266  
to attend school and the child's school district of residence, 50267  
if different, are not obligated to provide the student with a 50268  
free appropriate public education under Chapter 3323. of the 50269  
Revised Code for as long as the child is enrolled in the 50270  
college-preparatory boarding school. 50271

**Sec. 3328.26.** (A) The department of education and 50272  
workforce shall issue an annual report card for each college- 50273  
preparatory boarding school established under this chapter that 50274  
includes all information applicable to school buildings under 50275  
section 3302.03 of the Revised Code. 50276

(B) For each student enrolled in the school, the 50277  
department shall combine data regarding the academic performance 50278  
of that student with comparable data from the school district in 50279  
which the student is entitled to attend school for the purpose 50280  
of calculating the performance of the district as a whole on the 50281

report card issued for the district under section 3302.03 of the Revised Code.	50282 50283
(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.	50284 50285 50286 50287 50288
<b>Sec. 3328.29.</b> (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.	50289 50290 50291 50292 50293 50294 50295
(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:	50296 50297 50298 50299 50300 50301
(a) A college-preparatory boarding school;	50302
(b) A member of a college-preparatory boarding school board of trustees;	50303 50304
(c) A college-preparatory boarding school employee or contractor;	50305 50306
(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.	50307 50308 50309 50310

(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 50340  
loss to person or property that allegedly arises from an act or 50341  
omission associated with procuring, maintaining, accessing, or 50342  
using an inhaler under this section, unless the act or omission 50343  
constitutes willful or wanton misconduct. 50344

This division does not eliminate, limit, or reduce any 50345  
other immunity or defense that a college-preparatory boarding 50346  
school or board of trustees, member of a college-preparatory 50347  
boarding school board of trustees, or college-preparatory 50348  
boarding school employee or contractor may be entitled to under 50349  
Chapter 2744. or any other provision of the Revised Code or 50350  
under the common law of this state. 50351

(D) A college-preparatory boarding school may accept 50352  
donations of inhalers from a wholesale distributor of dangerous 50353  
drugs or a manufacturer of dangerous drugs, as defined in 50354  
section 4729.01 of the Revised Code, and may accept donations of 50355  
money from any person to purchase inhalers. 50356

(E) A college-preparatory boarding school that elects to 50357  
procure inhalers under this section shall report to the 50358  
department of education and workforce each procurement and 50359  
occurrence in which an inhaler is used from a school's supply of 50360  
inhalers. 50361

**Sec. 3328.31.** Each college-preparatory boarding school 50362  
established under this chapter shall report to the department of 50363  
education and workforce, in the form and manner prescribed by 50364  
the department, the following information: 50365

(A) The total number of students enrolled in the school; 50366

(B) The number of students enrolled in the school who are 50367  
receiving special education and related services pursuant to an 50368

IEP; 50369

(C) The city, exempted village, or local school district 50370  
in which each student reported under division (A) of this 50371  
section is entitled to attend school; 50372

(D) Any additional information the department determines 50373  
necessary to make payments to the school under this chapter. 50374

**Sec. 3328.34.** (A) For each child enrolled in a college- 50375  
preparatory boarding school, as reported under section 3328.31 50376  
of the Revised Code, the department of education and workforce 50377  
shall pay to the school the sum of the amount eighty-five per 50378  
cent of the operating expenditure per pupil of the city, local, 50379  
or exempted village school district in which the child is 50380  
entitled to attend school plus the per-pupil boarding amount 50381  
specified in division (B) of this section. 50382

As used in this division, a district's "operating 50383  
expenditure per pupil" is the total amount of state payments and 50384  
other nonfederal revenue spent by the district for operating 50385  
expenses during the previous fiscal year, divided by the 50386  
district's enrolled ADM, as that term is defined in section 50387  
3317.02 of the Revised Code, for the previous fiscal year. 50388

(B) For the first fiscal year in which a college- 50389  
preparatory boarding school may be established under this 50390  
chapter, the "per-pupil boarding amount" is twenty-five thousand 50391  
dollars. For each fiscal year thereafter, that amount shall be 50392  
adjusted by the rate of inflation, as measured by the consumer 50393  
price index (all urban consumers, all items) prepared by the 50394  
bureau of labor statistics of the United States department of 50395  
labor, for the previous twelve-month period. 50396

(C) The ~~state board of education~~ department may accept 50397

funds from federal and state noneducation support services 50398  
programs for the purpose of funding the per pupil boarding 50399  
amount prescribed in division (B) of this section. 50400  
Notwithstanding any other provision of the Revised Code, the 50401  
~~state board department~~ shall coordinate and streamline any 50402  
noneducation program requirements in order to eliminate 50403  
redundant or conflicting requirements, licensing provisions, and 50404  
oversight by government programs or agencies. The applicable 50405  
regulatory entities shall, to the maximum extent possible, use 50406  
reports and financial audits provided by the auditor of state 50407  
and coordinated by the ~~department of education~~ to eliminate or 50408  
reduce contract and administrative reviews. Regulatory entities 50409  
other than the ~~state board department~~ may suggest reasonable 50410  
additional items to be included in such reports and financial 50411  
audits to meet any requirements of federal law. Reporting 50412  
paperwork prepared for the ~~state board department~~ shall be 50413  
shared with and accepted by other state and local entities to 50414  
the maximum extent feasible. 50415

(D) (1) Notwithstanding division (A) of this section, if, 50416  
in any fiscal year, a college-preparatory boarding school 50417  
receives federal funds for the purpose of supporting the 50418  
school's operations, the amount of those federal funds shall be 50419  
deducted from the total per-pupil boarding amount for all 50420  
enrolled students paid by the department to the school for that 50421  
fiscal year, unless the school's board of trustees and the 50422  
department determine otherwise in a written agreement. Any 50423  
portion of the total per-pupil boarding amount for all enrolled 50424  
students remaining after the deduction of the federal funds 50425  
shall be paid by the department to the school from state funds 50426  
appropriated to the department. 50427

(2) Notwithstanding division (A) of this section, if, in 50428

any fiscal year, the department receives federal funds for the 50429  
purpose of supporting the operations of a college-preparatory 50430  
boarding school, the department shall use those federal funds, 50431  
not including any portion of those funds designated for 50432  
administration, to pay the school the total per-pupil boarding 50433  
amount for all enrolled students for that fiscal year. Any 50434  
portion of the total per-pupil boarding amount for all enrolled 50435  
students remaining after the use of the federal funds shall be 50436  
paid by the department to the school from state funds 50437  
appropriated to the department. 50438

(3) If any federal funds are used for the purpose 50439  
prescribed in division (D)(1) or (2) of this section, the 50440  
department shall comply with all requirements upon which the 50441  
acceptance of the federal funds is conditioned, including any 50442  
requirements set forth in the funding application submitted by 50443  
the school or the department and, to the extent sufficient funds 50444  
are appropriated by the general assembly, any requirements 50445  
regarding maintenance of effort in expenditures. 50446

**Sec. 3328.35.** To the extent permitted by federal law, the 50447  
department of education and workforce shall include college- 50448  
preparatory boarding schools established under this chapter in 50449  
its annual allocation of federal moneys under Title I of the 50450  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 50451  
6301, et seq. The department may apply for any other federal 50452  
moneys that may be used to support the operations of college- 50453  
preparatory boarding schools established under this chapter. 50454

**Sec. 3328.37.** (A) If the auditor of state or a public 50455  
accountant, under section 117.41 of the Revised Code, declares a 50456  
college-preparatory boarding school established under this 50457  
chapter to be unauditible, the auditor of state shall provide 50458

written notification of that declaration to the school and the 50459  
department of education and workforce. The auditor of state also 50460  
shall post the notification on the auditor of state's web site. 50461

(B) If the college-preparatory boarding school's current 50462  
fiscal officer held that position during the period for which 50463  
the school is unauditale, upon receipt of the notification 50464  
under division (A) of this section, the board of trustees of the 50465  
school shall suspend the fiscal officer until the auditor of 50466  
state or a public accountant has completed an audit of the 50467  
school, except that if the fiscal officer is employed by the 50468  
school's operator, the operator shall suspend the fiscal officer 50469  
for that period. Suspension of the fiscal officer may be with or 50470  
without pay, as determined by the entity imposing the suspension 50471  
based on the circumstances that prompted the auditor of state's 50472  
declaration. The entity imposing the suspension shall appoint a 50473  
person to assume the duties of the fiscal officer during the 50474  
period of the suspension. If the appointee is not licensed as a 50475  
treasurer under section 3301.074 of the Revised Code, the 50476  
appointee shall be approved by the ~~superintendent of public~~ 50477  
~~instruction~~ director of education and workforce before assuming 50478  
the duties of the fiscal officer. The state board of education 50479  
may take action under section 3319.31 of the Revised Code to 50480  
suspend, revoke, or limit the license of a fiscal officer who 50481  
has been suspended under this division. 50482

(C) Not later than forty-five days after receiving the 50483  
notification under division (A) of this section, the board of 50484  
trustees of the college-preparatory boarding school shall 50485  
provide a written response to the auditor of state. The response 50486  
shall include the following: 50487

(1) An overview of the process the board will use to 50488

review and understand the circumstances that led to the school 50489  
becoming unauditabile; 50490

(2) A plan for providing the auditor of state with the 50491  
documentation necessary to complete an audit of the school and 50492  
for ensuring that all financial documents are available in the 50493  
future; 50494

(3) The actions the board will take to ensure that the 50495  
plan described in division (C) (2) of this section is 50496  
implemented. 50497

(D) If the college-preparatory boarding school fails to 50498  
make reasonable efforts and continuing progress to bring its 50499  
accounts, records, files, or reports into an auditable condition 50500  
within ninety days after being declared unauditabile, the auditor 50501  
of state, in addition to requesting legal action under sections 50502  
117.41 and 117.42 of the Revised Code, shall notify the school 50503  
and the department of the school's failure. If the auditor of 50504  
state or a public accountant subsequently is able to complete a 50505  
financial audit of the school, the auditor of state shall notify 50506  
the school and the department that the audit has been completed. 50507

(E) Notwithstanding any provision to the contrary in this 50508  
chapter or in any other provision of law, upon notification by 50509  
the auditor of state under division (D) of this section that the 50510  
college-preparatory boarding school has failed to make 50511  
reasonable efforts and continuing progress to bring its 50512  
accounts, records, files, or reports into an auditable 50513  
condition, the department shall immediately cease all payments 50514  
to the school under this chapter and any other provision of law. 50515  
Upon subsequent notification from the auditor of state under 50516  
that division that the auditor of state or a public accountant 50517  
was able to complete a financial audit of the school, the 50518

department shall release all funds withheld from the school 50519  
under this section. 50520

**Sec. 3328.38.** (A) With the approval of its board of 50521  
trustees, a college-preparatory boarding school established 50522  
under this chapter may procure injectable or nasally 50523  
administered glucagon in the manner prescribed by section 50524  
3313.7115 of the Revised Code. A college-preparatory boarding 50525  
school that elects to do so shall comply with all provisions of 50526  
that section as if it were a school district. 50527

(B) (1) The following are not liable in damages in a civil 50528  
action for injury, death, or loss to person or property that 50529  
allegedly arises from an act or omission associated with 50530  
procuring, maintaining, accessing, or using injectable or 50531  
nasally administered glucagon under this section, unless the act 50532  
or omission constitutes willful or wanton misconduct: 50533

(a) A college-preparatory boarding school; 50534

(b) A member of a college-preparatory boarding school 50535  
board of trustees; 50536

(c) A college-preparatory boarding school employee or 50537  
contractor; 50538

(d) A licensed health professional authorized to prescribe 50539  
drugs who personally furnishes or prescribes injectable or 50540  
nasally administered glucagon, provides a consultation, or 50541  
issues a protocol pursuant to this section. 50542

(2) This division does not eliminate, limit, or reduce any 50543  
other immunity or defense that a college-preparatory boarding 50544  
school or board of trustees, member of a college-preparatory 50545  
boarding school board of trustees, college-preparatory boarding 50546  
school employee or contractor, or licensed health professional 50547

may be entitled to under Chapter 2744. or any other provision of 50548  
the Revised Code or under the common law of this state. 50549

(C) A college-preparatory boarding school may accept 50550  
donations of injectable or nasally administered glucagon from a 50551  
wholesale distributor of dangerous drugs or a manufacturer of 50552  
dangerous drugs, as defined in section 4729.01 of the Revised 50553  
Code, and may accept donations of money from any person to 50554  
purchase the drug. 50555

(D) A college-preparatory boarding school that elects to 50556  
procure injectable or nasally administered glucagon under this 50557  
section shall report to the department of education and 50558  
workforce each procurement and each occurrence in which a dose 50559  
of the drug is used from the school's supply. 50560

**Sec. 3328.45.** (A) If the ~~state board~~ department of 50561  
education and workforce determines that a college-preparatory 50562  
boarding school established under this chapter is not in 50563  
compliance with any provision of this chapter or the terms of 50564  
the contract entered into under section 3328.12 of the Revised 50565  
Code, or that the school has failed to meet the academic goals 50566  
or performance standards specified in that contract, the ~~state~~ 50567  
~~board~~ department may initiate the termination procedures 50568  
specified in the contract. No termination shall take effect 50569  
prior to the end of a school year. Upon the effective date of a 50570  
termination, the school shall close. 50571

(B) If a college-preparatory boarding school is required 50572  
to close under division (A) of this section or closes for any 50573  
other reason, the school's board of trustees shall execute the 50574  
closing as provided in the contract under section 3328.12 of the 50575  
Revised Code. 50576

**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 50606  
translating the text of the entire textbook into NIMAS-approved 50607  
formats, including braille, audio, digital text, or large print. 50608

(B) The list wholesale price filed for any specified 50609  
number of electronic files described in divisions (A) (1) and (2) 50610  
of this section for the textbook and instructional materials the 50611  
publisher offers with the textbook does not exceed the list 50612  
wholesale price for the same number of the printed version of 50613  
the textbook and materials. 50614

(C) For textbooks published on or after August 18, 2006, 50615  
the publisher sends one copy of the electronic file described in 50616  
division (A) (2) of this section for the entire textbook and all 50617  
instructional materials the publisher offers with the textbook 50618  
in NIMAS code, at no cost, to the national instructional 50619  
materials access center. 50620

As used in this section and in sections 3329.03 to 3329.10 50621  
of the Revised Code, "electronic textbook" means computer 50622  
software, interactive videodisc, magnetic media, optical media, 50623  
computer courseware, on-line service, electronic medium, or 50624  
other means of conveying information to the student or otherwise 50625  
contributing to the learning process through electronic means. 50626

**Sec. 3329.03.** If a publisher who files a statement under 50627  
section 3329.01 of the Revised Code, fails or refuses to furnish 50628  
such textbooks or electronic textbooks adopted as provided in 50629  
sections 3329.01 to 3329.10 of the Revised Code to any board of 50630  
education upon the terms provided in such sections, such board 50631  
at once must notify the ~~state board~~ department of education and 50632  
workforce of such failure or refusal, and the ~~state board of~~ 50633  
~~education department~~ at once shall cause an investigation of 50634  
such charge to be made. If it is found to be true, the ~~state~~ 50635

~~board of education department~~ at once shall notify such 50636  
publisher and each board in the state that such textbooks or 50637  
electronic textbooks shall not thereafter be adopted and 50638  
purchased by boards of education. Such publisher shall pay to 50639  
the state five hundred dollars for each failure, to be recovered 50640  
in the name of the state, in an action to be brought by the 50641  
attorney general, in the court of common pleas of Franklin 50642  
county, or in any other proper court or in any other place where 50643  
service can be made. The amount, when collected, must be paid 50644  
into the state treasury to the credit of the state general 50645  
revenue fund. 50646

**Sec. 3329.10.** A superintendent, supervisor, principal, or 50647  
teacher employed by any board of education shall not act as 50648  
sales agent, either directly or indirectly, for any person, 50649  
firm, or corporation that files school textbooks or electronic 50650  
textbooks with the ~~superintendent of public~~ 50651  
~~instruction~~department of education and workforce, or that sells 50652  
school apparatus or equipment of any kind for use in the public 50653  
schools. A violation of this section shall work a forfeiture of 50654  
their licenses to teach in the public schools. 50655

**Sec. 3331.01.** (A) As used in this chapter: 50656

(1) "Superintendent" or "superintendent of schools" of a 50657  
school district means the person employed as the superintendent 50658  
or that person's designee. 50659

(2) "Chief administrative officer" means the chief 50660  
administrative officer of a nonpublic or community school or 50661  
that person's designee. 50662

(B) (1) Except as provided in division (B) (2) of this 50663  
section, an age and schooling certificate may be issued only by 50664

the superintendent of the city, local, joint vocational, or 50665  
exempted village school district in which the child in whose 50666  
name such certificate is issued resides or by the chief 50667  
administrative officer of the nonpublic or community school the 50668  
child attends, and only upon satisfactory proof that the child 50669  
to whom the certificate is issued is at least fourteen years of 50670  
age. 50671

(2) A child who resides in this state shall apply for an 50672  
age and schooling certificate to the superintendent of the 50673  
school district in which the child resides, or to the chief 50674  
administrative officer of the school that the child attends. 50675  
Residents of other states who work in Ohio shall apply to the 50676  
superintendent of the school district in which the place of 50677  
employment is located, as a condition of employment or service. 50678

(C) Any such age and schooling certificate may be issued 50679  
only upon satisfactory proof that the employment contemplated by 50680  
the child is not prohibited by any law regulating the employment 50681  
of such children. Section 4113.08 of the Revised Code does not 50682  
apply to such employer in respect to such child while engaged in 50683  
an employment legal for a child of the age stated therein. 50684

(D) Age and schooling certificate forms shall be approved 50685  
by the ~~state board~~ department of education and workforce, 50686  
including forms submitted electronically. Forms shall not 50687  
display the social security number of the child. Except as 50688  
otherwise provided in this section, every application for an age 50689  
and schooling certificate must be signed in the presence of the 50690  
officer issuing it by the child in whose name it is issued. 50691

(E) A child shall furnish the superintendent or chief 50692  
administrative officer all information required by this chapter 50693  
in support of the issuance of a certificate. 50694

(F) On and after September 1, 2002, each superintendent and chief administrative officer who issues an age and schooling certificate shall file electronically the certificate with the director of commerce in accordance with rules adopted by the director of administrative services pursuant to section 1306.21 of the Revised Code. On and after September 1, 2002, only electronically filed certificates are valid to satisfy the requirements of Chapter 4109. of the Revised Code.

**Sec. 3331.02.** (A) The superintendent of schools or the chief administrative officer, as appropriate pursuant to section 3331.01 of the Revised Code, shall not issue an age and schooling certificate until the superintendent or chief administrative officer has received, examined, approved, and filed the following papers duly executed:

(1) The written pledge or promise of the person, partnership, or corporation to legally employ the child, and for this purpose work performed by a minor, directly and exclusively for the benefit of such minor's parent, in the farm home or on the farm of such parent is legal employment, irrespective of any contract of employment, or the absence thereof, to permit the child to attend school as provided in section 3321.08 of the Revised Code, and give notice of the nonuse of an age and schooling certificate within five days from the date of the child's withdrawal or dismissal from the service of that person, partnership, or corporation, giving the reasons for such withdrawal or dismissal;

(2) The child's school record or notification. As used in this division, a "school record" means documents properly filled out and signed by the person in charge of the school which the child last attended, giving the recorded age of the child, the

child's address, standing in studies, rating in conduct, and 50725  
attendance in days during the school year of the child's last 50726  
attendance; "notification" means the information submitted to 50727  
the superintendent by the parent of a child excused from 50728  
attendance at school pursuant to ~~division (A) (2) of section~~ 50729  
~~3321.04~~ 3321.042 of the Revised Code, as the notification is 50730  
required by rules adopted by the department of education and 50731  
workforce. 50732

(3) Evidence of the age of the child as follows: 50733

(a) A certified copy of an original birth record or a 50734  
certification of birth, issued in accordance with Chapter 3705. 50735  
of the Revised Code, or by an officer charged with the duty of 50736  
recording births in another state or country, shall be 50737  
conclusive evidence of the age of the child; 50738

(b) In the absence of such birth record or certification 50739  
of birth, a passport, or duly attested transcript thereof, 50740  
showing the date and place of birth of the child, filed with a 50741  
register of passports at a port of entry of the United States; 50742  
or an attested transcript of the certificate of birth or baptism 50743  
or other religious record, showing the date and place of birth 50744  
of the child, shall be conclusive evidence of the age of the 50745  
child; 50746

(c) In case none of the above proofs of age can be 50747  
produced, other documentary evidence, except the affidavit of 50748  
the parent, guardian, or custodian, satisfactory to the 50749  
superintendent or chief administrative officer may be accepted 50750  
in lieu thereof; 50751

(d) In case no documentary proof of age can be procured, 50752  
the superintendent or chief administrative officer may receive 50753

and file an application signed by the parent, guardian, or 50754  
custodian of the child that a medical certificate be secured to 50755  
establish the sufficiency of the age of the child, which 50756  
application shall state the alleged age of the child, the place 50757  
and date of birth, the child's present residence, and such 50758  
further facts as may be of assistance in determining the age of 50759  
the child, and shall certify that the person signing the 50760  
application is unable to obtain any of the documentary proofs 50761  
specified in divisions (A) (3) (a), (b), and (c) of this section; 50762  
and if the superintendent or chief administrative officer is 50763  
satisfied that a reasonable effort to procure such documentary 50764  
proof has been without success such application shall be granted 50765  
and the certificate of the school physician or if there be none, 50766  
of a physician, a physician assistant, a clinical nurse 50767  
specialist, or a certified nurse practitioner employed by the 50768  
board of education, that said physician, physician assistant, 50769  
clinical nurse specialist, or certified nurse practitioner is 50770  
satisfied that the child is above the age required for an age 50771  
and schooling certificate as stated in section 3331.01 of the 50772  
Revised Code, shall be accepted as sufficient evidence of age<sup>+</sup>. 50773

(4) A certificate, including an athletic certificate of 50774  
examination, from a physician licensed pursuant to Chapter 4731. 50775  
of the Revised Code, a physician assistant, a clinical nurse 50776  
specialist, or a certified nurse practitioner, or from the 50777  
district health commissioner, showing after a thorough 50778  
examination that the child is physically fit to be employed in 50779  
such occupations as are not prohibited by law for a boy or girl, 50780  
as the case may be, under eighteen years of age; but a 50781  
certificate with "limited" written, printed, marked, or stamped 50782  
thereon may be furnished by such physician, physician assistant, 50783  
clinical nurse specialist, or certified nurse practitioner and 50784

accepted by the superintendent or chief administrative officer 50785  
in issuing a "limited" age and schooling certificate provided in 50786  
section 3331.06 of the Revised Code, showing that the child is 50787  
physically fit to be employed in some particular occupation not 50788  
prohibited by law for a boy or girl of such child's age, as the 50789  
case may be, even if the child's complete physical ability to 50790  
engage in such occupation cannot be vouched for. 50791

(B) (1) Except as provided in division (B) (2) of this 50792  
section, a physical fitness certificate described in division 50793  
(A) (4) of this section is valid for purposes of that division 50794  
while the child remains employed in job duties of a similar 50795  
nature as the job duties for which the child last was issued an 50796  
age and schooling certificate. The superintendent or chief 50797  
administrative officer who issues an age and schooling 50798  
certificate shall determine whether job duties are similar for 50799  
purposes of this division. 50800

(2) A "limited" physical fitness certificate described in 50801  
division (A) (4) of this section is valid for one year. 50802

(C) The superintendent of schools or the chief 50803  
administrative officer shall require a child who resides out of 50804  
this state to file all the information required under division 50805  
(A) of this section. The superintendent of schools or the chief 50806  
administrative officer shall evaluate the information filed and 50807  
determine whether to issue the age and schooling certificate 50808  
using the same standards as those the superintendent or officer 50809  
uses for in-state children. 50810

**Sec. 3331.04.** (A) Until July 1, 2016, an age and schooling 50811  
certificate may be issued by the superintendent of schools to a 50812  
child over sixteen years of age upon proof acceptable to such 50813  
superintendent of the following facts and upon agreement to the 50814

respective conditions made in writing by the child and by the 50815  
parents, guardian, or custodian in charge of such child: 50816

(1) That the child is addicted to no habit which is likely 50817  
to detract from the child's reliability or effectiveness as a 50818  
worker, or proper use of the child's earnings or leisure, or the 50819  
probability of the child's faithfully carrying out the 50820  
conditions to which the child agrees as specified in division 50821  
(A) (2) of this section, and in addition any one of the following 50822  
groups of facts: 50823

(a) That the child has been a resident of the school 50824  
district for the last two years, has diligently attended upon 50825  
instruction at school for the last two years, and is able to 50826  
read, write, and perform the fundamental operations of 50827  
arithmetic. These abilities shall be judged by the 50828  
superintendent. 50829

(b) That the child having been a resident of the school 50830  
district less than two years, diligently attended upon 50831  
instruction in school in the district in which the child was a 50832  
resident next preceding the child's residence in the present 50833  
district for the last school year preceding the child's removal 50834  
to the present district, and has diligently attended upon 50835  
instruction in the schools of the present district for the 50836  
period that the child has been a resident thereof; 50837

(c) That the child has removed to the present school 50838  
district since the beginning of the last annual school session, 50839  
and that instruction adapted to the child's needs is not 50840  
provided in the regular day schools in the district; 50841

(d) That conditions are such that the child must provide 50842  
for the child's own support or that the child is needed for the 50843

support or care of parents or for the support or care of 50844  
brothers or sisters for whom the parents are unable to provide 50845  
and that the child is desirous of working for the support or 50846  
care of self or of such parents or siblings and that such child 50847  
cannot render such needed support or care by a reasonable effort 50848  
outside of school hours; but no age and schooling certificate 50849  
shall be granted to a child of this group upon proof of such 50850  
facts without written consent given to the superintendent by the 50851  
juvenile judge and by the department of job and family services. 50852

(2) In case the certificate is granted under division (A) 50853  
(1) of this section, that until reaching the age of eighteen 50854  
years the child will diligently attend in addition to part-time 50855  
classes, such evening classes as will add to the child's 50856  
education for literacy, citizenship, or vocational preparation 50857  
which may be made available to the child in the school district 50858  
and which the child may be directed to attend by the 50859  
superintendent, or in case no such classes are available, that 50860  
the child will pursue such reading and study and report monthly 50861  
thereon as may be directed by the superintendent. 50862

(B) Beginning July 1, 2016, an age and schooling 50863  
certificate may be issued pursuant to this section only to a 50864  
child over sixteen years of age who does both of the following: 50865

(1) Upon agreement in writing, by the child and the 50866  
parents, guardian, or custodian in charge of such child, 50867  
provides proof acceptable to the superintendent that the 50868  
conditions in division (A) (1) of this section are met; 50869

(2) Is enrolled in a competency-based instructional 50870  
program to earn a high school diploma in accordance with the 50871  
rules adopted by the ~~state board~~ department of education and 50872  
workforce pursuant to division (C) of this section. 50873

(C) ~~Not later than July 1, 2016, the state board~~The 50874  
department, in accordance with Chapter 119. of the Revised Code, 50875  
shall adopt rules on the requirements for completing a 50876  
competency-based instructional program that leads to a high 50877  
school diploma under this section. 50878

**Sec. 3331.08.** In case a superintendent of schools refuses 50879  
to excuse a child from attendance at school for one of the 50880  
reasons stated in section 3321.04 or 3321.042 of the Revised 50881  
Code, or a superintendent or a chief administrative officer 50882  
refuses upon request to grant an age and schooling certificate 50883  
as provided in section 3331.01 of the Revised Code, an appeal 50884  
may be taken from such decision to the juvenile judge of the 50885  
county, upon the giving of bond, within ten days thereafter, to 50886  
the approval of such judge, to pay the costs of appeal. The 50887  
juvenile judge's decision in the matter shall be final. 50888

**Sec. 3332.02.** This chapter does not apply to the following 50889  
categories of courses, schools, or colleges: 50890

(A) Tuition-free courses or schools conducted by employers 50891  
exclusively for their own employees; 50892

(B) Nonprofit institutions with certificates of 50893  
authorization issued pursuant to section 1713.02 of the Revised 50894  
Code or that are nonprofit institutions exempted from the 50895  
requirement to obtain a certificate by division (E) of that 50896  
section; 50897

(C) Schools, colleges, technical colleges, or universities 50898  
established by law or chartered by the ~~Ohio board~~ chancellor of 50899  
~~regents~~ higher education; 50900

(D) Courses of instruction required by law to be approved 50901  
or licensed by a state board or agency other than the state 50902

board of career colleges and schools, except that a school so 50903  
approved or licensed may apply to the state board of career 50904  
colleges and schools for a certificate of registration to be 50905  
issued in accordance with this chapter; 50906

(E) Schools for which minimum standards are prescribed by 50907  
the ~~state board director~~ of education and workforce pursuant to 50908  
division (D) of section 3301.07 of the Revised Code; 50909

(F) Courses of instruction conducted by a public school 50910  
district or a combination of public school districts; 50911

(G) Courses of instruction conducted outside the United 50912  
States; 50913

(H) Private institutions exempt from regulation under this 50914  
chapter as prescribed in section 3333.046 of the Revised Code; 50915

(I) Training courses for employees paid for by their 50916  
employers and conducted by outside service providers. 50917

**Sec. 3332.03.** There is hereby created the state board of 50918  
career colleges and schools to consist of the ~~state~~ 50919  
~~superintendent of public instruction or an assistant~~ 50920  
~~superintendent designated by the superintendent, the~~ chancellor 50921  
of the ~~Ohio board of regents~~ higher education or a vice 50922  
chancellor designated by the chancellor, the director of 50923  
education and workforce or the director's designee, and six 50924  
members appointed by the governor, with the advice and consent 50925  
of the senate. Members' terms of office shall be for five years, 50926  
commencing on the twenty-first day of November and ending on the 50927  
twentieth day of November. Each member shall hold office from 50928  
the date of appointment until the end of the term for which the 50929  
member was appointed. 50930

Three of the members appointed by the governor shall have 50931

been engaged for a period of not less than five years 50932  
immediately preceding appointment in an executive or managerial 50933  
position in a private, trade, technical, or other school subject 50934  
to this chapter. One member appointed by the governor shall be a 50935  
representative of students and shall have graduated with an 50936  
associate or baccalaureate degree, within five years prior to 50937  
appointment, from a school subject to this chapter. Two members 50938  
appointed by the governor shall be representatives of the 50939  
general public and shall have had no affiliation with, or direct 50940  
or indirect interest in, schools subject to this chapter for at 50941  
least two years prior to appointment. In selecting the 50942  
representatives of the general public, the governor shall make 50943  
an effort to find individuals with background or experience in 50944  
the regulation of commerce, business, or education. The two 50945  
members of the board who are representatives of the general 50946  
public shall not be affiliated in any way with or have any 50947  
direct or indirect interest in any schools subject to this 50948  
chapter during their terms. Except for enrollment in a school 50949  
subject to this chapter, the member representing students shall 50950  
have had no affiliation in any way with, or have any direct or 50951  
indirect interest in any school subject to this chapter for at 50952  
least two years prior to appointment or during the member's 50953  
term. 50954

Any vacancy shall be filled in the manner provided for 50955  
original appointment. Any member appointed to fill a vacancy 50956  
occurring prior to the expiration of the term for which the 50957  
member's predecessor was appointed shall hold office for the 50958  
remainder of such term. Any appointed member shall continue in 50959  
office subsequent to the expiration date of the member's term 50960  
until the member's successor takes office, or until a period of 50961  
sixty days has elapsed, whichever occurs first. 50962

Members of the board have full voting rights, except for 50963  
the member representing students who shall be a nonvoting 50964  
member. Each member of the board appointed by the governor shall 50965  
be compensated at the rate established pursuant to division (J) 50966  
of section 124.15 of the Revised Code, but shall not receive 50967  
step advancements, for those days the member is engaged in the 50968  
discharge of official duties. In addition, members appointed by 50969  
the governor may be compensated for the expenses necessarily 50970  
incurred in the attendance at meetings or in performing other 50971  
services for the board. The chairperson of the board shall 50972  
annually be elected or determined as follows: 50973

(A) If both members of the board representing the general 50974  
public have served on the board for at least one year, the 50975  
members shall elect one of these two members as chairperson. If 50976  
one of these members declines to be elected or serve, the other 50977  
member representing the general public shall be chairperson. If 50978  
both members representing the general public decline to be 50979  
elected or serve, division (C) of this section shall apply. 50980

(B) If only one member of the board representing the 50981  
general public has served on the board for at least one year, 50982  
this member shall be chairperson. If this member declines to 50983  
serve, division (C) of this section shall apply. 50984

(C) If neither member of the board representing the 50985  
general public has served on the board for at least one year or 50986  
if this division applies pursuant to division (A) or (B) of this 50987  
section, the members of the board shall elect a chairperson from 50988  
among any of the voting members of the board who have served on 50989  
the board for at least one year. 50990

**Sec. 3332.04.** The state board of career colleges and 50991  
schools may appoint an executive director and such other staff 50992

as may be required for the performance of the board's duties and 50993  
provide necessary facilities. In selecting an executive 50994  
director, the board shall appoint an individual with a 50995  
background or experience in the regulation of commerce, 50996  
business, or education. The board may also arrange for services 50997  
and facilities to be provided by the ~~state board of education~~ 50998  
~~and the Ohio board of regents~~department of education and 50999  
workforce or the department of higher education. All receipts of 51000  
the board shall be deposited in the state treasury to the credit 51001  
of the occupational licensing and regulatory fund. 51002

**Sec. 3333.04.** The chancellor of higher education shall: 51003

(A) Make studies of state policy in the field of higher 51004  
education and formulate a master plan for higher education for 51005  
the state, considering the needs of the people, the needs of the 51006  
state, and the role of individual public and private 51007  
institutions within the state in fulfilling these needs; 51008

(B) (1) Report annually to the governor and the general 51009  
assembly on the findings from the chancellor's studies and the 51010  
master plan for higher education for the state; 51011

(2) Report at least semiannually to the general assembly 51012  
and the governor the enrollment numbers at each state-assisted 51013  
institution of higher education. 51014

(C) Approve or disapprove the establishment of new 51015  
branches or academic centers of state colleges and universities; 51016

(D) Approve or disapprove the establishment of state 51017  
technical colleges or any other state institution of higher 51018  
education; 51019

(E) Recommend the nature of the programs, undergraduate, 51020  
graduate, professional, state-financed research, and public 51021

services which should be offered by the state colleges, 51022  
universities, and other state-assisted institutions of higher 51023  
education in order to utilize to the best advantage their 51024  
facilities and personnel; 51025

(F) Recommend to the state colleges, universities, and 51026  
other state-assisted institutions of higher education graduate 51027  
or professional programs, including, but not limited to, doctor 51028  
of philosophy, doctor of education, and juris doctor programs, 51029  
that could be eliminated because they constitute unnecessary 51030  
duplication, as shall be determined using the process developed 51031  
pursuant to this division, or for other good and sufficient 51032  
cause. Prior to recommending a program for elimination, the 51033  
chancellor shall request the board of regents to hold at least 51034  
one public hearing on the matter and advise the chancellor on 51035  
whether the program should be recommended for elimination. The 51036  
board shall provide notice of each hearing within a reasonable 51037  
amount of time prior to its scheduled date. Following the 51038  
hearing, the board shall issue a recommendation to the 51039  
chancellor. The chancellor shall consider the board's 51040  
recommendation but shall not be required to accept it. 51041

For purposes of determining the amounts of any state 51042  
instructional subsidies paid to state colleges, universities, 51043  
and other state-assisted institutions of higher education, the 51044  
chancellor may exclude students enrolled in any program that the 51045  
chancellor has recommended for elimination pursuant to this 51046  
division except that the chancellor shall not exclude any such 51047  
student who enrolled in the program prior to the date on which 51048  
the chancellor initially commences to exclude students under 51049  
this division. 51050

The chancellor and state colleges, universities, and other 51051

state-assisted institutions of higher education shall jointly 51052  
develop a process for determining which existing graduate or 51053  
professional programs constitute unnecessary duplication. 51054

(G) Recommend to the state colleges, universities, and 51055  
other state-assisted institutions of higher education programs 51056  
which should be added to their present programs; 51057

(H) Conduct studies for the state colleges, universities, 51058  
and other state-assisted institutions of higher education to 51059  
assist them in making the best and most efficient use of their 51060  
existing facilities and personnel; 51061

(I) Make recommendations to the governor and general 51062  
assembly concerning the development of state-financed capital 51063  
plans for higher education; the establishment of new state 51064  
colleges, universities, and other state-assisted institutions of 51065  
higher education; and the establishment of new programs at the 51066  
existing state colleges, universities, and other institutions of 51067  
higher education; 51068

(J) Review the appropriation requests of the public 51069  
community colleges and the state colleges and universities and 51070  
submit to the office of budget and management and to the 51071  
chairpersons of the finance committees of the house of 51072  
representatives and of the senate the chancellor's 51073  
recommendations in regard to the biennial higher education 51074  
appropriation for the state, including appropriations for the 51075  
individual state colleges and universities and public community 51076  
colleges. For the purpose of determining the amounts of 51077  
instructional subsidies to be paid to state-assisted colleges 51078  
and universities, the chancellor shall define "full-time 51079  
equivalent student" by program per academic year. The definition 51080  
may take into account the establishment of minimum enrollment 51081

levels in technical education programs below which support 51082  
allowances will not be paid. Except as otherwise provided in 51083  
this section, the chancellor shall make no change in the 51084  
definition of "full-time equivalent student" in effect on 51085  
November 15, 1981, which would increase or decrease the number 51086  
of subsidy-eligible full-time equivalent students, without first 51087  
submitting a fiscal impact statement to the president of the 51088  
senate, the speaker of the house of representatives, the 51089  
legislative service commission, and the director of budget and 51090  
management. The chancellor shall work in close cooperation with 51091  
the director of budget and management in this respect and in all 51092  
other matters concerning the expenditures of appropriated funds 51093  
by state colleges, universities, and other institutions of 51094  
higher education. 51095

(K) Seek the cooperation and advice of the officers and 51096  
trustees of both public and private colleges, universities, and 51097  
other institutions of higher education in the state in 51098  
performing the chancellor's duties and making the chancellor's 51099  
plans, studies, and recommendations; 51100

(L) Appoint advisory committees consisting of persons 51101  
associated with public or private secondary schools, members of 51102  
the state board of education, or personnel of the ~~state~~ 51103  
department of education and workforce; 51104

(M) Appoint advisory committees consisting of college and 51105  
university personnel, or other persons knowledgeable in the 51106  
field of higher education, or both, in order to obtain their 51107  
advice and assistance in defining and suggesting solutions for 51108  
the problems and needs of higher education in this state; 51109

(N) Approve or disapprove all new degrees and new degree 51110  
programs at all state colleges, universities, and other state- 51111

assisted institutions of higher education. 51112

When considering approval of a new degree or degree 51113  
program for a state institution of higher education, as defined 51114  
in section 3345.011 of the Revised Code, the chancellor shall 51115  
take into account the extent to which the degree or degree 51116  
program aligns with the state's workforce development 51117  
priorities. 51118

(O) Adopt such rules as are necessary to carry out the 51119  
chancellor's duties and responsibilities. The rules shall 51120  
prescribe procedures for the chancellor to follow when taking 51121  
actions associated with the chancellor's duties and 51122  
responsibilities and shall indicate which types of actions are 51123  
subject to those procedures. The procedures adopted under this 51124  
division shall be in addition to any other procedures prescribed 51125  
by law for such actions. However, if any other provision of the 51126  
Revised Code or rule adopted by the chancellor prescribes 51127  
different procedures for such an action, the procedures adopted 51128  
under this division shall not apply to that action to the extent 51129  
they conflict with the procedures otherwise prescribed by law. 51130  
The procedures adopted under this division shall include at 51131  
least the following: 51132

(1) Provision for public notice of the proposed action; 51133

(2) An opportunity for public comment on the proposed 51134  
action, which may include a public hearing on the action by the 51135  
board of regents; 51136

(3) Methods for parties that may be affected by the 51137  
proposed action to submit comments during the public comment 51138  
period; 51139

(4) Submission of recommendations from the board of 51140

regents regarding the proposed action, at the request of the  
chancellor; 51141  
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(5) Written publication of the final action taken by the  
chancellor and the chancellor's rationale for the action; 51143  
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(6) A timeline for the process described in divisions (O)  
(1) to (5) of this section. 51145  
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(P) Make recommendations to the governor and the general  
assembly regarding the design and funding of the student  
financial aid programs specified in sections 3333.12, 3333.122,  
3333.21 to 3333.26, and 5910.02 of the Revised Code; 51147  
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(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; 51151  
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(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; 51155  
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(S) Conduct enrollment audits of state-supported  
institutions of higher education; 51160  
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(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 51162  
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distributed to the fiscal agents for the operation of the 51170  
consortia. A consortium shall follow the rules of the college or 51171  
university that serves as its fiscal agent. The chancellor may 51172  
restructure existing consortia, appointed under this division, 51173  
in accordance with procedures adopted under divisions (O) (1) to 51174  
(6) of this section. 51175

(U) Adopt rules establishing advisory duties and 51176  
responsibilities of the board of regents not otherwise 51177  
prescribed by law; 51178

(V) Respond to requests for information about higher 51179  
education from members of the general assembly and direct staff 51180  
to conduct research or analysis as needed for this purpose. 51181

**Sec. 3333.041.** (A) On or before the last day of December 51182  
of each year, the chancellor of higher education shall submit to 51183  
the governor and, in accordance with section 101.68 of the 51184  
Revised Code, the general assembly a report or reports 51185  
concerning all of the following: 51186

(1) The status of graduates of Ohio school districts at 51187  
state institutions of higher education during the twelve-month 51188  
period ending on the thirtieth day of September of the current 51189  
calendar year. The report shall list, by school district, the 51190  
number of graduates of each school district who attended a state 51191  
institution of higher education and the percentage of each 51192  
district's graduates enrolled in a state institution of higher 51193  
education during the reporting period who were required during 51194  
such period by the college or university, as a prerequisite to 51195  
enrolling in those courses generally required for first-year 51196  
students, to enroll in a remedial course in English, including 51197  
composition or reading, mathematics, and any other area 51198  
designated by the chancellor. The chancellor also shall make the 51199

information described in division (A)(1) of this section 51200  
available to the board of education of each city, exempted 51201  
village, and local school district. 51202

Each state institution of higher education shall, by the 51203  
first day of November of each year, submit to the chancellor in 51204  
the form specified by the chancellor the information the 51205  
chancellor requires to compile the report. 51206

(2) The following information with respect to the Ohio 51207  
tuition trust authority: 51208

(a) The name of each investment manager that is a minority 51209  
business enterprise or a women's business enterprise with which 51210  
the chancellor contracts; 51211

(b) The amount of assets managed by investment managers 51212  
that are minority business enterprises or women's business 51213  
enterprises, expressed as a percentage of assets managed by 51214  
investment managers with which the chancellor has contracted; 51215

(c) Efforts by the chancellor to increase utilization of 51216  
investment managers that are minority business enterprises or 51217  
women's business enterprises. 51218

(3) The chancellor's strategy in assigning choose Ohio 51219  
first scholarships, as established under section 3333.61 of the 51220  
Revised Code, among state universities and colleges and how the 51221  
actual awards fit that strategy. 51222

(4) The academic and economic impact of the Ohio co- 51223  
op/internship program established under section 3333.72 of the 51224  
Revised Code. At a minimum, the report shall include the 51225  
following: 51226

(a) Progress and performance metrics for each initiative 51227

that received an award in the previous fiscal year; 51228

(b) Economic indicators of the impact of each initiative, 51229  
and all initiatives as a whole, on the regional economies and 51230  
the statewide economy; 51231

(c) The chancellor's strategy in allocating awards among 51232  
state institutions of higher education and how the actual awards 51233  
fit that strategy. 51234

(B) On or before the fifteenth day of February of each 51235  
year, the ~~director~~chancellor shall submit to the governor and, 51236  
in accordance with section 101.68 of the Revised Code, the 51237  
general assembly a report concerning aggregate academic growth 51238  
data for students assigned to graduates of teacher preparation 51239  
programs approved under section 3333.048 of the Revised Code who 51240  
teach English language arts or mathematics in any of grades four 51241  
to eight in a public school in Ohio. For this purpose, the 51242  
~~director~~chancellor shall use the value-added progress dimension 51243  
prescribed by section 3302.021 of the Revised Code or the 51244  
alternative student academic progress measure if adopted under 51245  
division (C)(1)(e) of section 3302.03 of the Revised Code. The 51246  
~~director~~chancellor shall aggregate the data by graduating class 51247  
for each approved teacher preparation program, except that if a 51248  
particular class has ten or fewer graduates to which this 51249  
division applies, the ~~director~~chancellor shall report the data 51250  
for a group of classes over a three-year period. In no case 51251  
shall the report identify any individual graduate. The 51252  
department of education and workforce shall share any data 51253  
necessary for the report with the ~~director~~chancellor. 51254

(C) As used in this section: 51255

(1) "Minority business enterprise" has the same meaning as 51256

in section 122.71 of the Revised Code. 51257

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 51258  
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(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 51261  
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(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 51263  
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**Sec. 3333.048.** (A) ~~Not later than one year after October 16, 2009, the~~ The chancellor of higher education and the superintendent of public instruction ~~director of education and workforce~~ jointly shall do the following: 51267  
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(1) In accordance with Chapter 119. of the Revised Code, establish metrics and educator preparation programs for the preparation of educators and other school personnel and the institutions of higher education that are engaged in their preparation. The metrics and educator preparation programs shall be aligned with the standards and qualifications for educator licenses adopted by the state board of education under section 3319.22 of the Revised Code and the requirements of the Ohio teacher residency program established under section 3319.223 of the Revised Code. The metrics and educator preparation programs also shall ensure that educators and other school personnel are adequately prepared to use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C) (1) (e) of section 3302.03 of the Revised Code. 51271  
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(2) Provide for the inspection of institutions of higher education desiring to prepare educators and other school personnel. 51286  
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~~(B) Not later than one year after October 16, 2009, the~~ 51289  
The chancellor shall approve institutions of higher education 51290  
engaged in the preparation of educators and other school 51291  
personnel that maintain satisfactory training procedures and 51292  
records of performance, as determined by the chancellor. 51293

(C) If the metrics established under division (A) (1) of this section require an institution of higher education that prepares teachers to satisfy the standards of an independent accreditation organization, the chancellor shall permit each institution to satisfy the standards of any applicable national educator preparation accrediting agency recognized by the United States department of education. 51294  
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(D) The metrics and educator preparation programs established under division (A) (1) of this section may require an institution of higher education, as a condition of approval by the chancellor, to make changes in the curricula of its preparation programs for educators and other school personnel. 51301  
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Notwithstanding division (E) of section 119.03 and division (A) (1) of section 119.04 of the Revised Code, any metrics, educator preparation programs, rules, and regulations, or any amendment or rescission of such metrics, educator preparation programs, rules, and regulations, adopted under this section that necessitate institutions offering preparation programs for educators and other school personnel approved by the chancellor to revise the curricula of those programs shall not be effective for at least one year after the first day of January next succeeding the publication of the said change. 51306  
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Each institution shall allocate money from its existing revenue sources to pay the cost of making the curricular changes.

(E) The chancellor shall notify the state board of the metrics and educator preparation programs established under division (A) (1) of this section and the institutions of higher education approved under division (B) of this section. The state board shall publish the metrics, educator preparation programs, and approved institutions with the standards and qualifications for each type of educator license.

(F) The graduates of educator preparation programs approved by the chancellor shall be licensed by the state board in accordance with the standards and qualifications adopted under section 3319.22 of the Revised Code.

**Sec. 3333.0411.** Not later than December 31, 2014, and annually thereafter, the chancellor of higher education shall report for each approved teacher preparation program, the number and percentage of all graduates of the program who were rated at each of the performance levels prescribed by division (B) (1) of section 3319.112 of the Revised Code on an evaluation conducted in accordance with section 3319.111 of the Revised Code in the previous school year.

In no case shall the report identify any individual graduate. The department of education and workforce shall share any data necessary for the report with the chancellor.

**Sec. 3333.0415.** ~~Beginning in 2018, the~~ The chancellor of higher education, in collaboration with the department of education and workforce, shall prepare an annual report regarding the progress the state is making in increasing the

percentage of adults in the state with a college degree, 51345  
industry certificate, or other postsecondary credential to 51346  
sixty-five per cent by the year 2025. The chancellor shall 51347  
submit an electronic copy of the report to the governor, the 51348  
president and minority leader of the senate, and the speaker and 51349  
minority leader of the house of representatives. 51350

**Sec. 3333.07.** (A) Colleges, universities, and other 51351  
institutions of higher education which receive state assistance, 51352  
but are not supported primarily by the state, shall submit to 51353  
the chancellor of higher education such accounting of the 51354  
expenditure of state funds at such time and in such form as the 51355  
chancellor prescribes. 51356

(B) No state institution of higher education shall 51357  
establish a new branch or academic center without the approval 51358  
of the chancellor. 51359

(C) No state institution of higher education shall offer a 51360  
new degree or establish a new degree program without the 51361  
approval of the chancellor. No degree approval shall be given 51362  
for a technical education program unless such program is offered 51363  
by a state assisted university, a university branch, a technical 51364  
college, or a community college. 51365

(D) Any state college, university, or other state assisted 51366  
institution of higher education not complying with a 51367  
recommendation of the chancellor pursuant to division (F) or (G) 51368  
of section 3333.04 of the Revised Code shall so notify the 51369  
chancellor in writing within one hundred twenty days after 51370  
receipt of the recommendation, stating the reasons why it cannot 51371  
or should not comply. 51372

(E) The officers, trustees, and employees of all 51373

institutions of higher education which are state supported or 51374  
state assisted shall cooperate with the chancellor in supplying 51375  
information regarding their institutions, and advising and 51376  
assisting the chancellor on matters of higher education in this 51377  
state in every way possible when so requested by the chancellor. 51378

(F) Persons associated with the public school systems in 51379  
this state, ~~and the personnel of the state department of~~ 51380  
~~education, and members of the state board of education, and~~ 51381  
workforce shall provide such data about high school students as 51382  
are requested by the chancellor to aid in the development of 51383  
state higher education plans. 51384

**Sec. 3333.162.** (A) As used in this section, "state 51385  
institution of higher education" means an institution of higher 51386  
education as defined in section 3345.12 of the Revised Code. 51387

(B) ~~By April 15, 2007, the~~ The chancellor of higher 51388  
education, in consultation with the department of education and 51389  
workforce, public adult and secondary career-technical education 51390  
institutions, ~~and~~ state institutions of higher education, shall 51391  
establish criteria, policies, and procedures that enable 51392  
students to transfer agreed upon technical courses completed 51393  
through an adult career-technical education institution, a 51394  
public secondary career-technical institution, or a state 51395  
institution of higher education to a state institution of higher 51396  
education without unnecessary duplication or institutional 51397  
barriers. The courses to which the criteria, policies, and 51398  
procedures apply shall be those that adhere to recognized 51399  
industry standards and equivalent coursework common to the 51400  
secondary career pathway and adult career-technical education 51401  
system and regionally accredited state institutions of higher 51402  
education. Where applicable, the policies and procedures shall 51403

build upon the articulation agreement and transfer initiative 51404  
course equivalency system required by section 3333.16 of the 51405  
Revised Code. 51406

**Sec. 3333.167.** (A) As used in this section: 51407

(1) "Approved course" means a career-technical education 51408  
course offered by a career-technical planning district to which 51409  
either of the following applies: 51410

(a) The course complies with the criteria, policies, and 51411  
procedures established under section 3333.162 of the Revised 51412  
Code. 51413

(b) The course is approved through an articulation 51414  
agreement that a career-technical planning district has entered 51415  
into with a state institution of higher education. 51416

(2) "Career-technical planning district" has the same 51417  
meaning as in section 3317.023 of the Revised Code. 51418

(3) "State institution of higher education" has the same 51419  
meaning as in section 3345.011 of the Revised Code. 51420

(B) The chancellor of higher education, in consultation 51421  
with the ~~superintendent of public instruction~~director of 51422  
education and workforce, shall develop and, if determined 51423  
appropriate by the chancellor and the ~~state~~ 51424  
~~superintendent~~director, implement a statewide plan that permits 51425  
a high school student enrolled in a career-technical planning 51426  
district to receive post-secondary credit on a college 51427  
transcript in a manner comparable to the college credit plus 51428  
program established under Chapter 3365. of the Revised Code for 51429  
the completion of an approved course. 51430

(C) The statewide plan developed under division (B) of 51431

- this section shall do all of the following: 51432
- (1) Identify and define the criteria, policies, 51433  
procedures, and timelines necessary for a high school student to 51434  
receive post-secondary credit on a college transcript for 51435  
completing an approved course; 51436
  - (2) Identify any technology solutions or statewide data 51437  
information systems necessary to streamline and facilitate the 51438  
electronic exchange of student data to improve the credit 51439  
verification process for students, career-technical planning 51440  
districts, and state institutions of higher education; 51441
  - (3) Identify any regional or national accreditation 51442  
requirements or state policy barriers that currently exist that 51443  
need to be considered in developing the statewide plan; 51444
  - (4) If the chancellor and the ~~state superintendent~~ 51445  
director determine it appropriate to implement the statewide 51446  
plan, recommend a date and the method by which the statewide 51447  
plan shall be implemented. 51448
- (D) The chancellor shall convene a group of stakeholders 51449  
to assist in preparing the plan under division (B) of this 51450  
section. The group shall include a representative from each of 51451  
the following: 51452
- (1) The Ohio association of career-technical education; 51453
  - (2) The Ohio association of career-technical 51454  
superintendents; 51455
  - (3) The Ohio association of compact and comprehensive 51456  
career-technical schools; 51457
  - (4) The Ohio association of community colleges; 51458

(5) The inter-university council of Ohio;	51459
(6) The association of independent colleges and universities of Ohio;	51460 51461
(7) Any other stakeholders determined appropriate by the chancellor.	51462 51463
(E) Not later than June 30, 2020, the chancellor shall submit to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives, the completed plan developed under division (B) of this section.	51464 51465 51466 51467 51468
<b>Sec. 3333.21.</b> As used in sections 3333.21 to 3333.23 of the Revised Code, "term" and "academic year" mean "term" and "academic year" as defined by the chancellor of higher education.	51469 51470 51471 51472
The chancellor shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the <del>state board</del> <u>director of education and workforce</u> prescribes minimum standards in accordance with section 3301.07 of the Revised Code.	51473 51474 51475 51476 51477 51478 51479 51480 51481
To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time undergraduate student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted, is nonprofit and holds a certificate of authorization issued under section 1713.02 of the	51482 51483 51484 51485 51486 51487

Revised Code, is a private institution exempt from regulation 51488  
under Chapter 3332. of the Revised Code as prescribed in section 51489  
3333.046 of the Revised Code, or holds a certificate of 51490  
registration and program authorization issued under section 51491  
3332.05 of the Revised Code and awards an associate or 51492  
bachelor's degree. Students who attend an institution holding a 51493  
certificate of registration shall be enrolled in a program 51494  
leading to an associate or bachelor's degree for which associate 51495  
or bachelor's degree program the institution has program 51496  
authorization to offer the program issued under section 3332.05 51497  
of the Revised Code. 51498

"Resident" and "full-time student" shall be defined in 51499  
rules adopted by the chancellor. 51500

The chancellor shall award the scholarships on the basis 51501  
of a formula designed by the chancellor to identify students 51502  
with the highest capability for successful college study. The 51503  
formula shall weigh the factor of achievement, as measured by 51504  
grade point average, and the factor of ability, as measured by 51505  
performance on a competitive examination specified by the 51506  
chancellor. Students receiving scholarships shall be known as 51507  
"Ohio academic scholars." 51508

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 51509  
purposes, status as a resident of Ohio shall be defined by the 51510  
chancellor of higher education by rule promulgated pursuant to 51511  
Chapter 119. of the Revised Code. No adjudication as to the 51512  
status of any person under such rule, however, shall be required 51513  
to be made pursuant to Chapter 119. of the Revised Code. The 51514  
term "resident" for these purposes shall not be equated with the 51515  
definition of that term as it is employed elsewhere under the 51516  
laws of this state and other states, and shall not carry with it 51517

any of the legal connotations appurtenant thereto. Rather, 51518  
except as provided in divisions (B), (C), (D), (F), and (G) of 51519  
this section, for such purposes, the rule promulgated under this 51520  
section shall have the objective of excluding from treatment as 51521  
residents those who are present in the state primarily for the 51522  
purpose of attending a state-supported or state-assisted 51523  
institution of higher education, and may prescribe presumptive 51524  
rules, rebuttable or conclusive, as to such purpose based upon 51525  
the source or sources of support of the student, residence prior 51526  
to first enrollment, evidence of intention to remain in the 51527  
state after completion of studies, or such other factors as the 51528  
chancellor deems relevant. 51529

(B) The rules of the chancellor for determining student 51530  
residency shall grant residency status to a veteran and to the 51531  
veteran's spouse and any dependent of the veteran, if both of 51532  
the following conditions are met: 51533

(1) The veteran either: 51534

(a) Served one or more years on active military duty and 51535  
was honorably discharged or received a medical discharge that 51536  
was related to the military service; 51537

(b) Was killed while serving on active military duty or 51538  
has been declared to be missing in action or a prisoner of war. 51539

(2) If the veteran seeks residency status for tuition 51540  
surcharge purposes, the veteran has established domicile in this 51541  
state as of the first day of a term of enrollment in an 51542  
institution of higher education. If the spouse or a dependent of 51543  
the veteran seeks residency status for tuition surcharge 51544  
purposes, the veteran and the spouse or dependent seeking 51545  
residency status have established domicile in this state as of 51546

the first day of a term of enrollment in an institution of higher education, except that if the veteran was killed while serving on active military duty, has been declared to be missing in action or a prisoner of war, or is deceased after discharge, only the spouse or dependent seeking residency status shall be required to have established domicile in accordance with this division.

(C) The rules of the chancellor for determining student residency shall grant residency status to both of the following:

(1) A veteran who is the recipient of federal veterans' 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:

(a) The veteran served at least ninety days on active duty.

(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code.

(c) The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education.

(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:

(a) The person enrolls in a state institution of higher education.

(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education. 51576  
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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. 51578  
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(D) The rules of the chancellor for determining student residency shall grant residency status to a service member who 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. 51583  
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(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. 51595  
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Documentation of full-time employment and domicile shall include both of the following documents: 51602  
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(1) A sworn statement from the employer or the employer's 51604

representative on the letterhead of the employer or the 51605  
employer's representative certifying that the parent or spouse 51606  
of the student is employed full-time in Ohio; 51607

(2) A copy of the lease under which the parent or spouse 51608  
is the lessee and occupant of rented residential property in the 51609  
state, a copy of the closing statement on residential real 51610  
property of which the parent or spouse is the owner and occupant 51611  
in this state or, if the parent or spouse is not the lessee or 51612  
owner of the residence in which the parent or spouse has 51613  
established domicile, a letter from the owner of the residence 51614  
certifying that the parent or spouse resides at that residence. 51615

Residency officers may also evaluate, in accordance with 51616  
the chancellor's rule, requests for immediate residency status 51617  
from dependent students whose parents are not living and whose 51618  
domicile follows that of a legal guardian who has accepted full- 51619  
time employment and established domicile in the state for 51620  
reasons other than gaining the benefit of favorable tuition 51621  
rates. 51622

(F) (1) The rules of the chancellor for determining student 51623  
residency shall grant residency status to a person who enrolls 51624  
in an institution of higher education and establishes domicile 51625  
in this state, regardless of the student's residence prior to 51626  
that enrollment and satisfies either of the following 51627  
conditions: 51628

(a) The person, while a resident of this state for state 51629  
subsidy and tuition surcharge purposes, graduated from a high 51630  
school in this state or completed the final year of instruction 51631  
at home as authorized under section ~~3321.04~~ 3321.042 of the 51632  
Revised Code. 51633

- (b) The person meets all of the following criteria: 51634
- (i) The person officially withdrew from a school in this 51635  
state while the person was a resident of this state for state 51636  
subsidy and tuition surcharge purposes. 51637
- (ii) The person has not received a high school diploma or 51638  
honors diploma awarded under section 3313.61, 3313.611, 51639  
3313.612, or 3325.08 of the Revised Code or a high school 51640  
diploma awarded by a school located in another state or country. 51641
- (iii) The person, while a resident of this state for state 51642  
subsidy and tuition surcharge purposes, both took a high school 51643  
equivalency test and was awarded a certificate of high school 51644  
equivalence. 51645
- (2) The rules of the chancellor for determining student 51646  
residency shall not grant residency status to an alien if the 51647  
alien is not also an immigrant or a nonimmigrant. 51648
- (G) The rules of the chancellor for determining student 51649  
residency status shall grant residency status to a person to 51650  
whom all of the following apply: 51651
- (1) The person, while not a resident of this state for 51652  
state subsidy and tuition surcharge purposes, lives in this 51653  
state and completes a bachelor's degree program at an 51654  
institution of higher education in this state. 51655
- (2) The person, upon completing that bachelor's degree 51656  
program, immediately enrolls in a graduate degree program, as 51657  
determined appropriate by the chancellor, offered at any state 51658  
institution of higher education. 51659
- (3) The person, while enrolled in the graduate degree 51660  
program, resides in this state. 51661

The chancellor's rules adopted under this section shall 51662  
define "immediately" for the purposes of division (G) of this 51663  
section. 51664

(H) As used in this section: 51665

(1) "Dependent," "domicile," "institution of higher 51666  
education," and "residency officer" have the meanings ascribed 51667  
in the chancellor's rules adopted under this section. 51668

(2) "Alien" means a person who is not a United States 51669  
citizen or a United States national. 51670

(3) "Immigrant" means an alien who has been granted the 51671  
right by the United States bureau of citizenship and immigration 51672  
services to reside permanently in the United States and to work 51673  
without restrictions in the United States. 51674

(4) "Nonimmigrant" means an alien who has been granted the 51675  
right by the United States bureau of citizenship and immigration 51676  
services to reside temporarily in the United States. 51677

(5) "Veteran" means any person who has completed service 51678  
in the uniformed services, as defined in section 3511.01 of the 51679  
Revised Code. 51680

(6) "Service member" has the same meaning as in section 51681  
5903.01 of the Revised Code. 51682

(7) "Certificate of high school equivalence" means either 51683  
of the following: 51684

(a) A certificate of high school equivalence awarded by 51685  
the department of education and workforce under division (A) of 51686  
section 3301.80 of the Revised Code; 51687

(b) The equivalent of a certificate of high school 51688

equivalence awarded by the state board of education under former 51689  
law, as defined in division (C)(1) of section 3301.80 of the 51690  
Revised Code. 51691

**Sec. 3333.34.** (A) As used in this section: 51692

(1) "Pre-college stackable certificate" means a 51693  
certificate earned before an adult is enrolled in an institution 51694  
of higher education that can be transferred to college credit 51695  
based on standards established by the chancellor of higher 51696  
education and the department of education and workforce. 51697

(2) "College-level certificate" means a certificate earned 51698  
while an adult is enrolled in an institution of higher education 51699  
that can be transferred to college credit based on standards 51700  
established by the chancellor and the department ~~of education~~. 51701

(B) The chancellor and the department ~~of education~~ shall 51702  
create a system of pre-college stackable certificates to provide 51703  
a clear and accessible path for adults seeking to advance their 51704  
education. The system shall do all of the following: 51705

(1) Be uniform across the state; 51706

(2) Be available from an array of providers, including 51707  
adult career centers, institutions of higher education, and 51708  
employers; 51709

(3) Be structured to respond to the expectations of both 51710  
the workplace and higher education; 51711

(4) Be articulated in a way that ensures the most 51712  
effective interconnection of competencies offered in specialized 51713  
training programs; 51714

(5) Establish standards for earning pre-college 51715  
certificates; 51716

(6) Establish transferability of pre-college certificates to college credit.	51717 51718
(C) The chancellor shall develop college-level certificates that can be transferred to college credit in different subject competencies. The certificates shall be based on competencies and experience and not on classroom seat time.	51719 51720 51721 51722
<b>Sec. 3333.35.</b> <del>The state board</del> <u>department of education and workforce</u> and the chancellor of higher education shall strive to reduce unnecessary student remediation costs incurred by colleges and universities in this state, increase overall access for students to higher education, <u>and enhance the college credit plus program in accordance with Chapter 3365. of the Revised Code,</u> <del>and. The state board of education shall strive to</del> enhance the alternative resident educator licensure program in accordance with section 3319.26 of the Revised Code.	51723 51724 51725 51726 51727 51728 51729 51730 51731
<b>Sec. 3333.37.</b> As used in sections 3333.37 to 3333.375 of the Revised Code, the following words and terms have the following meanings unless the context indicates a different meaning or intent:	51732 51733 51734 51735
(A) "Cost of attendance" means all costs of a student incurred in connection with a program of study at an eligible institution, as determined by the institution, including tuition; instructional fees; room and board; books, computers, and supplies; and other related fees, charges, and expenses.	51736 51737 51738 51739 51740
(B) "Eligible institution" means one of the following:	51741
(1) A state-assisted post-secondary educational institution within the state;	51742 51743
(2) A nonprofit institution of higher education within the state that holds a certificate of authorization issued under	51744 51745

Chapter 1713. of the Revised Code, that is accredited by the 51746  
appropriate regional and, when appropriate, professional 51747  
accrediting associations within whose jurisdiction it falls, is 51748  
authorized to grant a bachelor's degree or higher, and satisfies 51749  
other conditions as set forth in the policy guidelines; 51750

(3) A private institution exempt from regulation under 51751  
Chapter 3332. of the Revised Code as prescribed in section 51752  
3333.046 of the Revised Code. 51753

(C) "Eligible student" means either of the following: 51754

(1) An undergraduate student who meets all of the 51755  
following: 51756

(a) Is a resident of this state; 51757

(b) Has graduated from any Ohio secondary school for which 51758  
~~the state board~~ director of education and workforce prescribes 51759  
minimum standards in accordance with section 3301.07 of the 51760  
Revised Code; 51761

(c) Is attending and in good standing, or has been 51762  
accepted for attendance, at any eligible institution as a full- 51763  
time student to pursue a bachelor's degree. 51764

(2) A graduate student who is a resident of this state, 51765  
and is attending and in good standing, or has been accepted for 51766  
attendance, at any eligible institution. 51767

(D) "Fellowship" or "fellowship program" means the Ohio 51768  
priority needs fellowship created by sections 3333.37 to 51769  
3333.375 of the Revised Code. 51770

(E) "Full-time student" has the meaning as defined by rule 51771  
of the chancellor of higher education. 51772

(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. 51773  
51774  
51775

(G) "Policy guidelines" means the rules adopted by the chancellor pursuant to section 3333.374 of the Revised Code. 51776  
51777

(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. 51778  
51779  
51780

(I) "Priority needs field of study" means those academic majors and disciplines as determined by the chancellor that support the purposes and intent of sections 3333.37 to 3333.375 of the Revised Code as described in section 3333.371 of the Revised Code. 51781  
51782  
51783  
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51785

(J) "Scholarship" or "scholarship program" means the Ohio outstanding scholarship created by sections 3333.37 to 3333.375 of the Revised Code. 51786  
51787  
51788

**Sec. 3333.39.** The chancellor of higher education and the ~~superintendent of public instruction~~ department of education and workforce shall establish and administer the teach Ohio program to promote and encourage citizens of this state to consider teaching as a profession. The program shall include all of the following: 51789  
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(A) A statewide program administered by a nonprofit corporation that has been in existence for at least fifteen years with demonstrated results in encouraging high school students from economically disadvantaged groups to enter the teaching profession. The chancellor and ~~superintendent~~ the department jointly shall select the nonprofit corporation. 51795  
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(B) The Ohio teaching fellows program established under 51801

sections 3333.391 and 3333.392 of the Revised Code; 51802

(C) The Ohio teacher residency program established under 51803  
section 3319.223 of the Revised Code; 51804

(D) Alternative licensure procedures established under 51805  
section 3319.26 of the Revised Code; 51806

(E) Any other program as identified by the chancellor and 51807  
~~the superintendent~~ department. 51808

**Sec. 3333.391.** (A) As used in this section and in section 51809  
3333.392 of the Revised Code: 51810

(1) "Academic year" shall be as defined by the chancellor 51811  
of higher education. 51812

(2) "Hard-to-staff school" and "hard-to-staff subject" 51813  
shall be as defined by the department of education and 51814  
workforce. 51815

(3) "Parent" means the parent, guardian, or custodian of a 51816  
qualified student. 51817

(4) "Qualified service" means teaching at a qualifying 51818  
school. 51819

(5) "Qualifying school" means a hard-to-staff school 51820  
district building or a school district building that has a 51821  
persistently low performance rating, as determined jointly by 51822  
the chancellor and ~~superintendent of public instruction~~ the 51823  
department of education and workforce, under section 3302.03 of 51824  
the Revised Code at the time the recipient becomes employed by 51825  
the district. 51826

(B) If the chancellor of higher education determines that 51827  
sufficient funds are available from general revenue fund 51828

appropriations made to the department of higher education or to 51829  
the chancellor, the chancellor and the ~~superintendent of public~~ 51830  
~~instruction~~ department of education and workforce jointly may 51831  
develop and agree on a plan for the Ohio teaching fellows 51832  
program to promote and encourage high school seniors to enter 51833  
and remain in the teaching profession. Upon agreement of such a 51834  
plan, the chancellor shall establish and administer the program 51835  
in conjunction with the ~~superintendent~~ department of education 51836  
and workforce and with the cooperation of teacher training 51837  
institutions. Under the program, the chancellor annually shall 51838  
provide scholarships to students who commit to teaching in a 51839  
qualifying school for a minimum of four years upon graduation 51840  
from a teacher training program at a state institution of higher 51841  
education or an Ohio nonprofit institution of higher education 51842  
that has a certificate of authorization under Chapter 1713. of 51843  
the Revised Code. The scholarships shall be for up to four years 51844  
at the undergraduate level at an amount determined by the 51845  
chancellor based on state appropriations. 51846

(C) The chancellor shall adopt a competitive process for 51847  
awarding scholarships under the teaching fellows program, which 51848  
shall include minimum grade point average and scores on national 51849  
standardized tests for college admission. The process shall also 51850  
give additional consideration to all of the following: 51851

(1) A person who has participated in the program described 51852  
in division (A) of section 3333.39 of the Revised Code; 51853

(2) A person who plans to specialize in teaching students 51854  
with special needs; 51855

(3) A person who plans to teach in the disciplines of 51856  
science, technology, engineering, or mathematics. 51857

The chancellor shall require that all applicants to the teaching fellows program shall file a statement of service status in compliance with section 3345.32 of the Revised Code, if applicable, and that all applicants have not been convicted of, plead guilty to, or adjudicated a delinquent child for any violation listed in section 3333.38 of the Revised Code.

(D) Teaching fellows shall complete the four-year teaching commitment within not more than seven years after graduating from the teacher training program. Failure to fulfill the commitment shall convert the scholarship into a loan to be repaid under section 3333.392 of the Revised Code.

(E) The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code to administer this section and section 3333.392 of the Revised Code.

**Sec. 3333.43.** This section does not apply to any baccalaureate degree program that is a cooperative education program, as defined in section 3333.71 of the Revised Code.

(A) The chancellor of higher education shall require all state institutions of higher education that offer baccalaureate degrees, as a condition of reauthorization for certification of each baccalaureate program offered by the institution, to submit a statement describing how each major for which the school offers a baccalaureate degree may be completed within three academic years. The chronology of the statement shall begin with the fall semester of a student's first year of the baccalaureate program.

(B) The statement required under this section may include, but not be limited to, any of the following methods to contribute to earning a baccalaureate degree in three years:

(1) Advanced placement credit;	51887
(2) International baccalaureate program credit;	51888
(3) A waiver of degree and credit-hour requirements by completion of courses that are widely available at community colleges in the state or through online programs offered by state institutions of higher education or private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and through courses taken by the student through the college credit plus program under Chapter 3365. of the Revised Code;	51889 51890 51891 51892 51893 51894 51895 51896
(4) Completion of coursework during summer sessions;	51897
(5) A waiver of foreign-language degree requirements based on a proficiency examination specified by the institution.	51898 51899
(C) (1) Not later than October 15, 2012, each state institution of higher education shall provide statements required under this section for ten per cent of all baccalaureate degree programs offered by the institution.	51900 51901 51902 51903
(2) Not later than June 30, 2014, each state institution of higher education shall provide statements required under this section for sixty per cent of all baccalaureate degree programs offered by the institution.	51904 51905 51906 51907
(D) Each state institution of higher education required to submit statements under this section shall post its three-year option on its web site and also provide that information to the department of education <u>and workforce</u> . The department shall distribute that information to the superintendent, high school principal, and guidance counselor, or equivalents, of each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under	51908 51909 51910 51911 51912 51913 51914 51915

Chapter 3326. of the Revised Code.	51916
(E) Nothing in this section requires an institution to	51917
take any action that would violate the requirements of any	51918
independent association accrediting baccalaureate degree	51919
programs.	51920
<b>Sec. 3333.66.</b> (A) (1) Except as provided in division (A) (2)	51921
of this section, in each academic year, no student who receives	51922
a choose Ohio first scholarship shall receive less than one	51923
thousand five hundred dollars or more than one-half of the	51924
highest in-state undergraduate instructional and general fees	51925
charged by all state universities. For this purpose, if Miami	51926
university is implementing the pilot tuition restructuring plan	51927
originally recognized in Am. Sub. H.B. 95 of the 125th general	51928
assembly, that university's instructional and general fees shall	51929
be considered to be the average full-time in-state undergraduate	51930
instructional and general fee amount after taking into account	51931
the Ohio resident and Ohio leader scholarships and any other	51932
credit provided to all Ohio residents.	51933
(2) The chancellor <u>of higher education</u> may authorize a	51934
state university or college or a nonpublic Ohio institution of	51935
higher education to award a choose Ohio first scholarship in the	51936
amount of not less than five hundred dollars but not more than	51937
one-half of the highest in-state undergraduate instructional and	51938
general fees charged by all state universities to a student	51939
enrolled in a certificate program designated as an eligible	51940
program by the chancellor.	51941
(3) A student receiving multiple awards under division (A)	51942
of this section may not exceed the maximum permitted amount for	51943
each individual award.	51944

(B) The general assembly intends that money appropriated 51945  
for the choose Ohio first scholarship program in each fiscal 51946  
year be used for scholarships in the following academic year. 51947

**Sec. 3333.70.** (A) The ~~director~~chancellor of higher 51948  
education shall establish and administer the Ohio higher 51949  
education innovation grant program to promote educational 51950  
excellence and economic efficiency throughout the state in order 51951  
to stabilize or reduce student tuition rates at institutions of 51952  
higher education. Under the program, the ~~director~~chancellor 51953  
shall award grants to state institutions of higher education, as 51954  
defined in section 3345.011 of the Revised Code, and private 51955  
nonprofit institutions for innovative projects that incorporate 51956  
academic achievement and economic efficiencies. State 51957  
institutions of higher education and private nonprofit 51958  
institutions may apply for grants and initiate collaboration 51959  
with other institutions of higher education, either public or 51960  
private, on such projects. 51961

(B) The ~~director~~chancellor shall adopt rules to 51962  
administer the program including, but not limited to, 51963  
requirements that each grant application provides for all of the 51964  
following: 51965

(1) A system by which to measure academic achievement and 51966  
reductions in expenditures, both in funding and administration; 51967

(2) Demonstration of how the project will be sustained 51968  
beyond the grant period and continue to provide substantial 51969  
value and lasting impact; 51970

(3) Proof of commitment from all parties responsible for 51971  
the implementation of the project; 51972

(4) Implementation of an ongoing evaluation process and 51973

improvement plans, as necessary. 51974

(C) As used in this section, "private nonprofit 51975  
institution" means a nonprofit institution in this state that 51976  
has a certificate of authorization pursuant to Chapter 1713. of 51977  
the Revised Code. 51978

**Sec. 3333.82.** (A) The chancellor of higher education shall 51979  
establish a clearinghouse of digital texts, interactive distance 51980  
learning courses, and other distance learning courses delivered 51981  
via a computer-based method offered by school districts, 51982  
community schools, STEM schools, state institutions of higher 51983  
education, private colleges and universities, and other 51984  
nonprofit and for-profit course providers for sharing with other 51985  
school districts, community schools, STEM schools, state 51986  
institutions of higher education, private colleges and 51987  
universities, and individuals for the fee set pursuant to 51988  
section 3333.84 of the Revised Code. The chancellor shall not be 51989  
responsible for the content of digital texts or courses offered 51990  
through the clearinghouse; however, all such digital texts and 51991  
courses shall be delivered only in accordance with technical 51992  
specifications approved by the chancellor and on a common 51993  
statewide platform administered by the chancellor. The 51994  
chancellor may provide professional development and training on 51995  
the use of the distance learning clearinghouse. 51996

The clearinghouse's distance learning program for students 51997  
in grades kindergarten to twelve shall be based on the following 51998  
principles: 51999

(1) All Ohio students shall have access to high quality 52000  
digital texts and distance learning courses at any point in 52001  
their educational careers. 52002

(2) All students shall be able to customize their education using digital texts and distance learning courses offered through the clearinghouse and no student shall be denied access to any digital text or course in the clearinghouse in which the student is eligible to enroll.

(3) Students may take distance learning courses for all or any portion of their curriculum requirements and may utilize a combination of digital texts and distance learning courses and courses taught in a traditional classroom setting.

(4) Students may earn an unlimited number of academic credits through distance learning courses.

(5) Students may take distance learning courses at any time of the calendar year.

(6) Student advancement to higher coursework shall be based on a demonstration of subject area competency instead of completion of any particular number of hours of instruction.

(B) To offer digital texts or a course through the clearinghouse, a provider shall apply to the chancellor in a form and manner prescribed by the chancellor. The application for each digital text or course shall describe the digital text or course of study in as much detail as required by the chancellor, whether an instructor is provided, the qualification and credentials of the instructor, the number of hours of instruction, and any other information required by the chancellor. The chancellor may require course providers to include in their applications information recommended by the state board of education under former section 3353.30 of the Revised Code.

(C) The chancellor shall review the technical

specifications of each application submitted under division (B) 52032  
of this section. In reviewing applications, the chancellor may 52033  
consult with the department of education and workforce; however, 52034  
the responsibility to either approve or not approve a digital 52035  
text or course for the clearinghouse belongs to the chancellor. 52036  
The chancellor may request additional information from a 52037  
provider that submits an application under division (B) of this 52038  
section, if the chancellor determines that such information is 52039  
necessary. The chancellor may negotiate changes in the proposal 52040  
to offer a digital text or course, if the chancellor determines 52041  
that changes are necessary in order to approve the digital text 52042  
or course. 52043

(D) The chancellor shall catalog each digital text or 52044  
course approved for the clearinghouse, through a print or 52045  
electronic medium, displaying the following: 52046

(1) Information necessary for a student and the student's 52047  
parent, guardian, or custodian and the student's school 52048  
district, community school, STEM school, college, or university 52049  
to decide whether to enroll in or subscribe to the course; 52050

(2) Instructions for enrolling in that digital text or 52051  
course, including deadlines for enrollment. 52052

(E) Any expenses related to the installation of a course 52053  
into the common statewide platform shall be borne by the course 52054  
provider. 52055

(F) The chancellor may contract with an entity to perform 52056  
any or all of the chancellor's duties under sections 3333.81 to 52057  
3333.88 of the Revised Code. 52058

**Sec. 3333.86.** The chancellor of higher education may 52059  
determine the manner in which a course included in the 52060

clearinghouse may be offered as an advanced standing program as 52061  
defined in section 3313.6013 of the Revised Code, may be offered 52062  
to students who are enrolled in nonpublic schools or are 52063  
instructed at home pursuant to section ~~3321.04~~ 3321.042 of the 52064  
Revised Code, or may be offered at times outside the normal 52065  
school day or school week, including any necessary additional 52066  
fees and methods of payment for a course so offered. 52067

**Sec. 3333.87.** The chancellor of higher education and the 52068  
~~state board department of education and workforce jointly, and~~ 52069  
~~in consultation with the director of the governor's office of~~ 52070  
~~21st century education,~~ shall adopt rules in accordance with 52071  
Chapter 119. of the Revised Code prescribing procedures for the 52072  
implementation of sections 3333.81 to 3333.86 of the Revised 52073  
Code. 52074

**Sec. 3333.91.** The governor's office of workforce 52075  
transformation, in collaboration with the chancellor of higher 52076  
education, the ~~superintendent of public instruction~~ director of 52077  
education and workforce, and the department of job and family 52078  
services, shall develop and submit to the appropriate federal 52079  
agency a single, state unified plan required under the 52080  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 52081  
seq., which shall include the information required for the adult 52082  
basic and literacy education program administered by the United 52083  
States secretary of education and the "Carl D. Perkins 52084  
Vocational and Technical Education Act," 20 U.S.C. 2301, et 52085  
seq., as amended. Following the plan's initial submission to the 52086  
appropriate federal agency, the governor's office of workforce 52087  
transformation may update it as necessary. If the plan is 52088  
updated, the governor's office of workforce transformation shall 52089  
submit the updated plan to the appropriate federal agency. 52090

**Sec. 3335.36.** The board of trustees of the Ohio state 52091  
university may employ such employees as it considers appropriate 52092  
for the conduct of educational programs of OSU extension and may 52093  
provide for the payment from the OSU extension fund created by 52094  
section 3335.35 of the Revised Code of reasonable compensation 52095  
to such employees and of reasonable expenses incurred by them in 52096  
the discharge of their duties, including expenses of travel and 52097  
of maintaining, equipping, and supplying their offices. 52098

The employees shall cooperate with the department of 52099  
agriculture, the Ohio agricultural research and development 52100  
center, the department of education and workforce, and the 52101  
United States department of agriculture, for the purpose of 52102  
making available the educational materials of OSU extension. The 52103  
employees shall represent the university and shall conduct 52104  
educational activities related to agriculture, natural 52105  
resources, community development, family and consumer sciences, 52106  
and 4-H programs for the citizens of this state through personal 52107  
instruction, bulletins, practical demonstrations, mass media, 52108  
and otherwise, subject to such rules as may be prescribed by the 52109  
board of trustees of the university. The employees shall have 52110  
offices provided by the county or other political subdivision in 52111  
which they serve in which bulletins and other educational 52112  
materials of value to the people may be consulted and through 52113  
which the employees may be reached. 52114

The board of trustees of the Ohio state university may 52115  
hire or use employees of OSU extension to carry out the 52116  
functions and duties of a director of economic development under 52117  
division (B) of section 307.07 of the Revised Code pursuant to 52118  
any agreement with a county under division (A) (2) of section 52119  
307.07 of the Revised Code. 52120

**Sec. 3335.61.** There is hereby created a brain injury 52121  
advisory committee, which shall advise the brain injury program 52122  
with regard to unmet needs of survivors of brain injury, 52123  
development of programs for survivors and their families, 52124  
establishment of training programs for health care 52125  
professionals, and any other matter within the province of the 52126  
brain injury program. The committee shall consist of not fewer 52127  
than nineteen and not more than twenty-one members as follows: 52128

(A) Not fewer than ten and not more than twelve members 52129  
appointed by the dean of the college of medicine of the Ohio 52130  
state university, including all of the following: a survivor of 52131  
brain injury, a relative of a survivor of brain injury, a 52132  
licensed physician recommended by the Ohio chapter of the 52133  
American college of emergency physicians, a licensed physician 52134  
recommended by the Ohio state medical association, one other 52135  
health care professional, a rehabilitation professional, an 52136  
individual who represents the brain injury association of Ohio, 52137  
and not fewer than three nor more than five individuals who 52138  
shall represent the public; 52139

(B) The directors of the departments of health, mental 52140  
health and drug addiction services, developmental disabilities, 52141  
aging, and public safety; the medicaid director; the 52142  
administrator of workers' compensation; the ~~superintendent of~~ 52143  
~~public instruction~~ director of education and workforce; and the 52144  
executive director of the opportunities for Ohioans with 52145  
disabilities agency. Any of the officials specified in this 52146  
division may designate an individual to serve in the official's 52147  
place as a member of the committee. 52148

Terms of office of the appointed members shall be two 52149  
years. Members may be reappointed. Vacancies shall be filled in 52150

the manner provided for original appointments. Any member 52151  
appointed to fill a vacancy occurring prior to the expiration 52152  
date of the term for which the member's predecessor was 52153  
appointed shall hold office as a member for the remainder of 52154  
that term. 52155

Members of the committee shall serve without compensation, 52156  
but shall be reimbursed for actual and necessary expenses 52157  
incurred in the performance of their duties. 52158

**Sec. 3343.05.** The board of trustees of Central state 52159  
university shall take, keep, and maintain exclusive authority, 52160  
direction, supervision, and control over the operations and 52161  
conduct of such university, so as to assure for said university 52162  
the best attainable results with the aid secured to it from the 52163  
state. 52164

The board shall provide courses of study in accordance 52165  
with the standards of the department of education and workforce, 52166  
and create, establish, provide for, and maintain such 52167  
industrial, vocational, agricultural, home economics, 52168  
commercial, business administration, technical, and collegiate 52169  
subjects leading to the bachelors degree in arts and sciences. 52170  
The board may provide for other courses and degrees. 52171

**Sec. 3345.06.** (A) Subject to divisions (B) and (C) of this 52172  
section, a graduate of the twelfth grade shall be entitled to 52173  
admission without examination to any college or university which 52174  
is supported wholly or in part by the state, but for 52175  
unconditional admission may be required to complete such units 52176  
not included in the graduate's high school course as may be 52177  
prescribed, not less than two years prior to the graduate's 52178  
entrance, by the faculty of the institution. 52179

(B) Beginning with the 2014-2015 academic year, each state university listed in section 3345.011 of the Revised Code, except for Central state university, Shawnee state university, and Youngstown state university, shall permit a resident of this state who entered ninth grade for the first time on or after July 1, 2010, to begin undergraduate coursework at the university only if the person has successfully completed the requirements for high school graduation prescribed in division (C) of section 3313.603 of the Revised Code, unless one of the following applies:

(1) The person has earned at least ten semester hours, or the equivalent, at a community college, state community college, university branch, technical college, or another post-secondary institution except a state university to which division (B) of this section applies, in courses that are college-credit-bearing and may be applied toward the requirements for a degree. The university shall grant credit for successful completion of those courses pursuant to any applicable articulation and transfer policy of the chancellor of higher education or any agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code. The university may count college credit that the student earned while in high school through the college credit plus program under Chapter 3365. of the Revised Code, or through other advanced standing programs, toward the requirements of division (B) (1) of this section if the credit may be applied toward a degree.

(2) The person qualified to graduate from high school under division (D) or (F) of section 3313.603 of the Revised Code and has successfully completed the topics or courses that the person lacked to graduate under division (C) of that section

at any post-secondary institution or at a summer program at the 52211  
state university. A state university may admit a person for 52212  
enrollment contingent upon completion of such topics or courses 52213  
or summer program. 52214

(3) The person met the high school graduation requirements 52215  
by successfully completing the person's individualized education 52216  
program developed under section 3323.08 of the Revised Code. 52217

(4) The person is receiving or has completed the final 52218  
year of instruction at home as authorized under section ~~3321.04~~ 52219  
3321.042 of the Revised Code, or has graduated from a 52220  
nonchartered, nonpublic school in Ohio, and demonstrates mastery 52221  
of the academic content and skills in reading, writing, and 52222  
mathematics needed to successfully complete introductory level 52223  
coursework at an institution of higher education and to avoid 52224  
remedial coursework. 52225

(5) The person is a high school student participating in 52226  
the college credit plus program under Chapter 3365. of the 52227  
Revised Code or another advanced standing program. 52228

(C) A state university subject to division (B) of this 52229  
section may delay admission for or admit conditionally an 52230  
undergraduate student who has successfully completed the 52231  
requirements prescribed in division (C) of section 3313.603 of 52232  
the Revised Code if the university determines the student 52233  
requires academic remedial or developmental coursework. The 52234  
university may delay admission pending, or make admission 52235  
conditional upon, the student's successful completion of the 52236  
academic remedial or developmental coursework at a university 52237  
branch, community college, state community college, or technical 52238  
college. 52239

(D) This section does not deny the right of a college of law, medicine, or other specialized education to require college training for admission, or the right of a department of music or other art to require particular preliminary training or talent.

**Sec. 3345.061.** (A) Ohio's two-year institutions of higher education are respected points of entry for students embarking on post-secondary careers and courses completed at those institutions are transferable to state universities in accordance with articulation and transfer agreements developed under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

(B) Beginning with undergraduate students who commence undergraduate studies in the 2014-2015 academic year, no state university listed in section 3345.011 of the Revised Code, except Central state university, Shawnee state university, and Youngstown state university, shall receive any state operating subsidies for any academic remedial or developmental courses for undergraduate students, including courses prescribed in division (C) of section 3313.603 of the Revised Code, offered at its main campus, except as provided in divisions (B) (1) to (4) of this section.

(1) In the 2014-2015 and 2015-2016 academic years, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than three per cent of the total undergraduate credit hours provided by the university at its main campus.

(2) In the 2016-2017 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 fifteen per cent of the first-year students who have

graduated from high school within the previous twelve months and 52270  
who are enrolled in the university at its main campus, as 52271  
calculated on a full-time-equivalent basis. 52272

(3) In the 2017-2018 academic year, a state university may 52273  
receive state operating subsidies for academic remedial or 52274  
developmental courses completed at the main campus for not more 52275  
than ten per cent of the first-year students who have graduated 52276  
from high school within the previous twelve months and who are 52277  
enrolled in the university at its main campus, as calculated on 52278  
a full-time-equivalent basis. 52279

(4) In the 2018-2019 academic year, a state university may 52280  
receive state operating subsidies for academic remedial or 52281  
developmental courses completed at the main campus for not more 52282  
than five per cent of the first-year students who have graduated 52283  
from high school within the previous twelve months and who are 52284  
enrolled in the university at its main campus, as calculated on 52285  
a full-time-equivalent basis. 52286

Each state university may continue to offer academic 52287  
remedial and developmental courses at its main campus beyond the 52288  
extent for which state operating subsidies may be paid under 52289  
this division and may continue to offer such courses beyond the 52290  
2018-2019 academic year. However, the main campus of a state 52291  
university shall not receive any state operating subsidies for 52292  
such courses above the maximum amounts permitted in this 52293  
division. 52294

(C) Except as otherwise provided in division (B) of this 52295  
section, beginning with students who commence undergraduate 52296  
studies in the 2014-2015 academic year, state operating 52297  
subsidies for academic remedial or developmental courses offered 52298  
by state institutions of higher education may be paid only to 52299

Central state university, Shawnee state university, Youngstown state university, any university branch, any community college, any state community college, or any technical college. 52300  
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(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 to any applicable articulation and transfer agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code. 52303  
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(E) The chancellor of higher education shall do all of the following: 52310  
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(1) Withhold state operating subsidies for academic remedial or developmental courses provided by a main campus of a state university as required in order to conform to divisions (B) and (C) of this section; 52312  
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(2) Adopt uniform statewide standards for academic remedial and developmental courses offered by all state institutions of higher education; 52316  
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(3) Encourage and assist in the design and establishment of academic remedial and developmental courses by institutions of higher education; 52319  
52320  
52321

(4) Define "academic year" for purposes of this section and section 3345.06 of the Revised Code; 52322  
52323

(5) Encourage and assist in the development of articulation and transfer agreements between state universities and other institutions of higher education in accordance with policies and procedures adopted under sections 3333.16, 3333.161, and 3333.162 of the Revised Code. 52324  
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(F) Not later than December 31, 2012, the presidents, or equivalent position, of all state institutions of higher education, or their designees, jointly shall establish uniform statewide standards in mathematics, science, reading, and writing each student enrolled in a state institution of higher education must meet to be considered in remediation-free status. The presidents also shall establish assessments, if they deem necessary, to determine if a student meets the standards adopted under this division. Each institution is responsible for assessing the needs of its enrolled students in the manner adopted by the presidents. The board of trustees or managing authority of each state institution of higher education shall adopt the remediation-free status standard, and any related assessments, into the institution's policies.

The chancellor shall assist in coordinating the work of the presidents under this division. The chancellor shall monitor the standards in mathematics, science, reading, and writing established under division (F) of this section to ensure that the standards adequately demonstrate a student's remediation-free status.

(G) Each year, not later than a date established by the chancellor, each state institution of higher education shall report to the governor, the general assembly, the chancellor, and the ~~superintendent of public instruction~~ department of education and workforce all of the following for the prior academic year:

(1) The institution's aggregate costs for providing academic remedial or developmental courses;

(2) The amount of those costs disaggregated according to the city, local, or exempted village school districts from which

the students taking those courses received their high school diplomas; 52359  
52360

(3) Any other information with respect to academic remedial and developmental courses that the chancellor considers appropriate. 52361  
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(H) ~~Not Annually, not later than December 31, 2011, and~~ 52364  
the thirty-first day of each December thereafter, the chancellor 52365  
and the ~~superintendent of public instruction department of~~ 52366  
education and workforce shall issue a report recommending 52367  
policies and strategies for reducing the need for academic 52368  
remediation and developmental courses at state institutions of 52369  
higher education. 52370

(I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 52371  
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**Sec. 3345.062.** (A) ~~Not Annually, not later than December~~ 52374  
~~31, 2017, and each the~~ thirty-first day of December thereafter, 52375  
the president, or equivalent position, of each state university 52376  
shall issue a report regarding the remediation of students that 52377  
includes all of the following: 52378

(1) The number of enrolled students that require remedial education; 52379  
52380

(2) The cost of remedial coursework the state university provides; 52381  
52382

(3) The specific areas of remediation provided by the state university; 52383  
52384

(4) Causes for remediation. 52385

(B) Each president, or equivalent, shall present the 52386

findings of the report to the state university's board of 52387  
trustees and shall submit a copy of the report to the chancellor 52388  
of higher education and the ~~superintendent of public~~ 52389  
~~instruction~~ department of education and workforce. 52390

(C) As used in this section, "state university" has the 52391  
same meaning as in section 3345.011 of the Revised Code. 52392

**Sec. 3345.86.** (A) As used in this section, an "eligible 52393  
institution" means a community college established under Chapter 52394  
3354. of the Revised Code, a university branch established under 52395  
Chapter 3355. of the Revised Code, a technical college 52396  
established under Chapter 3357. of the Revised Code, or a state 52397  
community college established under Chapter 3358. of the Revised 52398  
Code. 52399

(B) An individual who is at least twenty-two years of age 52400  
and who is an eligible individual as defined in section 3317.23 52401  
of the Revised Code may enroll in an eligible institution for up 52402  
to two consecutive school years for the purpose of completing 52403  
the requirements to earn a high school diploma. An individual 52404  
enrolled under this division may elect to satisfy these 52405  
requirements by successfully completing a competency-based 52406  
educational program, as defined in section 3317.02 of the 52407  
Revised Code, that complies with the standards adopted by the 52408  
department of education and workforce under section 3317.231 of 52409  
the Revised Code. 52410

The eligible institution in which the individual enrolls 52411  
shall report that individual's enrollment on a full-time 52412  
equivalency basis to the department. 52413

(C) (1) For each eligible institution that enrolls 52414  
individuals under division (B) of this section, the department 52415

annually shall certify the enrollment and attendance, on a full- 52416  
time equivalency basis, of each individual reported by the 52417  
institution under that division. 52418

(2) For each individual enrolled in an eligible 52419  
institution under division (B) of this section, the department 52420  
annually shall pay the institution up to \$5,000, as determined 52421  
by the department based on the extent of the individual's 52422  
successful completion of the graduation requirements prescribed 52423  
under sections 3313.603, 3313.61, 3313.611, and 3313.614 of the 52424  
Revised Code. 52425

(D) If an individual enrolled in an eligible institution 52426  
under division (B) of this section completes the requirements to 52427  
earn a high school diploma, the institution shall certify the 52428  
completion of those requirements to the city, local, or exempted 52429  
village school district in which the individual resides. Upon 52430  
receiving certification under this division, the city, local, or 52431  
exempted village school district in which the individual resides 52432  
shall issue a high school diploma to the individual within sixty 52433  
days of receipt of the certification. 52434

(E) An eligible institution that enrolls individuals under 52435  
division (B) of this section shall be subject to the program 52436  
administration standards adopted by the department under section 52437  
3317.231 of the Revised Code, as applicable. 52438

**Sec. 3353.02.** (A) There is hereby created the broadcast 52439  
educational media commission as an independent agency to advance 52440  
education and accelerate the learning of the citizens of this 52441  
state through public educational broadcasting services. The 52442  
commission shall provide leadership and support in extending the 52443  
knowledge of the citizens of this state by promoting access to 52444  
and use of educational broadcasting services, including 52445

educational television and radio and radio reading services. The 52446  
commission also shall administer programs to provide financial 52447  
and other assistance to educational television and radio and 52448  
radio reading services. 52449

The commission is a body corporate and politic, an agency 52450  
of the state performing essential governmental functions of the 52451  
state. 52452

(B) The commission shall consist of fifteen members, 52453  
eleven of whom shall be voting members. Nine of the voting 52454  
members shall be representatives of the public selected from 52455  
among leading citizens in the state who have demonstrated 52456  
interest in educational broadcast media through service on 52457  
boards or advisory councils of educational television stations, 52458  
educational radio stations, educational technology agencies, or 52459  
radio reading services. Of the representatives of the public, 52460  
three shall be appointed by the governor with the advice and 52461  
consent of the senate, three shall be appointed by the speaker 52462  
of the house of representatives, and three shall be appointed by 52463  
the president of the senate. Not more than two members appointed 52464  
by the speaker of the house of representatives and not more than 52465  
two members appointed by the president of the senate shall be of 52466  
the same political party. The ~~superintendent-director of public-~~ 52467  
~~instruction-education and workforce~~ or a designee of the 52468  
~~superintendent-director~~ and the chancellor of ~~the Ohio board of-~~ 52469  
~~regents-higher education~~ or a designee of the chancellor shall 52470  
be ex officio voting members. Of the nonvoting members, two 52471  
shall be members of the house of representatives appointed by 52472  
the speaker of the house of representatives and two shall be 52473  
members of the senate appointed by the president of the senate. 52474  
The members appointed from each chamber shall not be members of 52475  
the same political party. 52476

(C) Initial terms of office for appointed voting members	52477
shall be as follows:	52478
(1) For one member appointed by each of the governor,	52479
speaker of the house of representatives, and president of the	52480
senate, one year;	52481
(2) For one member appointed by each of the governor,	52482
speaker of the house of representatives, and president of the	52483
senate, two years;	52484
(3) For one member appointed by each of the governor,	52485
speaker of the house of representatives, and president of the	52486
senate, three years. At the first meeting of the commission,	52487
such members shall draw lots to determine the length of the term	52488
each member will serve. Thereafter, terms of office for such	52489
members shall be for four years. Any member who is a	52490
representative of the public may be reappointed by the member's	52491
respective appointing authority, but no such member may serve	52492
more than two consecutive four-year terms. Such a member may be	52493
removed by the member's respective appointing authority for	52494
cause.	52495
Any legislative member appointed by the speaker of the	52496
house of representatives or the president of the senate who	52497
ceases to be a member of the legislative chamber from which the	52498
member was appointed shall cease to be a member of the	52499
commission. The speaker of the house of representatives and the	52500
president of the senate may remove their respective appointments	52501
to the commission at any time.	52502
(D) Vacancies among appointed members shall be filled in	52503
the manner provided for original appointments. Any member	52504
appointed to fill a vacancy occurring prior to the expiration of	52505

the term for which the member's predecessor was appointed shall 52506  
hold office for the remainder of that term. Any appointed member 52507  
shall continue in office subsequent to the expiration of that 52508  
member's term until the member's successor takes office or until 52509  
a period of sixty days has elapsed, whichever occurs first. 52510

(E) Members of the commission shall serve without 52511  
compensation. The members who are representatives of the public 52512  
shall be reimbursed, pursuant to office of budget and management 52513  
guidelines, for actual and necessary expenses incurred in the 52514  
performance of official duties. 52515

(F) The governor shall appoint the chairperson of the 52516  
commission from among the commission's public voting members. 52517  
The chairperson shall serve a term of two years and may be 52518  
reappointed. The commission shall elect other officers as 52519  
necessary from among its voting members and shall prescribe its 52520  
rules of procedure. 52521

**Sec. 3365.01.** As used in this chapter: 52522

(A) "Articulated credit" means post-secondary credit that 52523  
is reflected on the official record of a student at an 52524  
institution of higher education only upon enrollment at that 52525  
institution after graduation from a secondary school. 52526

(B) "Default ceiling amount" means one of the following 52527  
amounts, whichever is applicable: 52528

(1) For a participant enrolled in a college operating on a 52529  
semester schedule, the amount calculated according to the 52530  
following formula: 52531

$((0.83 \times \text{formula amount}) / 30)$  52532

X number of enrolled credit hours 52533

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	52534 52535 52536
$((0.83 \times \text{formula amount}) / 45)$	52537
X number of enrolled credit hours	52538
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	52539 52540
(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.	52541 52542 52543 52544
(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.	52545 52546 52547
(F) "Formula amount" means \$6,020.	52548
(G) "Governing entity" means any of the following:	52549
(1) A board of education of a school district;	52550
(2) A governing authority of a community school established under Chapter 3314. of the Revised Code;	52551 52552
(3) A governing body of a STEM school established under Chapter 3326. of the Revised Code;	52553 52554
(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	52555 52556
(5) When referring to the state school for the deaf or the state school for the blind, the <del>state board of education</del> department of education and workforce;	52557 52558 52559

(6) When referring to an institution operated by the department of youth services, the superintendent of that institution. 52560  
52561  
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(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home ~~instruction-education~~ under section ~~3321.04-3321.042~~ of the Revised Code, and is participating in the program established by this chapter. 52563  
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52565  
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(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable: 52568  
52569

(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula: 52570  
52571  
52572

((formula amount / 30) 52573

X number of enrolled credit hours) 52574

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula: 52575  
52576  
52577

((formula amount / 45) 52578

X number of enrolled credit hours) 52579

(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. 52580  
52581  
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52583

(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 52584  
52585  
52586

from a course would have negatively affected the participant's 52587  
transcripted grade, as prescribed by the college's established 52588  
withdrawal policy. 52589

(L) "Parent" has the same meaning as in section 3313.64 of 52590  
the Revised Code. 52591

(M) "Participant" means any student enrolled in a college 52592  
under the program established by this chapter. 52593

(N) "Partnering college" means a college with which a 52594  
public or nonpublic secondary school has entered into an 52595  
agreement in order to offer the program established by this 52596  
chapter. 52597

(O) "Partnering secondary school" means a public or 52598  
nonpublic secondary school with which a college has entered into 52599  
an agreement in order to offer the program established by this 52600  
chapter. 52601

(P) "Private college" means any of the following: 52602

(1) A nonprofit institution holding a certificate of 52603  
authorization pursuant to Chapter 1713. of the Revised Code; 52604

(2) An institution holding a certificate of registration 52605  
from the state board of career colleges and schools and program 52606  
authorization for an associate or bachelor's degree program 52607  
issued under section 3332.05 of the Revised Code; 52608

(3) A private institution exempt from regulation under 52609  
Chapter 3332. of the Revised Code as prescribed in section 52610  
3333.046 of the Revised Code. 52611

(Q) "Public college" means a "state institution of higher 52612  
education" in section 3345.011 of the Revised Code, excluding 52613  
the northeast Ohio medical university. 52614

(R) "Public secondary school" means a school serving 52615  
grades nine through twelve in a city, local, or exempted village 52616  
school district, a joint vocational school district, a community 52617  
school established under Chapter 3314. of the Revised Code, a 52618  
STEM school established under Chapter 3326. of the Revised Code, 52619  
a college-preparatory boarding school established under Chapter 52620  
3328. of the Revised Code, the state school for the deaf, the 52621  
state school for the blind, or an institution operated by the 52622  
department of youth services. 52623

(S) "School year" has the same meaning as in section 52624  
3313.62 of the Revised Code. 52625

(T) "Secondary grade" means any of grades nine through 52626  
twelve. 52627

(U) "Standard rate" means the amount per credit hour 52628  
assessed by the college for an in-state student who is enrolled 52629  
in an undergraduate course at that college, but who is not 52630  
participating in the college credit plus program, as prescribed 52631  
by the college's established tuition policy. 52632

(V) "Transcripted credit" means post-secondary credit that 52633  
is conferred by an institution of higher education and is 52634  
reflected on a student's official record at that institution 52635  
upon completion of a course. 52636

**Sec. 3365.02.** (A) There is hereby established the college 52637  
credit plus program under which, beginning with the 2015-2016 52638  
school year, a secondary grade student who is a resident of this 52639  
state may enroll at a college, on a full- or part-time basis, 52640  
and complete nonsectarian, nonremedial courses for high school 52641  
and college credit. The program shall govern arrangements in 52642  
which a secondary grade student enrolls in a college and, upon 52643

successful completion of coursework taken under the program, 52644  
receives transcribed credit from the college. The following are 52645  
not governed by the college credit plus program: 52646

(1) An agreement governing an early college high school 52647  
program, provided the program meets the definition set forth in 52648  
division (F) (2) of section 3313.6013 of the Revised Code and is 52649  
approved by the ~~superintendent of public instruction department~~ 52650  
of education and workforce and the chancellor of higher 52651  
education; 52652

(2) An advanced placement course or international 52653  
baccalaureate diploma course, as described in divisions (A) (2) 52654  
and (3) of section 3313.6013 of the Revised Code; 52655

(3) A career-technical education program that is approved 52656  
by the department ~~of education~~ under section 3317.161 of the 52657  
Revised Code and grants articulated credit to students 52658  
participating in that program. However, any portion of an 52659  
approved program that results in the conferral of transcribed 52660  
credit upon the completion of the course shall be governed by 52661  
the college credit plus program. 52662

(B) Any student enrolled in a public or nonpublic 52663  
secondary school in the student's ninth, tenth, eleventh, or 52664  
twelfth grade; any student enrolled in a nonchartered nonpublic 52665  
secondary school in the student's ninth, tenth, eleventh, or 52666  
twelfth grade; and any student who has been excused from the 52667  
compulsory attendance law for the purpose of home ~~instruction~~ 52668  
education under section ~~3321.04~~ 3321.042 of the Revised Code and 52669  
is the equivalent of a ninth, tenth, eleventh, or twelfth grade 52670  
student, may participate in the program, if the student meets 52671  
the applicable eligibility criteria in section 3365.03 of the 52672  
Revised Code. If a nonchartered nonpublic secondary school 52673

student chooses to participate in the program, that student 52674  
shall be subject to the same requirements as a home-instructed 52675  
student who chooses to participate in the program under this 52676  
chapter. 52677

(C) All public secondary schools and all public colleges 52678  
shall participate in the program and are subject to the 52679  
requirements of this chapter. Any nonpublic secondary school or 52680  
private college that chooses to participate in the program shall 52681  
also be subject to the requirements of this chapter. 52682

(D) The chancellor, in accordance with Chapter 119. of the 52683  
Revised Code and in consultation with the ~~state superintendent~~ 52684  
department, shall adopt rules governing the program. 52685

**Sec. 3365.03.** (A) A student enrolled in a public or 52686  
nonpublic secondary school during the student's ninth, tenth, 52687  
eleventh, or twelfth grade school year; a student enrolled in a 52688  
nonchartered nonpublic secondary school in the student's ninth, 52689  
tenth, eleventh, or twelfth grade school year; or a student who 52690  
has been excused from the compulsory attendance law for the 52691  
purpose of home ~~instruction~~ education under section 52692  
~~3321.04~~3321.042 of the Revised Code and is the equivalent of a 52693  
ninth, tenth, eleventh, or twelfth grade student, may apply to 52694  
and enroll in a college under the college credit plus program. 52695

(1) In order for a public secondary school student to 52696  
participate in the program, all of the following criteria shall 52697  
be met: 52698

(a) The student or the student's parent shall inform the 52699  
principal, or equivalent, of the student's school by the first 52700  
day of April of the student's intent to participate in the 52701  
program during the following school year. Any student who fails 52702

to provide the notification by the required date may not 52703  
participate in the program during the following school year 52704  
without the written consent of the principal, or equivalent. If 52705  
a student seeks consent from the principal after failing to 52706  
provide notification by the required date, the principal shall 52707  
notify the department of education and workforce of the 52708  
student's intent to participate within ten days of the date on 52709  
which the student seeks consent. If the principal does not 52710  
provide written consent, the student may appeal the principal's 52711  
decision to the governing entity of the school, except for a 52712  
student who is enrolled in a school district, who may appeal the 52713  
decision to the district superintendent. Not later than thirty 52714  
days after the notification of the appeal, the district 52715  
superintendent or governing entity shall hear the appeal and 52716  
shall make a decision to either grant or deny that student's 52717  
participation in the program. The decision of the district 52718  
superintendent or governing entity shall be final. 52719

(b) The student shall: 52720

(i) Apply to a public or a participating private college, 52721  
or an eligible out-of-state college participating in the 52722  
program, in accordance with the college's established procedures 52723  
for admission, pursuant to section 3365.05 of the Revised Code; 52724

(ii) As a condition of eligibility, satisfy one of the 52725  
following criteria: 52726

(I) Be remediation-free, in accordance with one of the 52727  
assessments established under division (F) of section 3345.061 52728  
of the Revised Code; 52729

(II) Meet an alternative remediation-free eligibility 52730  
option, as defined by the chancellor of higher education, in 52731

consultation with the ~~superintendent of public instruction~~  
department, in rules adopted under this section; 52732  
52733

(III) Have participated in the program prior to ~~the~~  
~~effective date of this amendment September 30, 2021,~~ and 52734  
52735  
qualified to participate in the program by scoring within one 52736  
standard error of measurement below the remediation-free 52737  
threshold for one of the assessments established under division 52738  
(F) of section 3345.061 of the Revised Code and satisfying one 52739  
of the conditions specified under division (A) (1) (b) (ii) (I) or 52740  
(II) of this section as those divisions existed prior to ~~the~~  
~~effective date of this amendment September 30, 2021.~~ 52741  
52742

(iii) Meet the college's and relevant academic program's 52743  
established standards for admission, enrollment, and course 52744  
placement, including course-specific capacity limitations, 52745  
pursuant to section 3365.05 of the Revised Code. 52746

(c) The student shall elect at the time of enrollment to 52747  
participate under either division (A) or (B) of section 3365.06 52748  
of the Revised Code for each course under the program. 52749

(d) The student and the student's parent shall sign a 52750  
form, provided by the school, stating that they have received 52751  
the counseling required under division (B) of section 3365.04 of 52752  
the Revised Code and that they understand the responsibilities 52753  
they must assume in the program. 52754

(2) In order for a nonpublic secondary school student, a 52755  
nonchartered nonpublic secondary school student, or a home- 52756  
instructed student to participate in the program, both of the 52757  
following criteria shall be met: 52758

(a) The student shall meet the criteria in divisions (A) 52759  
(1) (b) and (c) of this section. 52760

(b) (i) If the student is enrolled in a nonpublic secondary school, that student shall send to the ~~department of education~~ a copy of the student's acceptance from a college and an application. The application shall be made on forms provided by the ~~state board of education department~~ and shall include information about the student's proposed participation, including the school year in which the student wishes to participate; and the semesters or terms the student wishes to enroll during such year. The department shall mark each application with the date and time of receipt.

(ii) If the student is enrolled in a nonchartered nonpublic secondary school or is home-instructed, the parent or guardian of that student shall notify the department by the first day of April prior to the school year in which the student wishes to participate.

(B) Except as provided for in division (C) of this section and in sections 3365.031 and 3365.032 of the Revised Code:

(1) No public secondary school shall prohibit a student enrolled in that school from participating in the program if that student meets all of the criteria in division (A) (1) of this section.

(2) No participating nonpublic secondary school shall prohibit a student enrolled in that school from participating in the program if the student meets all of the criteria in division (A) (2) of this section and, if the student is enrolled under division (B) of section 3365.06 of the Revised Code, the student is awarded funding from the department in accordance with rules adopted by the chancellor, in consultation with the ~~superintendent of public instruction department~~, pursuant to section 3365.071 of the Revised Code.

(C) For purposes of this section, during the period of an expulsion imposed by a public secondary school, a student is ineligible to apply to enroll in a college under this section, unless the student is admitted to another public secondary or participating nonpublic secondary school. If a student is enrolled in a college under this section at the time the student is expelled, the student's status for the remainder of the college term in which the expulsion is imposed shall be determined under section 3365.032 of the Revised Code.

(D) Upon a student's graduation from high school, participation in the college credit plus program shall not affect the student's eligibility at any public college for scholarships or for other benefits or opportunities that are available to first-time college students and are awarded by that college, regardless of the number of credit hours that the student completed under the program.

(E) The college to which a student applies to participate under this section shall pay for one assessment used to determine that student's eligibility under this section. However, notwithstanding anything to the contrary in Chapter 3365. of the Revised Code, any additional assessments used to determine the student's eligibility shall be the financial responsibility of the student.

**Sec. 3365.032.** (A) For purposes of this section:

(1) The "expulsion of a student" or "expelling a student" means the following:

(a) For a public secondary school that is a school operated by a city, local, exempted village, or joint vocational school district, community school established under Chapter

3314. of the Revised Code, or STEM school established under 52820  
Chapter 3326. of the Revised Code, the expulsion of a student or 52821  
the act of expelling a student under division (B) of section 52822  
3313.66 of the Revised Code; 52823

(b) For a public secondary school that is a college- 52824  
preparatory boarding school, the expulsion of a student or the 52825  
act of expelling a student in accordance with the school's 52826  
bylaws adopted pursuant to section 3328.13 of the Revised Code; 52827

(c) For a public secondary school that is the state school 52828  
for the deaf or the state school for the blind, the expulsion of 52829  
a student or the act of expelling a student in accordance with 52830  
rules adopted by the ~~state board~~ department of education and 52831  
workforce. 52832

(2) A "policy to deny high school credit for courses taken 52833  
under the college credit plus program during an expulsion" means 52834  
the following: 52835

(a) For a public secondary school that is a school 52836  
operated by a city, local, exempted village, or joint vocational 52837  
school district, community school established under Chapter 52838  
3314. of the Revised Code, or STEM school established under 52839  
Chapter 3326. of the Revised Code, a policy adopted under 52840  
section 3313.613 of the Revised Code; 52841

(b) For a college-preparatory boarding school established 52842  
under Chapter 3328. of the Revised Code, a policy adopted in 52843  
accordance with the school's bylaws adopted pursuant to section 52844  
3328.13 of the Revised Code; 52845

(c) For the state school for the deaf or the state school 52846  
for the blind, a policy adopted in accordance with any rules 52847  
adopted by the ~~state board~~ department requiring such a policy. 52848

(B) When a public secondary school expels a student, the superintendent, or equivalent, shall send a written notice of the expulsion to any college in which the expelled student is enrolled under section 3365.03 of the Revised Code at the time the expulsion is imposed. The notice shall indicate the date the expulsion is scheduled to expire. The notice also shall indicate whether the school has adopted a policy to deny high school credit for courses taken under the college credit plus program during an expulsion. If the expulsion is extended, the superintendent, or equivalent, shall notify the college of the extension.

(C) A college may withdraw its acceptance under section 3365.03 of the Revised Code of a student who is expelled from school. As provided in section 3365.03 of the Revised Code, regardless of whether the college withdraws its acceptance of the student for the college term in which the student is expelled, the student is ineligible to enroll in a college under that section for subsequent college terms during the period of the expulsion, unless the student enrolls in another public school or a participating nonpublic school during that period.

If a college withdraws its acceptance of an expelled student who elected either option of division (A) (1) or (2) of section 3365.06 of the Revised Code, the college shall refund tuition and fees paid by the student in the same proportion that it refunds tuition and fees to students who voluntarily withdraw from the college at the same time in the term.

If a college withdraws its acceptance of an expelled student who elected the option of division (B) of section 3365.06 of the Revised Code, the public school shall not award high school credit for the college courses in which the student

was enrolled at the time the college withdrew its acceptance, 52879  
and any reimbursement under section 3365.07 of the Revised Code 52880  
for the student's attendance prior to the withdrawal shall be 52881  
the same as would be paid for a student who voluntarily withdrew 52882  
from the college at the same time in the term. If the withdrawal 52883  
results in the college's receiving no reimbursement, the college 52884  
or secondary school may require the student to return or pay for 52885  
any textbooks and materials it provided the student free of 52886  
charge. 52887

(D) When a student who elected the option of division (B) 52888  
of section 3365.06 of the Revised Code is expelled from a public 52889  
school that has adopted a policy to deny high school credit for 52890  
courses taken under the college credit plus program during an 52891  
expulsion, that election is automatically revoked for all 52892  
college courses in which the student is enrolled during the 52893  
college term in which the expulsion is imposed. Any 52894  
reimbursement under section 3365.07 of the Revised Code for the 52895  
student's attendance prior to the expulsion shall be the same as 52896  
would be paid for a student who voluntarily withdrew from the 52897  
college at the same time in the term. If the revocation results 52898  
in the college's receiving no reimbursement, the college or 52899  
secondary school may require the student to return or pay for 52900  
any textbooks and materials it provided the student free of 52901  
charge. 52902

Not later than five days after receiving an expulsion 52903  
notice from the superintendent, or equivalent, of a public 52904  
school that has adopted a policy to deny high school credit for 52905  
courses taken under the college credit plus program during an 52906  
expulsion, the college shall send a written notice to the 52907  
expelled student that the student's election of division (B) of 52908  
section 3365.06 of the Revised Code is revoked. If the college 52909

elects not to withdraw its acceptance of the student, the 52910  
student shall pay all applicable tuition and fees for the 52911  
college courses and shall pay for any textbooks and materials 52912  
that the college or secondary school provided to the student. 52913

**Sec. 3365.033.** (A) Notwithstanding anything to the 52914  
contrary in Chapter 3365. of the Revised Code, any student 52915  
enrolled in a public or nonpublic secondary school in the 52916  
student's seventh or eighth grade; any student enrolled in a 52917  
nonchartered nonpublic secondary school in the student's seventh 52918  
or eighth grade; and any student who has been excused from the 52919  
compulsory attendance law for the purpose of home ~~instruction~~ 52920  
education under section ~~3321.04~~3321.042 of the Revised Code and 52921  
is the equivalent of a seventh or eighth grade student, may 52922  
participate in the college credit plus program, if the student 52923  
meets the applicable eligibility criteria required of secondary 52924  
grade students for participation. Participants under this 52925  
section shall be subject to the same requirements as secondary 52926  
grade participants under this chapter. 52927

(B) Participants under this section shall receive high 52928  
school and college credit for courses taken under the program, 52929  
in accordance with the option elected under section 3365.06 of 52930  
the Revised Code. High school credit earned under the program 52931  
shall be awarded in the same manner as for secondary grade 52932  
participants. 52933

(C) If a participant under this section elects to have the 52934  
college reimbursed under section 3365.07 of the Revised Code for 52935  
courses taken under the program, the department shall reimburse 52936  
the college in the same manner as for secondary grade 52937  
participants in accordance with that section. 52938

(D) Notwithstanding section 3327.01 of the Revised Code, 52939

the parent or guardian of a participant under this section shall 52940  
be responsible for any transportation for the participant 52941  
related to participation in the program. 52942

**Sec. 3365.034.** (A) Notwithstanding anything to the 52943  
contrary in the Revised Code, a student who is eligible to 52944  
participate in the college credit plus program under section 52945  
3365.03 or 3365.033 of the Revised Code may participate in the 52946  
program during the summer term of a public or participating 52947  
private college or an eligible out-of-state college 52948  
participating in the program. 52949

Unless otherwise specified, if a student participates in 52950  
the college credit plus program under this section, all 52951  
requirements of the program shall apply. 52952

(B) (1) In order for a public secondary school student to 52953  
participate under this section, the student shall meet the 52954  
criteria in division (A) (1) of section 3365.03 of the Revised 52955  
Code, except that the student or the student's parent shall 52956  
inform the principal, or equivalent, of the student's school by 52957  
the date designated by rule of the chancellor of higher 52958  
education, pursuant to division (E) of this section, of the 52959  
student's intent to participate in the program during the summer 52960  
term. 52961

(2) In order for a nonpublic secondary school student, a 52962  
nonchartered nonpublic secondary school student, or a home- 52963  
instructed student to participate under this section, the 52964  
student shall meet the applicable criteria in division (A) (2) of 52965  
section 3365.03 of the Revised Code, except that the parent or 52966  
guardian of a nonchartered nonpublic secondary school student or 52967  
a home-instructed student shall notify the department of 52968  
education and workforce by the date designated by rule of the 52969

chancellor of higher education, pursuant to division (E) of this section, of the student's intent to participate in the program during the summer term.

(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. 52999

(C) For a student enrolled in a public, chartered 53000  
nonpublic, or nonchartered nonpublic school or a home-instructed 53001  
student to enroll in any college course under the college credit 53002  
plus program, the parent of the student and the student shall 53003  
sign and include the permission slip described in division (B) 53004  
of this section within the student's application to the public 53005  
college, participating private college, or eligible out-of-state 53006  
college in which the student wishes to enroll. 53007

(D) Each public and participating private college and 53008  
eligible out-of-state college participating in the program, upon 53009  
admitting a student under the program, shall include in the 53010  
college's enrollment materials the following: 53011

(1) A questionnaire for students, developed by the 53012  
college, to answer in the affirmative acknowledging that the 53013  
student possesses the necessary social and emotional maturity 53014  
and is ready to accept the responsibility and independence that 53015  
a college classroom demands and to resubmit to the college; 53016

(2) Guidance on reviewing any course materials available 53017  
prior to enrolling in a course; 53018

(3) Information about the college's and the program's 53019  
policies on withdrawing from or dropping a course; 53020

(4) Information about the student's right to speak with 53021  
the student's high school counselor or with the academic advisor 53022  
assigned to the student as prescribed in division (F) of section 53023  
3365.05 of the Revised Code. 53024

(E) Each public and participating private college and 53025  
eligible out-of-state college participating in the program shall 53026  
include a discussion at student orientation about the potential 53027

for mature subject matter in courses taken through the program. 53028

(F) The department of education and workforce, the 53029  
department of higher education, and each public and 53030  
participating private college and eligible out-of-state college 53031  
participating in the program shall post in a prominent place on 53032  
their college credit plus program web sites the following 53033  
disclaimer: 53034

"The subject matter of a course enrolled in under the 53035  
college credit plus program may include mature subject matter or 53036  
materials, including those of a graphic, explicit, violent, or 53037  
sexual nature, that will not be modified based upon college 53038  
credit plus enrollee participation regardless of where course 53039  
instruction occurs." 53040

**Sec. 3365.04.** Each public and participating nonpublic 53041  
secondary school shall do all of the following with respect to 53042  
the college credit plus program: 53043

(A) Provide information about the program prior to the 53044  
first day of February of each year to all students enrolled in 53045  
grades six through eleven; 53046

(B) Provide counseling services to students in grades six 53047  
through eleven and to their parents before the students 53048  
participate in the program under this chapter to ensure that 53049  
students and parents are fully aware of the possible 53050  
consequences and benefits of participation. Counseling 53051  
information shall include: 53052

(1) Program eligibility; 53053

(2) The process for granting academic credits; 53054

(3) Any necessary financial arrangements for tuition, 53055

textbooks, and fees;	53056
(4) Criteria for any transportation aid;	53057
(5) Available support services;	53058
(6) Scheduling;	53059
(7) Communicating the possible consequences and benefits of participation, including all of the following:	53060 53061
(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;	53062 53063 53064
(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;	53065 53066 53067
(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.	53068 53069 53070 53071
(8) The academic and social responsibilities of students and parents under the program;	53072 53073
(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;	53074 53075 53076
(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;	53077 53078 53079
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	53080 53081 53082

be able to do so. 53083

(11) Information about the potential for mature subject 53084  
matter, as defined in section 3365.035 of the Revised Code, in 53085  
courses in which the student intends to enroll through the 53086  
program and notification that courses will not be modified based 53087  
upon program enrollee participation regardless of where course 53088  
instruction occurs. The information shall include the permission 53089  
slip described in division (B) of section 3365.035 of the 53090  
Revised Code. 53091

(C) Promote the program on the school's web site, 53092  
including the details of the school's current agreements with 53093  
partnering colleges; 53094

(D) Schedule at least one informational session per school 53095  
year to allow each participating college that is located within 53096  
thirty miles of the school to meet with interested students and 53097  
parents. The session shall include the benefits and consequences 53098  
of participation and shall outline any changes or additions to 53099  
the requirements of the program. If there are no participating 53100  
colleges located within thirty miles of the school, the school 53101  
shall coordinate with the closest participating college to offer 53102  
an informational session. 53103

For the purposes of division (D) of this section, 53104  
"participating college" shall include both of the following: 53105

(1) A partnering college; 53106

(2) Any public college, private college, or eligible out- 53107  
of-state college to which both of the following apply: 53108

(a) The college participates in the college credit plus 53109  
program. 53110

(b) The college submits to the public or participating nonpublic secondary school a request to attend an informational session. 53111  
53112  
53113

(E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A) (2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall be equivalent to the school's policy for courses taken under the advanced standing programs described in divisions (A) (2) and (3) of section 3313.6013 of the Revised Code or for other courses designated as honors courses by the school. If the policy includes awarding a weighted grade or enhancing a student's class standing for these courses, the policy adopted under this section shall also provide for these procedures to be applied to courses taken under the college credit plus program. 53114  
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(F) Develop model course pathways, pursuant to section 3365.13 of the Revised Code, and publish the course pathways among the school's official list of course offerings for the program. 53126  
53127  
53128  
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(G) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the ~~superintendent of public instruction~~ department of education and workforce pursuant to section 3365.15 of the Revised Code. 53130  
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**Sec. 3365.05.** Each public and participating private college shall do all of the following with respect to the college credit plus program: 53135  
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53137

(A) Apply established standards and procedures for admission to the college and for course placement for 53138  
53139

participants. When determining admission and course placement, 53140  
the college shall do all of the following: 53141

(1) Consider all available student data that may be an 53142  
indicator of college readiness, including grade point average 53143  
and end-of-course examination scores, if applicable; 53144

(2) Give priority to its current students regarding 53145  
enrollment in courses. However, once a participant has been 53146  
accepted into a course, the college shall not displace the 53147  
participant for another student. 53148

(3) Adhere to any capacity limitations that the college 53149  
has established for specified courses. 53150

(B) Send written notice to the participant, the 53151  
participant's parent, and the participant's secondary school, 53152  
not later than fourteen calendar days prior to the first day of 53153  
classes for that term, of the participant's admission to the 53154  
college and to specified courses under the program. 53155

(C) Provide both of the following, not later than twenty- 53156  
one calendar days after the first day of classes for that term, 53157  
to each participant and the participant's secondary school: 53158

(1) The courses and hours of enrollment of the 53159  
participant; 53160

(2) The option elected by the participant under division 53161  
(A) or (B) of section 3365.06 of the Revised Code for each 53162  
course. 53163

The college shall also provide to each partnering school a 53164  
roster of participants from that school that are enrolled in the 53165  
college and a list of course assignments for each participant. 53166

(D) Promote the program on the college's web site, 53167

including the details of the college's current agreements with 53168  
partnering secondary schools. 53169

(E) Coordinate with each partnering secondary school that 53170  
is located within thirty miles of the college to present at 53171  
least one informational session per school year for interested 53172  
students and parents. The session shall include the benefits and 53173  
consequences of participation and shall outline any changes or 53174  
additions to the requirements of the program. If there are no 53175  
partnering schools located within thirty miles of the college, 53176  
the college shall coordinate with the closest partnering school 53177  
to offer an informational session. 53178

(F) Assign an academic advisor that is employed by the 53179  
college to each participant enrolled in that college. Prior to 53180  
the date on which a withdrawal from a course would negatively 53181  
affect a participant's transcribed grade, as prescribed by the 53182  
college's established withdrawal policy, the college shall 53183  
ensure that the academic advisor and the participant meet at 53184  
least once to discuss the program and the courses in which the 53185  
participant is enrolled. 53186

(G) Do both of the following with regard to high school 53187  
teachers that are teaching courses for the college at a 53188  
secondary school under the program: 53189

(1) Provide at least one professional development session 53190  
per school year; 53191

(2) Conduct at least one classroom observation per school 53192  
year for each course that is authorized by the college and 53193  
taught by a high school teacher to ensure that the course meets 53194  
the quality of a college-level course. 53195

(H) Annually collect, report, and track specified data 53196

related to the program according to data reporting guidelines 53197  
adopted by the chancellor and the ~~superintendent of public~~ 53198  
~~instruction department of education and workforce~~ pursuant to 53199  
section 3365.15 of the Revised Code. 53200

(I) With the exception of divisions (D) and (E) of this 53201  
section, any eligible out-of-state college participating in the 53202  
college credit plus program shall be subject to the same 53203  
requirements as a participating private college under this 53204  
section. 53205

**Sec. 3365.06.** The rules adopted under section 3365.02 of 53206  
the Revised Code shall provide for participants to enroll in 53207  
courses under either of the options prescribed by division (A) 53208  
or (B) of this section. 53209

(A) The participant may elect at the time of enrollment to 53210  
be responsible for payment of all tuition and the cost of all 53211  
textbooks, materials, and fees associated with the course. The 53212  
college shall notify the participant about payment of tuition 53213  
and fees in the customary manner followed by the college. A 53214  
participant electing this option also shall elect, at the time 53215  
of enrollment, whether to receive only college credit or high 53216  
school credit and college credit for the course. 53217

(1) The participant may elect to receive only college 53218  
credit for the course. Except as provided in section 3365.032 of 53219  
the Revised Code, if the participant successfully completes the 53220  
course, the college shall award the participant full credit for 53221  
the course, but the governing entity of a public secondary 53222  
school or the governing body of a participating nonpublic 53223  
secondary school shall not award the high school credit. 53224

(2) The participant may elect to receive both high school 53225

credit and college credit for the course. Except as provided in 53226  
section 3365.032 of the Revised Code, if the participant 53227  
successfully completes the course, the college shall award the 53228  
participant full credit for the course and the governing entity 53229  
of a public school or the governing body of a participating 53230  
nonpublic school shall award the participant high school credit. 53231

(B) If a course is eligible for funding under rules 53232  
adopted pursuant to division (C) (1) of this section, the 53233  
participant may elect at the time of enrollment for the course 53234  
to have the college reimbursed under section 3365.07 of the 53235  
Revised Code. Except as provided in section 3365.032 of the 53236  
Revised Code, if the participant successfully completes the 53237  
course, the college shall award the participant full credit for 53238  
the course and the governing entity of a public school or the 53239  
governing body of a participating nonpublic school shall award 53240  
the participant high school credit. If the participant elects to 53241  
have the college reimbursed under this division, the department 53242  
shall reimburse the college for the number of enrolled credit 53243  
hours in accordance with section 3365.07 of the Revised Code. 53244

(C) (1) The chancellor of higher education, in consultation 53245  
with the ~~superintendent of public instruction~~ department of 53246  
education and workforce, shall adopt rules specifying which 53247  
courses are eligible for funding under section 3365.07 of the 53248  
Revised Code. 53249

The rules shall address at least the following: 53250

(a) Whether courses must be taken in a specified sequence; 53251

(b) Whether to restrict funding and limit eligibility to 53252  
certain types of courses, including (i) courses that are 53253  
included in the statewide articulation and transfer system, 53254

established by the chancellor pursuant to section 3333.161 of 53255  
the Revised Code; (ii) courses that may be applied to multiple 53256  
degree pathways or are applicable to in-demand jobs; or (iii) 53257  
other types of courses; 53258

(c) Whether courses with private instruction, as defined 53259  
by the chancellor, are eligible for funding. 53260

The rules also shall specify the school year for which 53261  
implementation of the rules adopted pursuant to this division 53262  
shall first apply. 53263

(2) In developing the rules, the chancellor, in 53264  
consultation with the ~~state superintendent~~ department of 53265  
education and workforce, shall establish a process to receive 53266  
input from public and nonpublic secondary schools, public and 53267  
private colleges, and other interested parties. 53268

(D) When determining a school district's enrollment under 53269  
section 3317.03 of the Revised Code, the time a participant is 53270  
attending courses under division (A) of this section shall be 53271  
considered as time the participant is not attending or enrolled 53272  
in school anywhere, and the time a participant is attending 53273  
courses under division (B) of this section shall be considered 53274  
as time the participant is attending or enrolled in the 53275  
district's schools. 53276

**Sec. 3365.07.** The department of education and workforce 53277  
shall calculate and pay state funds to colleges for participants 53278  
in the college credit plus program under division (B) of section 53279  
3365.06 of the Revised Code pursuant to this section. For a 53280  
nonpublic secondary school participant, a nonchartered nonpublic 53281  
secondary school participant, or a home-instructed participant, 53282  
the department shall pay state funds pursuant to this section 53283

only if that participant is awarded funding according to rules 53284  
adopted by the chancellor of higher education, in consultation 53285  
with the ~~superintendent of public instruction~~ department of 53286  
education and workforce, pursuant to section 3365.071 of the 53287  
Revised Code. The program shall be the sole mechanism by which 53288  
state funds are paid to colleges for students to earn 53289  
transcripted credit for college courses while enrolled in both a 53290  
secondary school and a college, with the exception of state 53291  
funds paid to colleges according to an agreement described in 53292  
division (A) (1) of section 3365.02 of the Revised Code. 53293

(A) For each public or nonpublic secondary school 53294  
participant enrolled in a public college: 53295

(1) If no agreement has been entered into under division 53296  
(A) (2) of this section, both of the following shall apply: 53297

(a) The department shall pay to the college the applicable 53298  
amount as follows: 53299

(i) For a participant enrolled in a college course 53300  
delivered on the college campus, at another location operated by 53301  
the college, or online, the lesser of the default ceiling amount 53302  
or the college's standard rate; 53303

(ii) For a participant enrolled in a college course 53304  
delivered at the participant's secondary school but taught by 53305  
college faculty, the lesser of fifty per cent of the default 53306  
ceiling amount or the college's standard rate; 53307

(iii) For a participant enrolled in a college course 53308  
delivered at the participant's secondary school and taught by a 53309  
high school teacher who has met the credential requirements 53310  
established for purposes of the program in rules adopted by the 53311  
chancellor, the default floor amount. 53312

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The chancellor may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A) (2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable default amounts prescribed by division (A) (1) (a) of this section, depending upon the method of delivery and instruction.

(b) In accordance with division (A) (1) (b) of this section, the participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(3) No participant that is enrolled in a public college shall be charged for any tuition, textbooks, or other fees related to participation in the program.

(B) For each public secondary school participant enrolled in a private college:

(1) If no agreement has been entered into under division

(B) (2) of this section, the department shall pay to the college 53342  
the applicable amount calculated in the same manner as in 53343  
division (A) (1) (a) of this section. 53344

(2) The governing entity of a participant's secondary 53345  
school and the college may enter into an agreement to establish 53346  
an alternative payment structure for tuition, textbooks, and 53347  
fees. Under such an agreement, payments shall be not less than 53348  
the default floor amount, unless approved by the chancellor, and 53349  
not more than either the default ceiling amount or the college's 53350  
standard rate, whichever is less. 53351

If an agreement is entered into under division (B) (2) of 53352  
this section, both of the following shall apply: 53353

(a) The department shall make a payment to the college for 53354  
each participant that is equal to the default floor amount, 53355  
unless approved by the chancellor to pay an amount below the 53356  
default floor amount. The chancellor may approve an agreement 53357  
that includes a payment below the default floor amount, as long 53358  
as the provisions of the agreement comply with all other 53359  
requirements of this chapter to ensure program quality. 53360

(b) Payment for costs for the participant that exceed the 53361  
amount paid by the department pursuant to division (B) (2) (a) of 53362  
this section shall be negotiated by the school and the college. 53363  
The agreement may include a stipulation permitting the charging 53364  
of a participant. 53365

However, under no circumstances shall: 53366

(i) Payments for a participant made by the department 53367  
under division (B) (2) of this section exceed the lesser of the 53368  
default ceiling amount or the college's standard rate; 53369

(ii) The amount charged to a participant under division 53370

(B) (2) of this section exceed the difference between the maximum per participant charge amount and the default floor amount; 53371  
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(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B) (2) of this section exceed the following amounts, as applicable: 53373  
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(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; 53377  
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(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; 53381  
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(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. 53384  
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(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. 53389  
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(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 53394  
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governing body of the nonpublic secondary school and the 53400  
college. 53401

However, under no circumstances shall: 53402

(1) The payments for a participant made by the department 53403  
under this division exceed the lesser of the default ceiling 53404  
amount or the college's standard rate. 53405

(2) Any nonpublic secondary school participant, who is 53406  
enrolled in that secondary school with a scholarship awarded 53407  
under either the educational choice scholarship pilot program, 53408  
as prescribed by sections 3310.01 to 3310.17, or the pilot 53409  
project scholarship program, as prescribed by sections 3313.974 53410  
to 3313.979 of the Revised Code, and who qualifies as a low- 53411  
income student under either of those programs, be charged for 53412  
any tuition, textbooks, or other fees related to participation 53413  
in the college credit plus program. 53414

(D) For each nonchartered nonpublic secondary school 53415  
participant and each home-instructed participant enrolled in a 53416  
public, private, or eligible out-of-state college, the 53417  
department shall pay to the college the lesser of the default 53418  
ceiling amount or the college's standard rate, if that 53419  
participant is enrolled in a college course delivered on the 53420  
college campus, at another location operated by the college, or 53421  
online. 53422

(E) Not later than thirty days after the end of each term, 53423  
each college expecting to receive payment for the costs of a 53424  
participant under this section shall notify the department of 53425  
the number of enrolled credit hours for each participant. 53426

(F) The department shall make the applicable payments 53427  
under this section to each college, which provided proper 53428

notification to the department under division (E) of this 53429  
section, for the number of enrolled credit hours for 53430  
participants enrolled in the college under division (B) of 53431  
section 3365.06 of the Revised Code. Except in cases involving 53432  
incomplete participant information or a dispute of participant 53433  
information, payments shall be made by the last day of January 53434  
for participants who were enrolled during the fall term and by 53435  
the last day of July for participants who were enrolled during 53436  
the spring term. The department shall not make any payments to a 53437  
college under this section if a participant withdrew from a 53438  
course prior to the date on which a withdrawal from the course 53439  
would have negatively affected the participant's transcribed 53440  
grade, as prescribed by the college's established withdrawal 53441  
policy. 53442

(1) Payments made for public secondary school participants 53443  
under this section shall be deducted as follows: 53444

(a) For a participant enrolled in a school district, from 53445  
the school foundation payments made to the participant's school 53446  
district. If the participant is enrolled in a joint vocational 53447  
school district, a portion of the amount shall be deducted from 53448  
the payments to the joint vocational school district and a 53449  
portion shall be deducted from the payments to the participant's 53450  
city, local, or exempted village school district in accordance 53451  
with the full-time equivalency of the student's enrollment in 53452  
each district. 53453

(b) For a participant enrolled in a community school 53454  
established under Chapter 3314. of the Revised Code, from the 53455  
payments made to that school under section 3317.022 of the 53456  
Revised Code; 53457

(c) For a participant enrolled in a STEM school, from the 53458

payments made to that school under section 3317.022 of the Revised Code; 53459  
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(d) For a participant enrolled in a college-preparatory boarding school, from the payments made to that school under section 3328.34 of the Revised Code; 53461  
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(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; 53464  
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(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. 53468  
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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~~ department of education and workforce, pursuant to division (B) of section 3365.071 of the Revised Code 53472  
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(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. 53477  
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(G) Any public college that enrolls a student under division (B) of section 3365.06 of the Revised Code may include 53486  
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that student in the calculation used to determine its state 53488  
share of instruction funds appropriated to the department of 53489  
higher education by the general assembly. 53490

**Sec. 3365.071.** (A) The chancellor of ~~the Ohio board of~~ 53491  
~~regents~~higher education, in accordance with Chapter 119. of the 53492  
Revised Code and in consultation with the ~~superintendent of~~ 53493  
~~public instruction~~ department of education and workforce, shall 53494  
adopt rules prescribing a method to allocate and distribute 53495  
payments under section 3365.07 of the Revised Code for nonpublic 53496  
secondary school participants, nonchartered nonpublic secondary 53497  
school participants, and home-instructed participants. The rules 53498  
shall include that payments made for nonchartered nonpublic 53499  
secondary school participants be made in the same manner as 53500  
payments for home-instructed participants under that section. 53501

(B) The chancellor, in consultation with the ~~state~~ 53502  
~~superintendent~~ department, shall also adopt rules establishing a 53503  
method to calculate the amounts deducted from a joint vocational 53504  
school district and from a participant's city, local, or 53505  
exempted village school district for payments under section 53506  
3365.07 of the Revised Code. 53507

**Sec. 3365.08.** (A) No participant enrolled under this 53508  
chapter in a course for which credit toward high school 53509  
graduation is awarded shall receive direct financial aid through 53510  
any state or federal program. 53511

(B) If a school district provides transportation for 53512  
resident school students in grades eleven and twelve under 53513  
section 3327.01 of the Revised Code, a parent of a participant 53514  
enrolled in a course under division (A) (2) or (B) of section 53515  
3365.06 of the Revised Code may apply to the board of education 53516  
for full or partial reimbursement for the necessary costs of 53517

transporting the participant between the secondary school the 53518  
participant attends and the college in which the participant is 53519  
enrolled. Reimbursement may be paid solely from funds received 53520  
by the district for student transportation under section 53521  
3317.0212 of the Revised Code or other provisions of law. The 53522  
~~state board~~ department of education and workforce shall 53523  
establish guidelines, based on financial need, under which a 53524  
district may provide such reimbursement. 53525

(C) If a community school provides or arranges 53526  
transportation for its students in grades nine through twelve 53527  
under section 3314.091 of the Revised Code, a parent of a 53528  
participant of the community school who is enrolled in a course 53529  
under division (A) (2) or (B) of section 3365.06 of the Revised 53530  
Code may apply to the governing authority of the community 53531  
school for full or partial reimbursement of the necessary costs 53532  
of transporting the participant between the community school and 53533  
the college. The governing authority may pay the reimbursement 53534  
in accordance with the ~~state board's~~ department's rules adopted 53535  
under division (B) of this section solely from funds paid to it 53536  
under division (H) of section 3317.0212 of the Revised Code. 53537

**Sec. 3365.09.** (A) Except as provided for in division (C) 53538  
of this section, if the superintendent, or equivalent, of a 53539  
public secondary school in which a participant is enrolled 53540  
determines that the participant has not attained a passing final 53541  
grade in a college course in which the participant enrolled 53542  
under this chapter, the superintendent, or equivalent, may seek 53543  
reimbursement from the participant or the participant's parent 53544  
for the amount of state funds paid to the college on behalf of 53545  
the participant for that college course. The governing entity of 53546  
a public school, in accordance with division (C) of section 53547  
3313.642 of the Revised Code, may withhold grades and credits 53548

received by the participant for high school courses taken by the 53549  
participant until the participant or the participant's parent 53550  
provides reimbursement. 53551

(B) Except as provided for in division (C) of this 53552  
section, if the chief administrator of a participating nonpublic 53553  
school in which a participant is enrolled determines that the 53554  
participant has not attained a passing final grade in a college 53555  
course in which the participant enrolled under this chapter, the 53556  
chief administrator may seek reimbursement from the participant 53557  
or the participant's parent for the amount of state funds paid 53558  
to the college on behalf of the participant for enrollment in 53559  
that college course. Upon the collection of any funds from a 53560  
participant or participant's parent under this division, the 53561  
chief administrator of a nonpublic school shall send an amount 53562  
equal to the funds collected to the ~~superintendent of public~~ 53563  
~~instruction~~department of education and workforce. The 53564  
~~superintendent of public instruction~~ department shall credit 53565  
that amount to the general revenue fund. 53566

(C) Unless the participant was expelled by the school, the 53567  
superintendent, or equivalent, or chief administrator shall not 53568  
seek reimbursement from a participant or a participant's parent 53569  
under division (A) or (B) of this section, if the participant is 53570  
identified as economically disadvantaged according to rules 53571  
adopted by the ~~department of education~~. 53572

**Sec. 3365.091.** (A) The chancellor of higher education, in 53573  
consultation with the ~~superintendent of public instruction~~ 53574  
department of education and workforce, shall adopt rules 53575  
specifying the conditions under which an underperforming 53576  
participant may continue to participate in the college credit 53577  
plus program. 53578

The rules shall address at least the following:	53579
(1) The definition of an "underperforming participant";	53580
(2) Any additional conditions that participants with repeated underperformance must satisfy;	53581 53582
(3) The timeframe for notifying an underperforming participant who is determined to be ineligible for participation of such ineligibility;	53583 53584 53585
(4) Mechanisms available to assist underperforming participants;	53586 53587
(5) The role of school guidance counselors and college academic advisers in assisting underperforming participants;	53588 53589
(6) If an underperforming participant is determined to be ineligible for participation, any consequences that such ineligibility may have on the student's ability to complete the secondary school's graduation requirements.	53590 53591 53592 53593
The rules also shall specify the school year for which implementation of the rules adopted pursuant to division (A) of this section shall first apply.	53594 53595 53596
(B) In developing the rules pursuant to division (A) of this section, the chancellor, in consultation with the <del>state superintendent</del> <u>department</u> , shall establish a process to receive input from public and nonpublic secondary schools, public and private colleges, and other interested parties.	53597 53598 53599 53600 53601
<b>Sec. 3365.10.</b> (A) Any public or participating nonpublic secondary school or any public or participating private college may apply to the chancellor of higher education and the <del>superintendent of public instruction</del> <u>department of education and workforce</u> for a waiver from the requirements of the college	53602 53603 53604 53605 53606

credit plus program. The chancellor and the ~~superintendent-~~ 53607  
department may grant a waiver under this section for an 53608  
agreement or for a proposed agreement between a public or 53609  
participating nonpublic secondary school and a public or 53610  
participating private or out-of-state college, only if the 53611  
agreement does both of the following: 53612

(1) Includes innovative programming proposed to 53613  
exclusively address the needs of underrepresented student 53614  
subgroups; 53615

(2) Meets all criteria set forth in rules adopted by the 53616  
chancellor and the ~~superintendent-~~department pursuant to 53617  
division (C) of this section. 53618

(B) Any waiver granted under this section shall apply only 53619  
to the agreement for which the waiver is granted and shall not 53620  
apply to any other agreement that the school or college enters 53621  
into under this chapter. 53622

(C) The chancellor and the ~~superintendent of public-~~ 53623  
~~instruction-~~department shall jointly adopt rules, in accordance 53624  
with Chapter 119. of the Revised Code, regarding the granting of 53625  
waivers under this section. 53626

**Sec. 3365.12.** (A) All courses offered under the college 53627  
credit plus program shall be the same courses that are included 53628  
in the partnering college's course catalogue for college-level, 53629  
nonremedial courses and shall apply to at least one degree or 53630  
professional certification at the partnering college. 53631

(B) (1) High school credit awarded for courses successfully 53632  
completed under this chapter shall count toward the graduation 53633  
requirements and subject area requirements of the public 53634  
secondary school or participating nonpublic secondary school. If 53635

a course comparable to one a participant completed at a college 53636  
is offered by the school, the governing entity or governing body 53637  
shall award comparable credit for the course completed at the 53638  
college. If no comparable course is offered by the school, the 53639  
governing entity or governing body shall grant an appropriate 53640  
number of elective credits to the participant. 53641

(2) If there is a dispute between a participant's school 53642  
and a participant regarding high school credits granted for a 53643  
course, the participant may appeal the decision to the 53644  
department of education and workforce. The department's decision 53645  
regarding any high school credits granted under this section is 53646  
final. 53647

(C) Evidence of successful completion of each course and 53648  
the high school credits awarded by the school shall be included 53649  
in the student's record. The record shall indicate that the 53650  
credits were earned as a participant under this chapter and 53651  
shall include the name of the college at which the credits were 53652  
earned. 53653

**Sec. 3365.15.** The chancellor of higher education and the 53654  
~~superintendent of public instruction~~ department of education and 53655  
workforce jointly shall do all of the following: 53656

(A) Adopt data reporting guidelines specifying the types 53657  
of data that public and participating nonpublic secondary 53658  
schools and public and participating private colleges, including 53659  
eligible out-of-state colleges participating in the program, 53660  
must annually collect, report, and track under division (G) of 53661  
section 3365.04 and division (H) of section 3365.05 of the 53662  
Revised Code. The types of data shall include all of the 53663  
following: 53664

(1) For each secondary school and college:	53665
(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;	53666 53667
(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;	53668 53669 53670
(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.	53671 53672
(2) For each secondary school, the number of students who were denied participation in the program under division (A) (1) (a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded funding by the department <del>of education</del> pursuant to section 3365.071 of the Revised Code.	53673 53674 53675 53676 53677 53678 53679 53680
(3) For each college:	53681
(a) The number of students who applied to enroll in the college under the program but were not granted admission;	53682 53683
(b) The average number of completed courses per participant;	53684 53685
(c) The average grade point average for participants in college courses under the program.	53686 53687
The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.	53688 53689 53690
(B) Annually compile the data required under division (A)	53691

of this section. Not later than the thirty-first day of December 53692  
of each year, the data from the previous school year shall be 53693  
posted in a prominent location on both the chancellor of higher 53694  
education's and the ~~department of education's~~ department's web 53695  
sites. 53696

(C) Until December 2023, submit an annual report on 53697  
outcomes of the college credit plus program that are supported 53698  
by empirical evidence to the governor, the president of the 53699  
senate, the speaker of the house of representatives, and the 53700  
chairpersons of the education committees of the senate and house 53701  
of representatives. The report shall include all of the 53702  
following, disaggregated by cohort: 53703

(1) Number of degrees attained; 53704

(2) Level and type of degrees attained; 53705

(3) Number of students who receive a degree in two 53706  
different subject areas; 53707

(4) Time to completion of a degree, disaggregated by level 53708  
and type of degree attained; 53709

(5) Time to enrollment in a graduate or doctoral degree 53710  
program; 53711

(6) The number of students who participate in a study 53712  
abroad course; 53713

(7) How all of the measures described in division (C) of 53714  
this section compare to both: 53715

(a) The overall student population who did not participate 53716  
in the college credit plus program; 53717

(b) Any similar measures compiled under the former 53718

postsecondary enrollment options program, to the extent that 53719  
such data is available. 53720

The first report shall be submitted not later than 53721  
December 31, 2018, and each subsequent report shall be submitted 53722  
not later than the thirty-first day of December each year 53723  
thereafter until December 2023. 53724

(D) Establish a college credit plus advisory committee to 53725  
assist in the development of performance metrics and the 53726  
monitoring of the program's progress. At least one member of the 53727  
advisory committee shall be a school guidance counselor. 53728

The chancellor shall also, in consultation with the 53729  
~~superintendent department~~, create a standard packet of 53730  
information for the college credit plus program directed toward 53731  
students and parents that are interested in the program. 53732

(E) The chancellor and the ~~state superintendent department~~ 53733  
also may submit a biennial report detailing the status of the 53734  
college credit plus program, including an analysis of quality 53735  
assurance measures related to the program, to the governor, the 53736  
president of the senate, the speaker of the house of 53737  
representatives, and the chairpersons of the education 53738  
committees of the senate and house of representatives. If the 53739  
chancellor and ~~state superintendent the department~~ choose to 53740  
jointly submit the biennial report, both of the following shall 53741  
apply: 53742

(1) The report shall include only data available through 53743  
the higher education information system administered by the 53744  
chancellor. 53745

(2) The first report shall be submitted not later than 53746  
December 31, 2017, and each subsequent report shall be submitted 53747

not later than the thirty-first day of December every two years 53748  
thereafter. 53749

(F) For purposes of this section, "cohort" means a group 53750  
of students who participated in the college credit plus program 53751  
and who, upon graduation from high school, enroll in an Ohio 53752  
institution of higher education during the same academic year. 53753

**Sec. 3375.01.** A state library board is hereby created to 53754  
be composed of five members to be appointed by the ~~state board~~ 53755  
director of education and workforce. One member shall be 53756  
appointed each year for a term of five years. No one is eligible 53757  
to membership on the state library board who is or has been for 53758  
a year previous to appointment a member of the state board of 53759  
education. A member of the state library board shall not during 53760  
the member's term of office be a member of the board of library 53761  
trustees for any library in any subdivision in the state. Before 53762  
entering on official duties, each member shall subscribe to the 53763  
official oath of office. All vacancies on the state library 53764  
board shall be filled by the ~~state board of education~~ director 53765  
by appointment for the unexpired term. The members shall receive 53766  
no compensation, but shall be paid their actual and necessary 53767  
expenses incurred in the performance of their duties or in the 53768  
conduct of authorized board business, within or without the 53769  
state. 53770

At its regular meeting next prior to the beginning of each 53771  
fiscal biennium, the state library board shall elect a president 53772  
and vice-president each of whom shall serve for two years or 53773  
until a successor is elected and qualified. 53774

The state library board is responsible for the state 53775  
library of Ohio and a statewide program of development and 53776  
coordination of library services, and its powers include the 53777

following:	53778
(A) Maintain the state library, holding custody of books,	53779
periodicals, pamphlets, films, recordings, papers, and other	53780
materials and equipment. The board may purchase or procure from	53781
an insurance company licensed to do business in this state	53782
policies of insurance insuring the members of the board and the	53783
officers, employees, and agents of the state library against	53784
liability on account of damage or injury to persons or property	53785
resulting from any act or omission of the board members,	53786
officers, employees, and agents of the state library in their	53787
official capacity.	53788
(B) Accept, receive, administer, and expend, in accordance	53789
with the terms thereof, any moneys, materials, or other aid	53790
granted, appropriated, or made available to it for library	53791
purposes, by the United States, or any of its agencies, or by	53792
any other source, public or private;	53793
(C) Administer such funds as the general assembly may make	53794
available to it for the improvement of public library services,	53795
interlibrary cooperation, or for other library purposes;	53796
(D) Contract with other agencies, organizations,	53797
libraries, library schools, boards of education, universities,	53798
public and private, within or without the state, for library	53799
services, facilities, research, or any allied or related	53800
purpose;	53801
(E) In accordance with Chapter 119. of the Revised Code,	53802
approve, disapprove, or modify resolutions for establishment of	53803
county district libraries, and approve, disapprove, or modify	53804
resolutions to determine the boundaries of such districts, along	53805
county lines or otherwise, and approve, disapprove, or modify	53806

resolutions to redefine boundaries, along county lines or 53807  
otherwise, where questions subsequently arise as a result of 53808  
school district consolidations; 53809

(F) Upon consolidation of two or more school districts and 53810  
in accordance with Chapter 119. of the Revised Code, define and 53811  
adjust the boundaries of the new public library district 53812  
resulting from such consolidation and resolve any disputes or 53813  
questions pertaining to the boundaries, organization, and 53814  
operation of the new library district; 53815

(G) Upon application of one or more boards of library 53816  
trustees and in accordance with Chapter 119. of the Revised 53817  
Code, define, amend, and adjust the boundaries of the library 53818  
districts making such application and the boundaries of adjacent 53819  
library districts; 53820

(H) Upon application of one or more boards of library 53821  
trustees, or upon the state library board's own initiative, and 53822  
in accordance with Chapter 119. of the Revised Code, define, 53823  
amend, and adjust the boundaries of overlapping library 53824  
districts to eliminate areas of overlap; 53825

(I) Upon application of any private corporation or library 53826  
association maintaining a free public library prior to September 53827  
4, 1947, and in accordance with Chapter 119. of the Revised 53828  
Code, define, amend, and adjust the boundaries of a library 53829  
district for the private corporation or library association for 53830  
the sole purpose of preventing or eliminating areas of overlap 53831  
with other library districts in relation to tax levies described 53832  
in sections 5705.19, 5705.191, and 5705.21 of the Revised Code 53833  
that are or may be levied in support of the private corporation 53834  
or library association; 53835

(J) Certify its actions relating to boundaries authorized 53836  
in this section, to boards of election, taxing authorities, the 53837  
boards of trustees of libraries affected, and other appropriate 53838  
bodies; 53839

(K) Encourage and assist the efforts of libraries and 53840  
local governments to develop mutual and cooperative solutions to 53841  
library service problems; 53842

(L) Recommend to the governor and to the general assembly 53843  
such changes in the law as will strengthen and improve library 53844  
services and operations; 53845

(M) In accordance with Chapter 119. of the Revised Code, 53846  
adopt such rules as are necessary for the carrying out of any 53847  
function imposed on it by law, and provide such rules as are 53848  
necessary for its government and the government of its 53849  
employees. The board may delegate to the state librarian the 53850  
management and administration of any function imposed on it by 53851  
law. 53852

**Sec. 3701.507.** (A) To assist in implementing sections 53853  
3701.503 to 3701.509 of the Revised Code, the medically 53854  
handicapped children's medical advisory council created in 53855  
section 3701.025 of the Revised Code shall appoint a permanent 53856  
infant hearing screening subcommittee. The subcommittee shall 53857  
consist of the following members: 53858

(1) One otolaryngologist; 53859

(2) One neonatologist; 53860

(3) One pediatrician; 53861

(4) One neurologist; 53862

(5) One hospital administrator; 53863

- |  |                |
|--|----------------|
| (6) Two or more audiologists who are experienced in infant hearing screening and evaluation; | 53864<br>53865 |
| (7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;      | 53866<br>53867 |
| (8) Two persons who are each a parent of a hearing-impaired child;                           | 53868<br>53869 |
| (9) One geneticist;  | 53870          |
| (10) One epidemiologist;   | 53871          |
| (11) One adult who is deaf or hearing impaired;  | 53872          |
| (12) One representative from an organization for persons who are deaf or hearing impaired;   | 53873<br>53874 |
| (13) One family advocate;  | 53875          |
| (14) One nurse from a well-baby neonatal nursery;  | 53876          |
| (15) One nurse from a special care neonatal nursery;   | 53877          |
| (16) One teacher of persons who are deaf who works with infants and toddlers;                | 53878<br>53879 |
| (17) One representative of the health insurance industry;                                    | 53880          |
| (18) One representative of the children with medical handicaps program;                      | 53881<br>53882 |
| (19) One representative of the department of education <u>and</u> <u>workforce</u> ;         | 53883<br>53884 |
| (20) One representative of the department of medicaid;                                       | 53885          |
| (21) Any other person the advisory council appoints.   | 53886          |
| (B) The infant hearing subcommittee shall:   | 53887          |

(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	53888 53889 53890
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	53891 53892 53893
(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:	53894 53895 53896 53897
(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;	53898 53899 53900 53901
(b) Identification of locations where hearing evaluations may be conducted;	53902 53903
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	53904 53905
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	53906 53907
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	53908 53909
(f) Preparation of the information required by section 3701.506 of the Revised Code.	53910 53911
<b>Sec. 3701.78.</b> (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.	53912 53913 53914 53915

The governor also shall appoint two members who are 53916  
representatives of the lupus awareness and education program. 53917  
The speaker of the house of representatives shall appoint to the 53918  
commission two members of the house of representatives, not more 53919  
than one of whom is a member of the same political party, and 53920  
the president of the senate shall appoint to the commission two 53921  
members of the senate, not more than one of whom is a member of 53922  
the same political party. The following shall be members of the 53923  
commission: the directors of health, mental health and addiction 53924  
services, developmental disabilities, and job and family 53925  
services, or their designees; the medicaid director, or the 53926  
director's designee; and the ~~superintendent of public~~ 53927  
~~instruction~~ director of education and workforce, or the 53928  
~~superintendent's~~ director's designee. 53929

The commission shall elect a chairperson from among its 53930  
members. 53931

Of the members appointed by the governor, five shall be 53932  
appointed to initial terms of one year, and four shall be 53933  
appointed to initial terms of two years. Thereafter, all members 53934  
appointed by the governor shall be appointed to terms of two 53935  
years. All members of the commission appointed by the speaker of 53936  
the house of representatives or the president of the senate 53937  
shall be nonvoting members of the commission and be appointed 53938  
within thirty days after the commencement of the first regular 53939  
session of each general assembly, and shall serve until the 53940  
expiration of the session of the general assembly during which 53941  
they were appointed. 53942

Members of the commission shall serve without 53943  
compensation, but shall be reimbursed for the actual and 53944  
necessary expenses they incur in the performance of their 53945

official duties. 53946

(B) The commission shall promote health and the prevention 53947  
of disease among members of minority groups. Each year the 53948  
commission shall distribute grants from available funds to 53949  
community-based health groups to be used to promote health and 53950  
the prevention of disease among members of minority groups. As 53951  
used in this division, "minority group" means any of the 53952  
following economically disadvantaged groups: Blacks, American 53953  
Indians, Hispanics, and Orientals. The commission shall adopt 53954  
and maintain rules pursuant to Chapter 119. of the Revised Code 53955  
to provide for the distribution of these grants. No group shall 53956  
qualify to receive a grant from the commission unless it 53957  
receives at least twenty per cent of its funds from sources 53958  
other than grants distributed under this section. 53959

(C) The commission may appoint such employees as it 53960  
considers necessary to carry out its duties under this section. 53961  
The department of health shall provide office space for the 53962  
commission. 53963

(D) The commission shall meet at the call of its 53964  
chairperson to conduct its official business. A majority of the 53965  
voting members of the commission constitute a quorum. The votes 53966  
of at least eight voting members of the commission are necessary 53967  
for the commission to take any official action or to approve the 53968  
distribution of grants under this section. 53969

**Sec. 3705.36.** Three years after the date a birth defects 53970  
information system is implemented pursuant to section 3705.30 of 53971  
the Revised Code, and annually thereafter, the department of 53972  
health shall prepare a report regarding the birth defects 53973  
information system. The department shall file the report with 53974  
the governor, the president and minority leader of the senate, 53975

the speaker and minority leader of the house of representatives, 53976  
the departments of developmental disabilities, education and 53977  
workforce, and job and family services, the commission on 53978  
minority health, and the news media. 53979

**Sec. 3707.58.** (A) As used in this section: 53980

(1) "Youth athlete" means an individual who wishes to 53981  
practice for or compete in athletic activities organized by a 53982  
youth sports organization; 53983

(2) "Youth sports organization" has the same meaning as in 53984  
section 3707.51 of the Revised Code. 53985

(B) Prior to the start of each athletic season, a youth 53986  
sports organization that is subject to this section may hold an 53987  
informational meeting for youth athletes, parents, guardians, 53988  
other persons having care or charge of a youth athlete, 53989  
physicians, pediatric cardiologists, athletic trainers, and any 53990  
other persons regarding the symptoms and warning signs of sudden 53991  
cardiac arrest for all ages of youth athletes. 53992

(C) No youth athlete shall participate in an athletic 53993  
activity organized by a youth sports organization until the 53994  
youth athlete has submitted to a designated official of the 53995  
youth sports organization a form signed by the youth athlete and 53996  
the parent, guardian, or other person having care or charge of 53997  
the youth athlete stating that the youth athlete and the parent, 53998  
guardian, or other person having care or charge of the youth 53999  
athlete have received and reviewed a copy of the information 54000  
developed by the ~~departments~~ department of health and the 54001  
department of education and workforce and posted on their 54002  
respective internet web sites as required by section 3707.59 of 54003  
the Revised Code. A completed form shall be submitted each 54004

calendar year to each youth sports organization that organizes 54005  
an athletic activity in which the youth athlete participates. 54006

(D) No individual shall coach an athletic activity 54007  
organized by a youth sports organization unless the individual 54008  
has completed, on an annual basis, the sudden cardiac arrest 54009  
training course approved by the department of health under 54010  
division (C) of section 3707.59 of the Revised Code. 54011

(E) (1) A youth athlete shall not be allowed to participate 54012  
in an athletic activity organized by a youth sports organization 54013  
if either of the following is the case: 54014

(a) The youth athlete's biological parent, biological 54015  
sibling, or biological child has previously experienced sudden 54016  
cardiac arrest, and the youth athlete has not been evaluated and 54017  
cleared for participation in an athletic activity organized by a 54018  
youth sports organization by a physician authorized under 54019  
Chapter 4731. of the Revised Code to practice medicine and 54020  
surgery or osteopathic medicine and surgery. 54021

(b) The youth athlete is known to have exhibited syncope 54022  
or fainting at any time prior to or following an athletic 54023  
activity and has not been evaluated and cleared for return under 54024  
division (E) (3) of this section after exhibiting syncope or 54025  
fainting. 54026

(2) A youth athlete shall be removed by the youth 54027  
athlete's coach from participation in an athletic activity 54028  
organized by a youth sports organization if the youth athlete 54029  
exhibits syncope or fainting. 54030

(3) If a youth athlete is not allowed to participate in or 54031  
is removed from participation in an athletic activity organized 54032  
by a youth sports organization under division (E) (1) or (2) of 54033

this section, the youth athlete shall not be allowed to return 54034  
to participation until the youth athlete is evaluated and 54035  
cleared for return in writing by any of the following: 54036

(a) A physician authorized under Chapter 4731. of the 54037  
Revised Code to practice medicine and surgery or osteopathic 54038  
medicine and surgery, including a physician who specializes in 54039  
cardiology; 54040

(b) A certified nurse practitioner, clinical nurse 54041  
specialist, or certified nurse-midwife who holds a certificate 54042  
of authority issued under Chapter 4723. of the Revised Code. 54043

The licensed health care providers specified in divisions 54044  
(E) (3) (a) and (b) of this section may consult with any other 54045  
licensed or certified health care providers in order to 54046  
determine whether a youth athlete is ready to return to 54047  
participation. 54048

(F) A youth sports organization that is subject to this 54049  
section shall establish penalties for a coach who violates the 54050  
provisions of division (E) of this section. 54051

(G) (1) A youth sports organization or official, employee, 54052  
or volunteer of a youth sports organization, including a coach, 54053  
is not liable in damages in a civil action for injury, death, or 54054  
loss to person or property allegedly arising from providing 54055  
services or performing duties under this section, unless the act 54056  
or omission constitutes willful or wanton misconduct. 54057

(2) This section does not eliminate, limit, or reduce any 54058  
other immunity or defense that a public entity, public official, 54059  
or public employee may be entitled to under Chapter 2744. or any 54060  
other provision of the Revised Code or under the common law of 54061  
this state. 54062

<b>Sec. 3707.59.</b> (A) As used in this section:	54063
(1) "Athletic activity" means both of the following:	54064
(a) An athletic activity, as defined in section 3313.5310 of the Revised Code;	54065 54066
(b) An athletic activity organized by a youth sports organization.	54067 54068
(2) "Youth athlete" and "youth sports organization" have the same meanings as in section 3707.58 of the Revised Code.	54069 54070
(B) The department of health and the department of education <u>and workforce</u> jointly shall develop and shall post on their respective internet web sites guidelines and other relevant materials to inform and educate students and youth athletes participating in or desiring to participate in an athletic activity, their parents, and their coaches about the nature and warning signs of sudden cardiac arrest. These guidelines and materials shall address the risks associated with continuing to participate in an athletic activity after experiencing one or more symptoms of sudden cardiac arrest, such as fainting, difficulty breathing, chest pains, dizziness, and an abnormal racing heart rate. In developing guidelines and other relevant materials under this division, the department of health and the department of education <u>and workforce</u> shall consult with the Ohio chapter of the American college of cardiology and with an interscholastic conference or an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events.	54071 54072 54073 54074 54075 54076 54077 54078 54079 54080 54081 54082 54083 54084 54085 54086 54087 54088
In developing guidelines and materials under this division, the departments may utilize existing materials developed by the parent heart watch organization, the sudden	54089 54090 54091

arrhythmia death syndromes foundation, and any other 54092  
organizations deemed appropriate by the departments. 54093

(C) For purposes of the training required for a coach of 54094  
an athletic activity under division (D) of section 3313.5310 or 54095  
division (D) of section 3707.58 of the Revised Code, the 54096  
department of health shall approve a sudden cardiac arrest 54097  
training course offered by an outside entity. 54098

**Sec. 3734.62.** On and after ~~the effective date of this~~ 54099  
~~section April 6, 2007,~~ no school district or educational service 54100  
center established under Chapter 3311. of the Revised Code, 54101  
community school established under Chapter 3314. of the Revised 54102  
Code, or nonpublic school for which the ~~state board~~ director of 54103  
education and workforce prescribes standards under section 54104  
3301.07 of the Revised Code and no employee of such a school 54105  
district, educational service center, community school, or 54106  
nonpublic school shall purchase mercury or a mercury-added 54107  
measuring device for classroom use. 54108

If a school district, educational service center, 54109  
community school, or nonpublic school or an employee of a school 54110  
district, educational service center, community school, or 54111  
nonpublic school purchases mercury or a mercury-added measuring 54112  
device for classroom use on or after ~~the effective date of this~~ 54113  
~~section April 6, 2007,~~ in violation of this section, but 54114  
properly recycles or disposes of the mercury or mercury-added 54115  
measuring device upon learning of or being informed of the 54116  
violation and creates and implements a mercury reduction plan, 54117  
the director of environmental protection shall consider the 54118  
recycling or disposal of the mercury or mercury-added measuring 54119  
device and the implementation of and compliance with the mercury 54120  
reduction plan as mitigating circumstances for purposes of 54121

enforcement of a violation of this section.	54122
<b>Sec. 3737.22.</b> (A) The fire marshal shall do all of the	54123
following:	54124
(1) Adopt the state fire code under sections 3737.82 to	54125
3737.86 of the Revised Code;	54126
(2) Enforce the state fire code;	54127
(3) Appoint assistant fire marshals who are authorized to	54128
enforce the state fire code;	54129
(4) Conduct investigations into the cause, origin, and	54130
circumstances of fires and explosions, and assist in the	54131
prosecution of persons believed to be guilty of arson or a	54132
similar crime;	54133
(5) Compile statistics concerning loss due to fire and	54134
explosion as the fire marshal considers necessary, and consider	54135
the compatibility of the fire marshal's system of compilation	54136
with the systems of other state and federal agencies and fire	54137
marshals of other states;	54138
(6) Engage in research on the cause and prevention of	54139
losses due to fire and explosion;	54140
(7) Engage in public education and informational	54141
activities which will inform the public of fire safety	54142
information;	54143
(8) Operate a fire training academy and forensic	54144
laboratory;	54145
(9) Conduct other fire safety and fire fighting training	54146
activities for the public and groups as will further the cause	54147
of fire safety;	54148

(10) Conduct licensing examinations, and issue permits,	54149
licenses, and certificates, as authorized by the Revised Code;	54150
(11) Conduct tests of fire protection systems and devices,	54151
and fire fighting equipment to determine compliance with the	54152
state fire code, unless a building is insured against the hazard	54153
of fire, in which case such tests may be performed by the	54154
company insuring the building;	54155
(12) Establish and collect fees for conducting licensing	54156
examinations and for issuing permits, licenses, and	54157
certificates;	54158
(13) Make available for the prosecuting attorney and an	54159
assistant prosecuting attorney from each county of this state,	54160
in accordance with section 3737.331 of the Revised Code, a	54161
seminar program, attendance at which is optional, that is	54162
designed to provide current information, data, training, and	54163
techniques relative to the prosecution of arson cases;	54164
(14) Administer and enforce Chapter 3743. of the Revised	54165
Code;	54166
(15) Develop a uniform standard for the reporting of	54167
information required to be filed under division (E) (4) of	54168
section 2921.22 of the Revised Code, and accept the reports of	54169
the information when they are filed.	54170
(B) The fire marshal shall appoint a chief deputy fire	54171
marshal, and shall employ professional and clerical assistants	54172
as the fire marshal considers necessary. The chief deputy shall	54173
be a competent former or current member of a fire agency and	54174
possess five years of recent, progressively more responsible	54175
experience in fire inspection, fire code enforcement, and fire	54176
code management. The chief deputy, with the approval of the	54177

director of commerce, shall temporarily assume the duties of the 54178  
fire marshal when the fire marshal is absent or temporarily 54179  
unable to carry out the duties of the office. When there is a 54180  
vacancy in the office of fire marshal, the chief deputy, with 54181  
the approval of the director of commerce, shall temporarily 54182  
assume the duties of the fire marshal until a new fire marshal 54183  
is appointed under section 3737.21 of the Revised Code. 54184

All employees, other than the fire marshal; the chief 54185  
deputy fire marshal; the superintendent of the Ohio fire 54186  
academy; the grants administrator; the fiscal officer; the 54187  
executive secretary to the fire marshal; legal counsel; the 54188  
pyrotechnics administrator, the chief of the forensic 54189  
laboratory; the person appointed by the fire marshal to serve as 54190  
administrator over functions concerning testing, license 54191  
examinations, and the issuance of permits and certificates; and 54192  
the chiefs of the bureaus of fire prevention, of fire and 54193  
explosion investigation, of code enforcement, and of underground 54194  
storage tanks shall be in the classified civil service. The fire 54195  
marshal shall authorize the chief deputy and other employees 54196  
under the fire marshal's supervision to exercise powers granted 54197  
to the fire marshal by law as may be necessary to carry out the 54198  
duties of the fire marshal's office. 54199

(C) The fire marshal shall create, in and as a part of the 54200  
office of fire marshal, a fire and explosion investigation 54201  
bureau consisting of a chief of the bureau and additional 54202  
assistant fire marshals as the fire marshal determines necessary 54203  
for the efficient administration of the bureau. The chief shall 54204  
be experienced in the investigation of the cause, origin, and 54205  
circumstances of fires, and in administration, including the 54206  
supervision of subordinates. The chief, among other duties 54207  
delegated to the chief by the fire marshal, shall be 54208

responsible, under the direction of the fire marshal, for the 54209  
investigation of the cause, origin, and circumstances of fires 54210  
and explosions in the state, and for assistance in the 54211  
prosecution of persons believed to be guilty of arson or a 54212  
similar crime. 54213

(D) (1) The fire marshal shall create, as part of the 54214  
office of fire marshal, a bureau of code enforcement consisting 54215  
of a chief of the bureau and additional assistant fire marshals 54216  
as the fire marshal determines necessary for the efficient 54217  
administration of the bureau. The chief shall be qualified, by 54218  
education or experience, in fire inspection, fire code 54219  
development, fire code enforcement, or any other similar field 54220  
determined by the fire marshal, and in administration, including 54221  
the supervision of subordinates. The chief is responsible, under 54222  
the direction of the fire marshal, for fire inspection, fire 54223  
code development, fire code enforcement, and any other duties 54224  
delegated to the chief by the fire marshal. 54225

(2) The fire marshal, the chief deputy fire marshal, the 54226  
chief of the bureau of code enforcement, or any assistant fire 54227  
marshal under the direction of the fire marshal, the chief 54228  
deputy fire marshal, or the chief of the bureau of code 54229  
enforcement may cause to be conducted the inspection of all 54230  
buildings, structures, and other places, the condition of which 54231  
may be dangerous from a fire safety standpoint to life or 54232  
property, or to property adjacent to the buildings, structures, 54233  
or other places. 54234

(E) The fire marshal shall create, as a part of the office 54235  
of fire marshal, a bureau of fire prevention consisting of a 54236  
chief of the bureau and additional assistant fire marshals as 54237  
the fire marshal determines necessary for the efficient 54238

administration of the bureau. The chief shall be qualified, by 54239  
education or experience, to promote programs for rural and urban 54240  
fire prevention and protection. The chief, among other duties 54241  
delegated to the chief by the fire marshal, is responsible, 54242  
under the direction of the fire marshal, for the promotion of 54243  
rural and urban fire prevention and protection through public 54244  
information and education programs. 54245

(F) The fire marshal shall cooperate with the director of 54246  
job and family services when the director adopts rules under 54247  
section 5104.052 of the Revised Code regarding fire prevention 54248  
and fire safety in licensed type B family day-care homes, as 54249  
defined in section 5104.01 of the Revised Code, recommend 54250  
procedures for inspecting type B homes to determine whether they 54251  
are in compliance with those rules, and provide training and 54252  
technical assistance to the director and county directors of job 54253  
and family services on the procedures for determining compliance 54254  
with those rules. 54255

(G) The fire marshal, upon request of a provider of child 54256  
care in a type B home that is not licensed by the director of 54257  
job and family services, as a precondition of approval by the 54258  
~~state board department~~ of education and workforce under section 54259  
3313.813 of the Revised Code for receipt of United States 54260  
department of agriculture child and adult care food program 54261  
funds established under the "National School Lunch Act," 60 54262  
Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the 54263  
type B home to determine compliance with rules adopted under 54264  
section 5104.052 of the Revised Code regarding fire prevention 54265  
and fire safety in licensed type B homes. In municipal 54266  
corporations and in townships where there is a certified fire 54267  
safety inspector, the inspections shall be made by that 54268  
inspector under the supervision of the fire marshal, according 54269

to rules adopted under section 5104.052 of the Revised Code. In 54270  
townships outside municipal corporations where there is no 54271  
certified fire safety inspector, inspections shall be made by 54272  
the fire marshal. 54273

**Sec. 3742.32.** (A) The director of health shall appoint an 54274  
advisory council to assist in the ongoing development and 54275  
implementation of the child lead poisoning prevention program 54276  
created under section 3742.31 of the Revised Code. The advisory 54277  
council shall consist of the following members: 54278

(1) A representative of the department of medicaid; 54279

(2) A representative of the bureau of child care in the 54280  
department of job and family services; 54281

(3) A representative of the department of environmental 54282  
protection; 54283

(4) A representative of the department of education and 54284  
workforce; 54285

(5) A representative of the development services agency; 54286

(6) A representative of the Ohio apartment owner's 54287  
association; 54288

(7) A representative of the Ohio healthy homes network; 54289

(8) A representative of the Ohio environmental health 54290  
association; 54291

(9) An Ohio representative of the American coatings 54292  
association; 54293

(10) A representative from Ohio realtors; 54294

(11) A representative of the Ohio housing finance agency; 54295

(12) A physician knowledgeable in the field of lead poisoning prevention;	54296 54297
(13) A representative of the public.	54298
(B) The advisory council shall do both of the following:	54299
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	54300 54301 54302 54303
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	54304 54305 54306
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	54307 54308
<b>Sec. 3745.21.</b> (A) There is hereby created within the environmental protection agency the environmental education council consisting of the directors of environmental protection and natural resources, and the superintendent of public instruction education and workforce, or their designees, as members ex officio, one member of the house of representatives to be appointed by the speaker of the house of representatives or the member's designee, one member of the senate to be appointed by the president of the senate or the member's designee, one member to be appointed by the Ohio board of regents chancellor of higher education who shall have experience in providing environmental education at the university or college level, and six members to be appointed by the governor with the advice and consent of the senate. Of the members appointed by the governor, two shall be from statewide environmental advocacy organizations, one shall represent the	54309 54310 54311 54312 54313 54314 54315 54316 54317 54318 54319 54320 54321 54322 54323 54324

interests of the industrial community in this state, one shall 54325  
represent the interests of employers in this state with one 54326  
hundred fifty or fewer employees, one shall represent municipal 54327  
corporations, and one shall represent the interests of 54328  
elementary and secondary school teachers in this state. Within 54329  
thirty days after October 1, 1990, the appointing authorities 54330  
shall make their initial appointments to the council. The 54331  
initial appointment to the council by the ~~Ohio board of regents-~~ 54332  
chancellor shall be for a term ending two years after October 1, 54333  
1990. Of the initial appointments made to the council by the 54334  
governor, three shall be for a term ending one year after 54335  
October 1, 1990, and three shall be for a term ending two years 54336  
after October 1, 1990. Thereafter, the terms of office of the 54337  
members appointed by the ~~Ohio board of regents-~~ chancellor and 54338  
the governor shall be for two years, with each term ending on 54339  
the same day of the same month as the term that it succeeds. 54340  
Each member shall hold office from the date of appointment until 54341  
the end of the term for which the member was appointed. Members 54342  
may be reappointed. Vacancies shall be filled in the manner 54343  
provided for original appointments. Any member appointed to fill 54344  
a vacancy occurring prior to the expiration date of the term for 54345  
which the member's predecessor was appointed shall hold office 54346  
as a member of the board of trustees for the remainder of that 54347  
term. A member of the council appointed by the ~~Ohio board of-~~ 54348  
~~regents-~~ chancellor or the governor shall continue in office 54349  
subsequent to the expiration date of the member's term until the 54350  
member's successor takes office or until a period of sixty days 54351  
has elapsed, whichever occurs first. 54352

The council shall hold at least two regular, semiannual 54353  
meetings each year. Special meetings may be held at the behest 54354  
of the chairperson or a majority of the members. The director of 54355

environmental protection shall serve as the chairperson of the 54356  
council. The council annually shall select from among its 54357  
members a vice-chairperson and a secretary to keep a record of 54358  
its proceedings. A majority vote of the members of the council 54359  
is necessary to take action on any matter. 54360

Serving as a member of the council does not constitute 54361  
holding a public office or a position of employment under the 54362  
laws of this state and does not constitute grounds for the 54363  
removal of public officers or employees from their offices or 54364  
positions of employment. The ~~Ohio board of regents~~ chancellor 54365  
may at any time remove a member of the council appointed by ~~it~~ 54366  
the chancellor for misfeasance, malfeasance, or nonfeasance in 54367  
office. The governor may at any time remove a member of the 54368  
council appointed by the governor for misfeasance, malfeasance, 54369  
or nonfeasance in office. 54370

Members of the council appointed by the ~~Ohio board of~~ 54371  
~~regents~~ chancellor and the governor shall serve without 54372  
compensation. Members of the council shall be reimbursed for 54373  
their actual and necessary expenses incurred in the performance 54374  
of their duties as members of the council from moneys credited 54375  
to the environmental education fund created in section 3745.22 54376  
of the Revised Code. 54377

(B) The council shall advise and assist the director of 54378  
environmental protection in the implementation and 54379  
administration of section 3745.22 of the Revised Code and shall 54380  
review and comment on all expenditures from the fund proposed by 54381  
the director. 54382

(C) The council may adopt bylaws for the regulation and 54383  
conduct of the council's affairs and may propose to the director 54384  
of environmental protection expenditures from the fund. 54385

<b>Sec. 3781.106.</b> (A) As used in this section:	54386
(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.	54387 54388 54389 54390 54391 54392 54393 54394 54395
(2) "Nonresidential building" means a building or structure, or part of a building or structure, not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences, or erections thereon or therein. "Nonresidential building" does not include an institution of higher education, private school, or public school, as defined in this section.	54396 54397 54398 54399 54400 54401 54402 54403
(3) "Owner" means an individual or entity possessing title to a nonresidential building or an authorized agent of the owner.	54404 54405 54406
(4) "Private school" means a chartered nonpublic school or a nonchartered nonpublic school.	54407 54408
(5) "Public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, and any college-preparatory boarding school established under Chapter 3328. of the Revised Code.	54409 54410 54411 54412 54413 54414

(6) "School building" means a structure used for the instruction of students by a public or private school or institution of higher education.

(B) (1) The board of building standards shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the use of a device by a staff member of a public or private school or institution of higher education that prevents both ingress and egress through a door in a school building, for a finite period of time, in an emergency situation, and during active shooter drills. The rules shall provide that the use of a device is permissible only if the device requires minimal steps to remove it after it is engaged.

The rules shall provide that the administrative authority of a building notify the police chief, or equivalent, of the law enforcement agency that has jurisdiction over the building, and the fire chief, or equivalent, of the fire department that serves the political subdivision in which the building is located, prior to the use of such devices in a building.

The rules may require that the device be visible from the exterior of the door.

(2) The device described in division (B) (1) of this section shall not be permanently mounted to the door.

(3) Each public and private school and institution of higher education shall provide its staff members in-service training on the use of the device described in division (B) (1) of this section. The school shall maintain a record verifying this training on file.

(4) In consultation with the ~~state board~~ department of education and workforce and the chancellor of higher education,

the board shall determine and include in the rules a definition 54444  
of "emergency situation." These rules shall apply to both 54445  
existing and new school buildings. 54446

(C) (1) The board of building standards shall adopt rules, 54447  
in accordance with Chapter 119. of the Revised Code, for the use 54448  
of a device by the owner, or a person authorized by the owner, 54449  
of a nonresidential building that prevents both ingress and 54450  
egress through a door in the building, for a finite period of 54451  
time, in an emergency situation, and during active shooter 54452  
drills. The rules shall provide that the use of a device is 54453  
permissible only if the device requires minimal steps to remove 54454  
it after it is engaged. 54455

The rules shall require the owner of a building notify the 54456  
police chief, or equivalent, of the law enforcement agency that 54457  
has jurisdiction over the building, and the fire chief, or 54458  
equivalent, of the fire department that serves the political 54459  
subdivision in which the building is located, prior to the use 54460  
of such devices in a building. 54461

The rules may require that the device be visible from the 54462  
exterior of the door. 54463

(2) The device described in division (C) (1) of this 54464  
section shall not be permanently mounted to the door. 54465

(3) Each owner of a nonresidential building shall provide 54466  
any person that may use the device described in division (C) (1) 54467  
of this section training on the use of the device. The owner of 54468  
the building shall maintain a record verifying this training on 54469  
file. 54470

(4) The board shall determine and include in the rules a 54471  
definition of "emergency situation" for purposes of division (C) 54472

(1) of this section. These rules shall apply to both existing 54473  
and new nonresidential buildings. 54474

(D) Any provision of the state fire code that is in 54475  
conflict with this section or section 3737.84 of the Revised 54476  
Code is unenforceable. 54477

**Sec. 3781.11.** (A) The rules of the board of building 54478  
standards shall: 54479

(1) For nonresidential buildings, provide uniform minimum 54480  
standards and requirements, and for residential buildings, 54481  
provide standards and requirements that are uniform throughout 54482  
the state, for construction and construction materials, 54483  
including construction of industrialized units, to make 54484  
residential and nonresidential buildings safe and sanitary as 54485  
defined in section 3781.06 of the Revised Code; 54486

(2) Formulate such standards and requirements, so far as 54487  
may be practicable, in terms of performance objectives, so as to 54488  
make adequate performance for the use intended the test of 54489  
acceptability; 54490

(3) Permit, to the fullest extent feasible, the use of 54491  
materials and technical methods, devices, and improvements, 54492  
including the use of industrialized units which tend to reduce 54493  
the cost of construction and erection without affecting minimum 54494  
requirements for the health, safety, and security of the 54495  
occupants or users of buildings or industrialized units and 54496  
without preferential treatment of types or classes of materials 54497  
or products or methods of construction; 54498

(4) Encourage, so far as may be practicable, the 54499  
standardization of construction practices, methods, equipment, 54500  
material, and techniques, including methods employed to produce 54501

industrialized units; 54502

(5) Not require any alteration or repair of any part of a 54503  
school building owned by a chartered nonpublic school or a city, 54504  
local, exempted village, or joint vocational school district and 54505  
operated in conjunction with any primary or secondary school 54506  
program that is not being altered or repaired if all of the 54507  
following apply: 54508

(a) The school building meets all of the applicable 54509  
building code requirements in existence at the time of the 54510  
construction of the building. 54511

(b) The school building otherwise satisfies the 54512  
requirements of section 3781.06 of the Revised Code. 54513

(c) The part of the school building altered or repaired 54514  
conforms to all rules of the board existing on the date of the 54515  
repair or alteration. 54516

(6) Not require any alteration or repair to any part of a 54517  
workshop or factory that is not otherwise being altered, 54518  
repaired, or added to if all of the following apply: 54519

(a) The workshop or factory otherwise satisfies the 54520  
requirements of section 3781.06 of the Revised Code. 54521

(b) The part of the workshop or factory altered, repaired, 54522  
or added conforms to all rules of the board existing on the date 54523  
of plan approval of the repair, alteration, or addition. 54524

(B) The rules of the board shall supersede and govern any 54525  
order, standard, or rule of the division of industrial 54526  
compliance in the department of commerce, division of the state 54527  
fire marshal, the department of health, and of counties and 54528  
townships, in all cases where such orders, standards, or rules 54529

are in conflict with the rules of the board, except that rules 54530  
adopted and orders issued by the state fire marshal pursuant to 54531  
Chapter 3743. of the Revised Code prevail in the event of a 54532  
conflict. 54533

(C) The construction, alteration, erection, and repair of 54534  
buildings including industrialized units, and the materials and 54535  
devices of any kind used in connection with them and the heating 54536  
and ventilating of them and the plumbing and electric wiring in 54537  
them shall conform to the statutes of this state or the rules 54538  
adopted and promulgated by the board, and to provisions of local 54539  
ordinances not inconsistent therewith. Any building, structure, 54540  
or part thereof, constructed, erected, altered, manufactured, or 54541  
repaired not in accordance with the statutes of this state or 54542  
with the rules of the board, and any building, structure, or 54543  
part thereof in which there is installed, altered, or repaired 54544  
any fixture, device, and material, or plumbing, heating, or 54545  
ventilating system, or electric wiring not in accordance with 54546  
such statutes or rules is a public nuisance. 54547

(D) As used in this section: 54548

(1) "Nonpublic school" means a chartered school for which 54549  
minimum standards are prescribed by the ~~state board~~ director of 54550  
education and workforce pursuant to division (D) of section 54551  
3301.07 of the Revised Code. 54552

(2) "Workshop or factory" includes manufacturing, 54553  
mechanical, electrical, mercantile, art, and laundering 54554  
establishments, printing, telegraph, and telephone offices, 54555  
railroad depots, and memorial buildings, but does not include 54556  
hotels and tenement and apartment houses. 54557

**Sec. 3798.01.** As used in this chapter: 54558

(A) "Administrative safeguards," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304. 54559  
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(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. 54562  
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(C) "Designated record set" has the same meaning as in 45 C.F.R. 164.501. 54566  
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(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. 54568  
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(E) "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103. 54572  
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(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. 54574  
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(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. 54582  
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(H) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner. 54585  
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(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the Revised Code.

(J) "More stringent" has the same meaning as in 45 C.F.R. 160.202.

(K) "Personal representative" means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor. "Personal representative" does not include the parent or legal guardian of, or another person acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's parent, legal guardian, or other person acting in loco parentis has assented to an agreement of confidentiality between the provider and the minor.

(L) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

(M) "State agency" means any one or more of the following:

- (1) The department of administrative services;
- (2) The department of aging;
- (3) The department of mental health and addiction services;

(4) The department of developmental disabilities;	54617
(5) The department of education <u>and workforce</u> ;	54618
(6) The department of health;	54619
(7) The department of insurance;	54620
(8) The department of job and family services;	54621
(9) The department of medicaid;	54622
(10) The department of rehabilitation and correction;	54623
(11) The department of youth services;	54624
(12) The bureau of workers' compensation;	54625
(13) The opportunities for Ohioans with disabilities agency;	54626 54627
(14) The office of the attorney general;	54628
(15) A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information.	54629 54630 54631
<b>Sec. 4109.01.</b> As used in this chapter:	54632
(A) "Employ" means to permit or suffer to work.	54633
(B) "Employer" means the state, its political subdivisions, and every person who employs any individual.	54634 54635
(C) "Enforcement official" means the director of commerce or the director's authorized representative, the <del>superintendent</del> <del>of public instruction</del> <u>director of education and workforce</u> or the <del>superintendent's</del> <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,	54636 54637 54638 54639 54640 54641

and any representative of a local department of health. 54642

(D) "Minor" means any person less than eighteen years of 54643  
age. 54644

(E) "Seasonal amusement or recreational establishment" 54645  
means both of the following: 54646

(1) An amusement or recreational establishment that does 54647  
not operate for more than seven months in any calendar year; 54648

(2) An amusement or recreational establishment whose 54649  
average receipts for any six months during the preceding 54650  
calendar year were not more than thirty-three and one-third per 54651  
cent of its average receipts for the other six months of that 54652  
calendar year. 54653

**Sec. 4109.06.** (A) This chapter does not apply to the 54654  
following: 54655

(1) Minors who are students working on any properly 54656  
guarded machines in the manual training department of any school 54657  
when the work is performed under the personal supervision of an 54658  
instructor; 54659

(2) Students participating in a career-technical or STEM 54660  
program approved by the Ohio department of education and 54661  
workforce or students participating in any eligible classes 54662  
through the college credit plus program established under 54663  
Chapter 3365. of the Revised Code that include a state- 54664  
recognized pre-apprenticeship program that imparts the skills 54665  
and knowledge needed for successful participation in a 54666  
registered apprenticeship occupation course; 54667

(3) A minor participating in a play, pageant, or concert 54668  
produced by an outdoor historical drama corporation, a 54669

professional traveling theatrical production, a professional 54670  
concert tour, or a personal appearance tour as a professional 54671  
motion picture star, or as an actor or performer in motion 54672  
pictures or in radio or television productions in accordance 54673  
with the rules adopted pursuant to division (A) of section 54674  
4109.05 of the Revised Code; 54675

(4) The participation, without remuneration of a minor and 54676  
with the consent of a parent or guardian, in a performance given 54677  
by a church, school, or academy, or at a concert or 54678  
entertainment given solely for charitable purposes, or by a 54679  
charitable or religious institution; 54680

(5) Minors who are employed by their parents in 54681  
occupations other than occupations prohibited by rule adopted 54682  
under this chapter; 54683

(6) Minors engaged in the delivery of newspapers to the 54684  
consumer; 54685

(7) Minors who have received a high school diploma or a 54686  
certificate of attendance from an accredited secondary school or 54687  
a certificate of high school equivalence; 54688

(8) Minors who are currently heads of households or are 54689  
parents contributing to the support of their children; 54690

(9) Minors engaged in lawn mowing, snow shoveling, and 54691  
other related employment; 54692

(10) Minors employed in agricultural employment in 54693  
connection with farms operated by their parents, grandparents, 54694  
or guardians where they are members of the guardians' household. 54695  
Minors are not exempt from this chapter if they reside in 54696  
agricultural labor camps as defined in section 3733.41 of the 54697  
Revised Code; 54698

(11) Students participating in a program to serve as precinct officers as authorized by section 3501.22 of the Revised Code. 54699  
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(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following: 54702  
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(1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities; 54704  
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(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; 54706  
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(3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps. 54710  
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(C) Division (D) of section 4109.07 of the Revised Code does not apply to minors who have their employment hours established as follows: 54712  
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(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 54715  
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that consultation, the court, the superintendent, or the chief administrative officer finds the minor has failed to show the restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If after that consultation, the court, the superintendent, or the chief administrative officer finds the minor has shown the restricted hours will cause a substantial hardship or are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall establish differing hours of employment for the minor and notify the minor and the minor's employer of those hours, which shall be binding in lieu of the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code.

(2) Any minor to whom division (C) (1) of this section does not apply may either file a petition in the juvenile court in whose jurisdiction the person 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.

If, as a result of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, finds the minor has failed to show such restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If the court, the superintendent, or

the chief administrative officer finds the minor has shown the 54759  
restricted hours will cause a substantial hardship or are not in 54760  
the minor's best interests, the court, the superintendent, or 54761  
the chief administrative officer shall establish the hours of 54762  
employment for the minor and shall notify the minor and the 54763  
minor's employer of those hours. 54764

(D) Section 4109.03, divisions (A) and (C) of section 54765  
4109.02, and division (B) of section 4109.08 of the Revised Code 54766  
do not apply to minors who are sixteen or seventeen years of age 54767  
and who are employed at a seasonal amusement or recreational 54768  
establishment. 54769

(E) As used in this section, "certificate of high school 54770  
equivalence" means either: 54771

(1) A statement issued by the department of education and 54772  
workforce that the holder of the statement has achieved the 54773  
equivalent of a high school education as measured by scores 54774  
obtained on a high school equivalency test approved by the 54775  
department pursuant to division (B) of section 3301.80 of the 54776  
Revised Code; 54777

(2) A statement issued by a primary-secondary education or 54778  
higher education agency of another state that the holder of the 54779  
statement has achieved the equivalent of a high school education 54780  
as measured by scores obtained on a similar nationally 54781  
recognized high school equivalency test. 54782

**Sec. 4109.07.** (A) No person under sixteen years of age 54783  
shall be employed: 54784

(1) During school hours except where specifically 54785  
permitted by this chapter; 54786

(2) Before seven a.m.; 54787

(3) After nine p.m. from the first day of June to the first day of September or during any school holiday of five school days or more duration, or after seven p.m. at any other time;	54788 54789 54790 54791
(4) For more than three hours a day in any school day;	54792
(5) For more than eighteen hours in any week while school is in session;	54793 54794
(6) For more than eight hours in any day which is not a school day;	54795 54796
(7) For more than forty hours in any week that school is not in session.	54797 54798
(B) No person under sixteen years of age may be employed more than forty hours in any one week nor during school hours unless employment is incidental to bona fide programs of vocational cooperative training, work-study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the <del>state board</del> <u>department of education and workforce.</u>	54799 54800 54801 54802 54803 54804 54805
(C) No employer shall employ a minor more than five consecutive hours without allowing the minor a rest period of at least thirty minutes. The rest period need not be included in the computation of the number of hours worked by the minor.	54806 54807 54808 54809
(D) No person sixteen or seventeen years of age who is required to attend school under Chapter 3321. of the Revised Code shall be employed:	54810 54811 54812
(1) Before seven a.m. on any day that school is in session, except such person may be employed after six a.m. if the person was not employed after eight p.m. the previous night;	54813 54814 54815

(2) After eleven p.m. on any night preceding a day that school is in session. 54816  
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(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. 54818  
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**Sec. 4109.22.** (A) As used in this section: 54821

(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. 54822  
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(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. 54827  
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(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: 54830  
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(1) Determine the duration of the minor's employment; 54835

(2) Assign the minor a mentor to provide direct and close supervision while the minor is engaged in any workplace activity; 54836  
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(3) Provide the minor with the training described in division (C) of this section; 54839  
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(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 54841  
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career-technical education program when the minor begins 54844  
employment; 54845

(5) Comply with all applicable state and federal laws and 54846  
regulations relating to the employment of minors. 54847

(C) (1) An employer employing a minor who is sixteen or 54848  
seventeen years of age in a manufacturing occupation under the 54849  
mentorship program shall provide the minor with training that 54850  
includes all of the following: 54851

(a) A ten-hour course in general industry safety and 54852  
health hazard recognition and prevention approved by the 54853  
occupational safety and health administration of the United 54854  
States department of labor; 54855

(b) Instructions on how to operate the specific tools the 54856  
minor will use during the minor's employment; 54857

(c) The general safety and health hazards to which the 54858  
minor may be exposed at the minor's workplace; 54859

(d) The value of safety and management commitment; 54860

(e) Information on the employer's drug testing policy. 54861

(2) For purposes of division (C) (1) (a) of this section, a 54862  
minor may participate in a thirty-hour course in general 54863  
industry safety and health hazard recognition and prevention 54864  
approved by the occupational safety and health administration if 54865  
the minor has already successfully completed a ten-hour course. 54866

(3) The employer shall pay any costs associated with 54867  
providing the training required by division (C) (1) or permitted 54868  
under division (C) (2) of this section. 54869

(4) An employer is not required to provide the training 54870

described in division (C) (1) or (2) of this section if the minor 54871  
presents proof of completing the training during the six-month 54872  
period immediately before beginning employment with the 54873  
employer. 54874

(D) The director of commerce, in consultation with 54875  
employers, shall adopt rules in accordance with Chapter 119. of 54876  
the Revised Code specifying a list of the tools that a minor who 54877  
is sixteen or seventeen years of age who is employed under the 54878  
mentorship program may operate during the minor's employment in 54879  
a manufacturing occupation. The director shall use the manual 54880  
issued by the wage and hour division of the United States 54881  
department of labor titled "field operations handbook" or its 54882  
successor for guidance in developing the list. Nothing in this 54883  
division requires the director to include a tool on the list if 54884  
the orders issued pursuant to the "Fair Labor Standards Act of 54885  
1938," 29 U.S.C. 201, et seq., and section 4109.05 of the 54886  
Revised Code or rules adopted under that section specifically 54887  
permit minors of that age to operate the tool. 54888

(E) A minor who is sixteen or seventeen years of age who 54889  
is employed by an employer under the mentorship program may work 54890  
in any manufacturing occupation not denied by law to minors of 54891  
that age under section 4109.05 of the Revised Code or rules 54892  
adopted under that section. 54893

(F) No employer shall do either of the following: 54894

(1) Permit a minor who is sixteen or seventeen years of 54895  
age to operate a tool minors of that age are permitted to 54896  
operate pursuant to the rules adopted under division (D) of this 54897  
section unless the minor is employed by the employer under the 54898  
mentorship program; 54899

(2) Permit a minor who is sixteen or seventeen years of age who is employed by the employer under the mentorship program to operate a tool prohibited for use by minors of that age pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section.

**Sec. 4112.04.** (A) The commission shall do all of the following:

(1) Establish and maintain a principal office in the city of Columbus and any other offices within the state that it considers necessary;

(2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid a salary fixed pursuant to Chapter 124. of the Revised Code.

(3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code;

(4) Adopt, promulgate, amend, and rescind rules to effectuate the provisions of this chapter and the policies and practice of the commission in connection with this chapter;

(5) Formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or political subdivisions to effectuate the policies;

(6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices;

(7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, military

status, familial status, national origin, disability, age, or 54928  
ancestry on the enjoyment of civil rights by persons within the 54929  
state; 54930

(8) Report, from time to time, but not less than once a 54931  
year, to the general assembly and the governor, describing in 54932  
detail the investigations, proceedings, and hearings it has 54933  
conducted and their outcome, the decisions it has rendered, and 54934  
the other work performed by it, which report shall include a 54935  
copy of any surveys prepared pursuant to division (A) (7) of this 54936  
section and shall include the recommendations of the commission 54937  
as to legislative or other remedial action; 54938

(9) Prepare a comprehensive educational program, in 54939  
cooperation with the department of education and workforce, for 54940  
the students of the public schools of this state and for all 54941  
other residents of this state that is designed to eliminate 54942  
prejudice on the basis of race, color, religion, sex, military 54943  
status, familial status, national origin, disability, age, or 54944  
ancestry in this state, to further good will among those groups, 54945  
and to emphasize the origin of prejudice against those groups, 54946  
its harmful effects, and its incompatibility with American 54947  
principles of equality and fair play; 54948

(10) Receive progress reports from agencies, 54949  
instrumentalities, institutions, boards, commissions, and other 54950  
entities of this state or any of its political subdivisions and 54951  
their agencies, instrumentalities, institutions, boards, 54952  
commissions, and other entities regarding affirmative action 54953  
programs for the employment of persons against whom 54954  
discrimination is prohibited by this chapter, or regarding any 54955  
affirmative housing accommodations programs developed to 54956  
eliminate or reduce an imbalance of race, color, religion, sex, 54957

military status, familial status, national origin, disability, 54958  
or ancestry. All agencies, instrumentalities, institutions, 54959  
boards, commissions, and other entities of this state or its 54960  
political subdivisions, and all political subdivisions, that 54961  
have undertaken affirmative action programs pursuant to a 54962  
conciliation agreement with the commission, an executive order 54963  
of the governor, any federal statute or rule, or an executive 54964  
order of the president of the United States shall file progress 54965  
reports with the commission annually on or before the first day 54966  
of November. The commission shall analyze and evaluate the 54967  
progress reports and report its findings annually to the general 54968  
assembly on or before the thirtieth day of January of the year 54969  
immediately following the receipt of the reports. 54970

(11) Notify a person who files a charge pursuant to 54971  
section 4112.051 of the Revised Code that under division (A) of 54972  
section 4112.052 of the Revised Code, the person is prohibited 54973  
from bringing a civil action under this chapter unless one of 54974  
the following applies: 54975

(a) The conditions stated in division (B)(1) of section 54976  
4112.052 of the Revised Code are satisfied; 54977

(b) An exception specified in division (B)(2) of section 54978  
4112.052 of the Revised Code applies. 54979

(B) The commission may do any of the following: 54980

(1) Meet and function at any place within the state; 54981

(2) Initiate and undertake on its own motion 54982  
investigations of problems of employment or housing 54983  
accommodations discrimination; 54984

(3) Hold hearings, subpoena witnesses, compel their 54985  
attendance, administer oaths, take the testimony of any person 54986

under oath, require the production for examination of any books 54987  
and papers relating to any matter under investigation or in 54988  
question before the commission, and make rules as to the 54989  
issuance of subpoenas by individual commissioners. 54990

(a) In conducting a hearing or investigation, the 54991  
commission shall have access at all reasonable times to 54992  
premises, records, documents, individuals, and other evidence or 54993  
possible sources of evidence and may examine, record, and copy 54994  
the premises, records, documents, and other evidence or possible 54995  
sources of evidence and take and record the testimony or 54996  
statements of the individuals as reasonably necessary for the 54997  
furtherance of the hearing or investigation. In investigations, 54998  
the commission shall comply with the fourth amendment to the 54999  
United States Constitution relating to unreasonable searches and 55000  
seizures. The commission or a member of the commission may issue 55001  
subpoenas to compel access to or the production of premises, 55002  
records, documents, and other evidence or possible sources of 55003  
evidence or the appearance of individuals, and may issue 55004  
interrogatories to a respondent, to the same extent and subject 55005  
to the same limitations as would apply if the subpoenas or 55006  
interrogatories were issued or served in aid of a civil action 55007  
in a court of common pleas. 55008

(b) Upon written application by a party to a hearing under 55009  
division (B) of section 4112.05 or division (G) of section 55010  
4112.051 of the Revised Code, the commission shall issue 55011  
subpoenas in its name to the same extent and subject to the same 55012  
limitations as subpoenas issued by the commission. Subpoenas 55013  
issued at the request of a party shall show on their face the 55014  
name and address of the party and shall state that they were 55015  
issued at the party's request. 55016

(c) Witnesses summoned by subpoena of the commission are 55017  
entitled to the witness and mileage fees provided for under 55018  
section 119.094 of the Revised Code. 55019

(d) Within five days after service of a subpoena upon any 55020  
person, the person may petition the commission to revoke or 55021  
modify the subpoena. The commission shall grant the petition if 55022  
it finds that the subpoena requires an appearance or attendance 55023  
at an unreasonable time or place, that it requires production of 55024  
evidence that does not relate to any matter before the 55025  
commission, that it does not describe with sufficient 55026  
particularity the evidence to be produced, that compliance would 55027  
be unduly onerous, or for other good reason. 55028

(e) In case of contumacy or refusal to obey a subpoena, 55029  
the commission or person at whose request it was issued may 55030  
petition for its enforcement in the court of common pleas in the 55031  
county in which the person to whom the subpoena was addressed 55032  
resides, was served, or transacts business. 55033

(4) Create local or statewide advisory agencies and 55034  
conciliation councils to aid in effectuating the purposes of 55035  
this chapter. The commission may itself, or it may empower these 55036  
agencies and councils to, do either or both of the following: 55037

(a) Study the problems of discrimination in all or 55038  
specific fields of human relationships when based on race, 55039  
color, religion, sex, military status, familial status, national 55040  
origin, disability, age, or ancestry; 55041

(b) Foster through community effort, or otherwise, good 55042  
will among the groups and elements of the population of the 55043  
state. 55044

The agencies and councils may make recommendations to the 55045

commission for the development of policies and procedures in 55046  
general. They shall be composed of representative citizens who 55047  
shall serve without pay, except that reimbursement for actual 55048  
and necessary traveling expenses shall be made to citizens who 55049  
serve on a statewide agency or council. 55050

(5) Issue any publications and the results of 55051  
investigations and research that in its judgment will tend to 55052  
promote good will and minimize or eliminate discrimination 55053  
because of race, color, religion, sex, military status, familial 55054  
status, national origin, disability, age, or ancestry. 55055

**Sec. 4112.12.** (A) There is hereby created the commission 55056  
on African-Americans, which shall consist of not more than 55057  
thirteen members as follows: the directors or their designees of 55058  
the departments of health, development, mental health and 55059  
addiction services, and job and family services; ~~the~~ 55060  
~~superintendent of public instruction;~~ the chancellor of higher 55061  
education or the chancellor's designee; the director of 55062  
education and workforce; two members of the house of 55063  
representatives appointed by the speaker of the house of 55064  
representatives each of whom shall be members of different 55065  
political parties; and two members of the senate appointed by 55066  
the president of the senate each of whom shall be members of 55067  
different political parties. The members who are members of the 55068  
general assembly shall be nonvoting members. The Ohio state 55069  
university Bell national resource center, in consultation with 55070  
the governor, shall appoint two members from the private 55071  
corporate sector or the nonprofit sector, and one member with 55072  
experience in the philanthropic community. 55073

(B) Terms of office shall be for three years, except that 55074  
members of the general assembly appointed to the commission 55075

shall be members only so long as they are members of the general 55076  
assembly. Each term ends on the same day of the same month as 55077  
did the term that it succeeds. Each member shall hold office 55078  
from the date of appointment until the end of the term for which 55079  
the member was appointed. Members may be reappointed. Vacancies 55080  
shall be filled in the manner provided for original 55081  
appointments. Any member appointed to fill a vacancy occurring 55082  
prior to the expiration date of the term for which the member's 55083  
predecessor was appointed shall hold office as a member for the 55084  
remainder of that term. A member shall continue in office 55085  
subsequent to the expiration date of the member's term until the 55086  
member's successor takes office or until a period of sixty days 55087  
has elapsed, whichever occurs first. 55088

The commission annually shall elect a chairperson from 55089  
among its members. 55090

(C) Members of the commission and members of subcommittees 55091  
appointed under division (B) of section 4112.13 of the Revised 55092  
Code shall not be compensated, but shall be reimbursed for their 55093  
necessary and actual expenses incurred in the performance of 55094  
their official duties. 55095

(D) The Ohio state university Bell national resource 55096  
center, in consultation with the governor, shall appoint an 55097  
executive director of the commission on African-Americans, who 55098  
shall be in the unclassified civil service. The executive 55099  
director shall supervise the commission's activities and report 55100  
to the commission and to the Ohio state university Bell national 55101  
resource center on the progress of those activities. The 55102  
executive director shall do all things necessary for the 55103  
efficient and effective implementation of the duties of the 55104  
commission. 55105

The responsibilities assigned to the executive director do 55106  
not relieve the members of the commission from final 55107  
responsibility for the proper performance of the requirements of 55108  
this division. 55109

(E) The commission on African-Americans shall do all of 55110  
the following: 55111

(1) Employ, promote, supervise, and remove all employees, 55112  
as needed, in connection with the performance of its duties 55113  
under this section; 55114

(2) Maintain its office at the Ohio state university Bell 55115  
national resource center; 55116

(3) Acquire facilities, equipment, and supplies necessary 55117  
to house the commission, its employees, and files and records 55118  
under its control, and to discharge any duty imposed upon it by 55119  
law. The expense of these acquisitions shall be audited and paid 55120  
for in the same manner as other state expenses. 55121

(4) Establish the overall policy and management of the 55122  
commission in accordance with this chapter; 55123

(5) Follow all state procurement requirements; 55124

(6) Implement the policies and plans of the Ohio state 55125  
university Bell national resource center as those policies and 55126  
plans are formulated and adopted by the center; 55127

(7) Report to the Ohio state university Bell national 55128  
resource center on the progress of the commission on African- 55129  
Americans in implementing the policies and plans of the center. 55130

(F) The commission on African-Americans may: 55131

(1) Hold sessions at any place within the state, except 55132

that the commission shall meet at least quarterly; 55133

(2) Establish, change, or abolish positions, and assign 55134  
and reassign duties and responsibilities of any employee of the 55135  
commission as necessary to achieve the most efficient 55136  
performance of its functions. 55137

(G) The Ohio state university Bell national resource 55138  
center shall establish the overall policy and management of the 55139  
commission on African-Americans and shall direct, manage, and 55140  
oversee the commission. The center shall develop overall 55141  
policies and plans, and the commission shall implement those 55142  
policies and plans. The commission, through its executive 55143  
director, shall keep the center informed as to the activities of 55144  
the commission in such manner and at such times as the center 55145  
shall determine. 55146

The Ohio state university Bell national resource center 55147  
may prescribe duties and responsibilities of the commission in 55148  
addition to those prescribed in section 4112.13 of the Revised 55149  
Code. 55150

(H) The Ohio state university Bell national resource 55151  
center annually shall contract for a report on the status of 55152  
African Americans in this state. Issues to be evaluated in the 55153  
report shall include the criminal justice system, education, 55154  
employment, health care, and housing, and such other issues as 55155  
the center may specify. The report shall include policy 55156  
recommendations relating to the issues covered in the report. 55157

**Sec. 4117.10.** (A) An agreement between a public employer 55158  
and an exclusive representative entered into pursuant to this 55159  
chapter governs the wages, hours, and terms and conditions of 55160  
public employment covered by the agreement. If the agreement 55161

provides for a final and binding arbitration of grievances, 55162  
public employers, employees, and employee organizations are 55163  
subject solely to that grievance procedure and the state 55164  
personnel board of review or civil service commissions have no 55165  
jurisdiction to receive and determine any appeals relating to 55166  
matters that were the subject of a final and binding grievance 55167  
procedure. Where no agreement exists or where an agreement makes 55168  
no specification about a matter, the public employer and public 55169  
employees are subject to all applicable state or local laws or 55170  
ordinances pertaining to the wages, hours, and terms and 55171  
conditions of employment for public employees. All of the 55172  
following prevail over conflicting provisions of agreements 55173  
between employee organizations and public employers: 55174

- (1) Laws pertaining to any of the following subjects: 55175
  - (a) Civil rights; 55176
  - (b) Affirmative action; 55177
  - (c) Unemployment compensation; 55178
  - (d) Workers' compensation; 55179
  - (e) The retirement of public employees; 55180
  - (f) Residency requirements; 55181
  - (g) The minimum educational requirements contained in the 55182  
Revised Code pertaining to public education including the 55183  
requirement of a certificate by the fiscal officer of a school 55184  
district pursuant to section 5705.41 of the Revised Code; 55185
  - (h) The provisions of division (A) of section 124.34 of 55186  
the Revised Code governing the disciplining of officers and 55187  
employees who have been convicted of a felony; 55188

(i) The minimum standards promulgated by the ~~state board-~~ 55189  
director of education and workforce pursuant to division (D) of 55190  
section 3301.07 of the Revised Code. 55191

(2) The law pertaining to the leave of absence and 55192  
compensation provided under section 5923.05 of the Revised Code, 55193  
if the terms of the agreement contain benefits which are less 55194  
than those contained in that section or the agreement contains 55195  
no such terms and the public authority is the state or any 55196  
agency, authority, commission, or board of the state or if the 55197  
public authority is another entity listed in division (B) of 55198  
section 4117.01 of the Revised Code that elects to provide leave 55199  
of absence and compensation as provided in section 5923.05 of 55200  
the Revised Code; 55201

(3) The law pertaining to the leave established under 55202  
section 5906.02 of the Revised Code, if the terms of the 55203  
agreement contain benefits that are less than those contained in 55204  
section 5906.02 of the Revised Code; 55205

(4) The law pertaining to excess benefits prohibited under 55206  
section 3345.311 of the Revised Code with respect to an 55207  
agreement between an employee organization and a public employer 55208  
entered into on or after ~~the effective date of this amendment-~~ 55209  
September 29, 2015. 55210

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 55211  
the Revised Code and arrangements entered into thereunder, and 55212  
section 4981.21 of the Revised Code as necessary to comply with 55213  
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 55214  
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 55215  
entered into thereunder, this chapter prevails over any and all 55216  
other conflicting laws, resolutions, provisions, present or 55217  
future, except as otherwise specified in this chapter or as 55218

otherwise specified by the general assembly. Nothing in this 55219  
section prohibits or shall be construed to invalidate the 55220  
provisions of an agreement establishing supplemental workers' 55221  
compensation or unemployment compensation benefits or exceeding 55222  
minimum requirements contained in the Revised Code pertaining to 55223  
public education or the minimum standards promulgated by the 55224  
~~state board~~ director of education and workforce pursuant to 55225  
division (D) of section 3301.07 of the Revised Code. 55226

(B) The public employer shall submit a request for funds 55227  
necessary to implement an agreement and for approval of any 55228  
other matter requiring the approval of the appropriate 55229  
legislative body to the legislative body within fourteen days of 55230  
the date on which the parties finalize the agreement, unless 55231  
otherwise specified, but if the appropriate legislative body is 55232  
not in session at the time, then within fourteen days after it 55233  
convenes. The legislative body must approve or reject the 55234  
submission as a whole, and the submission is deemed approved if 55235  
the legislative body fails to act within thirty days after the 55236  
public employer submits the agreement. The parties may specify 55237  
that those provisions of the agreement not requiring action by a 55238  
legislative body are effective and operative in accordance with 55239  
the terms of the agreement, provided there has been compliance 55240  
with division (C) of this section. If the legislative body 55241  
rejects the submission of the public employer, either party may 55242  
reopen all or part of the entire agreement. 55243

As used in this section, "legislative body" includes the 55244  
governing board of a municipal corporation, school district, 55245  
college or university, village, township, or board of county 55246  
commissioners or any other body that has authority to approve 55247  
the budget of their public jurisdiction and, with regard to the 55248  
state, "legislative body" means the controlling board. 55249

(C) The chief executive officer, or the chief executive officer's representative, of each municipal corporation, the designated representative of the board of education of each school district, college or university, or any other body that has authority to approve the budget of their public jurisdiction, the designated representative of the board of county commissioners and of each elected officeholder of the county whose employees are covered by the collective negotiations, and the designated representative of the village or the board of township trustees of each township is responsible for negotiations in the collective bargaining process; except that the legislative body may accept or reject a proposed collective bargaining agreement. When the matters about which there is agreement are reduced to writing and approved by the employee organization and the legislative body, the agreement is binding upon the legislative body, the employer, and the employee organization and employees covered by the agreement.

(D) There is hereby established an office of collective bargaining in the department of administrative services for the purpose of negotiating with and entering into written agreements between state agencies, departments, boards, and commissions and the exclusive representative on matters of wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. Nothing in any provision of law to the contrary shall be interpreted as excluding the bureau of workers' compensation and the industrial commission from the preceding sentence. This office shall not negotiate on behalf of other statewide elected officials or boards of trustees of state institutions of higher education who shall be considered as

separate public employers for the purposes of this chapter; 55281  
however, the office may negotiate on behalf of these officials 55282  
or trustees where authorized by the officials or trustees. The 55283  
staff of the office of collective bargaining are in the 55284  
unclassified service. The director of administrative services 55285  
shall fix the compensation of the staff. 55286

The office of collective bargaining shall: 55287

(1) Assist the director in formulating management's 55288  
philosophy for public collective bargaining as well as planning 55289  
bargaining strategies; 55290

(2) Conduct negotiations with the exclusive 55291  
representatives of each employee organization; 55292

(3) Coordinate the state's resources in all mediation, 55293  
fact-finding, and arbitration cases as well as in all labor 55294  
disputes; 55295

(4) Conduct systematic reviews of collective bargaining 55296  
agreements for the purpose of contract negotiations; 55297

(5) Coordinate the systematic compilation of data by all 55298  
agencies that is required for negotiating purposes; 55299

(6) Prepare and submit an annual report and other reports 55300  
as requested to the governor and the general assembly on the 55301  
implementation of this chapter and its impact upon state 55302  
government. 55303

**Sec. 4117.102.** The state employment relations board shall 55304  
compile a list of the school districts in the state that have 55305  
filed with the board agreements entered into with teacher 55306  
employee organizations under this chapter. The board shall 55307  
annually update the list to reflect, for each district, for the 55308

current fiscal year, the starting salary in the district for 55309  
teachers with no prior teaching experience who hold bachelors 55310  
degrees. The board shall send a copy of each annually updated 55311  
list to the ~~state board~~ department of education and workforce. 55312

**Sec. 4141.01.** As used in this chapter, unless the context 55313  
otherwise requires: 55314

(A) (1) "Employer" means the state, its instrumentalities, 55315  
its political subdivisions and their instrumentalities, Indian 55316  
tribes, and any individual or type of organization including any 55317  
partnership, limited liability company, association, trust, 55318  
estate, joint-stock company, insurance company, or corporation, 55319  
whether domestic or foreign, or the receiver, trustee in 55320  
bankruptcy, trustee, or the successor thereof, or the legal 55321  
representative of a deceased person who subsequent to December 55322  
31, 1971, or in the case of political subdivisions or their 55323  
instrumentalities, subsequent to December 31, 1973: 55324

(a) Had in employment at least one individual, or in the 55325  
case of a nonprofit organization, subsequent to December 31, 55326  
1973, had not less than four individuals in employment for some 55327  
portion of a day in each of twenty different calendar weeks, in 55328  
either the current or the preceding calendar year whether or not 55329  
the same individual was in employment in each such day; or 55330

(b) Except for a nonprofit organization, had paid for 55331  
service in employment wages of fifteen hundred dollars or more 55332  
in any calendar quarter in either the current or preceding 55333  
calendar year; or 55334

(c) Had paid, subsequent to December 31, 1977, for 55335  
employment in domestic service in a local college club, or local 55336  
chapter of a college fraternity or sorority, cash remuneration 55337

of one thousand dollars or more in any calendar quarter in the 55338  
current calendar year or the preceding calendar year, or had 55339  
paid subsequent to December 31, 1977, for employment in domestic 55340  
service in a private home cash remuneration of one thousand 55341  
dollars in any calendar quarter in the current calendar year or 55342  
the preceding calendar year: 55343

(i) For the purposes of divisions (A)(1)(a) and (b) of 55344  
this section, there shall not be taken into account any wages 55345  
paid to, or employment of, an individual performing domestic 55346  
service as described in this division. 55347

(ii) An employer under this division shall not be an 55348  
employer with respect to wages paid for any services other than 55349  
domestic service unless the employer is also found to be an 55350  
employer under division (A)(1)(a), (b), or (d) of this section. 55351

(d) As a farm operator or a crew leader subsequent to 55352  
December 31, 1977, had in employment individuals in agricultural 55353  
labor; and 55354

(i) During any calendar quarter in the current calendar 55355  
year or the preceding calendar year, paid cash remuneration of 55356  
twenty thousand dollars or more for the agricultural labor; or 55357

(ii) Had at least ten individuals in employment in 55358  
agricultural labor, not including agricultural workers who are 55359  
aliens admitted to the United States to perform agricultural 55360  
labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the 55361  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 55362  
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in 55363  
each of the twenty different calendar weeks, in either the 55364  
current or preceding calendar year whether or not the same 55365  
individual was in employment in each day; or 55366

(e) Is not otherwise an employer as defined under division	55367
(A) (1) (a) or (b) of this section; and	55368
(i) For which, within either the current or preceding	55369
calendar year, service, except for domestic service in a private	55370
home not covered under division (A) (1) (c) of this section, is or	55371
was performed with respect to which such employer is liable for	55372
any federal tax against which credit may be taken for	55373
contributions required to be paid into a state unemployment	55374
fund;	55375
(ii) Which, as a condition for approval of this chapter	55376
for full tax credit against the tax imposed by the "Federal	55377
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311,	55378
is required, pursuant to such act to be an employer under this	55379
chapter; or	55380
(iii) Who became an employer by election under division	55381
(A) (4) or (5) of this section and for the duration of such	55382
election; or	55383
(f) In the case of the state, its instrumentalities, its	55384
political subdivisions, and their instrumentalities, and Indian	55385
tribes, had in employment, as defined in divisions (B) (2) (a) and	55386
(B) (2) (1) of this section, at least one individual;	55387
(g) For the purposes of division (A) (1) (a) of this	55388
section, if any week includes both the thirty-first day of	55389
December and the first day of January, the days of that week	55390
before the first day of January shall be considered one calendar	55391
week and the days beginning the first day of January another	55392
week.	55393
(2) Each individual employed to perform or to assist in	55394
performing the work of any agent or employee of an employer is	55395

employed by such employer for all the purposes of this chapter, 55396  
whether such individual was hired or paid directly by such 55397  
employer or by such agent or employee, provided the employer had 55398  
actual or constructive knowledge of the work. All individuals 55399  
performing services for an employer of any person in this state 55400  
who maintains two or more establishments within this state are 55401  
employed by a single employer for the purposes of this chapter. 55402

(3) An employer subject to this chapter within any 55403  
calendar year is subject to this chapter during the whole of 55404  
such year and during the next succeeding calendar year. 55405

(4) An employer not otherwise subject to this chapter who 55406  
files with the director of job and family services a written 55407  
election to become an employer subject to this chapter for not 55408  
less than two calendar years shall, with the written approval of 55409  
such election by the director, become an employer subject to 55410  
this chapter to the same extent as all other employers as of the 55411  
date stated in such approval, and shall cease to be subject to 55412  
this chapter as of the first day of January of any calendar year 55413  
subsequent to such two calendar years only if at least thirty 55414  
days prior to such first day of January the employer has filed 55415  
with the director a written notice to that effect. 55416

(5) Any employer for whom services that do not constitute 55417  
employment are performed may file with the director a written 55418  
election that all such services performed by individuals in the 55419  
employer's employ in one or more distinct establishments or 55420  
places of business shall be deemed to constitute employment for 55421  
all the purposes of this chapter, for not less than two calendar 55422  
years. Upon written approval of the election by the director, 55423  
such services shall be deemed to constitute employment subject 55424  
to this chapter from and after the date stated in such approval. 55425

Such services shall cease to be employment subject to this 55426  
chapter as of the first day of January of any calendar year 55427  
subsequent to such two calendar years only if at least thirty 55428  
days prior to such first day of January such employer has filed 55429  
with the director a written notice to that effect. 55430

(6) "Employer" does not include a franchisor with respect 55431  
to the franchisor's relationship with a franchisee or an 55432  
employee of a franchisee, unless the franchisor agrees to assume 55433  
that role in writing or a court of competent jurisdiction 55434  
determines that the franchisor exercises a type or degree of 55435  
control over the franchisee or the franchisee's employees that 55436  
is not customarily exercised by a franchisor for the purpose of 55437  
protecting the franchisor's trademark, brand, or both. For 55438  
purposes of this division, "franchisor" and "franchisee" have 55439  
the same meanings as in 16 C.F.R. 436.1. 55440

(B) (1) "Employment" means service performed by an 55441  
individual for remuneration under any contract of hire, written 55442  
or oral, express or implied, including service performed in 55443  
interstate commerce and service performed by an officer of a 55444  
corporation, without regard to whether such service is 55445  
executive, managerial, or manual in nature, and without regard 55446  
to whether such officer is a stockholder or a member of the 55447  
board of directors of the corporation, unless it is shown to the 55448  
satisfaction of the director that such individual has been and 55449  
will continue to be free from direction or control over the 55450  
performance of such service, both under a contract of service 55451  
and in fact. The director shall adopt rules to define "direction 55452  
or control." 55453

(2) "Employment" includes: 55454

(a) Service performed after December 31, 1977, by an 55455

individual in the employ of the state or any of its 55456  
instrumentalities, or any political subdivision thereof or any 55457  
of its instrumentalities or any instrumentality of more than one 55458  
of the foregoing or any instrumentality of any of the foregoing 55459  
and one or more other states or political subdivisions and 55460  
without regard to divisions (A) (1) (a) and (b) of this section, 55461  
provided that such service is excluded from employment as 55462  
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 55463  
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 55464  
(3) of this section; or the services of employees covered by 55465  
voluntary election, as provided under divisions (A) (4) and (5) 55466  
of this section; 55467

(b) Service performed after December 31, 1971, by an 55468  
individual in the employ of a religious, charitable, 55469  
educational, or other organization which is excluded from the 55470  
term "employment" as defined in the "Federal Unemployment Tax 55471  
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 55472  
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 55473  
excluded under division (B) (3) of this section; 55474

(c) Domestic service performed after December 31, 1977, 55475  
for an employer, as provided in division (A) (1) (c) of this 55476  
section; 55477

(d) Agricultural labor performed after December 31, 1977, 55478  
for a farm operator or a crew leader, as provided in division 55479  
(A) (1) (d) of this section; 55480

(e) Subject to division (B) (2) (m) of this section, service 55481  
not covered under division (B) (1) of this section which is 55482  
performed after December 31, 1971: 55483

(i) As an agent-driver or commission-driver engaged in 55484

distributing meat products, vegetable products, fruit products, 55485  
bakery products, beverages other than milk, laundry, or dry- 55486  
cleaning services, for the individual's employer or principal; 55487

(ii) As a traveling or city salesperson, other than as an 55488  
agent-driver or commission-driver, engaged on a full-time basis 55489  
in the solicitation on behalf of and in the transmission to the 55490  
salesperson's employer or principal except for sideline sales 55491  
activities on behalf of some other person of orders from 55492  
wholesalers, retailers, contractors, or operators of hotels, 55493  
restaurants, or other similar establishments for merchandise for 55494  
resale, or supplies for use in their business operations, 55495  
provided that for the purposes of division (B) (2) (e) (ii) of this 55496  
section, the services shall be deemed employment if the contract 55497  
of service contemplates that substantially all of the services 55498  
are to be performed personally by the individual and that the 55499  
individual does not have a substantial investment in facilities 55500  
used in connection with the performance of the services other 55501  
than in facilities for transportation, and the services are not 55502  
in the nature of a single transaction that is not a part of a 55503  
continuing relationship with the person for whom the services 55504  
are performed. 55505

(f) An individual's entire service performed within or 55506  
both within and without the state if: 55507

(i) The service is localized in this state. 55508

(ii) The service is not localized in any state, but some 55509  
of the service is performed in this state and either the base of 55510  
operations, or if there is no base of operations then the place 55511  
from which such service is directed or controlled, is in this 55512  
state or the base of operations or place from which such service 55513  
is directed or controlled is not in any state in which some part 55514

of the service is performed but the individual's residence is in 55515  
this state. 55516

(g) Service not covered under division (B) (2) (f) (ii) of 55517  
this section and performed entirely without this state, with 55518  
respect to no part of which contributions are required and paid 55519  
under an unemployment compensation law of any other state, the 55520  
Virgin Islands, Canada, or of the United States, if the 55521  
individual performing such service is a resident of this state 55522  
and the director approves the election of the employer for whom 55523  
such services are performed; or, if the individual is not a 55524  
resident of this state but the place from which the service is 55525  
directed or controlled is in this state, the entire services of 55526  
such individual shall be deemed to be employment subject to this 55527  
chapter, provided service is deemed to be localized within this 55528  
state if the service is performed entirely within this state or 55529  
if the service is performed both within and without this state 55530  
but the service performed without this state is incidental to 55531  
the individual's service within the state, for example, is 55532  
temporary or transitory in nature or consists of isolated 55533  
transactions; 55534

(h) Service of an individual who is a citizen of the 55535  
United States, performed outside the United States except in 55536  
Canada after December 31, 1971, or the Virgin Islands, after 55537  
December 31, 1971, and before the first day of January of the 55538  
year following that in which the United States secretary of 55539  
labor approves the Virgin Islands law for the first time, in the 55540  
employ of an American employer, other than service which is 55541  
"employment" under divisions (B) (2) (f) and (g) of this section 55542  
or similar provisions of another state's law, if: 55543

(i) The employer's principal place of business in the 55544

United States is located in this state; 55545

(ii) The employer has no place of business in the United 55546  
States, but the employer is an individual who is a resident of 55547  
this state; or the employer is a corporation which is organized 55548  
under the laws of this state, or the employer is a partnership 55549  
or a trust and the number of partners or trustees who are 55550  
residents of this state is greater than the number who are 55551  
residents of any other state; or 55552

(iii) None of the criteria of divisions (B) (2) (f) (i) and 55553  
(ii) of this section is met but the employer has elected 55554  
coverage in this state or the employer having failed to elect 55555  
coverage in any state, the individual has filed a claim for 55556  
benefits, based on such service, under this chapter. 55557

(i) For the purposes of division (B) (2) (h) of this 55558  
section, the term "American employer" means an employer who is 55559  
an individual who is a resident of the United States; or a 55560  
partnership, if two-thirds or more of the partners are residents 55561  
of the United States; or a trust, if all of the trustees are 55562  
residents of the United States; or a corporation organized under 55563  
the laws of the United States or of any state, provided the term 55564  
"United States" includes the states, the District of Columbia, 55565  
the Commonwealth of Puerto Rico, and the Virgin Islands. 55566

(j) Notwithstanding any other provisions of divisions (B) 55567  
(1) and (2) of this section, service, except for domestic 55568  
service in a private home not covered under division (A) (1) (c) 55569  
of this section, with respect to which a tax is required to be 55570  
paid under any federal law imposing a tax against which credit 55571  
may be taken for contributions required to be paid into a state 55572  
unemployment fund, or service, except for domestic service in a 55573  
private home not covered under division (A) (1) (c) of this 55574

section, which, as a condition for full tax credit against the 55575  
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 55576  
26 U.S.C.A. 3301 to 3311, is required to be covered under this 55577  
chapter. 55578

(k) Construction services performed by any individual 55579  
under a construction contract, as defined in section 4141.39 of 55580  
the Revised Code, if the director determines that the employer 55581  
for whom services are performed has the right to direct or 55582  
control the performance of the services and that the individuals 55583  
who perform the services receive remuneration for the services 55584  
performed. The director shall presume that the employer for whom 55585  
services are performed has the right to direct or control the 55586  
performance of the services if ten or more of the following 55587  
criteria apply: 55588

(i) The employer directs or controls the manner or method 55589  
by which instructions are given to the individual performing 55590  
services; 55591

(ii) The employer requires particular training for the 55592  
individual performing services; 55593

(iii) Services performed by the individual are integrated 55594  
into the regular functioning of the employer; 55595

(iv) The employer requires that services be provided by a 55596  
particular individual; 55597

(v) The employer hires, supervises, or pays the wages of 55598  
the individual performing services; 55599

(vi) A continuing relationship between the employer and 55600  
the individual performing services exists which contemplates 55601  
continuing or recurring work, even if not full-time work; 55602

(vii) The employer requires the individual to perform services during established hours;	55603 55604
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	55605 55606 55607
(ix) The employer requires the individual to perform services on the employer's premises;	55608 55609
(x) The employer requires the individual performing services to follow the order of work established by the employer;	55610 55611 55612
(xi) The employer requires the individual performing services to make oral or written reports of progress;	55613 55614
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	55615 55616
(xiii) The employer pays expenses for the individual performing services;	55617 55618
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	55619 55620
(xv) The individual performing services has not invested in the facilities used to perform services;	55621 55622
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	55623 55624 55625
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	55626 55627
(xviii) The individual performing services does not make the services available to the general public;	55628 55629

- (xix) The employer has a right to discharge the individual performing services; 55630  
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- (xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement. 55632  
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- (l) 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 under division (B) (3) of this section. 55636  
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- (m) Service performed by an individual for or on behalf of a motor carrier transporting property as an operator of a vehicle or vessel, unless all of the following factors apply to the individual and the motor carrier has not elected to consider the individual's service as employment: 55645  
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- (i) The individual owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For purposes of this division, a bona fide lease agreement does not include an agreement between the individual and the motor carrier transporting property for which, or on whose behalf, the individual provides services. 55650  
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- (ii) The individual is responsible for supplying the 55658

necessary personal services to operate the vehicle or vessel 55659  
used to provide the service. 55660

(iii) The compensation paid to the individual is based on 55661  
factors related to work performed, including on a mileage-based 55662  
rate or a percentage of any schedule of rates, and not solely on 55663  
the basis of the hours or time expended. 55664

(iv) The individual substantially controls the means and 55665  
manner of performing the services, in conformance with 55666  
regulatory requirements and specifications of the shipper. 55667

(v) The individual enters into a written contract with the 55668  
carrier for whom the individual is performing the services that 55669  
describes the relationship between the individual and the 55670  
carrier to be that of an independent contractor and not that of 55671  
an employee. 55672

(vi) The individual is responsible for substantially all 55673  
of the principal operating costs of the vehicle or vessel and 55674  
equipment used to provide the services, including maintenance, 55675  
fuel, repairs, supplies, vehicle or vessel insurance, and 55676  
personal expenses, except that the individual may be paid by the 55677  
carrier the carrier's fuel surcharge and incidental costs, 55678  
including tolls, permits, and lumper fees. 55679

(vii) The individual is responsible for any economic loss 55680  
or economic gain from the arrangement with the carrier. 55681

(viii) The individual is not performing services described 55682  
in 26 U.S.C. 3306(c) (7) or (8). 55683

(3) "Employment" does not include the following services 55684  
if they are found not subject to the "Federal Unemployment Tax 55685  
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 55686  
services are not required to be included under division (B) (2) 55687

(j) of this section:	55688
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A) (1) (d) of this section;	55689 55690 55691
(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;	55692 55693 55694 55695
(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:	55696 55697 55698
(i) As a publicly elected official;	55699
(ii) As a member of a legislative body, or a member of the judiciary;	55700 55701
(iii) As a military member of the Ohio national guard;	55702
(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;	55703 55704 55705 55706
(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.	55707 55708 55709 55710 55711 55712
(d) In the employ of any governmental unit or instrumentality of the United States;	55713 55714

(e) Service performed after December 31, 1971:	55715
(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	55716 55717 55718 55719 55720 55721
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers.	55722 55723 55724 55725 55726 55727 55728 55729 55730 55731 55732
(f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother;	55733 55734 55735 55736
(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:	55737 55738 55739 55740 55741 55742 55743 55744

(i) By an individual for an employer as an insurance agent	55745
or as an insurance solicitor, if all this service is performed	55746
for remuneration solely by way of commission;	55747
(ii) As a home worker performing work, according to	55748
specifications furnished by the employer for whom the services	55749
are performed, on materials or goods furnished by such employer	55750
which are required to be returned to the employer or to a person	55751
designated for that purpose.	55752
(h) Service performed after December 31, 1971:	55753
(i) In the employ of a church or convention or association	55754
of churches, or in an organization which is operated primarily	55755
for religious purposes and which is operated, supervised,	55756
controlled, or principally supported by a church or convention	55757
or association of churches;	55758
(ii) By a duly ordained, commissioned, or licensed	55759
minister of a church in the exercise of the individual's	55760
ministry or by a member of a religious order in the exercise of	55761
duties required by such order; or	55762
(iii) In a facility conducted for the purpose of carrying	55763
out a program of rehabilitation for individuals whose earning	55764
capacity is impaired by age or physical or mental disability or	55765
injury, or providing remunerative work for individuals who	55766
because of their impaired physical or mental capacity cannot be	55767
readily absorbed in the competitive labor market, by an	55768
individual receiving such rehabilitation or remunerative work.	55769
(i) Service performed after June 30, 1939, with respect to	55770
which unemployment compensation is payable under the "Railroad	55771
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C.	55772
351;	55773

(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 labor;

(l) Service performed in the employ of a voluntary employees' beneficial association providing for the payment of life, sickness, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if admission to a membership in such association is limited to individuals who are officers or employees of a municipal or public corporation, of a political subdivision of the state, or of the United States and no part of the net earnings of such association inures, other than through such payments, to the benefit of any private shareholder or individual;

(m) Service performed by an individual in the employ of a foreign government, including service as a consular or other

officer or employee or of a nondiplomatic representative; 55804

(n) Service performed in the employ of an instrumentality 55805  
wholly owned by a foreign government if the service is of a 55806  
character similar to that performed in foreign countries by 55807  
employees of the United States or of an instrumentality thereof 55808  
and if the director finds that the secretary of state of the 55809  
United States has certified to the secretary of the treasury of 55810  
the United States that the foreign government, with respect to 55811  
whose instrumentality exemption is claimed, grants an equivalent 55812  
exemption with respect to similar service performed in the 55813  
foreign country by employees of the United States and of 55814  
instrumentalities thereof; 55815

(o) Service with respect to which unemployment 55816  
compensation is payable under an unemployment compensation 55817  
system established by an act of congress; 55818

(p) Service performed as a student nurse in the employ of 55819  
a hospital or a nurses' training school by an individual who is 55820  
enrolled and is regularly attending classes in a nurses' 55821  
training school chartered or approved pursuant to state law, and 55822  
service performed as an intern in the employ of a hospital by an 55823  
individual who has completed a four years' course in a medical 55824  
school chartered or approved pursuant to state law; 55825

(q) Service performed by an individual under the age of 55826  
eighteen in the delivery or distribution of newspapers or 55827  
shopping news, not including delivery or distribution to any 55828  
point for subsequent delivery or distribution; 55829

(r) Service performed in the employ of the United States 55830  
or an instrumentality of the United States immune under the 55831  
Constitution of the United States from the contributions imposed 55832

by this chapter, except that to the extent that congress permits 55833  
states to require any instrumentalities of the United States to 55834  
make payments into an unemployment fund under a state 55835  
unemployment compensation act, this chapter shall be applicable 55836  
to such instrumentalities and to services performed for such 55837  
instrumentalities in the same manner, to the same extent, and on 55838  
the same terms as to all other employers, individuals, and 55839  
services, provided that if this state is not certified for any 55840  
year by the proper agency of the United States under section 55841  
3304 of the "Internal Revenue Code of 1954," the payments 55842  
required of such instrumentalities with respect to such year 55843  
shall be refunded by the director from the fund in the same 55844  
manner and within the same period as is provided in division (E) 55845  
of section 4141.09 of the Revised Code with respect to 55846  
contributions erroneously collected; 55847

(s) Service performed by an individual as a member of a 55848  
band or orchestra, provided such service does not represent the 55849  
principal occupation of such individual, and which service is 55850  
not subject to or required to be covered for full tax credit 55851  
against the tax imposed by the "Federal Unemployment Tax Act," 55852  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 55853

(t) Service performed in the employ of a day camp whose 55854  
camping season does not exceed twelve weeks in any calendar 55855  
year, and which service is not subject to the "Federal 55856  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 55857  
3311. Service performed after December 31, 1971: 55858

(i) In the employ of a hospital, if the service is 55859  
performed by a patient of the hospital, as defined in division 55860  
(W) of this section; 55861

(ii) For a prison or other correctional institution by an 55862

inmate of the prison or correctional institution; 55863

(iii) Service performed after December 31, 1977, by an 55864  
inmate of a custodial institution operated by the state, a 55865  
political subdivision, or a nonprofit organization. 55866

(u) Service that is performed by a nonresident alien 55867  
individual for the period the individual temporarily is present 55868  
in the United States as a nonimmigrant under division (F), (J), 55869  
(M), or (Q) of section 101(a)(15) of the "Immigration and 55870  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 55871  
that is excluded under section 3306(c)(19) of the "Federal 55872  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 55873  
3311. 55874

(v) Notwithstanding any other provisions of division (B) 55875  
(3) of this section, services that are excluded under divisions 55876  
(B)(3)(g), (j), (k), and (l) of this section shall not be 55877  
excluded from employment when performed for a nonprofit 55878  
organization, as defined in division (X) of this section, or for 55879  
this state or its instrumentalities, or for a political 55880  
subdivision or its instrumentalities or for Indian tribes; 55881

(w) Service that is performed by an individual working as 55882  
an election official or election worker if the amount of 55883  
remuneration received by the individual during the calendar year 55884  
for services as an election official or election worker is less 55885  
than one thousand dollars; 55886

(x) Service performed for an elementary or secondary 55887  
school that is operated primarily for religious purposes, that 55888  
is described in subsection 501(c)(3) and exempt from federal 55889  
income taxation under subsection 501(a) of the Internal Revenue 55890  
Code, 26 U.S.C.A. 501; 55891

(y) Service performed by a person committed to a penal institution.	55892 55893
(z) Service performed for an Indian tribe as described in division (B) (2) (1) of this section when performed in any of the following manners:	55894 55895 55896
(i) As a publicly elected official;	55897
(ii) As a member of an Indian tribal council;	55898
(iii) As a member of a legislative or judiciary body;	55899
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	55900 55901 55902 55903 55904
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	55905 55906 55907
(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.	55908 55909 55910 55911 55912 55913 55914 55915
(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.	55916 55917
(4) If the services performed during one half or more of any pay period by an employee for the person employing that	55918 55919

employee constitute employment, all the services of such 55920  
employee for such period shall be deemed to be employment; but 55921  
if the services performed during more than one half of any such 55922  
pay period by an employee for the person employing that employee 55923  
do not constitute employment, then none of the services of such 55924  
employee for such period shall be deemed to be employment. As 55925  
used in division (B) (4) of this section, "pay period" means a 55926  
period, of not more than thirty-one consecutive days, for which 55927  
payment of remuneration is ordinarily made to the employee by 55928  
the person employing that employee. Division (B) (4) of this 55929  
section does not apply to services performed in a pay period by 55930  
an employee for the person employing that employee, if any of 55931  
such service is excepted by division (B) (3) (o) of this section. 55932

(C) "Benefits" means money payments payable to an 55933  
individual who has established benefit rights, as provided in 55934  
this chapter, for loss of remuneration due to the individual's 55935  
unemployment. 55936

(D) "Benefit rights" means the weekly benefit amount and 55937  
the maximum benefit amount that may become payable to an 55938  
individual within the individual's benefit year as determined by 55939  
the director. 55940

(E) "Claim for benefits" means a claim for waiting period 55941  
or benefits for a designated week. 55942

(F) "Additional claim" means the first claim for benefits 55943  
filed following any separation from employment during a benefit 55944  
year; "continued claim" means any claim other than the first 55945  
claim for benefits and other than an additional claim. 55946

(G) "Wages" means remuneration paid to an employee by each 55947  
of the employee's employers with respect to employment; except 55948

that wages shall not include that part of remuneration paid 55949  
during any calendar year to an individual by an employer or such 55950  
employer's predecessor in interest in the same business or 55951  
enterprise, which in any calendar year is in excess of nine 55952  
thousand dollars on and after January 1, 1995; nine thousand 55953  
five hundred dollars on and after January 1, 2018; and nine 55954  
thousand dollars on and after January 1, 2020. Remuneration in 55955  
excess of such amounts shall be deemed wages subject to 55956  
contribution to the same extent that such remuneration is 55957  
defined as wages under the "Federal Unemployment Tax Act," 84 55958  
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 55959  
remuneration paid an employee by an employer with respect to 55960  
employment in another state, upon which contributions were 55961  
required and paid by such employer under the unemployment 55962  
compensation act of such other state, shall be included as a 55963  
part of remuneration in computing the amount specified in this 55964  
division. 55965

(H) (1) "Remuneration" means all compensation for personal 55966  
services, including commissions and bonuses and the cash value 55967  
of all compensation in any medium other than cash, except that 55968  
in the case of agricultural or domestic service, "remuneration" 55969  
includes only cash remuneration. Gratuities customarily received 55970  
by an individual in the course of the individual's employment 55971  
from persons other than the individual's employer and which are 55972  
accounted for by such individual to the individual's employer 55973  
are taxable wages. 55974

The reasonable cash value of compensation paid in any 55975  
medium other than cash shall be estimated and determined in 55976  
accordance with rules prescribed by the director, provided that 55977  
"remuneration" does not include: 55978

(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;	55979 55980 55981
(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.	55982 55983 55984 55985 55986
(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.	55987 55988 55989
(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.	55990 55991 55992 55993
(J) "Annual payroll" means the total amount of wages subject to contributions during a twelve-month period ending with the last day of the second calendar quarter of any calendar year.	55994 55995 55996 55997
(K) "Average annual payroll" means the average of the last three annual payrolls of an employer, provided that if, as of any computation date, the employer has had less than three annual payrolls in such three-year period, such average shall be based on the annual payrolls which the employer has had as of such date.	55998 55999 56000 56001 56002 56003
(L) (1) "Contributions" means the money payments to the state unemployment compensation fund required of employers by section 4141.25 of the Revised Code and of the state and any of its political subdivisions electing to pay contributions under	56004 56005 56006 56007

section 4141.242 of the Revised Code. Employers paying 56008  
contributions shall be described as "contributory employers." 56009

(2) "Payments in lieu of contributions" means the money 56010  
payments to the state unemployment compensation fund required of 56011  
reimbursing employers under sections 4141.241 and 4141.242 of 56012  
the Revised Code. 56013

(M) An individual is "totally unemployed" in any week 56014  
during which the individual performs no services and with 56015  
respect to such week no remuneration is payable to the 56016  
individual. 56017

(N) An individual is "partially unemployed" in any week 56018  
if, due to involuntary loss of work, the total remuneration 56019  
payable to the individual for such week is less than the 56020  
individual's weekly benefit amount. 56021

(O) "Week" means the calendar week ending at midnight 56022  
Saturday unless an equivalent week of seven consecutive calendar 56023  
days is prescribed by the director. 56024

(1) "Qualifying week" means any calendar week in an 56025  
individual's base period with respect to which the individual 56026  
earns or is paid remuneration in employment subject to this 56027  
chapter. A calendar week with respect to which an individual 56028  
earns remuneration but for which payment was not made within the 56029  
base period, when necessary to qualify for benefit rights, may 56030  
be considered to be a qualifying week. The number of qualifying 56031  
weeks which may be established in a calendar quarter shall not 56032  
exceed the number of calendar weeks in the quarter. 56033

(2) "Average weekly wage" means the amount obtained by 56034  
dividing an individual's total remuneration for all qualifying 56035  
weeks during the base period by the number of such qualifying 56036

weeks, provided that if the computation results in an amount 56037  
that is not a multiple of one dollar, such amount shall be 56038  
rounded to the next lower multiple of one dollar. 56039

(P) "Weekly benefit amount" means the amount of benefits 56040  
an individual would be entitled to receive for one week of total 56041  
unemployment. 56042

(Q) (1) "Base period" means the first four of the last five 56043  
completed calendar quarters immediately preceding the first day 56044  
of an individual's benefit year, except as provided in division 56045  
(Q) (2) of this section. 56046

(2) If an individual does not have sufficient qualifying 56047  
weeks and wages in the base period to qualify for benefit 56048  
rights, the individual's base period shall be the four most 56049  
recently completed calendar quarters preceding the first day of 56050  
the individual's benefit year. Such base period shall be known 56051  
as the "alternate base period." If information as to weeks and 56052  
wages for the most recent quarter of the alternate base period 56053  
is not available to the director from the regular quarterly 56054  
reports of wage information, which are systematically 56055  
accessible, the director may, consistent with the provisions of 56056  
section 4141.28 of the Revised Code, base the determination of 56057  
eligibility for benefits on the affidavit of the claimant with 56058  
respect to weeks and wages for that calendar quarter. The 56059  
claimant shall furnish payroll documentation, where available, 56060  
in support of the affidavit. The determination based upon the 56061  
alternate base period as it relates to the claimant's benefit 56062  
rights, shall be amended when the quarterly report of wage 56063  
information from the employer is timely received and that 56064  
information causes a change in the determination. As provided in 56065  
division (B) of section 4141.28 of the Revised Code, any 56066

benefits paid and charged to an employer's account, based upon a 56067  
claimant's affidavit, shall be adjusted effective as of the 56068  
beginning of the claimant's benefit year. No calendar quarter in 56069  
a base period or alternate base period shall be used to 56070  
establish a subsequent benefit year. 56071

(3) The "base period" of a combined wage claim, as 56072  
described in division (H) of section 4141.43 of the Revised 56073  
Code, shall be the base period prescribed by the law of the 56074  
state in which the claim is allowed. 56075

(4) For purposes of determining the weeks that comprise a 56076  
completed calendar quarter under this division, only those weeks 56077  
ending at midnight Saturday within the calendar quarter shall be 56078  
utilized. 56079

(R)(1) "Benefit year" with respect to an individual means 56080  
the fifty-two week period beginning with the first day of that 56081  
week with respect to which the individual first files a valid 56082  
application for determination of benefit rights, and thereafter 56083  
the fifty-two week period beginning with the first day of that 56084  
week with respect to which the individual next files a valid 56085  
application for determination of benefit rights after the 56086  
termination of the individual's last preceding benefit year, 56087  
except that the application shall not be considered valid unless 56088  
the individual has had employment in six weeks that is subject 56089  
to this chapter or the unemployment compensation act of another 56090  
state, or the United States, and has, since the beginning of the 56091  
individual's previous benefit year, in the employment earned 56092  
three times the average weekly wage determined for the previous 56093  
benefit year. The "benefit year" of a combined wage claim, as 56094  
described in division (H) of section 4141.43 of the Revised 56095  
Code, shall be the benefit year prescribed by the law of the 56096

state in which the claim is allowed. Any application for 56097  
determination of benefit rights made in accordance with section 56098  
4141.28 of the Revised Code is valid if the individual filing 56099  
such application is unemployed, has been employed by an employer 56100  
or employers subject to this chapter in at least twenty 56101  
qualifying weeks within the individual's base period, and has 56102  
earned or been paid remuneration at an average weekly wage of 56103  
not less than twenty-seven and one-half per cent of the 56104  
statewide average weekly wage for such weeks. For purposes of 56105  
determining whether an individual has had sufficient employment 56106  
since the beginning of the individual's previous benefit year to 56107  
file a valid application, "employment" means the performance of 56108  
services for which remuneration is payable. 56109

(2) Effective for benefit years beginning on and after 56110  
December 26, 2004, but before July 1, 2022, any application for 56111  
determination of benefit rights made in accordance with section 56112  
4141.28 of the Revised Code is valid if the individual satisfies 56113  
the criteria described in division (R) (1) of this section, and 56114  
if the reason for the individual's separation from employment is 56115  
not disqualifying pursuant to division (D) (2) of section 4141.29 56116  
or section 4141.291 of the Revised Code. A disqualification 56117  
imposed pursuant to division (D) (2) of section 4141.29 or 56118  
section 4141.291 of the Revised Code must be removed as provided 56119  
in those sections as a requirement of establishing a valid 56120  
application for benefit years beginning on and after December 56121  
26, 2004, but before July 1, 2022. Effective for benefit years 56122  
beginning on and after July 1, 2022, any application for 56123  
determination of benefit rights made in accordance with section 56124  
4141.28 of the Revised Code is valid if the individual satisfies 56125  
the criteria described in division (R) (1) of this section. A 56126  
disqualification imposed pursuant to division (D) (2) of section 56127

4141.29 or section 4141.291 of the Revised Code does not affect 56128  
the validity of an application. 56129

(3) The statewide average weekly wage shall be calculated 56130  
by the director once a year based on the twelve-month period 56131  
ending the thirtieth day of June, as set forth in division (B) 56132  
(3) of section 4141.30 of the Revised Code, rounded down to the 56133  
nearest dollar. Increases or decreases in the amount of 56134  
remuneration required to have been earned or paid in order for 56135  
individuals to have filed valid applications shall become 56136  
effective on Sunday of the calendar week in which the first day 56137  
of January occurs that follows the twelve-month period ending 56138  
the thirtieth day of June upon which the calculation of the 56139  
statewide average weekly wage was based. 56140

(4) As used in this division, an individual is 56141  
"unemployed" if, with respect to the calendar week in which such 56142  
application is filed, the individual is "partially unemployed" 56143  
or "totally unemployed" as defined in this section or if, prior 56144  
to filing the application, the individual was separated from the 56145  
individual's most recent work for any reason which terminated 56146  
the individual's employee-employer relationship, or was laid off 56147  
indefinitely or for a definite period of seven or more days. 56148

(S) "Calendar quarter" means the period of three 56149  
consecutive calendar months ending on the thirty-first day of 56150  
March, the thirtieth day of June, the thirtieth day of 56151  
September, and the thirty-first day of December, or the 56152  
equivalent thereof as the director prescribes by rule. 56153

(T) "Computation date" means the first day of the third 56154  
calendar quarter of any calendar year. 56155

(U) "Contribution period" means the calendar year 56156

beginning on the first day of January of any year. 56157

(V) "Agricultural labor," for the purpose of this 56158  
division, means any service performed prior to January 1, 1972, 56159  
which was agricultural labor as defined in this division prior 56160  
to that date, and service performed after December 31, 1971: 56161

(1) On a farm, in the employ of any person, in connection 56162  
with cultivating the soil, or in connection with raising or 56163  
harvesting any agricultural or horticultural commodity, 56164  
including the raising, shearing, feeding, caring for, training, 56165  
and management of livestock, bees, poultry, and fur-bearing 56166  
animals and wildlife; 56167

(2) In the employ of the owner or tenant or other operator 56168  
of a farm in connection with the operation, management, 56169  
conservation, improvement, or maintenance of such farm and its 56170  
tools and equipment, or in salvaging timber or clearing land of 56171  
brush and other debris left by hurricane, if the major part of 56172  
such service is performed on a farm; 56173

(3) In connection with the production or harvesting of any 56174  
commodity defined as an agricultural commodity in section 15 (g) 56175  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 56176  
U.S.C. 1141j, as amended, or in connection with the ginning of 56177  
cotton, or in connection with the operation or maintenance of 56178  
ditches, canals, reservoirs, or waterways, not owned or operated 56179  
for profit, used exclusively for supplying and storing water for 56180  
farming purposes; 56181

(4) In the employ of the operator of a farm in handling, 56182  
planting, drying, packing, packaging, processing, freezing, 56183  
grading, storing, or delivering to storage or to market or to a 56184  
carrier for transportation to market, in its unmanufactured 56185

state, any agricultural or horticultural commodity, but only if 56186  
the operator produced more than one half of the commodity with 56187  
respect to which such service is performed; 56188

(5) In the employ of a group of operators of farms, or a 56189  
cooperative organization of which the operators are members, in 56190  
the performance of service described in division (V) (4) of this 56191  
section, but only if the operators produced more than one-half 56192  
of the commodity with respect to which the service is performed; 56193

(6) Divisions (V) (4) and (5) of this section shall not be 56194  
deemed to be applicable with respect to service performed: 56195

(a) In connection with commercial canning or commercial 56196  
freezing or in connection with any agricultural or horticultural 56197  
commodity after its delivery to a terminal market for 56198  
distribution for consumption; or 56199

(b) On a farm operated for profit if the service is not in 56200  
the course of the employer's trade or business. 56201

As used in division (V) of this section, "farm" includes 56202  
stock, dairy, poultry, fruit, fur-bearing animal, and truck 56203  
farms, plantations, ranches, nurseries, ranges, greenhouses, or 56204  
other similar structures used primarily for the raising of 56205  
agricultural or horticultural commodities and orchards. 56206

(W) "Hospital" means an institution which has been 56207  
registered or licensed by the Ohio department of health as a 56208  
hospital. 56209

(X) "Nonprofit organization" means an organization, or 56210  
group of organizations, described in section 501(c) (3) of the 56211  
"Internal Revenue Code of 1954," and exempt from income tax 56212  
under section 501(a) of that code. 56213

(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;

(2) Is legally authorized in this state or by the Indian tribe to provide a program of education beyond high school; and

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

For the purposes of this division, all colleges and universities in this state are institutions of higher education.

(Z) For the purposes of this chapter, "states" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(AA) "Alien" means, for the purposes of division (A) (1) (d) of this section, an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.

(BB) (1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and:

(a) Pays, either on the individual's own behalf or on

behalf of the other employer or farm operator, the individuals 56242  
so furnished by the individual for the service in agricultural 56243  
labor performed by them; 56244

(b) Has not entered into a written agreement with the 56245  
other employer or farm operator under which the agricultural 56246  
worker is designated as in the employ of the other employer or 56247  
farm operator. 56248

(2) For the purposes of this chapter, any individual who 56249  
is a member of a crew furnished by a crew leader to perform 56250  
service in agricultural labor for any other employer or farm 56251  
operator shall be treated as an employee of the crew leader if: 56252

(a) The crew leader holds a valid certificate of 56253  
registration under the "Farm Labor Contractor Registration Act 56254  
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 56255

(b) Substantially all the members of the crew operate or 56256  
maintain tractors, mechanized harvesting or crop-dusting 56257  
equipment, or any other mechanized equipment, which is provided 56258  
by the crew leader; and 56259

(c) If the individual is not in the employment of the 56260  
other employer or farm operator within the meaning of division 56261  
(B) (1) of this section. 56262

(3) For the purposes of this division, any individual who 56263  
is furnished by a crew leader to perform service in agricultural 56264  
labor for any other employer or farm operator and who is not 56265  
treated as in the employment of the crew leader under division 56266  
(BB) (2) of this section shall be treated as the employee of the 56267  
other employer or farm operator and not of the crew leader. The 56268  
other employer or farm operator shall be treated as having paid 56269  
cash remuneration to the individual in an amount equal to the 56270

amount of cash remuneration paid to the individual by the crew leader, either on the crew leader's own behalf or on behalf of the other employer or farm operator, for the service in agricultural labor performed for the other employer or farm operator. 56271  
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(CC) "Educational institution" means an institution other than an institution of higher education as defined in division (Y) of this section, including an educational institution operated by an Indian tribe, which: 56276  
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(1) Offers participants, trainees, or students an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes, or abilities from, by, or under the guidance of an instructor or teacher; and 56280  
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(2) Is approved, chartered, or issued a permit to operate as a school by the ~~state board~~ director of education and workforce, other government agency, or Indian tribe that is authorized within the state to approve, charter, or issue a permit for the operation of a school. 56285  
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For the purposes of this division, the courses of study or training which the institution offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation. 56290  
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(DD) "Cost savings day" means any unpaid day off from work in which employees continue to accrue employee benefits which have a determinable value including, but not limited to, vacation, pension contribution, sick time, and life and health insurance. 56294  
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(EE) "Motor carrier" has the same meaning as in section 56299

4923.01 of the Revised Code. 56300

**Sec. 4141.47.** (A) There is hereby created the auxiliary 56301  
services personnel unemployment compensation fund, which shall 56302  
not be a part of the state treasury. The fund shall consist of 56303  
moneys paid into the fund pursuant to section 3317.06 of the 56304  
Revised Code. The treasurer of state shall administer it in 56305  
accordance with the directions of the director of job and family 56306  
services. The director shall establish procedures under which 56307  
school districts that are charged and have paid for unemployment 56308  
benefits as reimbursing employers pursuant to this chapter for 56309  
personnel employed pursuant to section 3317.06 of the Revised 56310  
Code may apply for and receive reimbursement for those payments 56311  
under this section. School districts are not entitled to 56312  
reimbursement for any delinquency charges, except as otherwise 56313  
provided by law. In the case of school districts electing to pay 56314  
contributions under section 4141.242 of the Revised Code, the 56315  
director shall establish procedures for reimbursement of the 56316  
district from the fund of contributions made on wages earned by 56317  
any auxiliary service personnel. 56318

(B) In the event of the termination of the auxiliary 56319  
services program established pursuant to section 3317.06 of the 56320  
Revised Code, and after the director has made reimbursement to 56321  
school districts for all possible unemployment compensation 56322  
claims of persons who were employed pursuant to section 3317.06 56323  
of the Revised Code, the director shall certify that fact to the 56324  
treasurer of state, who shall then transfer all unexpended 56325  
moneys in the auxiliary services personnel unemployment 56326  
compensation fund to the general revenue fund. In the event the 56327  
auxiliary services personnel unemployment compensation fund 56328  
contains insufficient moneys to pay all valid claims by school 56329  
districts for reimbursement pursuant to this section, the 56330

director shall estimate the total additional amount necessary to 56331  
meet the liabilities of the fund and submit a request to the 56332  
general assembly for an appropriation of that amount of money 56333  
from the general revenue fund to the auxiliary services 56334  
personnel unemployment compensation fund. 56335

(C) All disbursements from the auxiliary services 56336  
personnel unemployment compensation fund shall be paid by the 56337  
treasurer of state on warrants drawn by the director. The 56338  
warrants may bear the facsimile signature of the director 56339  
printed thereon or that of a deputy or other employee of the 56340  
director charged with the duty of keeping the account of the 56341  
fund. Moneys in the fund shall be maintained in a separate 56342  
account on the books of the depository bank. The money shall be 56343  
secured by the depository bank to the same extent and in the 56344  
same manner as required by Chapter 135. of the Revised Code. All 56345  
sums recovered for losses sustained by the fund shall be 56346  
deposited therein. The treasurer of state is liable on the 56347  
treasurer of state's official bond for the faithful performance 56348  
of the treasurer of state's duties in connection with the fund. 56349

(D) All necessary and proper expenses incurred in 56350  
administering this section shall be paid to the director from 56351  
the auxiliary services personnel unemployment compensation fund. 56352  
For this purpose, there is hereby created in the state treasury 56353  
the auxiliary services program administrative fund. The 56354  
treasurer of state, pursuant to the warrant procedures specified 56355  
in division (C) of this section, shall advance moneys as 56356  
requested by the director from the auxiliary services personnel 56357  
unemployment compensation fund to the auxiliary services program 56358  
administrative fund. The director periodically may request the 56359  
advance of such moneys as in the treasurer of state's opinion 56360  
are needed to meet anticipated administrative expenses and may 56361

make disbursements from the auxiliary services program 56362  
administrative fund to pay those expenses. 56363

(E) Upon receipt of a certification from the department of 56364  
education and workforce regarding a refund to a board of 56365  
education pursuant to section 3317.06 of the Revised Code, the 56366  
director shall issue a refund in the amount certified to the 56367  
board from the auxiliary services personnel unemployment 56368  
compensation fund. 56369

**Sec. 4506.09.** (A) The registrar of motor vehicles, subject 56370  
to approval by the director of public safety, shall adopt rules 56371  
conforming with applicable standards adopted by the federal 56372  
motor carrier safety administration as regulations under Pub. L. 56373  
No. 103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 56374  
31317. The rules shall establish requirements for the 56375  
qualification and testing of persons applying for a commercial 56376  
driver's license, which are in addition to other requirements 56377  
established by this chapter. Except as provided in division (B) 56378  
of this section, the highway patrol or any other employee of the 56379  
department of public safety the registrar authorizes shall 56380  
supervise and conduct the testing of persons applying for a 56381  
commercial driver's license. 56382

(B) The director may adopt rules, in accordance with 56383  
Chapter 119. of the Revised Code and applicable requirements of 56384  
the federal motor carrier safety administration, authorizing the 56385  
skills test specified in this section to be administered by any 56386  
person, by an agency of this or another state, or by an agency, 56387  
department, or instrumentality of local government. Each party 56388  
authorized under this division to administer the skills test may 56389  
charge a maximum divisible fee of one hundred fifteen dollars 56390  
for each skills test given as part of a commercial driver's 56391

license examination. The fee shall consist of not more than 56392  
twenty-seven dollars for the pre-trip inspection portion of the 56393  
test, not more than twenty-seven dollars for the off-road 56394  
maneuvering portion of the test, and not more than sixty-one 56395  
dollars for the on-road portion of the test. Each such party may 56396  
require an appointment fee in the same manner provided in 56397  
division (E)(2) of this section, except that the maximum amount 56398  
such a party may require as an appointment fee is one hundred 56399  
fifteen dollars. The skills test administered by another party 56400  
under this division shall be the same as otherwise would be 56401  
administered by this state. The other party shall enter into an 56402  
agreement with the director that, without limitation, does all 56403  
of the following: 56404

(1) Allows the director or the director's representative 56405  
and the federal motor carrier safety administration or its 56406  
representative to conduct random examinations, inspections, and 56407  
audits of the other party, whether covert or overt, without 56408  
prior notice; 56409

(2) Requires the director or the director's representative 56410  
to conduct on-site inspections of the other party at least 56411  
annually; 56412

(3) Requires that all examiners of the other party meet 56413  
the same qualification and training standards as examiners of 56414  
the department of public safety, including criminal background 56415  
checks, to the extent necessary to conduct skills tests in the 56416  
manner required by 49 C.F.R. 383.110 through 383.135. In 56417  
accordance with federal guidelines, any examiner employed on 56418  
July 1, 2017, shall have a criminal background check conducted 56419  
at least once, and any examiner hired after July 1, 2015, shall 56420  
have a criminal background check conducted after the examiner is 56421

- initially hired. 56422
- (4) Requires either that state employees take, at least 56423  
annually and as though the employees were test applicants, the 56424  
tests actually administered by the other party, that the 56425  
director test a sample of drivers who were examined by the other 56426  
party to compare the test results, or that state employees 56427  
accompany a test applicant during an actual test; 56428
- (5) Unless the other party is a governmental entity, 56429  
requires the other party to initiate and maintain a bond in an 56430  
amount determined by the director to sufficiently pay for the 56431  
retesting of drivers in the event that the other party or its 56432  
skills test examiners are involved in fraudulent activities 56433  
related to skills testing; 56434
- (6) Requires the other party to use only skills test 56435  
examiners who have successfully completed a commercial driver's 56436  
license examiner training course as prescribed by the director, 56437  
and have been certified by the state as a commercial driver's 56438  
license skills test examiner qualified to administer skills 56439  
tests; 56440
- (7) Requires the other party to use designated road test 56441  
routes that have been approved by the director; 56442
- (8) Requires the other party to submit a schedule of 56443  
skills test appointments to the director not later than two 56444  
business days prior to each skills test; 56445
- (9) Requires the other party to maintain copies of the 56446  
following records at its principal place of business: 56447
- (a) The other party's commercial driver's license skills 56448  
testing program certificate; 56449

(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;

(c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years;

(d) A complete list of the test routes that have been approved by the director;

(e) A complete and accurate copy of each examiner's training record.

(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;

(11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two different individuals per calendar year;

(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 examiners fail to comply with standards of this state or federal standards for the testing program or with any other terms of the contract.

(C) The director shall enter into an agreement with the department of education and workforce authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of division (B) of this section. Skills tests administered by the department shall be limited to

persons applying for a commercial driver's license with a school bus endorsement. 56479  
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(D) (1) The director shall adopt rules, in accordance with 56481  
Chapter 119. of the Revised Code, authorizing waiver of the 56482  
skills test specified in this section for any applicant for a 56483  
commercial driver's license who meets all of the following 56484  
requirements: 56485

(a) As authorized under 49 C.F.R. 383.77, the applicant 56486  
operates a commercial motor vehicle for military purposes and is 56487  
one of the following: 56488

(i) Active duty military personnel; 56489

(ii) A member of the military reserves; 56490

(iii) A member of the national guard on active duty, 56491  
including full-time national guard duty, part-time national 56492  
guard training, and national guard military technicians; 56493

(iv) Active duty U.S. coast guard personnel. 56494

(b) The applicant certifies that, during the two-year 56495  
period immediately preceding application for a commercial 56496  
driver's license, all of the following apply: 56497

(i) The applicant has not had more than one license, 56498  
excluding any military license. 56499

(ii) The applicant has not had any license suspended, 56500  
revoked, or canceled. 56501

(iii) The applicant has not had any convictions for any 56502  
type of motor vehicle for the offenses for which 56503  
disqualification is prescribed in section 4506.16 of the Revised 56504  
Code. 56505

(iv) The applicant has not had more than one conviction for any type of motor vehicle for a serious traffic violation. 56506  
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(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. 56508  
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(c) In accordance with rules adopted by the director, the applicant certifies and also provides evidence of all of the following: 56513  
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(i) That the applicant is or was regularly employed in a military position requiring operation of a commercial motor vehicle; 56516  
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(ii) That the applicant was exempt from the requirements of this chapter under division (B)(6) of section 4506.03 of the Revised Code; 56519  
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(iii) That, for at least two years immediately preceding the date of application or at least two years immediately preceding the date the applicant separated from military service or employment, the applicant regularly operated a vehicle representative of the commercial motor vehicle type that the applicant operates or expects to operate. 56522  
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(2) The waiver established under division (D)(1) of this section does not apply to United States reserve technicians. 56528  
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(E)(1) The department of public safety may charge and collect a divisible fee of fifty dollars for each skills test given as part of a commercial driver's license examination. The fee shall consist of ten dollars for the pre-trip inspection portion of the test, ten dollars for the off-road maneuvering 56530  
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portion of the test, and thirty dollars for the on-road portion 56535  
of the test. 56536

(2) No applicant is eligible to take the skills test until 56537  
a minimum of fourteen days have elapsed since the initial 56538  
issuance of a commercial driver's license temporary instruction 56539  
permit to the applicant. The director may require an applicant 56540  
for a commercial driver's license who schedules an appointment 56541  
with the highway patrol or other authorized employee of the 56542  
department of public safety to take all portions of the skills 56543  
test and to pay an appointment fee of fifty dollars at the time 56544  
of scheduling the appointment. If the applicant appears at the 56545  
time and location specified for the appointment and takes all 56546  
portions of the skills test during that appointment, the 56547  
appointment fee serves as the skills test fee. If the applicant 56548  
schedules an appointment to take all portions of the skills test 56549  
and fails to appear at the time and location specified for the 56550  
appointment, the director shall not refund any portion of the 56551  
appointment fee. If the applicant schedules an appointment to 56552  
take all portions of the skills test and appears at the time and 56553  
location specified for the appointment, but declines or is 56554  
unable to take all portions of the skills test, the director 56555  
shall not refund any portion of the appointment fee. If the 56556  
applicant cancels a scheduled appointment forty-eight hours or 56557  
more prior to the time of the appointment time, the applicant 56558  
shall not forfeit the appointment fee. 56559

An applicant for a commercial driver's license who 56560  
schedules an appointment to take one or more, but not all, 56561  
portions of the skills test is required to pay an appointment 56562  
fee equal to the costs of each test scheduled, as prescribed in 56563  
division (E)(1) of this section, when scheduling such an 56564  
appointment. If the applicant appears at the time and location 56565

specified for the appointment and takes all the portions of the 56566  
skills test during that appointment that the applicant was 56567  
scheduled to take, the appointment fee serves as the skills test 56568  
fee. If the applicant schedules an appointment to take one or 56569  
more, but not all, portions of the skills test and fails to 56570  
appear at the time and location specified for the appointment, 56571  
the director shall not refund any portion of the appointment 56572  
fee. If the applicant schedules an appointment to take one or 56573  
more, but not all, portions of the skills test and appears at 56574  
the time and location specified for the appointment, but 56575  
declines or is unable to take all portions of the skills test 56576  
that the applicant was scheduled to take, the director shall not 56577  
refund any portion of the appointment fee. If the applicant 56578  
cancels a scheduled appointment forty-eight hours or more prior 56579  
to the time of the appointment time, the applicant shall not 56580  
forfeit the appointment fee. 56581

(3) The department of public safety shall deposit all fees 56582  
it collects under division (E) of this section in the public 56583  
safety - highway purposes fund established in section 4501.06 of 56584  
the Revised Code. 56585

(F) (1) Unless an applicant for a commercial driver's 56586  
license has successfully completed the training required under 56587  
49 C.F.R. 380, subpart F, the applicant is not eligible to do 56588  
any of the following: 56589

(a) Take the skills test required for initial issuance of 56590  
a class A or a class B commercial driver's license; 56591

(b) Take the skills test required for initial issuance of 56592  
a passenger (P) or school bus (S) endorsement on the applicant's 56593  
commercial driver's license; 56594

(c) Take the knowledge test required for initial issuance 56595  
of a hazardous materials (H) endorsement on the applicant's 56596  
commercial driver's license. 56597

Before an applicant takes the applicable skills or 56598  
knowledge test, the registrar shall electronically verify, 56599  
through the federal motor carrier safety administration's 56600  
training provider registry, that an applicant has completed the 56601  
required training under 49 C.F.R. 380, subpart F. 56602

(2) The training required under 49 C.F.R. 380, subpart F, 56603  
and under division (F)(1) of this section may be provided by 56604  
either of the following: 56605

(a) A driver training school pursuant to section 4508.031 56606  
of the Revised Code; 56607

(b) An authorized driver training provider listed on the 56608  
federal motor carrier safety administration's training provider 56609  
registry. 56610

(G) A person who has successfully completed commercial 56611  
driver's license training in this state but seeks a commercial 56612  
driver's license in another state where the person is domiciled 56613  
may schedule an appointment to take the skills test in this 56614  
state and shall pay the appropriate appointment fee. Upon the 56615  
person's completion of the skills test, this state shall 56616  
electronically transmit the applicant's results to the state 56617  
where the person is domiciled. If a person who is domiciled in 56618  
this state takes a skills test in another state, this state 56619  
shall accept the results of the skills test from the other 56620  
state. If the person passed the other state's skills test and 56621  
meets all of the other licensing requirements set forth in this 56622  
chapter and rules adopted under this chapter, the registrar of 56623

motor vehicles or a deputy registrar shall issue a commercial driver's license to that person.

(H) Unless otherwise specified, the director or the director's representative shall conduct the examinations, inspections, audits, and test monitoring set forth in divisions (B) (2), (3), and (4) of this section at least annually. If the other party or any of its skills test examiners fail to comply with state or federal standards for the skills testing program, the director or the director's representative shall take prompt and appropriate remedial action against the party and its skills test examiners. Remedial action may include termination of the agreement or revocation of a skills test examiner's certification.

(I) As used in this section, "skills test" means a test of an applicant's ability to drive the type of commercial motor vehicle for which the applicant seeks a commercial driver's license by having the applicant drive such a motor vehicle while under the supervision of an authorized state driver's license examiner or tester.

**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 applicant is non-excepted intrastate;

(ii) If the applicant operates only in intrastate commerce and is excepted from all or parts of the state driver qualification requirements, the applicant shall self-certify that the applicant is excepted intrastate.

(2) Notwithstanding the expiration date on a person's commercial driver's license or commercial driver's license temporary instruction permit, every commercial driver's license or commercial driver's license temporary instruction permit holder shall provide the registrar with the certification

required by this section, on or after January 30, 2012, but 56684  
prior to January 30, 2014. 56685

(B) A person is qualified to drive a school bus if the 56686  
person holds a valid commercial driver's license along with the 56687  
proper endorsements, and if the person has been certified as 56688  
medically qualified in accordance with rules adopted by the 56689  
department of education and workforce. 56690

(C) (1) Except as provided in division (C) (2) of this 56691  
section, only a medical examiner who is listed on the national 56692  
registry of certified medical examiners established by the 56693  
federal motor carrier safety administration shall perform a 56694  
medical examination required by this section. 56695

(2) A person licensed under Chapter 4725. of the Revised 56696  
Code to practice optometry in this state, or licensed under any 56697  
similar law of another state, may perform any part of an 56698  
examination required by this section that pertains to visual 56699  
acuity, field of vision, and the ability to recognize colors. 56700

(3) The individual who performed an examination conducted 56701  
pursuant to this section shall complete any written 56702  
documentation of a physical examination on a form that 56703  
substantially complies with the requirements of 49 C.F.R. 56704  
391.43(h) . 56705

(D) Whenever good cause appears, the registrar, upon 56706  
issuing a commercial driver's license or commercial driver's 56707  
license temporary instruction permit under this chapter, may 56708  
impose restrictions suitable to the licensee's driving ability 56709  
with respect to the type of motor vehicle or special mechanical 56710  
control devices required on a motor vehicle that the licensee 56711  
may operate, or such other restrictions applicable to the 56712

licensee as the registrar determines to be necessary. 56713

The registrar may either issue a special restricted 56714  
license or may set forth upon the usual license form the 56715  
restrictions imposed. 56716

The registrar, upon receiving satisfactory evidence of any 56717  
violation of the restrictions of the license, may impose a class 56718  
D license suspension of the license for the period of time 56719  
specified in division (B) (4) of section 4510.02 of the Revised 56720  
Code. 56721

The registrar, upon receiving satisfactory evidence that 56722  
an applicant or holder of a commercial driver's license or 56723  
commercial driver's license temporary instruction permit has 56724  
violated division (A) (4) of section 4506.04 of the Revised Code 56725  
and knowingly given false information in any application or 56726  
certification required by section 4506.07 of the Revised Code, 56727  
shall cancel the person's commercial driver's license or 56728  
commercial driver's license temporary instruction permit or any 56729  
pending application from the person for a commercial driver's 56730  
license, commercial driver's license temporary instruction 56731  
permit, or class D driver's license for a period of at least 56732  
sixty days, during which time no application for a commercial 56733  
driver's license, commercial driver's license temporary 56734  
instruction permit, or class D driver's license shall be 56735  
received from the person. 56736

(E) Whoever violates this section is guilty of a 56737  
misdemeanor of the first degree. 56738

**Sec. 4507.21.** (A) Except as provided in section 4507.061 56739  
of the Revised Code, each applicant for a driver's license shall 56740  
file an application in the office of the registrar of motor 56741

vehicles or of a deputy registrar. 56742

(B) (1) Each person under eighteen years of age applying 56743  
for a driver's license issued in this state shall present 56744  
satisfactory evidence of having successfully completed any one 56745  
of the following: 56746

(a) A driver education course approved by the state 56747  
department of education and workforce prior to December 31, 56748  
2003. 56749

(b) A driver training course approved by the director of 56750  
public safety. 56751

(c) A driver training course comparable to a driver 56752  
education or driver training course described in division (B) (1) 56753  
(a) or (b) of this section and administered by a branch of the 56754  
armed forces of the United States and completed by the applicant 56755  
while residing outside this state for the purpose of being with 56756  
or near any person serving in the armed forces of the United 56757  
States. 56758

(2) Each person under eighteen years of age applying for a 56759  
driver's license also shall present, on a form prescribed by the 56760  
registrar, an affidavit signed by an eligible adult attesting 56761  
that the person has acquired at least fifty hours of actual 56762  
driving experience, with at least ten of those hours being at 56763  
night. 56764

(C) (1) An applicant for an initial driver's license shall 56765  
present satisfactory evidence of successful completion of the 56766  
abbreviated driver training course for adults, approved by the 56767  
director of public safety under section 4508.02 of the Revised 56768  
Code, if all of the following apply: 56769

(a) The applicant is eighteen years of age or older. 56770

(b) The applicant failed the road or maneuverability test required under division (A) (2) of section 4507.11 of the Revised Code. 56771  
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(c) In the twelve months immediately preceding the date of application, the applicant has not successfully completed a driver training course. 56774  
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(2) An applicant shall present satisfactory evidence as required under division (C) (1) of this section prior to attempting the test a second or subsequent time. 56777  
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(D) If the registrar or deputy registrar determines that the applicant is entitled to the driver's license, it shall be issued. If the application shows that the applicant's license has been previously canceled or suspended, the deputy registrar shall forward the application to the registrar, who shall determine whether the license shall be granted. 56780  
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(E) An applicant shall file an application under this section in duplicate, and the deputy registrar issuing the license shall immediately forward to the office of the registrar the original copy of the application, together with the duplicate copy of any certificate of completion if issued for purposes of division (B) of this section. The registrar shall prescribe rules as to the manner in which the deputy registrar files and maintains the applications and other records. The registrar shall file every application for a driver's or commercial driver's license and index them by name and number, and shall maintain a suitable record of all licenses issued, all convictions and bond forfeitures, all applications for licenses denied, and all licenses that have been suspended or canceled. 56786  
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(F) For purposes of section 2313.06 of the Revised Code, 56799

the registrar shall maintain accurate and current lists of the  
residents of each county who are eighteen years of age or older,  
have been issued, on and after January 1, 1984, driver's or  
commercial driver's licenses that are valid and current, and  
would be electors if they were registered to vote, regardless of  
whether they actually are registered to vote. The lists shall  
contain the names, addresses, dates of birth, duration of  
residence in this state, citizenship status, and social security  
numbers, if the numbers are available, of the licensees, and may  
contain any other information that the registrar considers  
suitable.

(G) Each person under eighteen years of age applying for a  
motorcycle operator's endorsement or a restricted license  
enabling the applicant to operate a motorcycle shall present  
satisfactory evidence of having completed the courses of  
instruction in the motorcycle safety and education program  
described in section 4508.08 of the Revised Code or a comparable  
course of instruction administered by a branch of the armed  
forces of the United States and completed by the applicant while  
residing outside this state for the purpose of being with or  
near any person serving in the armed forces of the United  
States. If the registrar or deputy registrar then determines  
that the applicant is entitled to the endorsement or restricted  
license, it shall be issued.

(H) No person shall knowingly make a false statement in an  
affidavit presented in accordance with division (B) (2) of this  
section.

(I) As used in this section, "eligible adult" means any of  
the following persons:

(1) A parent, guardian, or custodian of the applicant;

(2) A person over the age of twenty-one who acts in loco parentis of the applicant and who maintains proof of financial responsibility with respect to the operation of a motor vehicle owned by the applicant or with respect to the applicant's operation of any motor vehicle. 56830  
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(J) Whoever violates division (H) of this section is guilty of a minor misdemeanor and shall be fined one hundred dollars. 56835  
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**Sec. 4508.01.** As used in this chapter: 56838

(A) "Beginning driver" means any person being trained to drive a particular motor vehicle who has not been previously licensed to drive that motor vehicle by any state or country. 56839  
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(B) "Person with a disability" means a person who, in the opinion of the registrar of motor vehicles, has a physical or mental disability or disease that prevents the person, in the absence of special training or equipment, from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways. "Person with a disability" does not mean any person who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle. 56842  
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(C) "Driver training school" or "school" means any of the following: 56854  
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(1) A private business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons to operate or drive motor 56856  
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vehicles, that does any of the following: 56859

(a) Uses public streets or highways to provide training 56860  
and charges a consideration or tuition for such services; 56861

(b) Provides an online driver education course approved by 56862  
the director of public safety pursuant to division (A) (2) of 56863  
section 4508.02 of the Revised Code and charges a consideration 56864  
or tuition for the course; 56865

(c) Provides an abbreviated driver training course for 56866  
adults that is approved by the director pursuant to division (F) 56867  
of section 4508.02 of the Revised Code and charges a 56868  
consideration or tuition for the course. 56869

(2) A lead school district as provided in section 4508.09 56870  
of the Revised Code; 56871

(3) A board of education of a city, exempted village, 56872  
local, or joint vocational school district or the governing 56873  
board of an educational service center that offers a driver 56874  
education course for high school students enrolled in the 56875  
district or in a district served by the educational service 56876  
center. 56877

(D) "Instructor" means any person, whether acting for self 56878  
as operator of a driver training school or for such a school for 56879  
compensation, who teaches, conducts classes of, gives 56880  
demonstrations to, or supervises practice of, persons learning 56881  
to operate or drive motor vehicles. 56882

(E) "Lead school district" means a school district, 56883  
including a joint vocational school district, designated by the 56884  
department of education and workforce as either a vocational 56885  
education planning district itself or as responsible for 56886  
providing primary vocational education leadership within a 56887

vocational education planning district that is composed of a 56888  
group of districts. A "vocational education planning district" 56889  
is a school district or group of school districts designated by 56890  
the department as responsible for planning and providing 56891  
vocational education services to students within the district or 56892  
group of districts. 56893

**Sec. 4511.21.** (A) No person shall operate a motor vehicle, 56894  
trackless trolley, or streetcar at a speed greater or less than 56895  
is reasonable or proper, having due regard to the traffic, 56896  
surface, and width of the street or highway and any other 56897  
conditions, and no person shall drive any motor vehicle, 56898  
trackless trolley, or streetcar in and upon any street or 56899  
highway at a greater speed than will permit the person to bring 56900  
it to a stop within the assured clear distance ahead. 56901

(B) It is prima-facie lawful, in the absence of a lower 56902  
limit declared or established pursuant to this section by the 56903  
director of transportation or local authorities, for the 56904  
operator of a motor vehicle, trackless trolley, or streetcar to 56905  
operate the same at a speed not exceeding the following: 56906

(1) (a) Twenty miles per hour in school zones during school 56907  
recess and while children are going to or leaving school during 56908  
the opening or closing hours, and when twenty miles per hour 56909  
school speed limit signs are erected; except that, on 56910  
controlled-access highways and expressways, if the right-of-way 56911  
line fence has been erected without pedestrian opening, the 56912  
speed shall be governed by division (B) (4) of this section and 56913  
on freeways, if the right-of-way line fence has been erected 56914  
without pedestrian opening, the speed shall be governed by 56915  
divisions (B) (10) and (11) of this section. The end of every 56916  
school zone may be marked by a sign indicating the end of the 56917

zone. Nothing in this section or in the manual and 56918  
specifications for a uniform system of traffic control devices 56919  
shall be construed to require school zones to be indicated by 56920  
signs equipped with flashing or other lights, or giving other 56921  
special notice of the hours in which the school zone speed limit 56922  
is in effect. 56923

(b) As used in this section and in section 4511.212 of the 56924  
Revised Code, "school" means all of the following: 56925

(i) Any school chartered under section 3301.16 of the 56926  
Revised Code; 56927

(ii) Any nonchartered school that during the preceding 56928  
year filed with the department of education and workforce in 56929  
compliance with rule 3301-35-08 of the Ohio Administrative Code, 56930  
a copy of the school's report for the parents of the school's 56931  
pupils certifying that the school meets Ohio minimum standards 56932  
for nonchartered, nontax-supported schools and presents evidence 56933  
of this filing to the jurisdiction from which it is requesting 56934  
the establishment of a school zone; 56935

(iii) Any special elementary school that in writing 56936  
requests the county engineer of the county in which the special 56937  
elementary school is located to create a school zone at the 56938  
location of that school. Upon receipt of such a written request, 56939  
the county engineer shall create a school zone at that location 56940  
by erecting the appropriate signs. 56941

(iv) Any preschool education program operated by an 56942  
educational service center that is located on a street or 56943  
highway with a speed limit of forty-five miles per hour or more, 56944  
when the educational service center in writing requests that the 56945  
county engineer of the county in which the program is located 56946

create a school zone at the location of that program. Upon 56947  
receipt of such a written request, the county engineer shall 56948  
create a school zone at that location by erecting the 56949  
appropriate signs. 56950

(c) As used in this section, "school zone" means that 56951  
portion of a street or highway passing a school fronting upon 56952  
the street or highway that is encompassed by projecting the 56953  
school property lines to the fronting street or highway, and 56954  
also includes that portion of a state highway. Upon request from 56955  
local authorities for streets and highways under their 56956  
jurisdiction and that portion of a state highway under the 56957  
jurisdiction of the director of transportation or a request from 56958  
a county engineer in the case of a school zone for a special 56959  
elementary school, the director may extend the traditional 56960  
school zone boundaries. The distances in divisions (B) (1) (c) (i), 56961  
(ii), and (iii) of this section shall not exceed three hundred 56962  
feet per approach per direction and are bounded by whichever of 56963  
the following distances or combinations thereof the director 56964  
approves as most appropriate: 56965

(i) The distance encompassed by projecting the school 56966  
building lines normal to the fronting highway and extending a 56967  
distance of three hundred feet on each approach direction; 56968

(ii) The distance encompassed by projecting the school 56969  
property lines intersecting the fronting highway and extending a 56970  
distance of three hundred feet on each approach direction; 56971

(iii) The distance encompassed by the special marking of 56972  
the pavement for a principal school pupil crosswalk plus a 56973  
distance of three hundred feet on each approach direction of the 56974  
highway. 56975

Nothing in this section shall be construed to invalidate 56976  
the director's initial action on August 9, 1976, establishing 56977  
all school zones at the traditional school zone boundaries 56978  
defined by projecting school property lines, except when those 56979  
boundaries are extended as provided in divisions (B) (1) (a) and 56980  
(c) of this section. 56981

(d) As used in this division, "crosswalk" has the meaning 56982  
given that term in division (LL) (2) of section 4511.01 of the 56983  
Revised Code. 56984

The director may, upon request by resolution of the 56985  
legislative authority of a municipal corporation, the board of 56986  
trustees of a township, or a county board of developmental 56987  
disabilities created pursuant to Chapter 5126. of the Revised 56988  
Code, and upon submission by the municipal corporation, 56989  
township, or county board of such engineering, traffic, and 56990  
other information as the director considers necessary, designate 56991  
a school zone on any portion of a state route lying within the 56992  
municipal corporation, lying within the unincorporated territory 56993  
of the township, or lying adjacent to the property of a school 56994  
that is operated by such county board, that includes a crosswalk 56995  
customarily used by children going to or leaving a school during 56996  
recess and opening and closing hours, whenever the distance, as 56997  
measured in a straight line, from the school property line 56998  
nearest the crosswalk to the nearest point of the crosswalk is 56999  
no more than one thousand three hundred twenty feet. Such a 57000  
school zone shall include the distance encompassed by the 57001  
crosswalk and extending three hundred feet on each approach 57002  
direction of the state route. 57003

(e) As used in this section, "special elementary school" 57004  
means a school that meets all of the following criteria: 57005

(i) It is not chartered and does not receive tax revenue from any source.	57006 57007
(ii) It does not educate children beyond the eighth grade.	57008
(iii) It is located outside the limits of a municipal corporation.	57009 57010
(iv) A majority of the total number of students enrolled at the school are not related by blood.	57011 57012
(v) The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.	57013 57014 57015 57016 57017 57018 57019
(2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;	57020 57021 57022 57023
(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B) (4) and (6) of this section;	57024 57025 57026 57027
(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;	57028 57029 57030
(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,	57031 57032 57033

highways as provided in divisions (B) (9) and (10) of this	57034
section, and highways, expressways, and freeways as provided in	57035
divisions (B) (12), (13), (14), and (16) of this section;	57036
(6) Fifty miles per hour on state routes within municipal	57037
corporations outside urban districts unless a lower prima-facie	57038
speed is established as further provided in this section;	57039
(7) Fifteen miles per hour on all alleys within the	57040
municipal corporation;	57041
(8) Thirty-five miles per hour on highways outside	57042
municipal corporations that are within an island jurisdiction;	57043
(9) Thirty-five miles per hour on through highways, except	57044
state routes, that are outside municipal corporations and that	57045
are within a national park with boundaries extending through two	57046
or more counties;	57047
(10) Sixty miles per hour on two-lane state routes outside	57048
municipal corporations as established by the director under	57049
division (H) (2) of this section;	57050
(11) Fifty-five miles per hour on freeways with paved	57051
shoulders inside municipal corporations, other than freeways as	57052
provided in divisions (B) (14) and (16) of this section;	57053
(12) Sixty miles per hour on rural expressways with	57054
traffic control signals and on all portions of rural divided	57055
highways, except as provided in divisions (B) (13) and (14) of	57056
this section;	57057
(13) Sixty-five miles per hour on all rural expressways	57058
without traffic control signals;	57059
(14) Seventy miles per hour on all rural freeways;	57060

(15) Fifty-five miles per hour on all portions of freeways 57061  
or expressways in congested areas as determined by the director 57062  
and that are located within a municipal corporation or within an 57063  
interstate freeway outerbelt, except as provided in division (B) 57064  
(16) of this section; 57065

(16) Sixty-five miles per hour on all portions of freeways 57066  
or expressways without traffic control signals in urbanized 57067  
areas. 57068

(C) It is prima-facie unlawful for any person to exceed 57069  
any of the speed limitations in divisions (B) (1) (a), (2), (3), 57070  
(4), (6), (7), (8), and (9) of this section, or any declared or 57071  
established pursuant to this section by the director or local 57072  
authorities and it is unlawful for any person to exceed any of 57073  
the speed limitations in division (D) of this section. No person 57074  
shall be convicted of more than one violation of this section 57075  
for the same conduct, although violations of more than one 57076  
provision of this section may be charged in the alternative in a 57077  
single affidavit. 57078

(D) No person shall operate a motor vehicle, trackless 57079  
trolley, or streetcar upon a street or highway as follows: 57080

(1) At a speed exceeding fifty-five miles per hour, except 57081  
upon a two-lane state route as provided in division (B) (10) of 57082  
this section and upon a highway, expressway, or freeway as 57083  
provided in divisions (B) (12), (13), (14), and (16) of this 57084  
section; 57085

(2) At a speed exceeding sixty miles per hour upon a two- 57086  
lane state route as provided in division (B) (10) of this section 57087  
and upon a highway as provided in division (B) (12) of this 57088  
section; 57089

(3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in division (B) (13) or upon a freeway as provided in division (B) (16) of this section, except upon a freeway as provided in division (B) (14) of this section;

(4) At a speed exceeding seventy miles per hour upon a freeway as provided in division (B) (14) of this section;

(5) At a speed exceeding the posted speed limit upon a highway, expressway, or freeway for which the director has determined and declared a speed limit pursuant to division (I) (2) or (L) (2) of this section.

(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or established pursuant to, this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(F) When a speed in excess of both a prima-facie limitation and a limitation in division (D) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this section, or of a limit declared or established pursuant to this section by the director or local authorities, and of the limitation in division (D) of this section. If the court finds a

violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 57120  
or (9) of, or a limit declared or established pursuant to, this 57121  
section has occurred, it shall enter a judgment of conviction 57122  
under such division and dismiss the charge under division (D) of 57123  
this section. If it finds no violation of division (B) (1) (a), 57124  
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 57125  
established pursuant to, this section, it shall then consider 57126  
whether the evidence supports a conviction under division (D) of 57127  
this section. 57128

(G) Points shall be assessed for violation of a limitation 57129  
under division (D) of this section in accordance with section 57130  
4510.036 of the Revised Code. 57131

(H) (1) Whenever the director determines upon the basis of 57132  
criteria established by an engineering study, as defined by the 57133  
director, that any speed limit set forth in divisions (B) (1) (a) 57134  
to (D) of this section is greater or less than is reasonable or 57135  
safe under the conditions found to exist at any portion of a 57136  
street or highway under the jurisdiction of the director, the 57137  
director shall determine and declare a reasonable and safe 57138  
prima-facie speed limit, which shall be effective when 57139  
appropriate signs giving notice of it are erected at the 57140  
location. 57141

(2) Whenever the director determines upon the basis of 57142  
criteria established by an engineering study, as defined by the 57143  
director, that the speed limit of fifty-five miles per hour on a 57144  
two-lane state route outside a municipal corporation is less 57145  
than is reasonable or safe under the conditions found to exist 57146  
at that portion of the state route, the director may determine 57147  
and declare a speed limit of sixty miles per hour for that 57148  
portion of the state route, which shall be effective when 57149

appropriate signs giving notice of it are erected at the 57150  
location. 57151

(3) (a) For purposes of the safe and orderly movement of 57152  
traffic upon any portion of a street or highway under the 57153  
jurisdiction of the director, the director may establish a 57154  
variable speed limit that is different than the speed limit 57155  
established by or under this section on all or portions of 57156  
interstate six hundred seventy, interstate two hundred seventy- 57157  
five, and interstate ninety commencing at the intersection of 57158  
that interstate with interstate seventy-one and continuing to 57159  
the border of the state of Ohio with the state of Pennsylvania. 57160  
The director shall establish criteria for determining the 57161  
appropriate use of variable speed limits and shall establish 57162  
variable speed limits in accordance with the criteria. The 57163  
director may establish variable speed limits based upon the time 57164  
of day, weather conditions, traffic incidents, or other factors 57165  
that affect the safe speed on a street or highway. The director 57166  
shall not establish a variable speed limit that is based on a 57167  
particular type or class of vehicle. A variable speed limit 57168  
established by the director under this section is effective when 57169  
appropriate signs giving notice of the speed limit are displayed 57170  
at the location. 57171

(b) Except for variable speed limits established under 57172  
division (H) (3) (a) of this section, the director shall establish 57173  
a variable speed limit under the authority granted to the 57174  
director by this section on not more than two additional 57175  
highways and only pursuant to criteria established in rules 57176  
adopted in accordance with Chapter 119. of the Revised Code. The 57177  
rules shall be based on the criteria described in division (H) 57178  
(3) (a) of this section. The rules also shall establish the 57179  
parameters of any engineering study necessary for determining 57180

when variable speed limits are appropriate. 57181

(4) Nothing in this section shall be construed to limit 57182  
the authority of the director to establish speed limits within a 57183  
construction zone as authorized under section 4511.98 of the 57184  
Revised Code. 57185

(I) (1) Except as provided in divisions (I) (2), (J), (K), 57186  
and (N) of this section, whenever local authorities determine 57187  
upon the basis of criteria established by an engineering study, 57188  
as defined by the director, that the speed permitted by 57189  
divisions (B) (1) (a) to (D) of this section, on any part of a 57190  
highway under their jurisdiction, is greater than is reasonable 57191  
and safe under the conditions found to exist at such location, 57192  
the local authorities may by resolution request the director to 57193  
determine and declare a reasonable and safe prima-facie speed 57194  
limit. Upon receipt of such request the director may determine 57195  
and declare a reasonable and safe prima-facie speed limit at 57196  
such location, and if the director does so, then such declared 57197  
speed limit shall become effective only when appropriate signs 57198  
giving notice thereof are erected at such location by the local 57199  
authorities. The director may withdraw the declaration of a 57200  
prima-facie speed limit whenever in the director's opinion the 57201  
altered prima-facie speed limit becomes unreasonable. Upon such 57202  
withdrawal, the declared prima-facie speed limit shall become 57203  
ineffective and the signs relating thereto shall be immediately 57204  
removed by the local authorities. 57205

(2) A local authority may determine on the basis of 57206  
criteria established by an engineering study, as defined by the 57207  
director, that the speed limit of sixty-five or seventy miles 57208  
per hour on a portion of a freeway under its jurisdiction is 57209  
greater than is reasonable or safe under the conditions found to 57210

exist at that portion of the freeway. If the local authority 57211  
makes such a determination, the local authority by resolution 57212  
may request the director to determine and declare a reasonable 57213  
and safe speed limit of not less than fifty-five miles per hour 57214  
for that portion of the freeway. If the director takes such 57215  
action, the declared speed limit becomes effective only when 57216  
appropriate signs giving notice of it are erected at such 57217  
location by the local authority. 57218

(J) Local authorities in their respective jurisdictions 57219  
may authorize by ordinance higher prima-facie speeds than those 57220  
stated in this section upon through highways, or upon highways 57221  
or portions thereof where there are no intersections, or between 57222  
widely spaced intersections, provided signs are erected giving 57223  
notice of the authorized speed, but local authorities shall not 57224  
modify or alter the basic rule set forth in division (A) of this 57225  
section or in any event authorize by ordinance a speed in excess 57226  
of the maximum speed permitted by division (D) of this section 57227  
for the specified type of highway. 57228

Alteration of prima-facie limits on state routes by local 57229  
authorities shall not be effective until the alteration has been 57230  
approved by the director. The director may withdraw approval of 57231  
any altered prima-facie speed limits whenever in the director's 57232  
opinion any altered prima-facie speed becomes unreasonable, and 57233  
upon such withdrawal, the altered prima-facie speed shall become 57234  
ineffective and the signs relating thereto shall be immediately 57235  
removed by the local authorities. 57236

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 57237  
this section, "unimproved highway" means a highway consisting of 57238  
any of the following: 57239

(a) Unimproved earth; 57240

(b) Unimproved graded and drained earth;	57241
(c) Gravel.	57242
(2) Except as otherwise provided in divisions (K) (4) and	57243
(5) of this section, whenever a board of township trustees	57244
determines upon the basis of criteria established by an	57245
engineering study, as defined by the director, that the speed	57246
permitted by division (B) (5) of this section on any part of an	57247
unimproved highway under its jurisdiction and in the	57248
unincorporated territory of the township is greater than is	57249
reasonable or safe under the conditions found to exist at the	57250
location, the board may by resolution declare a reasonable and	57251
safe prima-facie speed limit of fifty-five but not less than	57252
twenty-five miles per hour. An altered speed limit adopted by a	57253
board of township trustees under this division becomes effective	57254
when appropriate traffic control devices, as prescribed in	57255
section 4511.11 of the Revised Code, giving notice thereof are	57256
erected at the location, which shall be no sooner than sixty	57257
days after adoption of the resolution.	57258
(3) (a) Whenever, in the opinion of a board of township	57259
trustees, any altered prima-facie speed limit established by the	57260
board under this division becomes unreasonable, the board may	57261
adopt a resolution withdrawing the altered prima-facie speed	57262
limit. Upon the adoption of such a resolution, the altered	57263
prima-facie speed limit becomes ineffective and the traffic	57264
control devices relating thereto shall be immediately removed.	57265
(b) Whenever a highway ceases to be an unimproved highway	57266
and the board has adopted an altered prima-facie speed limit	57267
pursuant to division (K) (2) of this section, the board shall, by	57268
resolution, withdraw the altered prima-facie speed limit as soon	57269
as the highway ceases to be unimproved. Upon the adoption of	57270

such a resolution, the altered prima-facie speed limit becomes 57271  
ineffective and the traffic control devices relating thereto 57272  
shall be immediately removed. 57273

(4) (a) If the boundary of two townships rests on the 57274  
centerline of an unimproved highway in unincorporated territory 57275  
and both townships have jurisdiction over the highway, neither 57276  
of the boards of township trustees of such townships may declare 57277  
an altered prima-facie speed limit pursuant to division (K) (2) 57278  
of this section on the part of the highway under their joint 57279  
jurisdiction unless the boards of township trustees of both of 57280  
the townships determine, upon the basis of criteria established 57281  
by an engineering study, as defined by the director, that the 57282  
speed permitted by division (B) (5) of this section is greater 57283  
than is reasonable or safe under the conditions found to exist 57284  
at the location and both boards agree upon a reasonable and safe 57285  
prima-facie speed limit of less than fifty-five but not less 57286  
than twenty-five miles per hour for that location. If both 57287  
boards so agree, each shall follow the procedure specified in 57288  
division (K) (2) of this section for altering the prima-facie 57289  
speed limit on the highway. Except as otherwise provided in 57290  
division (K) (4) (b) of this section, no speed limit altered 57291  
pursuant to division (K) (4) (a) of this section may be withdrawn 57292  
unless the boards of township trustees of both townships 57293  
determine that the altered prima-facie speed limit previously 57294  
adopted becomes unreasonable and each board adopts a resolution 57295  
withdrawing the altered prima-facie speed limit pursuant to the 57296  
procedure specified in division (K) (3) (a) of this section. 57297

(b) Whenever a highway described in division (K) (4) (a) of 57298  
this section ceases to be an unimproved highway and two boards 57299  
of township trustees have adopted an altered prima-facie speed 57300  
limit pursuant to division (K) (4) (a) of this section, both 57301

boards shall, by resolution, withdraw the altered prima-facie 57302  
speed limit as soon as the highway ceases to be unimproved. Upon 57303  
the adoption of the resolution, the altered prima-facie speed 57304  
limit becomes ineffective and the traffic control devices 57305  
relating thereto shall be immediately removed. 57306

(5) As used in division (K) (5) of this section: 57307

(a) "Commercial subdivision" means any platted territory 57308  
outside the limits of a municipal corporation and fronting a 57309  
highway where, for a distance of three hundred feet or more, the 57310  
frontage is improved with buildings in use for commercial 57311  
purposes, or where the entire length of the highway is less than 57312  
three hundred feet long and the frontage is improved with 57313  
buildings in use for commercial purposes. 57314

(b) "Residential subdivision" means any platted territory 57315  
outside the limits of a municipal corporation and fronting a 57316  
highway, where, for a distance of three hundred feet or more, 57317  
the frontage is improved with residences or residences and 57318  
buildings in use for business, or where the entire length of the 57319  
highway is less than three hundred feet long and the frontage is 57320  
improved with residences or residences and buildings in use for 57321  
business. 57322

Whenever a board of township trustees finds upon the basis 57323  
of criteria established by an engineering study, as defined by 57324  
the director, that the prima-facie speed permitted by division 57325  
(B) (5) of this section on any part of a highway under its 57326  
jurisdiction that is located in a commercial or residential 57327  
subdivision, except on highways or portions thereof at the 57328  
entrances to which vehicular traffic from the majority of 57329  
intersecting highways is required to yield the right-of-way to 57330  
vehicles on such highways in obedience to stop or yield signs or 57331

traffic control signals, is greater than is reasonable and safe 57332  
under the conditions found to exist at the location, the board 57333  
may by resolution declare a reasonable and safe prima-facie 57334  
speed limit of less than fifty-five but not less than twenty- 57335  
five miles per hour at the location. An altered speed limit 57336  
adopted by a board of township trustees under this division 57337  
shall become effective when appropriate signs giving notice 57338  
thereof are erected at the location by the township. Whenever, 57339  
in the opinion of a board of township trustees, any altered 57340  
prima-facie speed limit established by it under this division 57341  
becomes unreasonable, it may adopt a resolution withdrawing the 57342  
altered prima-facie speed, and upon such withdrawal, the altered 57343  
prima-facie speed shall become ineffective, and the signs 57344  
relating thereto shall be immediately removed by the township. 57345

(L) (1) The director of transportation, based upon an 57346  
engineering study, as defined by the director, of a highway, 57347  
expressway, or freeway described in division (B) (12), (13), 57348  
(14), (15), or (16) of this section, in consultation with the 57349  
director of public safety and, if applicable, the local 57350  
authority having jurisdiction over the studied highway, 57351  
expressway, or freeway, may determine and declare that the speed 57352  
limit established on such highway, expressway, or freeway under 57353  
division (B) (12), (13), (14), (15), or (16) of this section 57354  
either is reasonable and safe or is more or less than that which 57355  
is reasonable and safe. 57356

(2) If the established speed limit for a highway, 57357  
expressway, or freeway studied pursuant to division (L) (1) of 57358  
this section is determined to be more or less than that which is 57359  
reasonable and safe, the director of transportation, in 57360  
consultation with the director of public safety and, if 57361  
applicable, the local authority having jurisdiction over the 57362

studied highway, expressway, or freeway, shall determine and 57363  
declare a reasonable and safe speed limit for that highway, 57364  
expressway, or freeway. 57365

(M) (1) (a) If the boundary of two local authorities rests 57366  
on the centerline of a highway and both authorities have 57367  
jurisdiction over the highway, the speed limit for the part of 57368  
the highway within their joint jurisdiction shall be either one 57369  
of the following as agreed to by both authorities: 57370

(i) Either prima-facie speed limit permitted by division 57371  
(B) of this section; 57372

(ii) An altered speed limit determined and posted in 57373  
accordance with this section. 57374

(b) If the local authorities are unable to reach an 57375  
agreement, the speed limit shall remain as established and 57376  
posted under this section. 57377

(2) Neither local authority may declare an altered prima- 57378  
facie speed limit pursuant to this section on the part of the 57379  
highway under their joint jurisdiction unless both of the local 57380  
authorities determine, upon the basis of criteria established by 57381  
an engineering study, as defined by the director, that the speed 57382  
permitted by this section is greater than is reasonable or safe 57383  
under the conditions found to exist at the location and both 57384  
authorities agree upon a uniform reasonable and safe prima-facie 57385  
speed limit of less than fifty-five but not less than twenty- 57386  
five miles per hour for that location. If both authorities so 57387  
agree, each shall follow the procedure specified in this section 57388  
for altering the prima-facie speed limit on the highway, and the 57389  
speed limit for the part of the highway within their joint 57390  
jurisdiction shall be uniformly altered. No altered speed limit 57391

may be withdrawn unless both local authorities determine that 57392  
the altered prima-facie speed limit previously adopted becomes 57393  
unreasonable and each adopts a resolution withdrawing the 57394  
altered prima-facie speed limit pursuant to the procedure 57395  
specified in this section. 57396

(N) The legislative authority of a municipal corporation 57397  
or township in which a boarding school is located, by resolution 57398  
or ordinance, may establish a boarding school zone. The 57399  
legislative authority may alter the speed limit on any street or 57400  
highway within the boarding school zone and shall specify the 57401  
hours during which the altered speed limit is in effect. For 57402  
purposes of determining the boundaries of the boarding school 57403  
zone, the altered speed limit within the boarding school zone, 57404  
and the hours the altered speed limit is in effect, the 57405  
legislative authority shall consult with the administration of 57406  
the boarding school and with the county engineer or other 57407  
appropriate engineer, as applicable. A boarding school zone 57408  
speed limit becomes effective only when appropriate signs giving 57409  
notice thereof are erected at the appropriate locations. 57410

(O) As used in this section: 57411

(1) "Interstate system" has the same meaning as in 23 57412  
U.S.C. 101. 57413

(2) "Commercial bus" means a motor vehicle designed for 57414  
carrying more than nine passengers and used for the 57415  
transportation of persons for compensation. 57416

(3) "Noncommercial bus" includes but is not limited to a 57417  
school bus or a motor vehicle operated solely for the 57418  
transportation of persons associated with a charitable or 57419  
nonprofit organization. 57420

(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.

(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.

(6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.

(7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.

(P) (1) A violation of any provision of this section is one of the following:

(a) Except as otherwise provided in divisions (P) (1) (b), (1) (c), (2), and (3) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

(2) If the offender operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree. Division (P) (2) of this section does not apply if penalties may be imposed under division (P) (1) (b) or (c) of this section.

(3) Notwithstanding division (P) (1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

(4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code.

**Sec. 4511.75.** (A) The driver of a vehicle, streetcar, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or

discharging any school child, person attending programs offered 57480  
by community boards of mental health and county boards of 57481  
developmental disabilities, or child attending a program offered 57482  
by a head start agency, shall stop at least ten feet from the 57483  
front or rear of the school bus and shall not proceed until such 57484  
school bus resumes motion, or until signaled by the school bus 57485  
driver to proceed. 57486

It is no defense to a charge under this division that the 57487  
school bus involved failed to display or be equipped with an 57488  
automatically extended stop warning sign as required by division 57489  
(B) of this section. 57490

(B) Every school bus shall be equipped with amber and red 57491  
visual signals meeting the requirements of section 4511.771 of 57492  
the Revised Code, and an automatically extended stop warning 57493  
sign of a type approved by the ~~state board~~ department of 57494  
education and workforce, which shall be actuated by the driver 57495  
of the bus whenever but only whenever the bus is stopped or 57496  
stopping on the roadway for the purpose of receiving or 57497  
discharging school children, persons attending programs offered 57498  
by community boards of mental health and county boards of 57499  
developmental disabilities, or children attending programs 57500  
offered by head start agencies. A school bus driver shall not 57501  
actuate the visual signals or the stop warning sign in 57502  
designated school bus loading areas where the bus is entirely 57503  
off the roadway or at school buildings when children or persons 57504  
attending programs offered by community boards of mental health 57505  
and county boards of developmental disabilities are loading or 57506  
unloading at curbside or at buildings when children attending 57507  
programs offered by head start agencies are loading or unloading 57508  
at curbside. The visual signals and stop warning sign shall be 57509  
synchronized or otherwise operated as required by rule of the 57510

board. 57511

(C) Where a highway has been divided into four or more 57512  
traffic lanes, a driver of a vehicle, streetcar, or trackless 57513  
trolley need not stop for a school bus approaching from the 57514  
opposite direction which has stopped for the purpose of 57515  
receiving or discharging any school child, persons attending 57516  
programs offered by community boards of mental health and county 57517  
boards of developmental disabilities, or children attending 57518  
programs offered by head start agencies. The driver of any 57519  
vehicle, streetcar, or trackless trolley overtaking the school 57520  
bus shall comply with division (A) of this section. 57521

(D) School buses operating on divided highways or on 57522  
highways with four or more traffic lanes shall receive and 57523  
discharge all school children, persons attending programs 57524  
offered by community boards of mental health and county boards 57525  
of developmental disabilities, and children attending programs 57526  
offered by head start agencies on their residence side of the 57527  
highway. 57528

(E) No school bus driver shall start the driver's bus 57529  
until after any child, person attending programs offered by 57530  
community boards of mental health and county boards of 57531  
developmental disabilities, or child attending a program offered 57532  
by a head start agency who may have alighted therefrom has 57533  
reached a place of safety on the child's or person's residence 57534  
side of the road. 57535

(F) (1) Whoever violates division (A) of this section may 57536  
be fined an amount not to exceed five hundred dollars. A person 57537  
who is issued a citation for a violation of division (A) of this 57538  
section is not permitted to enter a written plea of guilty and 57539  
waive the person's right to contest the citation in a trial but 57540

instead must appear in person in the proper court to answer the charge. 57541  
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(2) In addition to and independent of any other penalty 57543  
provided by law, the court or mayor may impose upon an offender 57544  
who violates this section a class seven suspension of the 57545  
offender's driver's license, commercial driver's license, 57546  
temporary instruction permit, probationary license, or 57547  
nonresident operating privilege from the range specified in 57548  
division (A)(7) of section 4510.02 of the Revised Code. When a 57549  
license is suspended under this section, the court or mayor 57550  
shall cause the offender to deliver the license to the court, 57551  
and the court or clerk of the court immediately shall forward 57552  
the license to the registrar of motor vehicles, together with 57553  
notice of the court's action. 57554

(G) As used in this section: 57555

(1) "Head start agency" has the same meaning as in section 57556  
3301.32 of the Revised Code. 57557

(2) "School bus," as used in relation to children who 57558  
attend a program offered by a head start agency, means a bus 57559  
that is owned and operated by a head start agency, is equipped 57560  
with an automatically extended stop warning sign of a type 57561  
approved by the ~~state board of education~~ department, is painted 57562  
the color and displays the markings described in section 4511.77 57563  
of the Revised Code, and is equipped with amber and red visual 57564  
signals meeting the requirements of section 4511.771 of the 57565  
Revised Code, irrespective of whether or not the bus has fifteen 57566  
or more children aboard at any time. "School bus" does not 57567  
include a van owned and operated by a head start agency, 57568  
irrespective of its color, lights, or markings. 57569

**Sec. 4511.76.** (A) The department of public safety, by and 57570  
with the advice of the ~~superintendent of public~~ 57571  
~~instruction~~department of education and workforce, shall adopt 57572  
and enforce rules relating to the construction, design, and 57573  
equipment, including lighting equipment required by section 57574  
4511.771 of the Revised Code, of all school buses both publicly 57575  
and privately owned and operated in this state. 57576

(B) The department of education and workforce, by and with 57577  
the advice of the director of public safety, shall adopt and 57578  
enforce rules relating to the operation of all vehicles used for 57579  
pupil transportation. 57580

(C) No person shall operate a vehicle used for pupil 57581  
transportation within this state in violation of the rules of 57582  
the department of education and workforce or the department of 57583  
public safety. No person, being the owner thereof or having the 57584  
supervisory responsibility therefor, shall permit the operation 57585  
of a vehicle used for pupil transportation within this state in 57586  
violation of the rules of the department of education and 57587  
workforce or the department of public safety. 57588

(D) The department of public safety shall adopt and 57589  
enforce rules relating to the issuance of a license under 57590  
section 4511.763 of the Revised Code. The rules may relate to 57591  
the condition of the equipment to be operated; the liability and 57592  
property damage insurance carried by the applicant; the posting 57593  
of satisfactory and sufficient bond; and such other rules as the 57594  
director of public safety determines reasonably necessary for 57595  
the safety of the pupils to be transported. 57596

(E) A chartered nonpublic school may own and operate, or 57597  
contract with a vendor that supplies, a vehicle originally 57598  
designed for not more than nine passengers, not including the 57599

driver, to transport students to and from regularly scheduled 57600  
school sessions when one of the following applies: 57601

(1) A student's school district of residence has declared 57602  
the transportation of the student impractical pursuant to 57603  
section 3327.02 of the Revised Code; or 57604

(2) A student does not live within thirty minutes of the 57605  
chartered nonpublic school and the student's school district is 57606  
not required to transport the student under section 3327.01 of 57607  
the Revised Code. 57608

(F) As used in this section, "vehicle used for pupil 57609  
transportation" means any vehicle that is identified as such by 57610  
the department of education and workforce by rule and that is 57611  
subject to Chapter 3301-83 of the Administrative Code. 57612

(G) Except as otherwise provided in this division, whoever 57613  
violates this section is guilty of a minor misdemeanor. If the 57614  
offender previously has been convicted of or pleaded guilty to 57615  
one or more violations of this section or section 4511.63, 57616  
4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised 57617  
Code or a municipal ordinance that is substantially similar to 57618  
any of those sections, whoever violates this section is guilty 57619  
of a misdemeanor of the fourth degree. 57620

**Sec. 4709.07.** (A) Each person who desires to obtain an 57621  
initial license to practice barbering shall apply to the state 57622  
cosmetology and barber board, on forms provided by the board. 57623  
The application form shall include the name of the person 57624  
applying for the license and evidence that the applicant meets 57625  
all of the requirements of division (B) of this section. The 57626  
application shall be accompanied by the examination application 57627  
fee. 57628

(B) In order to take the required barber examination and 57629  
to qualify for licensure as a barber, an applicant must 57630  
demonstrate that the applicant meets all of the following: 57631

(1) Is at least eighteen years of age; 57632

(2) Has an eighth grade education or an equivalent 57633  
education as determined by the ~~state board~~ department of 57634  
education and workforce, or equivalent organization in the state 57635  
where the applicant resides; 57636

(3) Has graduated with at least one thousand eight hundred 57637  
hours of training from a board-approved barber school or has 57638  
graduated with at least one thousand hours of training from a 57639  
board-approved barber school in this state and has a current 57640  
cosmetology or hair designer license issued pursuant to Chapter 57641  
4713. of the Revised Code. No hours of instruction earned by an 57642  
applicant five or more years prior to the examination apply to 57643  
the hours of study required by this division. 57644

(C) Any applicant who meets all of the requirements of 57645  
divisions (A) and (B) of this section may take the barber 57646  
examination at the time and place specified by the board. If the 57647  
applicant fails to attain at least a seventy-five per cent pass 57648  
rate on each part of the examination, the applicant is 57649  
ineligible for licensure; however, the applicant may reapply for 57650  
examination within ninety days after the date of the release of 57651  
the examination scores by paying the required reexamination fee. 57652  
An applicant is only required to take that part or parts of the 57653  
examination on which the applicant did not receive a score of 57654  
seventy-five per cent or higher. If the applicant fails to 57655  
reapply for examination within ninety days or fails the second 57656  
examination, in order to reapply for examination for licensure 57657  
the applicant shall complete an additional course of study of 57658

not less than two hundred hours, in a board-approved barber school. The board shall provide to an applicant, upon request, a report which explains the reasons for the applicant's failure to pass the examination.

(D) The board shall issue a license to practice barbering to any applicant who, to the satisfaction of the board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display the certificate of licensure in a conspicuous place adjacent to or near the licensed barber's work chair.

**Sec. 4709.10.** (A) Each person who desires to obtain a license to operate a barber school shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber school license to a person if the board determines that the person meets and will comply with all of the requirements of division (B) of this section and pays the required licensure and inspection fees.

(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements:

(1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough space to accommodate all the facilities and equipment required by rule by the board;

(2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the board;

(3) Have established and provide to the board proof that

it has met all of the board requirements to operate a barber school, as adopted by rule of the board; 57688  
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(4) File with the board a program of its curriculum, accounting for not less than one thousand eight hundred hours of instruction in the courses of theory and practical demonstration required by rule of the board; 57690  
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(5) File with the board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student who is injured or damaged by reason of a barber school's failure to continue instruction in the theory and practice of barbering may maintain an action on the bond against the barber school or the surety, or both, for the recovery of any money or tuition paid in advance for instruction in the theory and practice of barbering which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond. 57694  
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(6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by board rule; 57709  
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(7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet both of the following: 57712  
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- (a) Be at least seventeen years of age; 57717
- (b) Have an eighth grade education, or an equivalent education as determined by the ~~state board~~ department of education and workforce. 57718  
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- (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school; 57721  
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- (9) Operate in a manner which reflects credit upon the barbering profession; 57725  
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- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board; 57727  
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- (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. 57730  
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- (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: 57734  
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- (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; 57739  
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(2) Meets such other requirements as adopted by rule by the board; 57745  
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(3) Passes the required examination; and 57747

(4) Pays the required fees. 57748

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. 57749  
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(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 submits to the board, on forms provided by the board, the applicant's qualifications. 57752  
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**Sec. 4713.02.** (A) There is hereby created the state cosmetology and barber board, consisting of all of the following members appointed by the governor, with the advice and consent of the senate: 57758  
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(1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment; 57762  
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(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment; 57764  
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(3) One individual who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology; 57767  
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(4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school; 57770  
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- (5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology; 57773  
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- (6) One owner of at least five licensed salons; 57775
- (7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 57776  
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- (8) One individual representing the general public; 57783
- (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; 57784  
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- (10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment; 57788  
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- (11) One individual who is an employer barber and who has been licensed as a barber in this state for at least five years immediately preceding the individual's appointment; 57792  
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- (12) One individual who holds a current, valid barber or barber teacher license at the time of appointment and who has been licensed as a barber or barber teacher in this state for at least five years immediately preceding the individual's appointment. 57795  
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- (B) The ~~superintendent of public instruction~~ director of 57800

education and workforce shall nominate three individuals for the 57801  
governor to choose from when making an appointment under 57802  
division (A) (4) of this section. 57803

(C) All members shall be at least twenty-five years of 57804  
age, residents of the state, and citizens of the United States. 57805  
No more than two members, at any time, shall be graduates of the 57806  
same school of cosmetology. Not more than one member shall have 57807  
a common financial connection with any school of cosmetology, 57808  
salon, barber school, or barber shop. 57809

Terms of office are for five years. Terms shall commence 57810  
on the first day of November and end on the thirty-first day of 57811  
October. Each member shall hold office from the date of 57812  
appointment until the end of the term for which appointed. In 57813  
case of a vacancy occurring on the board, the governor shall, in 57814  
the same manner prescribed for the regular appointment to the 57815  
board, fill the vacancy by appointing a member. Any member 57816  
appointed to fill a vacancy occurring prior to the expiration of 57817  
the term for which the member's predecessor was appointed shall 57818  
hold office for the remainder of such term. Any member shall 57819  
continue in office subsequent to the expiration date of the 57820  
member's term until the member's successor takes office, or 57821  
until a period of sixty days has elapsed, whichever occurs 57822  
first. Before entering upon the discharge of the duties of the 57823  
office of member, each member shall take, and file with the 57824  
secretary of state, the oath of office required by Section 7 of 57825  
Article XV, Ohio Constitution. 57826

The members of the board shall receive an amount fixed 57827  
pursuant to Chapter 124. of the Revised Code per diem for every 57828  
meeting of the board which they attend, together with their 57829  
necessary expenses, and mileage for each mile necessarily 57830

traveled. 57831

The members of the board shall annually elect, from among 57832  
their number, a chairperson and a vice-chairperson. The 57833  
executive director appointed pursuant to section 4713.06 of the 57834  
Revised Code shall serve as the board's secretary. 57835

(D) The board shall prescribe the duties of its officers 57836  
and establish an office within Franklin county. The board shall 57837  
keep all records and files at the office and have the records 57838  
and files at all reasonable hours open to public inspection in 57839  
accordance with section 149.43 of the Revised Code and any rules 57840  
adopted by the board in compliance with this state's record 57841  
retention policy. The board also shall adopt a seal for the 57842  
authentication of its orders, communications, and records. 57843

(E) The governor may remove any member for cause prior to 57844  
the expiration of the member's term of office. 57845

(F) Whenever the term "state board of cosmetology" is 57846  
used, referred to, or designated in statute, rule, contract, 57847  
grant, or other document, the use, reference, or designation 57848  
shall be deemed to mean the "state cosmetology and barber board" 57849  
or the executive director of the state cosmetology and barber 57850  
board, whichever is appropriate in context. Whenever the term 57851  
"barber board" is used, referred to, or designated in statute, 57852  
rule, contract, grant, or other document, the use, reference, or 57853  
designation shall be deemed to mean the "state cosmetology and 57854  
barber board" or the executive director of the state cosmetology 57855  
and barber board, whichever is appropriate in context. 57856

**Sec. 4732.10.** (A) The state board of psychology shall 57857  
appoint an entrance examiner who shall determine the sufficiency 57858  
of an applicant's qualifications for admission to the 57859

appropriate examination. A member of the board or the executive 57860  
director may be appointed as the entrance examiner. 57861

(B) Requirements for admission to examination for a 57862  
psychologist license shall be that the applicant: 57863

(1) Is at least twenty-one years of age; 57864

(2) Meets one of the following requirements: 57865

(a) Received an earned doctoral degree from an institution 57866  
accredited or recognized by a national or regional accrediting 57867  
agency and a program accredited by any of the following: 57868

(i) The American psychological association, office of 57869  
program consultation and accreditation; 57870

(ii) The accreditation office of the Canadian 57871  
psychological association; 57872

(iii) A program listed by the association of state and 57873  
provincial psychology boards/national register designation 57874  
committee; 57875

(iv) The national association of school psychologists. 57876

(b) Received an earned doctoral degree in psychology or 57877  
school psychology from an institution accredited or recognized 57878  
by a national or regional accrediting agency but the program 57879  
does not meet the program accreditation requirements of division 57880  
(B) (2) (a) of this section; 57881

(c) Received from an academic institution outside of the 57882  
United States or Canada a degree determined, under rules adopted 57883  
by the board under division (F) of this section, to be 57884  
equivalent to a doctoral degree in psychology from a program 57885  
described in division (B) (2) (a) of this section; 57886

(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. 57887  
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(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. 57892  
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(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. 57898  
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(C) Requirements for admission to examination for an independent school psychologist license shall be that the applicant: 57904  
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(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 independent school psychologists, at least a master's degree in school psychology, or a degree considered equivalent by the board; 57907  
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(2) Is at least twenty-one years of age; 57914

(3) Has completed at least sixty quarter hours, or the 57915

semester hours equivalent, at the graduate level, of accredited 57916  
study in course work relevant to the study of school psychology; 57917

(4) Has completed an internship in an educational 57918  
institution approved by the ~~Ohio~~ department of education and 57919  
workforce for school psychology supervised experience or one 57920  
year of other training experience acceptable to the board, such 57921  
as supervised professional experience under the direction of a 57922  
licensed psychologist, licensed independent school psychologist, 57923  
or licensed school psychologist; 57924

(5) Furnishes proof of at least twenty-seven months, 57925  
exclusive of internship, of full-time experience as a 57926  
certificated school psychologist employed by a board of 57927  
education or a private school meeting the standards prescribed 57928  
by the ~~state board director~~ of education and workforce, or of 57929  
experience that the board deems equivalent. 57930

(D) Requirements for admission to examination for a school 57931  
psychologist shall be that the applicant: 57932

(1) Has received from an educational institution 57933  
accredited or recognized by national or regional accrediting 57934  
agencies as maintaining satisfactory standards, including those 57935  
approved by the state board of education for the training of 57936  
school psychologists, at least a master's degree in school 57937  
psychology, or a degree considered equivalent by the board; 57938

(2) Is at least twenty-one years of age; 57939

(3) Has completed a nine month, full-time internship in an 57940  
approved school setting as described in rules adopted by the 57941  
board. 57942

(E) If the entrance examiner finds that the applicant 57943  
meets the requirements set forth in this section, the applicant 57944

shall be admitted to the appropriate examination. 57945

(F) The board shall adopt under Chapter 119. of the 57946  
Revised Code rules for determining for the purposes of division 57947  
(B) (2) (c) of this section whether a degree is equivalent to a 57948  
degree in psychology from an institution in the United States. 57949

**Sec. 4735.09.** (A) Application for a license as a real 57950  
estate salesperson shall be made to the superintendent of real 57951  
estate on forms furnished by the superintendent and signed by 57952  
the applicant. The application shall be in the form prescribed 57953  
by the superintendent and shall contain such information as is 57954  
required by this chapter and the rules of the Ohio real estate 57955  
commission. The application shall be accompanied by the 57956  
recommendation of the real estate broker with whom the applicant 57957  
is associated or with whom the applicant intends to be 57958  
associated, certifying that the applicant is honest and 57959  
truthful, and has not been finally adjudged by a court to have 57960  
violated any municipal, state, or federal civil rights laws 57961  
relevant to the protection of purchasers or sellers of real 57962  
estate, which conviction or adjudication the applicant has not 57963  
disclosed to the superintendent, and recommending that the 57964  
applicant be admitted to the real estate salesperson 57965  
examination. 57966

(B) A fee of eighty-one dollars shall accompany the 57967  
application, which fee includes the fee for the initial year of 57968  
the licensing period, if a license is issued. The initial year 57969  
of the licensing period commences at the time the license is 57970  
issued and ends on the applicant's first birthday thereafter. 57971  
The application fee shall be nonrefundable. A fee of eighty-one 57972  
dollars shall be charged by the superintendent for each 57973  
successive application made by the applicant. One dollar of each 57974

application fee shall be credited to the real estate education 57975  
and research fund. 57976

(C) There shall be no limit placed on the number of times 57977  
an applicant may retake the examination. 57978

(D) The superintendent, with the consent of the 57979  
commission, may enter into an agreement with a recognized 57980  
national testing service to administer the real estate 57981  
salesperson's examination under the superintendent's supervision 57982  
and control, consistent with the requirements of this chapter as 57983  
to the contents of the examination. 57984

If the superintendent, with the consent of the commission, 57985  
enters into an agreement with a national testing service to 57986  
administer the real estate salesperson's examination, the 57987  
superintendent may require an applicant to pay the testing 57988  
service's examination fee directly to the testing service. If 57989  
the superintendent requires the payment of the examination fee 57990  
directly to the testing service, each applicant shall submit to 57991  
the superintendent a processing fee in an amount determined by 57992  
the Ohio real estate commission pursuant to division (A) (1) of 57993  
section 4735.10 of the Revised Code. 57994

(E) The superintendent shall issue a real estate 57995  
salesperson's license when satisfied that the applicant has 57996  
received a passing score on each portion of the salesperson's 57997  
examination as determined by rule by the real estate commission, 57998  
except that the superintendent may waive one or more of the 57999  
requirements of this section in the case of an applicant who is 58000  
a licensed real estate salesperson in another state pursuant to 58001  
a reciprocity agreement with the licensing authority of the 58002  
state from which the applicant holds a valid real estate 58003  
salesperson's license. 58004

(F) No applicant for a salesperson's license shall take the salesperson's examination who has not established to the satisfaction of the superintendent that the applicant:	58005 58006 58007
(1) Is honest and truthful;	58008
(2) (a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code;	58009 58010 58011
(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.	58012 58013 58014 58015 58016 58017 58018 58019 58020 58021
(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;	58022 58023 58024 58025 58026 58027
(4) Is at least eighteen years of age;	58028
(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued <del>by the department of education</del> <u>under section 3301.80 of the Revised Code</u> ;	58029 58030 58031 58032
(6) Has successfully completed at an institution of higher	58033

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;

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

(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 58063  
license education requirements of division (F)(6) of this 58064  
section. The state authorizing entity may consult with the 58065  
superintendent in reviewing the course for compliance with this 58066  
section. 58067

(I) Any person who has not been licensed as a real estate 58068  
salesperson or broker within a four-year period immediately 58069  
preceding the person's current application for the salesperson's 58070  
examination shall have successfully completed the prelicensure 58071  
instruction required by division (F)(6) of this section within a 58072  
ten-year period immediately preceding the person's current 58073  
application for the salesperson's examination. 58074

(J) Not earlier than the date of issue of a real estate 58075  
salesperson's license to a licensee, but not later than twelve 58076  
months after the date of issue of a real estate salesperson 58077  
license to a licensee, the licensee shall submit proof 58078  
satisfactory to the superintendent, on forms made available by 58079  
the superintendent, of the completion of twenty hours of 58080  
instruction that shall be completed in schools, seminars, and 58081  
educational institutions approved by the commission. The 58082  
instruction shall include, but is not limited to, current 58083  
practices relating to commercial real estate, property 58084  
management, short sales, and land contracts; contract law; 58085  
federal and state programs; economic conditions; and fiduciary 58086  
responsibility. Approval of the curriculum and providers shall 58087  
be granted according to rules adopted pursuant to section 58088  
4735.10 of the Revised Code and may be taken through classroom 58089  
instruction or distance education. 58090

If proof of completion of the required instruction is not 58091  
submitted within twelve months of the date a license is issued 58092

under this section, the licensee's license is suspended 58093  
automatically without the taking of any action by the 58094  
superintendent. The superintendent immediately shall notify the 58095  
broker with whom such salesperson is associated of the 58096  
suspension of the salesperson's license. A salesperson whose 58097  
license has been suspended under this division shall have twelve 58098  
months after the date of the suspension of the salesperson's 58099  
license to submit proof of successful completion of the 58100  
instruction required under this division. No such license shall 58101  
be reactivated by the superintendent until it is established, to 58102  
the satisfaction of the superintendent, that the requirements of 58103  
this division have been met and that the licensee is in 58104  
compliance with this chapter. A licensee's license is revoked 58105  
automatically without the taking of any action by the 58106  
superintendent when the licensee fails to submit the required 58107  
proof of completion of the education requirements under division 58108  
(I) of this section within twelve months of the date the license 58109  
is suspended. 58110

(K) Examinations shall be administered with reasonable 58111  
accommodations in accordance with the requirements of the 58112  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 58113  
U.S.C. 12189. The contents of an examination shall be consistent 58114  
with the classroom instructional requirements of division (F) (6) 58115  
of this section. An applicant who has completed the classroom 58116  
instructional requirements of division (F) (6) of this section at 58117  
the time of application shall be examined no later than twelve 58118  
months after the applicant is notified of the applicant's 58119  
admission to the examination. 58120

**Sec. 4742.02.** (A) ~~The state board~~ department of education\_ 58121  
and workforce, in conjunction with emergency service providers, 58122  
shall develop and implement a program to provide emergency 58123

service telecommunicator training, ~~and shall implement the~~ 58124  
~~program not more than one year after the effective date of this~~ 58125  
~~section.~~ In developing the program, the ~~state board~~ department 58126  
and the emergency service providers shall accept and consider 58127  
suggestions from any political subdivision or other entity, 58128  
whether located within or outside of this state, that offers 58129  
suggestions. The program shall include all of the following: 58130

(1) A curriculum for a basic course of emergency service 58131  
telecommunicator training that conforms to the requirements of 58132  
division (A) of section 4742.03 of the Revised Code; 58133

(2) A curriculum for continuing education coursework in 58134  
emergency service telecommunicator training that conforms to the 58135  
requirements of division (B) of section 4742.03 of the Revised 58136  
Code; 58137

(3) Standards and examinations to be used in the program 58138  
to certify that a person has successfully completed a basic 58139  
course of, or continuing education coursework in, emergency 58140  
service telecommunicator training; 58141

(4) Implementation of the training program at vocational 58142  
education centers that are approved by the board to offer 58143  
vocational education; 58144

(5) The provision at least eight times per year of a basic 58145  
course of emergency service telecommunicator training at 58146  
different vocational education centers around this state 58147  
selected to reasonably accommodate persons requesting the 58148  
training; 58149

(6) A requirement that any employee of an emergency 58150  
service provider may enroll in and complete any course offered 58151  
under the program at no charge by the ~~state board~~ department to 58152

the employee or provider. The tuition and materials costs for 58153  
training such employees under the program shall be paid from the 58154  
emergency service telecommunicator training fund created under 58155  
division (B) of this section. 58156

(7) A requirement that space available in each basic 58157  
course offered by the ~~state board~~ department shall be allocated 58158  
on a priority basis, first to unpaid volunteers of emergency 58159  
service providers, second to paid volunteers of such providers, 58160  
and third to other persons; 58161

(8) A provision allowing persons who are not employees of 58162  
emergency service providers to enroll in any course offered 58163  
under the program, on a space-available basis. The ~~state board~~ 58164  
department may charge reasonable tuition to such persons to 58165  
attend the course. 58166

(B) The emergency service telecommunicator training fund 58167  
is hereby established in the state treasury. The ~~state board of~~ 58168  
~~education~~ department shall use money in the fund only for the 58169  
following purposes: 58170

(1) To develop the emergency service telecommunicator 58171  
training program required under division (A) of this section; 58172

(2) To pay the compensation of ~~state board of education~~ 58173  
department employees who administer the program and the ~~state~~ 58174  
~~board's~~ department's costs of training employees of emergency 58175  
service providers at courses offered under the program. 58176

(C) The ~~state board of education~~ department, in accordance 58177  
with Chapter 119. of the Revised Code, shall adopt rules 58178  
necessary to develop and administer the training program under 58179  
this section. 58180

**Sec. 4742.03.** (A) A person may obtain certification as an 58181

emergency service telecommunicator by successfully completing a	58182
basic course of emergency service telecommunicator training that	58183
is conducted by the <del>state board</del> <u>department of education and</u>	58184
<u>workforce</u> under section 4742.02 of the Revised Code. The basic	58185
course of emergency service telecommunicator training shall	58186
include, but not be limited to, both of the following:	58187
(1) At least forty hours of instruction or training;	58188
(2) Instructional or training units in all of the	58189
following subjects:	58190
(a) The role of the emergency service telecommunicator;	58191
(b) Effective communication skills;	58192
(c) Emergency service telecommunicator liability;	58193
(d) Telephone techniques;	58194
(e) Requirements of the "Americans With Disabilities Act	58195
of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that	58196
pertain to emergency service telecommunicators;	58197
(f) Handling hysterical and suicidal callers;	58198
(g) Informing individuals who call about an apparent drug	58199
overdose about the immunity from prosecution for a minor drug	58200
possession offense created by section 2925.11 of the Revised	58201
Code;	58202
(h) Law enforcement terminology;	58203
(i) Fire service terminology;	58204
(j) Emergency medical service terminology;	58205
(k) Emergency call processing guides for law enforcement;	58206
(l) Emergency call processing guides for fire service;	58207

(m) Emergency call processing guides for emergency medical service;	58208 58209
(n) Radio broadcast techniques;	58210
(o) Disaster planning;	58211
(p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety.	58212 58213 58214
(B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A) (2) of this section.	58215 58216 58217 58218 58219 58220 58221 58222 58223
(C) If a person successfully completes the basic course of emergency service telecommunicator training described in division (A) of this section, the <del>state board of education department</del> or a <del>the department's</del> designee <del>of the board</del> shall certify the person's successful completion. The <del>board department</del> shall send a copy of the certification to the person and to the emergency service provider by whom the person is employed.	58224 58225 58226 58227 58228 58229 58230
If a person successfully completes the continuing education coursework described in division (B) of this section, the <del>state board of education or a designee of the board department</del> shall certify the person's successful completion. The <del>board department</del> shall send a copy of the certification to the person and to the emergency service provider by whom the person	58231 58232 58233 58234 58235 58236

is employed. 58237

**Sec. 4742.05.** (A) A career school that holds a valid 58238  
certificate of registration from the state board of career 58239  
colleges and schools may apply to the ~~state board department of~~ 58240  
~~education and workforce~~ for certification of a basic course of 58241  
emergency service telecommunicator training or of continuing 58242  
education coursework in emergency service telecommunicator 58243  
training. The ~~state board of education department~~ shall 58244  
prescribe the form of the application. 58245

(B) Upon receipt of an application, the ~~state board of~~ 58246  
~~education department~~ shall review it and consider whether the 58247  
proposed course or coursework meets the requirements of division 58248  
(A) or (B) of section 4742.03 of the Revised Code concerning 58249  
course length and content. If the proposed course or coursework 58250  
meets those requirements, the ~~state board of education~~ 58251  
~~department~~ shall issue a certification of that fact to the 58252  
career school. Inclusion of on-site verifiable electronic 58253  
training as part of a proposed basic or continuing education 58254  
course shall not be a reason for the ~~state board department to~~ 58255  
deny certification. 58256

(C) If, after receiving a certification from the ~~state~~ 58257  
~~board of education department~~ under this section, the career 58258  
school changes the approved course or coursework, the prior 58259  
certification is canceled and the career school shall apply to 58260  
the ~~state board of education department~~ for certification of the 58261  
changed course or coursework. 58262

**Sec. 4742.06.** (A) A person may obtain certification as an 58263  
emergency service telecommunicator by successfully completing a 58264  
basic course of emergency service telecommunicator training that 58265  
is conducted by a career school that has obtained certification 58266

of that course from the ~~state board~~ department of education and workforce under section 4742.05 of the Revised Code. If a person successfully completes the course, the career school shall certify the person's successful completion.

(B) A person may maintain certification as an emergency service telecommunicator by successfully completing continuing education coursework in emergency service telecommunicator training that is conducted by a career school that has obtained certification of that coursework from the ~~state board of education~~ department under section 4742.05 of the Revised Code. If a person successfully completes the coursework, the career school shall certify the person's successful completion.

(C) Upon certification of a person's successful completion under division (A) or (B) of this section, the career school shall send a copy of the certification to the person and to the emergency service provider that employs the person.

(D) Tuition and materials costs for a person enrolled in a certified basic or continuing education course conducted by a career school shall be paid by the person, an emergency service provider, or any other entity on behalf of the person or an emergency service provider.

**Sec. 4742.07.** The ~~state board~~ department of education and workforce and any emergency service provider or career school that certifies emergency service telecommunicators shall comply with section 4776.20 of the Revised Code.

**Sec. 4743.03.** No board, commission, or agency created under or by virtue of Title 47 of the Revised Code shall restrict entry into any occupation, profession, or trade under its supervision or regulation by:

(A) Unreasonably restricting the number of schools or 58296  
other institutions it certifies or accredits for the purpose of 58297  
fulfilling educational or training requirements for such 58298  
occupation, profession, or trade; 58299

(B) Denying certification or accreditation for the purpose 58300  
of fulfilling such educational or training requirements to any 58301  
school, college, or other educational institution that has been 58302  
certified by the ~~Ohio board chancellor of regents higher~~ 58303  
education or the state board of career colleges and schools or 58304  
to a high school for which the ~~state board director~~ of education 58305  
and workforce prescribes minimum standards under division (D) of 58306  
section 3301.07 of the Revised Code, unless the educational or 58307  
training program offered by such school, college, or institution 58308  
is not in substantial compliance with applicable standards of 58309  
the occupation, profession, or trade. 58310

(C) Rules of state regulatory boards relevant to age and 58311  
level of education required for admission to courses of study 58312  
leading to examination and licensing in professions or 58313  
occupations controlled by regulatory boards not requiring a 58314  
technical, associate, or baccalaureate degree shall not apply to 58315  
vocational education programs conducted in the public schools 58316  
where such vocational education programs in all other respects 58317  
meet the minimum standards and requirements of any regulatory 58318  
board and students completing such programs are of the minimum 58319  
age required for examination and licensing for the purpose of 58320  
practicing professions or occupations controlled by regulatory 58321  
boards. 58322

Nothing in this section shall prohibit a board, 58323  
commission, or agency from prescribing and enforcing educational 58324  
and training requirements and standards for certification and 58325

accreditation of schools and other institutions that constitute 58326  
reasonable bases for maintaining necessary standards of 58327  
performance in any occupation, profession, or trade. 58328

**Sec. 4747.10.** Each person currently engaged in training to 58329  
become a licensed hearing aid dealer or fitter shall apply to 58330  
the state speech and hearing professionals board for a hearing 58331  
aid dealer's and fitter's trainee permit. The board shall issue 58332  
to each applicant within thirty days of receipt of a properly 58333  
completed application and payment of an application fee set by 58334  
the board in rules adopted under section 4747.04 of the Revised 58335  
Code, a trainee permit if such applicant meets all of the 58336  
following criteria: 58337

(A) Is at least eighteen years of age; 58338

(B) Is the holder of a diploma from an accredited high 58339  
school or a certificate of high school equivalence issued ~~by the~~ 58340  
~~department of education~~under section 3301.80 of the Revised 58341  
Code; 58342

(C) Is free of contagious or infectious disease. 58343

The board shall not deny a trainee permit issued under 58344  
this section to any individual based on the individual's past 58345  
criminal history unless the denial is in accordance with section 58346  
9.79 of the Revised Code. 58347

In considering a renewal of an individual's trainee 58348  
permit, the board shall not consider any conviction or plea of 58349  
guilty prior to the issuance of the initial trainee permit. 58350  
However, the board may consider a conviction or plea of guilty 58351  
if it occurred after the individual was initially granted the 58352  
trainee permit, or after the most recent trainee permit renewal. 58353  
The board shall comply with Chapter 119. of the Revised Code 58354

when denying an individual for a trainee permit or renewal. 58355  
Additionally, the board may grant an individual a conditional 58356  
trainee permit that lasts for one year. After the one-year 58357  
period has expired, the permit is no longer considered 58358  
conditional, and the individual shall be considered to be 58359  
granted a full trainee permit. 58360

Each trainee permit issued by the board expires one year 58361  
from the date it was first issued, and may be renewed once if 58362  
the trainee has not successfully completed the qualifying 58363  
requirements for licensing as a hearing aid dealer or fitter 58364  
before the expiration date of such permit. The board shall issue 58365  
a renewed permit to each applicant upon receipt of a properly 58366  
completed application and payment of a renewal fee set by the 58367  
board in rules adopted under section 4747.04 of the Revised 58368  
Code. No person holding a trainee permit shall engage in the 58369  
practice of dealing in or fitting of hearing aids except while 58370  
under supervision by a licensed hearing aid dealer or fitter. 58371

**Sec. 4757.41.** (A) This chapter shall not apply to the 58372  
following: 58373

(1) A person certified by the state board of education 58374  
under Chapter 3319. of the Revised Code while performing any 58375  
services within the person's scope of employment by a board of 58376  
education or by a private school meeting the standards 58377  
prescribed by the ~~state board~~ director of education and 58378  
workforce under division (D) of section 3301.07 of the Revised 58379  
Code or in a program operated under Chapter 5126. of the Revised 58380  
Code for training individuals with developmental disabilities; 58381

(2) Psychologists, independent school psychologists, or 58382  
school psychologists licensed under Chapter 4732. of the Revised 58383  
Code; 58384

(3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions;

(4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(5) Any person who is not licensed under this chapter as a licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker and is employed in the civil service as defined in section 124.01 of the Revised Code while engaging in professional counseling or social work as a civil service employee, if on July 10, 2014, the person has at least two years of service in that capacity;

(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or registered under this chapter;

(7) An individual who holds a license or certificate under

Chapter 4758. of the Revised Code who is acting within the scope	58415
of the individual's license or certificate as a member of the	58416
profession of chemical dependency counseling or prevention	58417
services;	58418
(8) Any person employed by the American red cross while	58419
engaging in activities relating to services for military	58420
families and veterans and disaster relief, as described in the	58421
"American National Red Cross Act," 33 Stat. 599 (1905), 36	58422
U.S.C.A. 1, as amended;	58423
(9) Members of labor organizations who hold union	58424
counselor certificates while performing services in their	58425
official capacity as union counselors;	58426
(10) Any person employed in a hospital as defined in	58427
section 3727.01 of the Revised Code or in a nursing home as	58428
defined in section 3721.01 of the Revised Code while providing	58429
as a hospital employee or nursing home employee, respectively,	58430
social services other than counseling and the use of	58431
psychosocial interventions and social psychotherapy;	58432
(11) A vocational rehabilitation professional who is	58433
providing rehabilitation services to individuals under section	58434
3304.17 of the Revised Code, or holds certification by the	58435
commission on rehabilitation counselor certification and is	58436
providing rehabilitation counseling services consistent with the	58437
commission's standards;	58438
(12) A caseworker not licensed under this chapter as an	58439
independent social worker or social worker who is employed by a	58440
public children services agency under section 5153.112 of the	58441
Revised Code.	58442
(B) Divisions (A) (5) and (10) of this section do not	58443

prevent a person described in those divisions from obtaining a 58444  
license or certificate of registration under this chapter. 58445

(C) Except as provided in divisions (A) and (D) of this 58446  
section, no employee in the service of the state, including 58447  
public employees as defined by Chapter 4117. of the Revised 58448  
Code, shall engage in the practice of professional counseling, 58449  
social work, or marriage and family therapy without the 58450  
appropriate license issued by the board. Failure to comply with 58451  
this division constitutes nonfeasance under section 124.34 of 58452  
the Revised Code or just cause under a collective bargaining 58453  
agreement. Nothing in this division restricts the director of 58454  
administrative services from developing new classifications 58455  
related to this division or from reassigning affected employees 58456  
to appropriate classifications based on the employee's duties 58457  
and qualifications. 58458

(D) Except as provided in division (A) of this section, an 58459  
employee who was engaged in the practice of professional 58460  
counseling, social work, or marriage and family therapy in the 58461  
service of the state prior to July 10, 2014, including public 58462  
employees as defined by Chapter 4117. of the Revised Code, shall 58463  
comply with division (C) of this section within two years after 58464  
July 10, 2014. Any such employee who fails to comply shall be 58465  
removed from employment. 58466

(E) Nothing in this chapter prevents a public children 58467  
services agency from employing as a caseworker a person not 58468  
licensed under this chapter as an independent social worker or 58469  
social worker who has the qualifications specified in section 58470  
5153.112 of the Revised Code. 58471

**Sec. 4758.61.** An individual who holds a valid prevention 58472  
specialist assistant certificate or registered applicant 58473

certificate issued under this chapter may engage in the practice 58474  
of prevention services under the supervision of any of the 58475  
following: 58476

(A) A prevention consultant or prevention specialist 58477  
certified under this chapter; 58478

(B) An individual authorized under Chapter 4731. of the 58479  
Revised Code to practice medicine and surgery or osteopathic 58480  
medicine and surgery; 58481

(C) A psychologist licensed under Chapter 4732. of the 58482  
Revised Code; 58483

(D) A registered nurse licensed under Chapter 4723. of the 58484  
Revised Code; 58485

(E) A licensed professional clinical counselor, a licensed 58486  
professional counselor, an independent social worker, a social 58487  
worker, an independent marriage and family therapist, or a 58488  
marriage and family therapist licensed under Chapter 4757. of 58489  
the Revised Code; 58490

(F) A school counselor licensed by the ~~department~~ state 58491  
board of education pursuant to section 3319.22 of the Revised 58492  
Code; 58493

(G) A health education specialist certified by the 58494  
national commission for health education credentialing; 58495

(H) An individual authorized to practice as a certified 58496  
nurse practitioner or clinical nurse specialist under Chapter 58497  
4723. of the Revised Code. 58498

**Sec. 4779.13.** To be eligible for a license to practice 58499  
pedorthics, an applicant must meet both of the following 58500  
requirements: 58501

(A) Holds a high school diploma or certificate of high school equivalence issued by the department of education and workforce, or a primary-secondary education or higher education agency of another state;

(B) Has completed the education, training, and experience required to take the certification examination developed by the Ohio occupational therapy, physical therapy, and athletic trainers board for certification in pedorthics or an equivalent successor organization recognized by the board.

**Sec. 5101.061.** (A) There is hereby established in the department of job and family services the office of human services innovation. The office shall develop recommendations, as described in division (B) of this section, regarding the coordination and reform of state programs to assist the residents of this state in preparing for life and the dignity of work and to promote individual responsibility and work opportunity.

The director of job and family services shall establish the office's organizational structure, may reassign the department's staff and resources as necessary to support the office's activities, and is responsible for the office's operations. The department of education and workforce~~superintendent of public instruction~~, chancellor of higher education, and director of the governor's office of workforce transformation shall assist the director of job and family services with leadership and organizational support for the office.

(B) Not later than January 1, 2015, the office shall submit to the governor recommendations for all of the following:

(1) Coordinating services across all public assistance programs to help individuals find employment, succeed at work, and stay out of poverty; 58531  
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(2) Revising incentives for public assistance programs to foster person-centered case management; 58534  
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(3) Standardizing and automating eligibility determination policies and processes for public assistance programs; 58536  
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(4) Other matters the office considers appropriate. 58538

(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. 58539  
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(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. 58545  
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**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 58557  
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members:	58560
(1) (a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom 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.	58561 58562 58563 58564 58565 58566 58567
(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.	58568 58569 58570 58571 58572 58573
(2) The governor, or the governor's designee;	58574
(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court;	58575 58576
(4) The directors of health, job and family services, rehabilitation and correction, mental health and addiction services, <del>and youth services and the superintendent of public instruction, and education and workforce</del> , or their designees;	58577 58578 58579 58580
(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;	58581 58582 58583
(6) Five representatives of the general public appointed by the governor. These members shall have extensive experience in issues related to fatherhood.	58584 58585 58586
(B) The appointing authorities of the Ohio commission on	58587

fatherhood shall make initial appointments to the commission 58588  
within thirty days after September 29, 1999. Of the initial 58589  
appointments to the commission made pursuant to divisions (A) 58590  
(3), (5), and (6) of this section, three of the members shall 58591  
serve a term of one year and four shall serve a term of two 58592  
years. Members so appointed subsequently shall serve two-year 58593  
terms. A member appointed pursuant to division (A)(1) of this 58594  
section shall serve on the commission until the end of the 58595  
general assembly from which the member was appointed or until 58596  
the member ceases to serve in the chamber of the general 58597  
assembly in which the member serves at the time of appointment, 58598  
whichever occurs first. The governor or the governor's designee 58599  
shall serve on the commission until the governor ceases to be 58600  
governor. The directors ~~and superintendent~~ or their designees 58601  
shall serve on the commission until they cease, or the director 58602  
~~or superintendent~~ a designee represents ceases, to be director 58603  
~~or superintendent~~. Each member shall serve on the commission 58604  
from the date of appointment until the end of the term for which 58605  
the member was appointed. Members may be reappointed. 58606

Vacancies shall be filled in the manner provided for 58607  
original appointments. Any member appointed to fill a vacancy 58608  
occurring prior to the expiration date of the term for which the 58609  
member's predecessor was appointed shall serve on the commission 58610  
for the remainder of that term. A member shall continue to serve 58611  
on the commission subsequent to the expiration date of the 58612  
member's term until the member's successor is appointed or until 58613  
a period of sixty days has elapsed, whichever occurs first. 58614  
Members shall serve without compensation but shall be reimbursed 58615  
for necessary expenses. 58616

**Sec. 5103.02.** As used in sections 5103.03 to 5103.181 of 58617  
the Revised Code: 58618

(A) (1) "Association" or "institution" includes all of the following: 58619  
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(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks; 58621  
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(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage; 58625  
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(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or is the appointed guardian of such children. 58629  
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(2) "Association" or "institution" does not include any of the following: 58635  
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(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education and workforce, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities; 58637  
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(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody; 58645  
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(c) A private, nonprofit therapeutic wilderness camp;	58648
(d) A qualified organization as defined in section 2151.90 of the Revised Code.	58649 58650
(B) "Family foster home" means a foster home that is not a specialized foster home.	58651 58652
(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.	58653 58654 58655
(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.	58656 58657 58658 58659 58660 58661 58662 58663 58664
(E) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.	58665 58666
(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:	58667 58668 58669 58670
(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.	58671 58672 58673
(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the	58674 58675

instability of their medical conditions.	58676
(3) The children require the services of a registered nurse on a daily basis.	58677 58678
(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.	58679 58680 58681
(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:	58682 58683 58684 58685 58686
(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.	58687 58688 58689
(2) The children have been placed there by their parents or another relative having custody.	58690 58691
(3) The camp accepts no public funds for use in its operations.	58692 58693
(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:	58694 58695 58696 58697 58698
(1) Issue a certificate;	58699
(2) Deny a certificate;	58700
(3) Renew a certificate;	58701
(4) Deny renewal of a certificate;	58702

(5) Revoke a certificate.	58703
(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.	58704 58705
(J) "Resource family" means a foster home or the kinship caregiver family.	58706 58707
(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home.	58708 58709
(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs.	58710 58711 58712 58713 58714 58715 58716
<b>Sec. 5103.08.</b> The department of job and family services may enter into contracts with the department of education <u>and workforce</u> authorizing the department of job and family services to administer funds received by the department of education <u>and workforce</u> under the "State Dependent Care Development Grants Act," 100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In fulfilling its duties under such a contract, the department of job and family services may make grants to or enter into contracts with other public or private entities.	58717 58718 58719 58720 58721 58722 58723 58724 58725
<b>Sec. 5103.13.</b> (A) As used in this section and section 5103.131 of the Revised Code:	58726 58727
(1) (a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following:	58728 58729 58730

(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services; 58731  
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(ii) One or more preteens placed in the facility by a public children services agency or private child placing agency that has legal custody or permanent custody of the preteen and determines that an emergency situation exists necessitating the preteen's placement in the facility rather than an institution certified under section 5103.03 of the Revised Code or elsewhere. 58736  
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(b) "Children's crisis care facility" does not include any of the following: 58743  
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(i) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education and workforce, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities; 58745  
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(ii) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody; 58753  
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(iii) Any residential infant care center, as an entity deemed a residential infant care center under section 5103.602 of the Revised Code shall no longer be licensed as a children's crisis care center. 58756  
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(2) "Legal custody" and "permanent custody" have the same meanings as in section 2151.011 of the Revised Code. 58760  
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(3) "Pediatric medical service" means medical service 58762  
required to be provided by, or with oversight from, a licensed 58763  
medical professional, including prescribing medication, 58764  
administering rectal or intravenous medication, and outpatient 58765  
laboratory service, and providing for sick visits, on-site well 58766  
child exams, and children assisted by medical technology. 58767

(4) "Preteen" means an individual under thirteen years of 58768  
age. 58769

(B) No person shall operate a children's crisis care 58770  
facility or hold a children's crisis care facility out as a 58771  
certified children's crisis care facility unless there is a 58772  
valid children's crisis care facility certificate issued under 58773  
this section for the facility. 58774

(C) (1) A person seeking to operate a children's crisis 58775  
care facility shall apply to the director of job and family 58776  
services to obtain a certificate for the facility. 58777

(2) (a) The director shall certify the person's children's 58778  
crisis care facility if the facility meets all of the 58779  
certification standards established in rules adopted under 58780  
division (H) of this section and the person complies with all of 58781  
the rules governing the certification of children's crisis care 58782  
facilities adopted under that division. The issuance of a 58783  
children's crisis care facility certificate does not exempt the 58784  
facility from a requirement to obtain another certificate or 58785  
license mandated by law. 58786

(b) The director shall not issue a waiver to a person for 58787  
compliance with any of the requirements imposed under this 58788

section or any of the rules adopted under division (H) of this section.	58789
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(D) No certified children's crisis care facility shall do any of the following:	58791
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(1) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;	58793
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(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;	58795
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(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;	58799
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(4) Fail to comply with section 2151.86 of the Revised Code.	58803
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(E) A certified children's crisis care facility shall do the following:	58805
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(1) Employ a licensed social worker, a licensed independent social worker, a licensed professional counselor, or a licensed professional clinical counselor;	58807
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(2) Require, if pediatric medical service is provided at the facility, the following for the provision of pediatric medical service:	58810
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(a) Medical service to be provided by a qualified, licensed, and insured medical professional;	58813
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(b) All staff, volunteers, and interns to comply with the	58815

privacy requirements of the "Health Insurance Portability and 58816  
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 58817  
2021, 42 U.S.C. 1320d et seq., as amended; 58818

(c) If a preteen is admitted by the preteen's parent or 58819  
caretaker and if the preteen requires ongoing medical care 58820  
following discharge from the facility, a medical professional or 58821  
licensed social worker to make the medical professional's or 58822  
social worker's best effort to ensure the parent or caretaker is 58823  
competent to provide the ongoing care; 58824

(d) The facility to have a dedicated and private enclosed 58825  
space for the purpose of a medical professional to receive and 58826  
treat patients and that contains a sink or tub, medical exam 58827  
table, medical record system, and pediatric medical equipment. 58828

(3) Require, if a preteen is admitted by the preteen's 58829  
parent or caretaker, the facility's licensed social worker, 58830  
licensed independent social worker, licensed professional 58831  
counselor, or licensed professional clinical counselor to make 58832  
their best efforts to ensure the parent or caretaker is 58833  
competent in the basic parenting skills needed to care for the 58834  
preteen; 58835

(4) Require only a transfer summary for the transfer of a 58836  
preteen from one certified children's crisis care facility 58837  
location to another, if the facility has more than one location; 58838

(5) Require the facility to have a dedicated and private 58839  
enclosed space for the purpose of completing required admission 58840  
paperwork and medical forms; 58841

(6) Require the facility to develop a visitation plan for 58842  
the preteen's parent or caretaker with the preteen while 58843  
residential care is being provided, which shall occur during 58844

awake hours and not include overnight visits, for the parent or 58845  
caretaker with the preteen. 58846

(F) A certified children's crisis care facility may do the 58847  
following: 58848

(1) Count administrative staff, interns, and volunteers 58849  
toward child staff ratios required under paragraph (G) of rule 58850  
5101:2-9-36 of the Administrative Code for up to three hours if 58851  
the administrative staff, interns, or volunteers meet the 58852  
following requirements: 58853

(a) Completed training in the mission of the children's 58854  
crisis care facility; 58855

(b) Completed training pursuant to rule 5101:2-9-03 of the 58856  
Administrative Code; 58857

(c) Are supervised by facility staff. 58858

(2) Use contracted transportation providers, on whom 58859  
criminal records checks have been conducted in accordance with 58860  
section 2151.86 of the Revised Code, to transport preteens, if 58861  
such use is necessary for the facility to maintain required 58862  
child staff ratios. 58863

(G) The director of job and family services may suspend or 58864  
revoke a children's crisis care facility's certificate pursuant 58865  
to Chapter 119. of the Revised Code if the facility violates or 58866  
fails to comply with any of the requirements under this section 58867  
or ceases to meet any of the certification standards established 58868  
in rules adopted under division (H) of this section or the 58869  
facility's operator ceases to comply with any of the rules 58870  
governing the certification of children's crisis care facilities 58871  
adopted under that division. 58872

(H) Not later than ninety days after September 21, 2006, 58873  
the director of job and family services shall adopt rules 58874  
pursuant to Chapter 119. of the Revised Code for the 58875  
certification of children's crisis care facilities. The rules 58876  
shall specify that a certificate shall not be issued to an 58877  
applicant if the conditions at the children's crisis care 58878  
facility would jeopardize the health or safety of the preteens 58879  
placed in the facility. 58880

**Sec. 5103.55.** A parent of a child attending a private, 58881  
nonprofit therapeutic wilderness camp is not relieved of the 58882  
parent's obligations regarding compulsory school attendance 58883  
pursuant to section 3321.04 or 3321.042 of the Revised Code. 58884

**Sec. 5104.01.** As used in this chapter: 58885

(A) "Administrator" means the person responsible for the 58886  
daily operation of a center, type A home, or approved child day 58887  
camp. The administrator and the owner may be the same person. 58888

(B) "Approved child day camp" means a child day camp 58889  
approved pursuant to section 5104.22 of the Revised Code. 58890

(C) "Authorized representative" means an individual 58891  
employed by a center, type A home, or approved child day camp 58892  
that is owned by a person other than an individual and who is 58893  
authorized by the owner to do all of the following: 58894

(1) Communicate on the owner's behalf; 58895

(2) Submit on the owner's behalf applications for 58896  
licensure or approval; 58897

(3) Enter into on the owner's behalf provider agreements 58898  
for publicly funded child care. 58899

(D) "Border state child care provider" means a child care 58900

provider that is located in a state bordering Ohio and that is 58901  
licensed, certified, or otherwise approved by that state to 58902  
provide child care funded by the child care block grant act. 58903

(E) "Career pathways model" means an alternative pathway 58904  
to meeting the requirements to be a child-care staff member or 58905  
administrator that does both of the following: 58906

(1) Uses a framework approved by the director of job and 58907  
family services to document formal education, training, 58908  
experience, and specialized credentials and certifications; 58909

(2) Allows the child-care staff member or administrator to 58910  
achieve a designation as an early childhood professional level 58911  
one, two, three, four, five, or six. 58912

(F) "Caretaker parent" means the father or mother of a 58913  
child whose presence in the home is needed as the caretaker of 58914  
the child, a person who has legal custody of a child and whose 58915  
presence in the home is needed as the caretaker of the child, a 58916  
guardian of a child whose presence in the home is needed as the 58917  
caretaker of the child, and any other person who stands in loco 58918  
parentis with respect to the child and whose presence in the 58919  
home is needed as the caretaker of the child. 58920

(G) "Chartered nonpublic school" means a school that meets 58921  
standards for nonpublic schools prescribed by the ~~state board~~ 58922  
director of education and workforce for nonpublic schools 58923  
pursuant to section 3301.07 of the Revised Code. 58924

(H) "Child" includes an infant, toddler, preschool-age 58925  
child, or school-age child. 58926

(I) "Child care block grant act" means the "Child Care and 58927  
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 58928  
U.S.C. 9858, as amended. 58929

(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 school hours;

(2) By persons other than their parents, guardians, or custodians;

(3) For part of the twenty-four-hour day;

(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;

(5) By a provider required by this chapter to be licensed or approved by the department of job and family services, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.

(L) "Child day-care center" and "center" mean any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. "Child day-care center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the

needs of children are administered to, if all the children whose 58958  
needs are being administered to are monitored under the on-site 58959  
supervision of a physician licensed under Chapter 4731. of the 58960  
Revised Code or a registered nurse licensed under Chapter 4723. 58961  
of the Revised Code, and the services are provided only for 58962  
children who, in the opinion of the child's parent, guardian, or 58963  
custodian, are exhibiting symptoms of a communicable disease or 58964  
other illness or are injured; 58965

(2) A child day camp; 58966

(3) A place that provides care, if all of the following 58967  
apply: 58968

(a) An organized religious body provides the care; 58969

(b) A parent, custodian, or guardian of at least one child 58970  
receiving care is on the premises and readily accessible at all 58971  
times; 58972

(c) The care is not provided for more than thirty days a 58973  
year; 58974

(d) The care is provided only for preschool-age and 58975  
school-age children. 58976

(M) "Child care resource and referral service 58977  
organization" means a community-based nonprofit organization 58978  
that provides child care resource and referral services but not 58979  
child care. 58980

(N) "Child care resource and referral services" means all 58981  
of the following services: 58982

(1) Maintenance of a uniform data base of all child care 58983  
providers in the community that are in compliance with this 58984  
chapter, including current occupancy and vacancy data; 58985

(2) Provision of individualized consumer education to families seeking child care;	58986 58987
(3) Provision of timely referrals of available child care providers to families seeking child care;	58988 58989
(4) Recruitment of child care providers;	58990
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	58991 58992 58993 58994
(6) Collection and analysis of data on the supply of and demand for child care in the community;	58995 58996
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	58997 58998 58999
(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;	59000 59001 59002
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	59003 59004 59005
(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;	59006 59007 59008 59009 59010
(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	59011 59012 59013

family day-care homes. 59014

(O) "Child-care staff member" means an employee of a child 59015  
day-care center, type A family day-care home, licensed type B 59016  
family day-care home, or approved child day camp who is 59017  
primarily responsible for the care and supervision of children. 59018  
The administrator, authorized representative, or owner may be a 59019  
child-care staff member when not involved in other duties. 59020

(P) "Drop-in child day-care center," "drop-in center," 59021  
"drop-in type A family day-care home," and "drop-in type A home" 59022  
mean a center or type A home that provides child care or 59023  
publicly funded child care for children on a temporary, 59024  
irregular basis. 59025

(Q) "Employee" means a person who either: 59026

(1) Receives compensation for duties performed in a child 59027  
day-care center, type A family day-care home, licensed type B 59028  
family day-care home, or approved child day camp; 59029

(2) Is assigned specific working hours or duties in a 59030  
child day-care center, type A family day-care home, licensed 59031  
type B family day-care home, or approved child day camp. 59032

(R) "Employer" means a person, firm, institution, 59033  
organization, or agency that operates a child day-care center, 59034  
type A family day-care home, licensed type B family day-care 59035  
home, or approved child day camp subject to licensure or 59036  
approval under this chapter. 59037

(S) "Federal poverty line" means the official poverty 59038  
guideline as revised annually in accordance with section 673(2) 59039  
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 59040  
511, 42 U.S.C. 9902, as amended, for a family size equal to the 59041  
size of the family of the person whose income is being 59042

determined.	59043
(T) "Head start program" means a school-readiness program	59044
that satisfies all of the following:	59045
(1) Is for children from birth to age five who are from	59046
low-income families;	59047
(2) Receives funds distributed under the "Improving Head	59048
Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as	59049
amended;	59050
(3) Is licensed as a child care program.	59051
(U) "Homeless child care" means child care provided to a	59052
child who satisfies any of the following:	59053
(1) Is homeless as defined in 42 U.S.C. 11302;	59054
(2) Is a homeless child or youth as defined in 42 U.S.C.	59055
11434a;	59056
(3) Resides temporarily with a caretaker in a facility	59057
providing emergency shelter for homeless families or is	59058
determined by a county department of job and family services to	59059
be homeless.	59060
(V) "Income" means gross income, as defined in section	59061
5107.10 of the Revised Code, less any amounts required by	59062
federal statutes or regulations to be disregarded.	59063
(W) "Indicator checklist" means an inspection tool, used	59064
in conjunction with an instrument-based program monitoring	59065
information system, that contains selected licensing	59066
requirements that are statistically reliable indicators or	59067
predictors of a child day-care center's type A family day-care	59068
home's, or licensed type B family day-care home's compliance	59069

with licensing requirements. 59070

(X) "Infant" means a child who is less than eighteen 59071  
months of age. 59072

(Y) "In-home aide" means a person who does not reside with 59073  
the child but provides care in the child's home and is certified 59074  
by a county director of job and family services pursuant to 59075  
section 5104.12 of the Revised Code to provide publicly funded 59076  
child care to a child in a child's own home pursuant to this 59077  
chapter and any rules adopted under it. 59078

(Z) "Instrument-based program monitoring information 59079  
system" means a method to assess compliance with licensing 59080  
requirements for child day-care centers, type A family day-care 59081  
homes, and licensed type B family day-care homes in which each 59082  
licensing requirement is assigned a weight indicative of the 59083  
relative importance of the requirement to the health, growth, 59084  
and safety of the children that is used to develop an indicator 59085  
checklist. 59086

(AA) "License capacity" means the maximum number in each 59087  
age category of children who may be cared for in a child day- 59088  
care center, type A family day-care home, or licensed type B 59089  
family day-care home at onetime as determined by the director 59090  
of job and family services considering building occupancy limits 59091  
established by the department of commerce, amount of available 59092  
indoor floor space and outdoor play space, and amount of 59093  
available play equipment, materials, and supplies. 59094

(BB) "Licensed child care program" means any of the 59095  
following: 59096

(1) A child day-care center licensed by the department of 59097  
job and family services pursuant to this chapter; 59098

(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; 59099  
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(3) A licensed preschool program or licensed school child program. 59102  
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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 is licensed by the department of education and workforce pursuant to sections 3301.52 to 3301.59 of the Revised Code. 59104  
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(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code. 59109  
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(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter. 59113  
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(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp. 59118  
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(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity. 59120  
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(HH) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in 59122  
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which the services of the corporation or association are 59128  
provided only to children of the members of the corporation or 59129  
association, ownership and control of the corporation or 59130  
association rests solely with the members of the corporation or 59131  
association, and at least one parent-member of the corporation 59132  
or association is on the premises of the center or type A home 59133  
during its hours of operation. 59134

(II) "Part-time child day-care center," "part-time 59135  
center," "part-time type A family day-care home," and "part-time 59136  
type A home" mean a center or type A home that provides child 59137  
care or publicly funded child care for not more than four hours 59138  
a day for any child or not more than fifteen consecutive weeks 59139  
per year, regardless of the number of hours per day. 59140

(JJ) "Place of worship" means a building where activities 59141  
of an organized religious group are conducted and includes the 59142  
grounds and any other buildings on the grounds used for such 59143  
activities. 59144

(KK) "Preschool-age child" means a child who is three 59145  
years old or older but is not a school-age child. 59146

(LL) "Protective child care" means publicly funded child 59147  
care for the direct care and protection of a child to whom all 59148  
of the following apply: 59149

(1) A case plan has been prepared and maintained for the 59150  
child pursuant to section 2151.412 of the Revised Code. 59151

(2) The case plan indicates a need for protective care. 59152

(3) The child resides with a parent, stepparent, guardian, 59153  
or another person who stands in loco parentis as defined in 59154  
rules adopted under section 5104.38 of the Revised Code. 59155

(MM) "Publicly funded child care" means administering to 59156  
the needs of infants, toddlers, preschool-age children, and 59157  
school-age children under age thirteen during any part of the 59158  
twenty-four-hour day by persons other than their caretaker 59159  
parents for remuneration wholly or in part with federal or state 59160  
funds, including funds available under the child care block 59161  
grant act, Title IV-A, and Title XX, distributed by the 59162  
department of job and family services. 59163

(NN) "Religious activities" means any of the following: 59164  
worship or other religious services; religious instruction; 59165  
Sunday school classes or other religious classes conducted 59166  
during or prior to worship or other religious services; youth or 59167  
adult fellowship activities; choir or other musical group 59168  
practices or programs; meals; festivals; or meetings conducted 59169  
by an organized religious group. 59170

(OO) "School-age child" means a child who is enrolled in 59171  
or is eligible to be enrolled in a grade of kindergarten or 59172  
above but is less than fifteen years old or, in the case of a 59173  
child who is receiving special needs child care, is less than 59174  
eighteen years old. 59175

(PP) "Serious risk noncompliance" means a licensure or 59176  
certification rule violation that leads to a great risk of harm 59177  
to, or death of, a child, and is observable, not inferable. 59178

(QQ) "Special needs child care" means child care provided 59179  
to a child who is less than eighteen years of age and either has 59180  
one or more chronic health conditions or does not meet age 59181  
appropriate expectations in one or more areas of development, 59182  
including social, emotional, cognitive, communicative, 59183  
perceptual, motor, physical, and behavioral development and that 59184  
may include on a regular basis such services, adaptations, 59185

modifications, or adjustments needed to assist in the child's 59186  
function or development. 59187

(RR) "Title IV-A" means Title IV-A of the "Social Security 59188  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 59189

(SS) "Title XX" means Title XX of the "Social Security 59190  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 59191

(TT) "Toddler" means a child who is at least eighteen 59192  
months of age but less than three years of age. 59193

(UU) "Type A family day-care home" and "type A home" mean 59194  
the permanent residence of the administrator in which child care 59195  
or publicly funded child care is provided for seven to twelve 59196  
children at one time or a permanent residence of the 59197  
administrator in which child care is provided for four to twelve 59198  
children at one time if four or more children at one time are 59199  
under two years of age. In counting children for the purposes of 59200  
this division, any children under six years of age who are 59201  
related to a licensee, administrator, or employee and who are on 59202  
the premises of the type A home shall be counted. "Type A family 59203  
day-care home" and "type A home" do not include any child day 59204  
camp. 59205

(VV) "Type B family day-care home" and "type B home" mean 59206  
a permanent residence of the provider in which care is provided 59207  
for one to six children at one time and in which no more than 59208  
three children are under two years of age at one time. In 59209  
counting children for the purposes of this division, any 59210  
children under six years of age who are related to the provider 59211  
and who are on the premises of the type B home shall be counted. 59212  
"Type B family day-care home" and "type B home" do not include 59213  
any child day camp. 59214

**Sec. 5104.015.** The director of job and family services 59215  
shall adopt rules in accordance with Chapter 119. of the Revised 59216  
Code governing the operation of child day-care centers, 59217  
including parent cooperative centers, part-time centers, and 59218  
drop-in centers. The rules shall reflect the various forms of 59219  
child care and the needs of children receiving child care or 59220  
publicly funded child care and shall include specific rules for 59221  
school-age child care centers that are developed in consultation 59222  
with the department of education and workforce. The rules shall 59223  
include the following: 59224

(A) Submission of a site plan and descriptive plan of 59225  
operation to demonstrate how the center proposes to meet the 59226  
requirements of this chapter and rules adopted pursuant to this 59227  
chapter for the initial license application; 59228

(B) Standards for ensuring that the physical surroundings 59229  
of the center are safe and sanitary including the physical 59230  
environment, the physical plant, and the equipment of the 59231  
center; 59232

(C) Standards for the supervision, care, and discipline of 59233  
children receiving child care or publicly funded child care in 59234  
the center; 59235

(D) Standards for a program of activities, and for play 59236  
equipment, materials, and supplies, to enhance the development 59237  
of each child; however, any educational curricula, philosophies, 59238  
and methodologies that are developmentally appropriate and that 59239  
enhance the social, emotional, intellectual, and physical 59240  
development of each child shall be permissible. As used in this 59241  
division, "program" does not include instruction in religious or 59242  
moral doctrines, beliefs, or values that is conducted at child 59243  
day-care centers owned and operated by churches and does include 59244

methods of disciplining children at child day-care centers.	59245
(E) Admissions policies and procedures;	59246
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	59247 59248 59249
(G) First aid and emergency procedures;	59250
(H) Procedures for discipline and supervision of children;	59251
(I) Standards for the provision of nutritious meals and snacks;	59252 59253
(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;	59254 59255 59256
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	59257 59258
(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;	59259 59260 59261 59262
(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;	59263 59264 59265
(N) Procedures for record keeping, organization, and administration;	59266 59267
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	59268 59269 59270
(P) Inspection procedures;	59271

(Q) Procedures and standards for setting initial license application fees;	59272 59273
(R) Procedures for receiving, recording, and responding to complaints about centers;	59274 59275
(S) Procedures for enforcing section 5104.04 of the Revised Code;	59276 59277
(T) Minimum qualifications for employment as an administrator or child-care staff member;	59278 59279
(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;	59280 59281 59282 59283
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	59284 59285 59286 59287
(W) A procedure for reporting of injuries of children that occur at the center;	59288 59289
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	59290 59291 59292
(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;	59293 59294 59295
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	59296 59297 59298

**Sec. 5104.02.** (A) The director of job and family services 59299  
is responsible for licensing child day-care centers, type A 59300  
family day-care homes, and type B family day-care homes. Each 59301  
entity operating a head start program shall meet the criteria 59302  
for, and be licensed as, a child day-care center. The director 59303  
is responsible for the enforcement of this chapter and of rules 59304  
promulgated pursuant to this chapter. 59305

No person, firm, organization, institution, or agency 59306  
shall operate, establish, manage, conduct, or maintain a child 59307  
day-care center or type A family day-care home without a license 59308  
issued under section 5104.03 of the Revised Code. The current 59309  
license shall be posted in the center or home in a conspicuous 59310  
place that is accessible to parents, custodians, or guardians 59311  
and employees of the center or home at all times when the center 59312  
or home is in operation. 59313

(B) A person, firm, institution, organization, or agency 59314  
operating any of the following programs is exempt from the 59315  
requirements of this chapter: 59316

(1) A program caring for children that operates for two 59317  
consecutive weeks or less and not more than six weeks total in 59318  
each calendar year; 59319

(2) Caring for children in places of worship during 59320  
religious activities while at least one parent, guardian, or 59321  
custodian of each child is participating in such activities and 59322  
is readily available; 59323

(3) Supervised training, instruction, or activities of 59324  
children in specific areas, including, but not limited to: art; 59325  
drama; dance; music; athletic skills or sports; computers; or an 59326  
educational subject conducted on an organized or periodic basis 59327

that a child does not attend for more than eight total hours per week; 59328  
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(4) Programs in which the director determines that at least one parent, custodian, or guardian of each child who is not an employee of the facility engaged in employment duties is on the premises of the facility that offers care and is readily accessible at all times; 59330  
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(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. 59335  
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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. 59338  
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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: 59342  
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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; 59347  
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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; 59351  
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(c) The program is conducted in a school building; 59355

(d) The program is operated in accordance with rules 59356  
promulgated by the ~~state board~~ department of education and 59357  
workforce under section 3301.53 of the Revised Code. 59358

(8) A youth development program operated outside of school 59359  
hours to which all of the following apply: 59360

(a) The children enrolled in the program are under 59361  
nineteen years of age and enrolled in or eligible to be enrolled 59362  
in a grade of kindergarten or above. 59363

(b) The program provides informal care, which is care that 59364  
does not require parental signature, permission, or notice for 59365  
the child receiving the care to enter or leave the program. 59366

(c) The program provides any of the following supervised 59367  
activities: educational, recreational, culturally enriching, 59368  
social, and personal development activities. 59369

(d) The entity operating the program is exempt from 59370  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 59371

(9) A preschool program operated by a nonchartered, 59372  
nontax-supported school if the preschool program meets all of 59373  
the following conditions: 59374

(a) The program complies with state and local health, 59375  
fire, and safety laws. 59376

(b) The program annually certifies in a report to the 59377  
parents of its pupils that the school is in compliance with 59378  
division (B)(9)(a) of this section and files a copy of the 59379  
report with the department of job and family services on or 59380  
before the thirtieth day of September of each year. 59381

(c) The program complies with all applicable reporting 59382  
requirements in the same manner as required by the ~~state board~~ 59383

department of education and workforce for nonchartered, 59384  
nonpublic primary and secondary schools. 59385

(d) The program is associated with a nonchartered, nontax- 59386  
supported primary or secondary school. 59387

(10) A program that provides activities for children who 59388  
are five years of age or older and is operated by a county, 59389  
township, municipal corporation, township park district created 59390  
under section 511.18 of the Revised Code, park district created 59391  
under section 1545.04 of the Revised Code, or joint recreation 59392  
district established under section 755.14 of the Revised Code. 59393

**Sec. 5104.053.** As a precondition of approval by the ~~state-~~ 59394  
~~board-~~department of education and workforce pursuant to section 59395  
3313.813 of the Revised Code for receipt of United States 59396  
department of agriculture child and adult care food program 59397  
funds established under the "National School Lunch Act," 60 59398  
Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of 59399  
child care in a type B family day-care home that is not licensed 59400  
by the director of job and family services shall request an 59401  
inspection of the type B home by the fire marshal, who shall 59402  
inspect the type B home pursuant to section 3737.22 of the 59403  
Revised Code to determine that it is in compliance with rules 59404  
established pursuant to section 5104.052 of the Revised Code for 59405  
licensed type B homes. 59406

**Sec. 5104.08.** (A) There is hereby created in the 59407  
department of job and family services a child care advisory 59408  
council to advise and assist the department in the 59409  
administration of this chapter and in the development of child 59410  
care. The council shall consist of twenty-two voting members 59411  
appointed by the director of job and family services with the 59412  
approval of the governor. The director of job and family 59413

services, the director of developmental disabilities, the 59414  
director of mental health and addiction services, the 59415  
~~superintendent of public instruction~~director of education and 59416  
workforce, the director of health, the director of commerce, and 59417  
the state fire marshal shall serve as nonvoting members of the 59418  
council. 59419

Six members shall be representatives of child care centers 59420  
subject to licensing, the members to represent a variety of 59421  
centers, including nonprofit and proprietary, from different 59422  
geographical areas of the state. At least three members shall be 59423  
parents, guardians, or custodians of children receiving child 59424  
care or publicly funded child care in the child's own home, a 59425  
center, a type A home, a head start program, a licensed type B 59426  
home, or a type B home at the time of appointment. Three members 59427  
shall be representatives of in-home aides, type A homes, 59428  
licensed type B homes, or type B homes or head start programs. 59429  
At least six members shall represent county departments of job 59430  
and family services. The remaining members shall be 59431  
representatives of the teaching, child development, and health 59432  
professions, and other individuals interested in the welfare of 59433  
children. At least six members of the council shall not be 59434  
employees or licensees of a child day-care center, head start 59435  
program, or type A home, or providers operating a licensed type 59436  
B home or type B home, or in-home aides. 59437

Appointments shall be for three-year terms. Vacancies 59438  
shall be filled for the unexpired terms. A member of the council 59439  
is subject to removal by the director of job and family services 59440  
for a willful and flagrant exercise of authority or power that 59441  
is not authorized by law, for a refusal or willful neglect to 59442  
perform any official duty as a member of the council imposed by 59443  
law, or for being guilty of misfeasance, malfeasance, 59444

nonfeasance, or gross neglect of duty as a member of the 59445  
council. 59446

There shall be two co-chairpersons of the council. One co- 59447  
chairperson shall be the director of job and family services or 59448  
the director's designee, and one co-chairperson shall be elected 59449  
by the members of the council. The council shall meet as often 59450  
as is necessary to perform its duties, provided that it shall 59451  
meet at least once in each quarter of each calendar year and at 59452  
the call of the co-chairpersons. The co-chairpersons or their 59453  
designee shall send to each member a written notice of the date, 59454  
time, and place of each meeting. 59455

Members of the council shall serve without compensation, 59456  
but shall be reimbursed for necessary expenses. 59457

(B) The child care advisory council shall advise the 59458  
director on matters affecting the licensing of centers, type A 59459  
homes, and type B homes and the certification of in-home aides. 59460  
The council shall make an annual report to the director of job 59461  
and family services that addresses the availability, 59462  
affordability, accessibility, and quality of child care and that 59463  
summarizes the recommendations and plans of action that the 59464  
council has proposed to the director during the preceding fiscal 59465  
year. The director of job and family services shall provide 59466  
copies of the report to the governor, speaker and minority 59467  
leader of the house of representatives, and the president and 59468  
minority leader of the senate and, on request, shall make copies 59469  
available to the public. 59470

(C) The director of job and family services shall adopt 59471  
rules in accordance with Chapter 119. of the Revised Code to 59472  
implement this section. 59473

**Sec. 5104.29.** (A) As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code.

(B) There is hereby created in the department of job and family services the step up to quality program, under which the department of job and family services, in cooperation with the department of education and workforce, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components:

(1) Quality program standards for early learning and development programs;

(2) Accountability measures that include tiered ratings representing each program's level of quality;

(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;

(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;

(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.

(C) The step up to quality program shall have the following goals:

(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development

programs;	59502
(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;	59503 59504 59505
(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;	59506 59507
(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.	59508 59509 59510
(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.	59511 59512 59513 59514 59515
(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:	59516 59517 59518 59519
(1) Learning and development;	59520
(2) Administration and leadership practices;	59521
(3) Staff quality and professional development;	59522
(4) Family and community partnerships.	59523
(F) The director of job and family services, in collaboration with the <del>superintendent of public-</del> <del>instruction</del> <u>director of education and workforce</u> , shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this	59524 59525 59526 59527 59528

section.— 59529

**Sec. 5104.30.** (A) The department of job and family 59530  
services is hereby designated as the state agency responsible 59531  
for administration and coordination of federal and state funding 59532  
for publicly funded child care in this state. Publicly funded 59533  
child care shall be provided to the following: 59534

(1) Recipients of transitional child care as provided 59535  
under section 5104.34 of the Revised Code; 59536

(2) Participants in the Ohio works first program 59537  
established under Chapter 5107. of the Revised Code; 59538

(3) Individuals who would be participating in the Ohio 59539  
works first program if not for a sanction under section 5107.16 59540  
of the Revised Code and who continue to participate in a work 59541  
activity, developmental activity, or alternative work activity 59542  
pursuant to an assignment under section 5107.42 of the Revised 59543  
Code; 59544

(4) A family receiving publicly funded child care on 59545  
October 1, 1997, until the family's income reaches one hundred 59546  
fifty per cent of the federal poverty line; 59547

(5) Subject to available funds, other individuals 59548  
determined eligible in accordance with rules adopted under 59549  
section 5104.38 of the Revised Code. 59550

The department shall apply to the United States department 59551  
of health and human services for authority to operate a 59552  
coordinated program for publicly funded child care, if the 59553  
director of job and family services determines that the 59554  
application is necessary. For purposes of this section, the 59555  
department of job and family services may enter into agreements 59556  
with other state agencies that are involved in regulation or 59557

funding of child care. The department shall consider the special 59558  
needs of migrant workers when it administers and coordinates 59559  
publicly funded child care and shall develop appropriate 59560  
procedures for accommodating the needs of migrant workers for 59561  
publicly funded child care. 59562

(B) The department of job and family services shall 59563  
distribute state and federal funds for publicly funded child 59564  
care, including appropriations of state funds for publicly 59565  
funded child care and appropriations of federal funds available 59566  
under the child care block grant act, Title IV-A, and Title XX. 59567  
The department may use any state funds appropriated for publicly 59568  
funded child care as the state share required to match any 59569  
federal funds appropriated for publicly funded child care. 59570

(C) In the use of federal funds available under the child 59571  
care block grant act, all of the following apply: 59572

(1) The department may use the federal funds to hire staff 59573  
to prepare any rules required under this chapter and to 59574  
administer and coordinate federal and state funding for publicly 59575  
funded child care. 59576

(2) Not more than five per cent of the aggregate amount of 59577  
the federal funds received for a fiscal year may be expended for 59578  
administrative costs. 59579

(3) The department shall allocate and use at least four 59580  
per cent of the federal funds for the following: 59581

(a) Activities designed to provide comprehensive consumer 59582  
education to parents and the public; 59583

(b) Activities that increase parental choice; 59584

(c) Activities, including child care resource and referral 59585

services, designed to improve the quality, and increase the 59586  
supply, of child care; 59587

(d) Establishing the step up to quality program pursuant 59588  
to section 5104.29 of the Revised Code. 59589

(4) The department shall ensure that the federal funds 59590  
will be used only to supplement, and will not be used to 59591  
supplant, federal, state, and local funds available on the 59592  
effective date of the child care block grant act for publicly 59593  
funded child care and related programs. If authorized by rules 59594  
adopted by the department pursuant to section 5104.42 of the 59595  
Revised Code, county departments of job and family services may 59596  
purchase child care from funds obtained through any other means. 59597

(D) The department shall encourage the development of 59598  
suitable child care throughout the state, especially in areas 59599  
with high concentrations of recipients of public assistance and 59600  
families with low incomes. The department shall encourage the 59601  
development of suitable child care designed to accommodate the 59602  
special needs of migrant workers. On request, the department, 59603  
through its employees or contracts with state or community child 59604  
care resource and referral service organizations, shall provide 59605  
consultation to groups and individuals interested in developing 59606  
child care. The department of job and family services may enter 59607  
into interagency agreements with the department of education and 59608  
workforce, the chancellor of higher education, the department of 59609  
development, and other state agencies and entities whenever the 59610  
cooperative efforts of the other state agencies and entities are 59611  
necessary for the department of job and family services to 59612  
fulfill its duties and responsibilities under this chapter. 59613

The department shall develop and maintain a registry of 59614  
persons providing child care. The director shall adopt rules in 59615

accordance with Chapter 119. of the Revised Code establishing 59616  
procedures and requirements for the registry's administration. 59617

(E) (1) The director shall adopt rules in accordance with 59618  
Chapter 119. of the Revised Code establishing both of the 59619  
following: 59620

(a) Reimbursement rates for providers of publicly funded 59621  
child care not later than the first day of July in each odd- 59622  
numbered year; 59623

(b) A procedure for reimbursing and paying providers of 59624  
publicly funded child care. 59625

(2) In establishing reimbursement rates under division (E) 59626  
(1) (a) of this section, the director shall do all of the 59627  
following: 59628

(a) Use the information obtained in accordance with 45 59629  
C.F.R. 98.45; 59630

(b) Establish an enhanced reimbursement rate for providers 59631  
who provide child care for caretaker parents who work 59632  
nontraditional hours; 59633

(c) With regard to the step up to quality program 59634  
established pursuant to section 5104.29 of the Revised Code, 59635  
establish enhanced reimbursement rates for child day-care 59636  
providers that participate in the program. 59637

(3) In establishing reimbursement rates under division (E) 59638  
(1) (a) of this section, the director may establish different 59639  
reimbursement rates based on any of the following: 59640

(a) Geographic location of the provider; 59641

(b) Type of care provided; 59642

(c) Age of the child served;	59643
(d) Special needs of the child served;	59644
(e) Whether the expanded hours of service are provided;	59645
(f) Whether weekend service is provided;	59646
(g) Whether the provider has exceeded the minimum	59647
requirements of state statutes and rules governing child care;	59648
(h) Any other factors the director considers appropriate.	59649
<b>Sec. 5107.281.</b> A participant of Ohio works first who is	59650
enrolled in a school district in a county that is participating	59651
in the learnfare program and is not younger than age six but not	59652
older than age nineteen shall participate in the learnfare	59653
program unless one of the following is the case:	59654
(A) The participant is not yet eligible for enrollment in	59655
first grade;	59656
(B) The participant is subject to the LEAP program;	59657
(C) The participant has received one of the following:	59658
(1) A high school diploma;	59659
(2) A certificate stating that the participant has	59660
achieved the equivalent of a high school education as measured	59661
by scores obtained on a high school equivalency test approved by	59662
the department of education <u>and workforce</u> pursuant to division	59663
(B) of section 3301.80 of the Revised Code.	59664
(D) The participant has been excused from school	59665
attendance pursuant to section 3321.04 <u>or 3321.042</u> of the	59666
Revised Code;	59667
(E) If child care services for a member of the	59668

participant's household are necessary for the participant to attend school, child care licensed or certified under Chapter 5104. of the Revised Code or under sections 3301.52 to 3301.59 of the Revised Code and transportation to and from the child care are not available;

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

**Sec. 5107.287.** The county department of job and family services shall establish policies defining "good cause for being absent from school" and specifying what constitutes a day of attendance for purposes of the learnfare program's school attendance requirement.

Not later than the fifteenth day of each month of a school year or another time agreed to by the county department of job and family services and ~~state board~~ department of education and workforce but not later than the thirtieth day of each month, each attendance officer or assistant appointed under section 3321.14 or 3321.15 of the Revised Code who oversees the attendance of students enrolled in the school districts of a county that is participating in the learnfare program shall report to the county department of job and family services the previous month's school attendance record of each participating student. The report shall specify which if any of the participating student's absences are excused because the absence meets the definition of "good cause for being absent from school." No absence for which there is good cause shall be considered in determining whether a participating student has complied with the learnfare program's school attendance requirement.

**Sec. 5107.40.** As used in sections 5107.40 to 5107.69 of

the Revised Code: 59699

(A) "Alternative work activity" means an activity designed 59700  
to promote self sufficiency and personal responsibility 59701  
established by a county department of job and family services 59702  
under section 5107.64 of the Revised Code. 59703

(B) "Developmental activity" means an activity designed to 59704  
promote self sufficiency and personal responsibility established 59705  
by a county department of job and family services under section 59706  
5107.62 of the Revised Code. 59707

(C) "Certificate of high school equivalence" means a 59708  
certificate attesting to achievement of the equivalent of a high 59709  
school education as measured by scores obtained on a high school 59710  
equivalency test approved by the department of education and 59711  
workforce pursuant to division (B) of section 3301.80 of the 59712  
Revised Code. "Certificate of high school equivalence" includes 59713  
a certificate of high school equivalence issued prior to January 59714  
1, 1994, attesting to the achievement of the equivalent of a 59715  
high school education as measured by scores obtained on tests of 59716  
general educational development. 59717

(D) "Work activity" means the following: 59718

(1) Unsubsidized employment activities established under 59719  
section 5107.60 of the Revised Code; 59720

(2) The subsidized employment program established under 59721  
section 5107.52 of the Revised Code; 59722

(3) The work experience program established under section 59723  
5107.54 of the Revised Code; 59724

(4) On-the-job training activities established under 59725  
section 5107.60 of the Revised Code; 59726

(5) The job search and readiness program established under section 5107.50 of the Revised Code;	59727 59728
(6) Community service activities established under section 5107.60 of the Revised Code;	59729 59730
(7) Vocational educational training activities established under section 5107.60 of the Revised Code;	59731 59732
(8) Jobs skills training activities established under section 5107.60 of the Revised Code that are directly related to employment;	59733 59734 59735
(9) Education activities established under section 5107.60 of the Revised Code that are directly related to employment for participants of Ohio works first who have not earned a high school diploma or certificate of high school equivalence;	59736 59737 59738 59739
(10) Education activities established under section 5107.60 of the Revised Code for participants of Ohio works first who have not completed secondary school or received a certificate of high school equivalence under which the participants attend a secondary school or a course of study leading to a certificate of high school equivalence;	59740 59741 59742 59743 59744 59745
(11) Child-care service activities, including training, established under section 5107.60 of the Revised Code to aid another participant of Ohio works first assigned to a community service activity or other work activity;	59746 59747 59748 59749
(12) The education program established under section 5107.58 of the Revised Code that are operated pursuant to a federal waiver granted by the United States secretary of health and human services pursuant to a request made under former section 5101.09 of the Revised Code;	59750 59751 59752 59753 59754

(13) To the extent provided by division (C) of section 5107.30 of the Revised Code, the LEAP program established under that section. 59755  
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**Sec. 5107.62.** County departments of job and family services shall establish and administer developmental activities for minor heads of households and adults participating in Ohio works first. In establishing developmental activities, county departments are not limited by the restrictions that Title IV-A imposes on work activities. Developmental activities may be identical or similar to, or different from, work activities and alternative work activities. 59758  
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In accordance with a federal waiver granted by the United States secretary of health and human services pursuant to a request made under former section 5101.09 of the Revised Code, a county department may establish and administer a developmental activity under which a minor head of household or adult attends a school, special education program, or adult high school continuation program that conforms to the minimum standards prescribed by the ~~state board~~ director of education and workforce or instructional courses designed to prepare the minor head of household or adult to earn a certificate of high school equivalence. Pursuant to the waiver, a minor head of household or adult assigned to this developmental activity is required to earn a high school diploma, adult education diploma, or certificate of high school equivalence not later than two years after the date the minor head of household or adult is placed in the activity. 59766  
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**Sec. 5120.031.** (A) As used in this section: 59782

(1) "Certificate of high school equivalence" means either: 59783

(a) A statement that is issued by the department of education and workforce that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on a high school equivalency test approved by the department of education and workforce pursuant to division (B) of section 3301.80 of the Revised Code;

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

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

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

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

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

(B) (1) The director of rehabilitation and correction, by 59813  
rules adopted under Chapter 119. of the Revised Code, shall 59814  
establish a pilot program of shock incarceration that may be 59815  
used for offenders who are sentenced to serve a term of 59816  
imprisonment under the custody of the department of 59817  
rehabilitation and correction, whom the department determines to 59818  
be eligible offenders, and whom the department, subject to the 59819  
approval of the sentencing judge, may permit to serve their 59820  
sentence as a sentence of shock incarceration in accordance with 59821  
this section. 59822

(2) The rules for the pilot program shall require that the 59823  
program be established at an appropriate state correctional 59824  
institution designated by the director and that the program 59825  
consist of both of the following for each eligible offender whom 59826  
the department, with the approval of the sentencing judge, 59827  
permits to serve the eligible offender's sentence as a sentence 59828  
of shock incarceration: 59829

(a) A period of imprisonment at that institution of ninety 59830  
days that shall consist of a military style combination of 59831  
discipline, physical training, and hard labor and substance 59832  
abuse education, employment skills training, social skills 59833  
training, and psychological treatment. During the ninety-day 59834  
period, the department may permit an eligible offender to 59835  
participate in a self-help program. Additionally, during the 59836  
ninety-day period, an eligible offender who holds a high school 59837  
diploma or a certificate of high school equivalence may be 59838  
permitted to tutor other eligible offenders in the shock 59839  
incarceration program. If an eligible offender does not hold a 59840  
high school diploma or certificate of high school equivalence, 59841  
the eligible offender may elect to participate in an education 59842  
program that is designed to award a certificate of adult basic 59843

education or an education program that is designed to award a certificate of high school equivalence to those eligible offenders who successfully complete the education program, whether the completion occurs during or subsequent to the 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, 59874  
but are not limited to, all of the following: 59875

(a) Rules identifying the locations within the state 59876  
correctional institution designated by the director that will be 59877  
used for eligible offenders serving a sentence of shock 59878  
incarceration; 59879

(b) Rules establishing specific schedules of discipline, 59880  
physical training, and hard labor for eligible offenders serving 59881  
a sentence of shock incarceration, based upon the offender's 59882  
physical condition and needs; 59883

(c) Rules establishing standards and criteria for the 59884  
department to use in determining which eligible offenders the 59885  
department will permit to serve their sentence of imprisonment 59886  
as a sentence of shock incarceration; 59887

(d) Rules establishing guidelines for the selection of 59888  
post-release control sanctions for eligible offenders; 59889

(e) Rules establishing procedures for notifying sentencing 59890  
courts of the performance of eligible offenders serving their 59891  
sentences of imprisonment as a sentence of shock incarceration; 59892

(f) Any other rules that are necessary for the proper 59893  
conduct of the pilot program. 59894

(C) (1) If an offender is sentenced to a term of 59895  
imprisonment under the custody of the department, if the 59896  
sentencing court either recommends the offender for placement in 59897  
a program of shock incarceration under this section or makes no 59898  
recommendation on placement of the offender, and if the 59899  
department determines that the offender is an eligible offender 59900  
for placement in a program of shock incarceration under this 59901  
section, the department may permit the eligible offender to 59902

serve the sentence in a program of shock incarceration, in 59903  
accordance with division (I) of section 2929.14 of the Revised 59904  
Code, with this section, and with the rules adopted under this 59905  
section. If the sentencing court disapproves placement of the 59906  
offender in a program of shock incarceration, the department 59907  
shall not place the offender in any program of shock 59908  
incarceration. 59909

If the sentencing court recommends the offender for 59910  
placement in a program of shock incarceration and if the 59911  
department subsequently places the offender in the recommended 59912  
program, the department shall notify the court of the offender's 59913  
placement in the recommended program and shall include with the 59914  
notice a brief description of the placement. 59915

If the sentencing court recommends placement of the 59916  
offender in a program of shock incarceration and the department 59917  
for any reason does not subsequently place the offender in the 59918  
recommended program, the department shall send a notice to the 59919  
court indicating why the offender was not placed in the 59920  
recommended program. 59921

If the sentencing court does not make a recommendation on 59922  
the placement of an offender in a program of shock incarceration 59923  
and if the department determines that the offender is an 59924  
eligible offender for placement in a program of that nature, the 59925  
department shall screen the offender and determine if the 59926  
offender is suited for the program of shock incarceration. If 59927  
the offender is suited for the program of shock incarceration, 59928  
at least three weeks prior to permitting an eligible offender to 59929  
serve the sentence in a program of shock incarceration, the 59930  
department shall notify the sentencing court of the proposed 59931  
placement of the offender in the program and shall include with 59932

the notice a brief description of the placement. The court shall 59933  
have ten days from receipt of the notice to disapprove the 59934  
placement. If the sentencing court disapproves of the placement, 59935  
the department shall not permit the eligible offender to serve 59936  
the sentence in a program of shock incarceration. If the judge 59937  
does not timely disapprove of placement of the offender in the 59938  
program of shock incarceration, the department may proceed with 59939  
plans for placement of the offender. 59940

If the department determines that the offender is not 59941  
eligible for placement in a program of shock incarceration, the 59942  
department shall not place the offender in any program of shock 59943  
incarceration. 59944

(2) If the department permits an eligible offender to 59945  
serve the eligible offender's sentence of imprisonment as a 59946  
sentence of shock incarceration and the eligible offender does 59947  
not satisfactorily complete the entire period of imprisonment 59948  
described in division (B) (2) (a) of this section, the offender 59949  
shall be removed from the pilot program for shock incarceration 59950  
and shall be required to serve the remainder of the offender's 59951  
sentence of imprisonment imposed by the sentencing court as a 59952  
regular term of imprisonment. If the eligible offender commences 59953  
a period of post-release control described in division (B) (2) (b) 59954  
of this section and violates the conditions of that post-release 59955  
control, the eligible offender shall be subject to the 59956  
provisions of sections 2929.141, 2967.15, and 2967.28 of the 59957  
Revised Code regarding violation of post-release control 59958  
sanctions. 59959

(3) If an eligible offender's stated prison term expires 59960  
at any time during the eligible offender's participation in the 59961  
shock incarceration program, the adult parole authority shall 59962

terminate the eligible offender's participation in the program 59963  
and shall issue to the eligible offender a certificate of 59964  
expiration of the stated prison term. 59965

(D) The director shall keep sentencing courts informed of 59966  
the performance of eligible offenders serving their sentences of 59967  
imprisonment as a sentence of shock incarceration, including, 59968  
but not limited to, notice of eligible offenders who fail to 59969  
satisfactorily complete their entire sentence of shock 59970  
incarceration or who satisfactorily complete their entire 59971  
sentence of shock incarceration. 59972

(E) Within a reasonable period of time after November 20, 59973  
1990, the director shall appoint a committee to search for one 59974  
or more suitable sites at which one or more programs of shock 59975  
incarceration, in addition to the pilot program required by 59976  
division (B)(1) of this section, may be established. The search 59977  
committee shall consist of the director or the director's 59978  
designee, as chairperson; employees of the department of 59979  
rehabilitation and correction appointed by the director; and any 59980  
other persons that the director, in the director's discretion, 59981  
appoints. In searching for such sites, the search committee 59982  
shall give preference to any site owned by the state or any 59983  
other governmental entity and to any existing structure that 59984  
reasonably could be renovated, enlarged, converted, or remodeled 59985  
for purposes of establishing such a program. The search 59986  
committee shall prepare a report concerning its activities and, 59987  
on the earlier of the day that is twelve months after the first 59988  
day on which an eligible offender began serving a sentence of 59989  
shock incarceration under the pilot program or January 1, 1992, 59990  
shall file the report with the president and the minority leader 59991  
of the senate, the speaker and the minority leader of the house 59992  
of representatives, the members of the senate who were members 59993

of the senate judiciary committee in the 118th general assembly 59994  
or their successors, and the members of the house of 59995  
representatives who were members of the select committee to hear 59996  
drug legislation that was established in the 118th general 59997  
assembly or their successors. Upon the filing of the report, the 59998  
search committee shall terminate. The report required by this 59999  
division shall contain all of the following: 60000

(1) A summary of the process used by the search committee 60001  
in performing its duties under this division; 60002

(2) A summary of all of the sites reviewed by the search 60003  
committee in performing its duties under this division, and the 60004  
benefits and disadvantages it found relative to the 60005  
establishment of a program of shock incarceration at each such 60006  
site; 60007

(3) The findings and recommendations of the search 60008  
committee as to the suitable site or sites, if any, at which a 60009  
program of shock incarceration, in addition to the pilot program 60010  
required by division (B)(1) of this section, may be established. 60011

(F) The director periodically shall review the pilot 60012  
program for shock incarceration required to be established by 60013  
division (B)(1) of this section. The director shall prepare a 60014  
report relative to the pilot program and, on the earlier of the 60015  
day that is twelve months after the first day on which an 60016  
eligible offender began serving a sentence of shock 60017  
incarceration under the pilot program or January 1, 1992, shall 60018  
file the report with the president and the minority leader of 60019  
the senate, the speaker and the minority leader of the house of 60020  
representatives, the members of the senate who were members of 60021  
the senate judiciary committee in the 118th general assembly or 60022  
their successors, and the members of the house of 60023

representatives who were members of the select committee to hear 60024  
drug legislation that was established in the 118th general 60025  
assembly or their successors. The pilot program shall not 60026  
terminate at the time of the filing of the report, but shall 60027  
continue in operation in accordance with this section. The 60028  
report required by this division shall include all of the 60029  
following: 60030

(1) A summary of the pilot program as initially 60031  
established, a summary of all changes in the pilot program made 60032  
during the period covered by the report and the reasons for the 60033  
changes, and a summary of the pilot program as it exists on the 60034  
date of preparation of the report; 60035

(2) A summary of the effectiveness of the pilot program, 60036  
in the opinion of the director and employees of the department 60037  
involved in its operation; 60038

(3) An analysis of the total cost of the pilot program, of 60039  
its cost per inmate who was permitted to serve a sentence of 60040  
shock incarceration and who served the entire sentence of shock 60041  
incarceration, and of its cost per inmate who was permitted to 60042  
serve a sentence of shock incarceration; 60043

(4) A summary of the standards and criteria used by the 60044  
department in determining which eligible offenders were 60045  
permitted to serve their sentence of imprisonment as a sentence 60046  
of shock incarceration; 60047

(5) A summary of the characteristics of the eligible 60048  
offenders who were permitted to serve their sentence of 60049  
imprisonment as a sentence of shock incarceration, which summary 60050  
shall include, but not be limited to, a listing of every offense 60051  
of which any such eligible offender was convicted or to which 60052

any such eligible offender pleaded guilty and in relation to 60053  
which the eligible offender served a sentence of shock 60054  
incarceration, and the total number of such eligible offenders 60055  
who were convicted of or pleaded guilty to each such offense; 60056

(6) A listing of the number of eligible offenders who were 60057  
permitted to serve a sentence of shock incarceration and who did 60058  
not serve the entire sentence of shock incarceration, and, to 60059  
the extent possible, a summary of the length of the terms of 60060  
imprisonment served by such eligible offenders after they were 60061  
removed from the pilot program; 60062

(7) A summary of the effect of the pilot program on 60063  
overcrowding at state correctional institutions; 60064

(8) To the extent possible, an analysis of the rate of 60065  
recidivism of eligible offenders who were permitted to serve a 60066  
sentence of shock incarceration and who served the entire 60067  
sentence of shock incarceration; 60068

(9) Recommendations as to legislative changes to the pilot 60069  
program that would assist in its operation or that could further 60070  
alleviate overcrowding at state correctional institutions, and 60071  
recommendations as to whether the pilot program should be 60072  
expanded. 60073

**Sec. 5120.07.** (A) There is hereby created the ex-offender 60074  
reentry coalition consisting of the following twenty-one members 60075  
or their designees: 60076

(1) The director of rehabilitation and correction; 60077

(2) The director of aging; 60078

(3) The director of mental health and addiction services; 60079

(4) The director of development services; 60080

- (5) The ~~superintendent of public instruction~~director of  
education and workforce; 60081  
60082
- (6) The director of health; 60083
- (7) The director of job and family services; 60084
- (8) The director of developmental disabilities; 60085
- (9) The director of public safety; 60086
- (10) The director of youth services; 60087
- (11) The chancellor of higher education~~the Ohio board of~~  
~~regents;~~ 60088  
60089
- (12) A representative or member of the governor's staff; 60090
- (13) The executive director of the opportunities for 60091  
Ohioans with disabilities agency; 60092
- (14) The director of the department of commerce; 60093
- (15) The executive director of a health care licensing 60094  
board created under Title XLVII of the Revised Code, as 60095  
appointed by the chairperson of the coalition; 60096
- (16) The director of veterans services; 60097
- (17) An ex-offender appointed by the director of 60098  
rehabilitation and correction; 60099
- (18) Two members of the house of representatives appointed 60100  
by the speaker of the house of representatives, one of whom 60101  
shall be the chairperson of the standing committee in the house 60102  
of representatives that primarily addresses criminal justice 60103  
matters and the other of whom shall be a member of the minority 60104  
party in the house of representatives; 60105
- (19) Two members of the senate appointed by the president 60106

of the senate, one of whom shall be the chairperson of the 60107  
standing committee in the senate that primarily addresses 60108  
criminal justice matters and the other of whom shall be a member 60109  
of the minority party in the senate. 60110

(B) The members of the coalition shall serve without 60111  
compensation. The director of rehabilitation and correction or 60112  
the director's designee shall be the chairperson of the 60113  
coalition. 60114

(C) In consultation with persons interested and involved 60115  
in the reentry of ex-offenders into the community, the members 60116  
of the coalition shall meet periodically for the purpose of 60117  
formulating, discussing, and developing policies and practices 60118  
that facilitate the expansion and improvement of reentry 60119  
services provided by state and local agencies in the 60120  
collaborative efforts of those agencies to reintegrate offenders 60121  
into society while simultaneously maintaining public safety and 60122  
reducing recidivism in this state. Not later than one year after 60123  
April 7, 2009, and on or before the same date of each year 60124  
thereafter, the coalition shall submit to the speaker of the 60125  
house of representatives and the president of the senate a 60126  
report, including recommendations for legislative action, the 60127  
activities of the coalition, and the barriers affecting the 60128  
successful reentry of ex-offenders into the community. The 60129  
report shall analyze the effects of those barriers on ex- 60130  
offenders and on their children and other family members in 60131  
various areas, including but not limited to, the following: 60132

(1) Admission to public and other housing; 60133

(2) Child support obligations and procedures; 60134

(3) Parental incarceration and family reunification; 60135

(4) Social security benefits, veterans' benefits, food stamps, and other forms of public assistance;	60136 60137
(5) Employment;	60138
(6) Education programs and financial assistance;	60139
(7) Substance abuse and sex offender treatment programs and financial assistance and mental health services and financial assistance;	60140 60141 60142
(8) Civic and political participation;	60143
(9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.	60144 60145 60146
(D) (1) The report shall also include the following information:	60147 60148
(a) Identification of state appropriations for reentry programs;	60149 60150
(b) Identification of other funding sources for reentry programs that are not funded by the state.	60151 60152
(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:	60153 60154 60155 60156
(a) The amount of funding received;	60157
(b) The number of program participants;	60158
(c) The composition of the program, including program goals, methods for measuring success, and program success rate;	60159 60160
(d) The type of post-program tracking that is utilized;	60161

(e) Information about employment rates and recidivism 60162  
rates of ex-offenders. 60163

**Sec. 5120.091.** There is hereby created in the state 60164  
treasury the education services fund. The department of 60165  
rehabilitation and correction shall deposit into the fund all 60166  
state revenues it receives from the Ohio department of education 60167  
and workforce. Any money in the fund shall solely be used to pay 60168  
educational expenses incurred by the department. 60169

**Sec. 5123.022.** (A) As used in this section: 60170

(1) "Community employment" means competitive employment 60171  
that takes place in an integrated setting. 60172

(2) "Competitive employment" means full-time or part-time 60173  
work in the competitive labor market in which payment is at or 60174  
above the minimum wage but not less than the customary wage and 60175  
level of benefits paid by the employer for the same or similar 60176  
work performed by persons who are not disabled. 60177

(3) "Integrated setting" means a setting typically found 60178  
in the community where individuals with developmental 60179  
disabilities interact with individuals who do not have 60180  
disabilities to the same extent that individuals in comparable 60181  
positions who are not disabled interact with other individuals, 60182  
including in employment settings in which employees interact 60183  
with the community through technology. 60184

(B) It is hereby declared to be the policy of this state 60185  
that employment services for individuals with developmental 60186  
disabilities be directed at community employment. Every 60187  
individual with a developmental disability is presumed capable 60188  
of community employment. 60189

The departments of developmental disabilities, education\_ 60190

and workforce, medicaid, job and family services, and mental 60191  
health and addiction services; the opportunities for Ohioans 60192  
with disabilities agency; and each other state agency that 60193  
provides employment services to individuals with developmental 60194  
disabilities shall implement the policy of this state and ensure 60195  
that it is followed whenever employment services are provided to 60196  
individuals with developmental disabilities. 60197

The department of developmental disabilities shall 60198  
coordinate the actions taken by state agencies to comply with 60199  
the state's policy. Agencies shall collaborate within their 60200  
divisions and with each other to ensure that state programs, 60201  
policies, procedures, and funding support competitive and 60202  
integrated employment of individuals with developmental 60203  
disabilities. State agencies shall share information with the 60204  
department, and the department shall track progress toward full 60205  
implementation of the policy. The department, in coordination 60206  
with any task force established by the governor, shall compile 60207  
data and annually submit to the governor a report on 60208  
implementation of the policy. 60209

The department and state agencies may adopt rules to 60210  
implement the state's policy. 60211

(C) The state's policy articulated in this section is 60212  
intended to promote the right of each individual with a 60213  
developmental disability to informed choice; however, nothing in 60214  
this section requires any employer to give preference in hiring 60215  
to an individual because the individual has a disability. 60216

**Sec. 5123.023.** (A) The director of developmental 60217  
disabilities shall establish an employment first task force 60218  
consisting of the departments of developmental disabilities, 60219  
education and workforce, medicaid, job and family services, and 60220

mental health and addiction services; and the opportunities for 60221  
Ohioans with disabilities agency. The purpose of the task force 60222  
shall be to improve the coordination of the state's efforts to 60223  
address the needs of individuals with developmental disabilities 60224  
who seek community employment as defined in section 5123.022 of 60225  
the Revised Code. 60226

(B) The department of developmental disabilities may enter 60227  
into interagency agreements with any of the government entities 60228  
on the task force. The interagency agreements may specify either 60229  
or both of the following: 60230

(1) The roles and responsibilities of the government 60231  
entities that are members of the task force, including any money 60232  
to be contributed by those entities; 60233

(2) The projects and activities of the task force. 60234

(C) There is hereby created in the state treasury the 60235  
employment first taskforce fund. Any money received by the task 60236  
force from its members shall be credited to the fund. The 60237  
department of developmental disabilities shall use the fund to 60238  
support the work of the task force. 60239

**Sec. 5123.025.** It is hereby declared to be the policy of 60240  
this state that individuals with developmental disabilities 60241  
shall have access to innovative technology solutions. Technology 60242  
can ensure that people with developmental disabilities have 60243  
increased opportunities to live, work, and thrive in their 60244  
homes, communities, and places of employment through state of 60245  
the art planning, innovative technology, and supports that focus 60246  
on their talents, interests, and skills. 60247

The departments of developmental disabilities, education\_ 60248  
and workforce, medicaid, aging, job and family services, mental 60249

health and addiction services, and transportation; the 60250  
opportunities for Ohioans with disabilities agency; and each 60251  
other state agency that provides technology services to 60252  
individuals with developmental disabilities shall implement the 60253  
policy of this state and ensure that it is followed whenever 60254  
technology services are provided to individuals with 60255  
developmental disabilities. 60256

The department of developmental disabilities, in 60257  
partnership with the office of innovateohio, shall coordinate 60258  
the actions taken by state agencies to comply with the state's 60259  
policy. Agencies shall collaborate within their divisions and 60260  
with each other to ensure that state programs, policies, 60261  
procedures, and funding support the development of access to 60262  
technology for individuals with developmental disabilities. 60263  
State agencies shall share information with the department, and 60264  
the department shall track progress toward full implementation 60265  
of the policy. The department, in coordination with the 60266  
technology first task force established under section 5123.026 60267  
of Revised Code, shall compile data and annually submit to the 60268  
governor and lieutenant governor a report on implementation of 60269  
the policy. 60270

The department and state agencies may adopt rules to 60271  
implement the state's policy. 60272

**Sec. 5123.026.** (A) The director of developmental 60273  
disabilities shall establish a technology first task force 60274  
consisting of representatives from the office of innovateohio; 60275  
the departments of developmental disabilities, education and 60276  
workforce, medicaid, aging, job and family services, mental 60277  
health and addiction services, and transportation; and the 60278  
opportunities for Ohioans with disabilities agency. 60279

(B) The task force shall do all of the following:	60280
(1) Expand innovative technology solutions within the operation and delivery of services to individuals with developmental disabilities;	60281 60282 60283
(2) Use technology to reduce the barriers individuals with developmental disabilities experience;	60284 60285
(3) Align policies for all state agencies on the task force.	60286 60287
(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:	60288 60289 60290 60291
(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;	60292 60293 60294
(2) The projects and activities of the task force.	60295
(D) The department and state agencies may adopt rules to implement the task force.	60296 60297
<b>Sec. 5123.0423.</b> As used in this section, "school district of residence" has the same meaning as in section 3323.01 of the Revised Code.	60298 60299 60300
The director of developmental disabilities shall request a student data verification code from the independent contractor engaged by the department of education <u>and workforce</u> 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	60301 60302 60303 60304 60305 60306 60307

shall request from the parent, guardian, or custodian of the 60308  
child, or from any other person who is authorized by law to make 60309  
decisions regarding the child's education, the name and address 60310  
of the child's school district of residence. The director shall 60311  
submit the data verification code for that child to the child's 60312  
school district of residence at the time the child ceases to 60313  
receive services from the part C early intervention services 60314  
program. 60315

The director and each school district that receives a data 60316  
verification code under this section shall not release that code 60317  
to any person except as provided by law. Any document that the 60318  
director holds in the director's files that contains both a 60319  
child's name or other personally identifiable information and 60320  
the child's data verification code is not a public record under 60321  
section 149.43 of the Revised Code. 60322

**Sec. 5126.04.** (A) Each county board of developmental 60323  
disabilities shall plan and set priorities based on available 60324  
resources for the provision of facilities, programs, and other 60325  
services to meet the needs of county residents who are 60326  
individuals with developmental disabilities, former residents of 60327  
the county residing in state institutions or, before September 60328  
29, 2011, placed under purchase of service agreements under 60329  
section 5123.18 of the Revised Code, and children subject to a 60330  
determination made pursuant to section 121.38 of the Revised 60331  
Code. 60332

Each county board shall assess the facility and service 60333  
needs of the individuals with developmental disabilities who are 60334  
residents of the county or former residents of the county 60335  
residing in state institutions or, before September 29, 2011, 60336  
placed under purchase of service agreements under section 60337

5123.18 of the Revised Code. 60338

Each county board shall require individual habilitation or 60339  
service plans for individuals with developmental disabilities 60340  
who are being served or who have been determined eligible for 60341  
services and are awaiting the provision of services. Each board 60342  
shall ensure that methods of having their service needs 60343  
evaluated are available. 60344

(B) (1) If a foster child is in need of assessment for 60345  
eligible services or is receiving services from a county board 60346  
of developmental disabilities and that child is placed in a 60347  
different county, the agency that placed the child, immediately 60348  
upon placement, shall inform the county board in the new county 60349  
all of the following: 60350

(a) That a foster child has been placed in that county; 60351

(b) The name and other identifying information of the 60352  
foster child; 60353

(c) The name of the foster child's previous county of 60354  
residence; 60355

(d) That the foster child was in need of assessment for 60356  
eligible services or was receiving services from the county 60357  
board of developmental disabilities in the previous county. 60358

(2) Upon receiving the notice described in division (B) (1) 60359  
of this section or otherwise learning that the child was in need 60360  
of assessment for eligible services or was receiving services 60361  
from a county board of developmental disabilities in the 60362  
previous county, the county board in the new county shall 60363  
communicate with the county board of the previous county to 60364  
determine how services for the foster child shall be provided in 60365  
accordance with each board's plan and priorities as described in 60366

division (A) of this section. 60367

If the two county boards are unable to reach an agreement 60368  
within ten days of the child's placement, the county board in 60369  
the new county shall send notice to the Ohio department of 60370  
developmental disabilities of the failure to agree. The 60371  
department shall decide how services shall be provided for the 60372  
foster child within ten days of receiving notice that the county 60373  
boards could not reach an agreement. The department may decide 60374  
that one, or both, of the county boards shall provide services. 60375  
The services shall be provided in accordance with the board's 60376  
plan and priorities as described in division (A) of this 60377  
section. 60378

(C) The department of developmental disabilities may adopt 60379  
rules in accordance with Chapter 119. of the Revised Code as 60380  
necessary to implement this section. To the extent that rules 60381  
adopted under this section apply to the identification and 60382  
placement of children with disabilities under Chapter 3323. of 60383  
the Revised Code, the rules shall be consistent with the 60384  
standards and procedures established under sections 3323.03 to 60385  
3323.05 of the Revised Code. 60386

(D) The responsibility or authority of a county board to 60387  
provide services under this chapter does not affect the 60388  
responsibility of any other entity of state or local government 60389  
to provide services to individuals with developmental 60390  
disabilities. 60391

(E) On or before the first day of February prior to a 60392  
school year, a county board of developmental disabilities may 60393  
elect not to participate during that school year in the 60394  
provision of or contracting for educational services for 60395  
children ages six through twenty-one years of age, provided that 60396

on or before that date the board gives notice of this election 60397  
to the ~~superintendent of public instruction~~director of education 60398  
and workforce, each school district in the county, and the 60399  
educational service center serving the county. If a board makes 60400  
this election, it shall not have any responsibility for or 60401  
authority to provide educational services that school year for 60402  
children ages six through twenty-one years of age. If a board 60403  
does not make an election for a school year in accordance with 60404  
this division, the board shall be deemed to have elected to 60405  
participate during that school year in the provision of or 60406  
contracting for educational services for children ages six 60407  
through twenty-one years of age. 60408

(F) If a county board of developmental disabilities elects 60409  
to provide educational services during a school year to 60410  
individuals six through twenty-one years of age who have 60411  
multiple disabilities, the board may provide these services to 60412  
individuals who are appropriately identified and determined 60413  
eligible pursuant to Chapter 3323. of the Revised Code, and in 60414  
accordance with applicable rules of the ~~state board~~department 60415  
of education and workforce. The county board may also provide 60416  
related services to individuals six through twenty-one years of 60417  
age who have one or more disabling conditions, in accordance 60418  
with section 3317.20 and Chapter 3323. of the Revised Code and 60419  
applicable rules of the ~~state board~~department of education and 60420  
workforce. 60421

**Sec. 5126.05.** (A) Subject to the rules established by the 60422  
director of developmental disabilities pursuant to Chapter 119. 60423  
of the Revised Code for programs and services offered pursuant 60424  
to this chapter, and subject to the rules established by the 60425  
~~state board~~department of education and workforce pursuant to 60426  
Chapter 119. of the Revised Code for programs and services 60427

offered pursuant to Chapter 3323. of the Revised Code, the 60428  
county board of developmental disabilities shall: 60429

(1) Administer and operate facilities, programs, and 60430  
services as provided by this chapter and Chapter 3323. of the 60431  
Revised Code and establish policies for their administration and 60432  
operation; 60433

(2) Coordinate, monitor, and evaluate existing services 60434  
and facilities available to individuals with developmental 60435  
disabilities; 60436

(3) Provide early childhood services, supportive home 60437  
services, and adult services, according to the plan and 60438  
priorities developed under section 5126.04 of the Revised Code; 60439

(4) Provide or contract for special education services 60440  
pursuant to Chapters 3317. and 3323. of the Revised Code and 60441  
ensure that related services, as defined in section 3323.01 of 60442  
the Revised Code, are available according to the plan and 60443  
priorities developed under section 5126.04 of the Revised Code; 60444

(5) Adopt a budget, authorize expenditures for the 60445  
purposes specified in this chapter and do so in accordance with 60446  
section 319.16 of the Revised Code, approve attendance of board 60447  
members and employees at professional meetings and approve 60448  
expenditures for attendance, and exercise such powers and duties 60449  
as are prescribed by the director of developmental disabilities; 60450

(6) Submit annual reports of its work and expenditures, 60451  
pursuant to sections 3323.09 and 5126.131 of the Revised Code, 60452  
to the director of developmental disabilities, the 60453  
~~superintendent of public instruction~~director of education and 60454  
workforce, and the board of county commissioners at the close of 60455  
the fiscal year and at such other times as may reasonably be 60456

requested; 60457

(7) Authorize all positions of employment, establish 60458  
compensation, including but not limited to salary schedules and 60459  
fringe benefits for all board employees, approve contracts of 60460  
employment for management employees that are for a term of more 60461  
than one year, employ legal counsel under section 309.10 of the 60462  
Revised Code, and contract for employee benefits. A county board 60463  
may provide benefits through an individual or joint self- 60464  
insurance program as provided under section 9.833 of the Revised 60465  
Code. 60466

(8) Provide service and support administration in 60467  
accordance with section 5126.15 of the Revised Code; 60468

(9) Certify respite care homes pursuant to rules adopted 60469  
under section 5123.171 of the Revised Code by the director of 60470  
developmental disabilities; 60471

(10) Implement an employment first policy that clearly 60472  
identifies community employment as the desired outcome for every 60473  
individual of working age who receives services from the board; 60474

(11) Set benchmarks for improving community employment 60475  
outcomes. 60476

(B) To the extent that rules adopted under this section 60477  
apply to the identification and placement of children with 60478  
disabilities under Chapter 3323. of the Revised Code, they shall 60479  
be consistent with the standards and procedures established 60480  
under sections 3323.03 to 3323.05 of the Revised Code. 60481

(C) Any county board may enter into contracts with other 60482  
such boards and with public or private, nonprofit, or profit- 60483  
making agencies or organizations of the same or another county, 60484  
to provide the facilities, programs, and services authorized or 60485

required, upon such terms as may be agreeable, and in accordance 60486  
with this chapter and Chapter 3323. of the Revised Code and 60487  
rules adopted thereunder and in accordance with sections 307.86 60488  
and 5126.071 of the Revised Code. 60489

(D) A county board may combine transportation for children 60490  
and adults enrolled in programs and services offered under 60491  
Chapter 5126. of the Revised Code with transportation for 60492  
children enrolled in classes funded under sections 3317.0213 and 60493  
3317.20 of the Revised Code. 60494

(E) A county board may purchase all necessary insurance 60495  
policies, may purchase equipment and supplies through the 60496  
department of administrative services or from other sources, and 60497  
may enter into agreements with public agencies or nonprofit 60498  
organizations for cooperative purchasing arrangements. 60499

(F) A county board may receive by gift, grant, devise, or 60500  
bequest any moneys, lands, or property for the benefit of the 60501  
purposes for which the board is established and hold, apply, and 60502  
dispose of the moneys, lands, and property according to the 60503  
terms of the gift, grant, devise, or bequest. All money received 60504  
by gift, grant, bequest, or disposition of lands or property 60505  
received by gift, grant, devise, or bequest shall be deposited 60506  
in the county treasury to the credit of such board and shall be 60507  
available for use by the board for purposes determined or stated 60508  
by the donor or grantor, but may not be used for personal 60509  
expenses of the board members. Any interest or earnings accruing 60510  
from such gift, grant, devise, or bequest shall be treated in 60511  
the same manner and subject to the same provisions as such gift, 60512  
grant, devise, or bequest. 60513

(G) The board of county commissioners shall levy taxes and 60514  
make appropriations sufficient to enable the county board of 60515

developmental disabilities to perform its functions and duties, 60516  
and may utilize any available local, state, and federal funds 60517  
for such purpose. 60518

**Sec. 5126.23.** (A) As used in this section, "employee" 60519  
means a management employee or superintendent of a county board 60520  
of -developmental disabilities. 60521

(B) An employee may be removed, suspended, or demoted in 60522  
accordance with this section for violation of written rules set 60523  
forth by the board or for incompetency, inefficiency, 60524  
dishonesty, drunkenness, immoral conduct, insubordination, 60525  
discourteous treatment of the public, neglect of duty, or other 60526  
acts of misfeasance, malfeasance, or nonfeasance. 60527

(C) Prior to the removal, suspension, or demotion of an 60528  
employee pursuant to this section, the employee shall be 60529  
notified in writing of the charges against the employee. Except 60530  
as otherwise provided in division (H) of this section, not later 60531  
than thirty days after receiving such notification, a 60532  
predisciplinary conference shall be held to provide the employee 60533  
an opportunity to refute the charges against the employee. At 60534  
least seventy-two hours prior to the conference, the employee 60535  
shall be given a copy of the charges against the employee. 60536

If the removal, suspension, or demotion action is directed 60537  
against a management employee, the conference shall be held by 60538  
the superintendent or a person the superintendent designates, 60539  
and the superintendent shall notify the management employee 60540  
within fifteen days after the conference of the decision made 60541  
with respect to the charges. If the removal, suspension, or 60542  
demotion action is directed against a superintendent, the 60543  
conference shall be held by the members of the board or their 60544  
designees, and the board shall notify the superintendent within 60545

fifteen days after the conference of its decision with respect to the charges. 60546  
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(D) Within fifteen days after receiving notification of the results of the predisciplinary conference, an employee may file with the board a written demand for a hearing before the board or before a referee, and the board shall set a time for the hearing which shall be within thirty days from the date of receipt of the written demand, and the board shall give the employee at least twenty days notice in writing of the time and place of the hearing. 60548  
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(E) If a referee is demanded by an employee or a county board, the hearing shall be conducted by a referee selected in accordance with division (F) of this section; otherwise, it shall be conducted by a majority of the members of the board and shall be confined to the charges enumerated at the predisciplinary conference. 60556  
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(F) Referees for the hearings required by this section shall be selected from the list of names compiled by the ~~superintendent of public instruction~~ director of education and workforce pursuant to section 3319.161 of the Revised Code. Upon receipt of notice that a referee has been demanded by an employee or a county board, the ~~superintendent of public instruction~~ director shall immediately designate three persons from such list, from whom the referee for the hearing shall be chosen, and the ~~superintendent of public instruction~~ director shall immediately notify the designees, the county board, and the employee. If within five days of receipt of the notice, the county board and employee are unable to agree upon one of the designees to serve as referee, the ~~superintendent of public instruction~~ director shall appoint one of the designees to serve 60562  
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as referee. The appointment of the referee shall be entered in 60576  
the minutes of the county board. The referee appointed shall be 60577  
paid the referee's usual and customary fee for attending the 60578  
hearing which shall be paid from the general fund of the county 60579  
board of developmental disabilities. 60580

(G) The board shall provide for a complete stenographic 60581  
record of the proceedings, and a copy of the record shall be 60582  
furnished to the employee. 60583

Both parties may be present at the hearing, be represented 60584  
by counsel, require witnesses to be under oath, cross-examine 60585  
witnesses, take a record of the proceedings, and require the 60586  
presence of witnesses in their behalf upon subpoena to be issued 60587  
by the county board. If any person fails to comply with a 60588  
subpoena, a judge of the court of common pleas of the county in 60589  
which the person resides, upon application of any interested 60590  
party, shall compel attendance of the person by attachment 60591  
proceedings as for contempt. Any member of the board or the 60592  
referee may administer oaths to witnesses. After a hearing by a 60593  
referee, the referee shall file a report within ten days after 60594  
the termination of the hearing. After consideration of the 60595  
referee's report, the board, by a majority vote, may accept or 60596  
reject the referee's recommendation. After a hearing by the 60597  
board, the board, by majority vote, may enter its determination 60598  
upon its minutes. If the decision, after hearing, is in favor of 60599  
the employee, the charges and the record of the hearing shall be 60600  
physically expunged from the minutes and, if the employee has 60601  
suffered any loss of salary by reason of being suspended, the 60602  
employee shall be paid the employee's full salary for the period 60603  
of such suspension. 60604

Any employee affected by a determination of the board 60605

under this division may appeal to the court of common pleas of 60606  
the county in which the board is located within thirty days 60607  
after receipt of notice of the entry of such determination. The 60608  
appeal shall be an original action in the court and shall be 60609  
commenced by the filing of a complaint against the board, in 60610  
which complaint the facts shall be alleged upon which the 60611  
employee relies for a reversal or modification of such 60612  
determination. Upon service or waiver of summons in that appeal, 60613  
the board immediately shall transmit to the clerk of the court 60614  
for filing a transcript of the original papers filed with the 60615  
board, a certified copy of the minutes of the board into which 60616  
the determination was entered, and a certified transcript of all 60617  
evidence adduced at the hearing or hearings before the board or 60618  
a certified transcript of all evidence adduced at the hearing or 60619  
hearings before the referee, whereupon the cause shall be at 60620  
issue without further pleading and shall be advanced and heard 60621  
without delay. The court shall examine the transcript and record 60622  
of the hearing and shall hold such additional hearings as it 60623  
considers advisable, at which it may consider other evidence in 60624  
addition to the transcript and record. 60625

Upon final hearing, the court shall grant or deny the 60626  
relief prayed for in the complaint as may be proper in 60627  
accordance with the evidence adduced in the hearing. Such an 60628  
action is a special proceeding, and either the employee or the 60629  
board may appeal from the decision of the court of common pleas 60630  
pursuant to the Rules of Appellate Procedure and, to the extent 60631  
not in conflict with those rules, Chapter 2505. of the Revised 60632  
Code. 60633

(H) Notwithstanding divisions (C) to (G) of this section, 60634  
a county board and an employee may agree to submit issues 60635  
regarding the employee's removal, suspension, or demotion to 60636

binding arbitration. The terms of the submission, including the 60637  
method of selecting the arbitrator or arbitrators and the 60638  
responsibility for compensating the arbitrator, shall be 60639  
provided for in the arbitration agreement. The arbitrator shall 60640  
be selected within fifteen days of the execution of the 60641  
agreement. Chapter 2711. of the Revised Code governs the 60642  
arbitration proceedings. 60643

**Sec. 5126.24.** (A) As used in this section: 60644

(1) "License" means an educator license issued by the 60645  
state board of education under section 3319.22 of the Revised 60646  
Code or a certificate issued by the department of developmental 60647  
disabilities. 60648

(2) "Teacher" means a person employed by a county board of 60649  
developmental disabilities in a position that requires a 60650  
license. 60651

(3) "Nonteaching employee" means a person employed by a 60652  
county board of developmental disabilities in a position that 60653  
does not require a license. 60654

(4) "Years of service" includes all service described in 60655  
division (A) of section 3317.13 of the Revised Code. 60656

(B) Subject to rules established by the director of 60657  
developmental disabilities pursuant to Chapter 119. of the 60658  
Revised Code, each county board of developmental disabilities 60659  
shall annually adopt separate salary schedules for teachers and 60660  
nonteaching employees. 60661

(C) The teachers' salary schedule shall provide for 60662  
increments based on training and years of service. The board may 60663  
establish its own service requirements provided no teacher 60664  
receives less than the salary the teacher would be paid under 60665

section 3317.13 of the Revised Code if the teacher were employed 60666  
by a school district board of education and provided full credit 60667  
for a minimum of five years of actual teaching and military 60668  
experience as defined in division (A) of such section is given 60669  
to each teacher. 60670

Each teacher who has completed training that would qualify 60671  
the teacher for a higher salary bracket pursuant to this section 60672  
shall file by the fifteenth day of September with the fiscal 60673  
officer of the board, satisfactory evidence of the completion of 60674  
such additional training. The fiscal officer shall then 60675  
immediately place the teacher, pursuant to this section, in the 60676  
proper salary bracket in accordance with training and years of 60677  
service. No teacher shall be paid less than the salary to which 60678  
the teacher would be entitled under section 3317.13 of the 60679  
Revised Code if the teacher were employed by a school district 60680  
board of education. 60681

The superintendent of each county board, on or before the 60682  
fifteenth day of October of each year, shall certify to the 60683  
state board of education and the department of education and 60684  
workforce the name of each teacher employed, on an annual 60685  
salary, in each special education program operated pursuant to 60686  
section 3323.09 of the Revised Code during the first full school 60687  
week of October. The superintendent further shall certify, for 60688  
each teacher, the number of years of training completed at a 60689  
recognized college, the degrees earned from a college recognized 60690  
by the ~~state board~~ department of education and workforce, the 60691  
type of license held, the number of months employed by the 60692  
board, the annual salary, and other information that the ~~state-~~ 60693  
~~board~~ department may request. 60694

(D) The nonteaching employees' salary schedule established 60695

by the board shall be based on training, experience, and 60696  
qualifications with initial salaries no less than salaries in 60697  
effect on July 1, 1985. Each board shall prepare and may amend 60698  
from time to time, specifications descriptive of duties, 60699  
responsibilities, requirements, and desirable qualifications of 60700  
the classifications of employees required to perform the duties 60701  
specified in the salary schedule. All nonteaching employees 60702  
shall be notified of the position classification to which they 60703  
are assigned and the salary for the classification. The 60704  
compensation of all nonteaching employees working for a 60705  
particular board shall be uniform for like positions except as 60706  
compensation would be affected by salary increments based upon 60707  
length of service. 60708

On the fifteenth day of October of each year the 60709  
nonteaching employees' salary schedule and list of job 60710  
classifications and salaries in effect on that date shall be 60711  
filed by each board with the superintendent of public 60712  
instruction and the department. If such salary schedule and 60713  
classification plan is not filed, the ~~superintendent of public~~ 60714  
~~instruction~~ director of education and workforce shall order the 60715  
board to file such schedule and list forthwith. If this 60716  
condition is not corrected within ten days after receipt of the 60717  
order from the ~~superintendent~~ director, no money shall be 60718  
distributed to the board under Chapter 3317. of the Revised Code 60719  
until the ~~superintendent~~ director has satisfactory evidence of 60720  
the board's full compliance with such order. 60721

**Sec. 5139.34.** (A) Funds may be appropriated to the 60722  
department of youth services for the purpose of granting state 60723  
subsidies to counties. A county or the juvenile court that 60724  
serves a county shall use state subsidies granted to the county 60725  
pursuant to this section only in accordance with divisions (B) 60726

(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the rules pertaining to the state subsidy funds that the department adopts pursuant to division (D) of section 5139.04 of the Revised Code. The department shall not grant financial assistance pursuant to this section for the provision of care and services for children in a placement facility unless the facility has been certified, licensed, or approved by a state or national agency with certification, licensure, or approval authority, including, but not limited to, the department of job and family services, department of education and workforce, department of mental health and addiction services, department of developmental disabilities, or American correctional association. For the purposes of this section, placement facilities do not include a state institution or a county or district children's home.

The department also shall not grant financial assistance pursuant to this section for the provision of care and services for children, including, but not limited to, care and services in a detention facility, in another facility, or in out-of-home placement, unless the minimum standards applicable to the care and services that the department prescribes in rules adopted pursuant to division (D) of section 5139.04 of the Revised Code have been satisfied.

(B) The department of youth services shall apply the following formula to determine the amount of the annual grant that each county is to receive pursuant to division (A) of this section, subject to the appropriation for this purpose to the department made by the general assembly:

(1) Each county shall receive a basic annual grant of fifty thousand dollars.

(2) The sum of the basic annual grants provided under 60757  
division (B) (1) of this section shall be subtracted from the 60758  
total amount of funds appropriated to the department of youth 60759  
services for the purpose of making grants pursuant to division 60760  
(A) of this section to determine the remaining portion of the 60761  
funds appropriated. The remaining portion of the funds 60762  
appropriated shall be distributed on a per capita basis to each 60763  
county that has a population of more than twenty-five thousand 60764  
for that portion of the population of the county that exceeds 60765  
twenty-five thousand. 60766

(C) (1) Prior to a county's receipt of an annual grant 60767  
pursuant to this section, the juvenile court that serves the 60768  
county shall prepare, submit, and file in accordance with 60769  
division (B) (3) (a) of section 5139.43 of the Revised Code an 60770  
annual grant agreement and application for funding that is for 60771  
the combined purposes of, and that satisfies the requirements 60772  
of, this section and section 5139.43 of the Revised Code. In 60773  
addition to the subject matters described in division (B) (3) (a) 60774  
of section 5139.43 of the Revised Code or in the rules that the 60775  
department adopts to implement that division, the annual grant 60776  
agreement and application for funding shall address fiscal 60777  
accountability and performance matters pertaining to the 60778  
programs, care, and services that are specified in the agreement 60779  
and application and for which state subsidy funds granted 60780  
pursuant to this section will be used. 60781

(2) The county treasurer of each county that receives an 60782  
annual grant pursuant to this section shall deposit the state 60783  
subsidy funds so received into the county's felony delinquent 60784  
care and custody fund created pursuant to division (B) (1) of 60785  
section 5139.43 of the Revised Code. Subject to exceptions 60786  
prescribed in section 5139.43 of the Revised Code that may apply 60787

to the disbursement, the department shall disburse the state 60788  
subsidy funds to which a county is entitled in a lump sum 60789  
payment that shall be made in July of each calendar year. 60790

(3) Upon an order of the juvenile court that serves a 60791  
county and subject to appropriation by the board of county 60792  
commissioners of that county, a county treasurer shall disburse 60793  
from the county's felony delinquent care and custody fund the 60794  
state subsidy funds granted to the county pursuant to this 60795  
section for use only in accordance with this section, the 60796  
applicable provisions of section 5139.43 of the Revised Code, 60797  
and the county's approved annual grant agreement and application 60798  
for funding. 60799

(4) The moneys in a county's felony delinquent care and 60800  
custody fund that represent state subsidy funds granted pursuant 60801  
to this section are subject to appropriation by the board of 60802  
county commissioners of the county; shall be disbursed by the 60803  
county treasurer as required by division (C) (3) of this section; 60804  
shall be used in the manners referred to in division (C) (3) of 60805  
this section; shall not revert to the county general fund at the 60806  
end of any fiscal year; shall carry over in the felony 60807  
delinquent care and custody fund from the end of any fiscal year 60808  
to the next fiscal year; shall be in addition to, and shall not 60809  
be used to reduce, any usual annual increase in county funding 60810  
that the juvenile court is eligible to receive or the current 60811  
level of county funding of the juvenile court and of any 60812  
programs, care, or services for alleged or adjudicated 60813  
delinquent children, unruly children, or juvenile traffic 60814  
offenders or for children who are at risk of becoming delinquent 60815  
children, unruly children, or juvenile traffic offenders; and 60816  
shall not be used to pay for the care and custody of felony 60817  
delinquents who are in the care and custody of an institution 60818

pursuant to a commitment, recommitment, or revocation of a 60819  
release on parole by the juvenile court of that county or who 60820  
are in the care and custody of a community corrections facility 60821  
pursuant to a placement by the department as described in 60822  
division (E) of section 5139.36 of the Revised Code. 60823

(5) As a condition of the continued receipt of state 60824  
subsidy funds pursuant to this section, each county and the 60825  
juvenile court that serves each county that receives an annual 60826  
grant pursuant to this section shall comply with divisions (B) 60827  
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 60828

**Sec. 5145.06.** (A) The department of rehabilitation and 60829  
correction shall establish and operate a school system that is 60830  
approved and chartered by the department of education and 60831  
workforce and designated as the Ohio central school system to 60832  
serve all of the correctional institutions under its control. 60833  
The Ohio central school system shall provide educational 60834  
programs for prisoners to allow them to complete adult basic 60835  
education courses, earn Ohio certificates of high school 60836  
equivalence, or pursue vocational training. To that end, the 60837  
department may employ appropriately certified teachers, 60838  
administrators, and support staff. The department shall provide 60839  
classrooms, shops, and other appropriate facilities and 60840  
necessary furniture, books, stationery, supplies, and equipment. 60841

(B) (1) The department of rehabilitation and correction 60842  
shall require each prisoner who has not obtained a high school 60843  
diploma to take courses leading toward an Ohio certificate of 60844  
high school equivalence, an Ohio high school diploma pursuant to 60845  
section 3313.61 of the Revised Code, or courses that provide 60846  
vocational training. If a prisoner has obtained a high school 60847  
diploma, the department shall encourage the prisoner to 60848

participate in a program of advanced studies or training for a skilled trade. 60849  
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(2) The department of rehabilitation and correction shall adopt rules that prescribe disciplinary actions that the department may take if a prisoner refuses to participate in an educational program required under division (B)(1) of this section. 60851  
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(3) The failure of the department of rehabilitation and correction to provide, pursuant to division (B)(1) of this section, an opportunity for any prisoner to participate in courses that lead toward an Ohio certificate of high school equivalence or an Ohio high school diploma, or that provide vocational training, does not give rise to a claim for damages against the department. 60856  
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(C) The department of rehabilitation and correction, for a clearly established medical, mental health, or security reason, may exclude certain prisoners from the requirement to take courses pursuant to division (B)(1) of this section. Any exclusion under this division shall be only for a clearly established medical, mental health, or security reason. Within six months after ~~the effective date of this amendment~~ March 31, 2003, the department shall adopt rules pursuant to Chapter 119. of the Revised Code to establish the criteria and procedures for an exclusion under this division. 60863  
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**Sec. 5162.363.** The department of medicaid shall enter into an interagency agreement with the department of education and workforce under section 5162.35 of the Revised Code that provides for the department of education and workforce to administer the medicaid school component of the medicaid program other than the aspects of the component that sections 5162.36 to 60873  
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5162.366 of the Revised Code require the department of medicaid 60879  
to administer. The interagency agreement may include a provision 60880  
that provides for the department of education and workforce to 60881  
pay to the department of medicaid the nonfederal share of a 60882  
portion of the administrative expenses the department of 60883  
medicaid incurs in administering the aspects of the component 60884  
that the department of medicaid administers. 60885

To the extent authorized by rules authorized by section 60886  
5162.021 of the Revised Code, the department of education and 60887  
workforce shall adopt rules establishing a process by which 60888  
qualified medicaid school providers participating in the 60889  
medicaid school component pay to the department of education and 60890  
workforce the nonfederal share of the department's expenses 60891  
incurred in administering the component. The rules shall be 60892  
adopted in accordance with Chapter 119. of the Revised Code. 60893

**Sec. 5162.365.** (A) A qualified medicaid school provider is 60894  
solely responsible for timely repaying any overpayment that the 60895  
provider receives under the medicaid school component of the 60896  
medicaid program and that is discovered by a federal or state 60897  
audit. This is the case regardless of whether the audit's 60898  
finding identifies the provider, department of medicaid, or 60899  
department of education and workforce as being responsible for 60900  
the overpayment. 60901

(B) The department of medicaid shall not do any of the 60902  
following regarding an overpayment for which a qualified 60903  
medicaid school provider is responsible for repaying: 60904

(1) Make a payment to the federal government to meet or 60905  
delay the provider's repayment obligation; 60906

(2) Assume the provider's repayment obligation; 60907

(3) Forgive the provider's repayment obligation.	60908
(C) Each qualified medicaid school provider shall indemnify and hold harmless the department of medicaid for any cost or penalty resulting from a federal or state audit finding that a claim submitted by the provider under section 5162.361 of the Revised Code did not comply with a federal or state requirement applicable to the claim, including a requirement of a medicaid waiver component.	60909 60910 60911 60912 60913 60914 60915
<b>Sec. 5502.262.</b> (A) As used in this section:	60916
(1) "Administrator" means the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the following:	60917 60918 60919
(a) A city, exempted village, local, or joint vocational school district;	60920 60921
(b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A) (11) (d) of section 3314.03 of the Revised Code;	60922 60923 60924
(c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;	60925 60926 60927
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	60928 60929
(e) A district or school operating a career-technical education program approved by the department of education <u>and workforce</u> under section 3317.161 of the Revised Code;	60930 60931 60932
(f) A chartered nonpublic school;	60933
(g) An educational service center;	60934

- (h) A preschool program or school-age child care program licensed by the department of education and workforce; 60935  
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- (i) Any other facility that primarily provides educational services to children subject to regulation by the department of education and workforce. 60937  
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- (2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section. 60940  
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- (3) "Building" means any school, school building, facility, program, or center. 60943  
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- (4) "Regional mobile training officer" means the regional mobile training officer appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located. 60945  
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- (B) (1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator may involve the regional mobile training officer in the development of the plan. The administrator shall incorporate remediation strategies into the 60949  
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plan for any building where documented safety problems have occurred. 60964  
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(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B)(1) of this section all of the following: 60966  
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(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators; 60969  
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(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following: 60971  
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(i) A floor plan that is unique to each floor of the building; 60975  
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(ii) A site plan that includes all building property and surrounding property; 60977  
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(iii) An emergency contact information sheet. 60979

(c) A threat assessment plan developed as prescribed in section 5502.263 of the Revised Code. A building may use the model plan developed by the department of public safety under that section; 60980  
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(d) A protocol for school threat assessment teams established under section 3313.669 of the Revised Code. 60984  
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(3) Each protocol described in division (B) of this section shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing 60986  
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parents of affected students. 60992

Prior to the opening day of each school year, the 60993  
administrator shall inform each student or child enrolled in the 60994  
school and the student's or child's parent of the parental 60995  
notification procedures included in the protocol. 60996

(4) Each administrator shall keep a copy of the emergency 60997  
management plan adopted pursuant to this section in a secure 60998  
place. 60999

(C) (1) The administrator shall submit to the director of 61000  
public safety, in accordance with rules adopted pursuant to 61001  
division (F) of this section, an electronic copy of the 61002  
emergency management plan prescribed by division (B) of this 61003  
section not less than once every three years, whenever a major 61004  
modification to the building requires changes in the procedures 61005  
outlined in the plan, and whenever information on the emergency 61006  
contact information sheet changes. 61007

(2) The administrator also shall file a copy of the plan 61008  
with each law enforcement agency that has jurisdiction over the 61009  
school building and, upon request, to any of the following: 61010

(a) The fire department that serves the political 61011  
subdivision in which the building is located; 61012

(b) The emergency medical service organization that serves 61013  
the political subdivision in which the building is located; 61014

(c) The county emergency management agency for the county 61015  
in which the building is located; 61016

(d) The regional mobile training officer. 61017

(3) Upon receipt of an emergency management plan, the 61018  
director shall post the information on the contact and 61019

information management system and submit the information in 61020  
accordance with rules adopted pursuant to division (F) of this 61021  
section, to the attorney general, who shall post that 61022  
information on the Ohio law enforcement gateway or its 61023  
successor. 61024

(4) Any department or entity to which copies of an 61025  
emergency management plan are filed under this section shall 61026  
keep the copies in a secure place. 61027

(D) (1) Not later than the first day of July of each year, 61028  
each administrator shall review the emergency management plan 61029  
and certify to the director that the plan is current and 61030  
accurate. 61031

(2) Anytime that an administrator updates the emergency 61032  
management plan pursuant to division (C) (1) of this section, the 61033  
administrator shall file copies, not later than the tenth day 61034  
after the revision is adopted and in accordance with rules 61035  
adopted pursuant to division (F) of this section, to the 61036  
director and to any entity with which the administrator filed a 61037  
copy under division (C) (2) of this section. 61038

(E) Each administrator shall do both of the following: 61039

(1) Prepare and conduct at least one annual emergency 61040  
management test, as defined in division (A) (2) of this section, 61041  
in accordance with rules adopted pursuant to division (F) of 61042  
this section; 61043

(2) Grant access to each building under the control of the 61044  
administrator to law enforcement personnel and to entities 61045  
described in division (C) (2) of this section, to enable the 61046  
personnel and entities to hold training sessions for responding 61047  
to threats and emergency events affecting the building, provided 61048

that the access occurs outside of student instructional hours 61049  
and the administrator, or the administrator's designee, is 61050  
present in the building during the training sessions. 61051

(F) The director of public safety, in consultation with 61052  
representatives from the education community and in accordance 61053  
with Chapter 119. of the Revised Code, shall adopt rules 61054  
regarding emergency management plans under this section, 61055  
including the content of the plans and procedures for filing the 61056  
plans. The rules shall specify that plans and information 61057  
required under division (B) of this section be submitted on 61058  
standardized forms developed by the director for such purpose. 61059  
The rules shall also specify the requirements and procedures for 61060  
emergency management tests conducted pursuant to division (E) (1) 61061  
of this section. Failure to comply with the rules may result in 61062  
discipline pursuant to section 3319.31 of the Revised Code or 61063  
any other action against the administrator as prescribed by 61064  
rule. 61065

(G) Division (B) of section 3319.31 of the Revised Code 61066  
applies to any administrator who is subject to the requirements 61067  
of this section and is not exempt under division (H) of this 61068  
section and who is an applicant for a license or holds a license 61069  
from the state board of education pursuant to section 3319.22 of 61070  
the Revised Code. 61071

(H) (1) The director may exempt any administrator from the 61072  
requirements of this section, if the director determines that 61073  
the requirements do not otherwise apply to a building or 61074  
buildings under the control of that administrator. 61075

(2) The director shall exempt from the requirements of 61076  
this section the administrator of an online learning school, 61077  
established under section 3302.42 of the Revised Code, unless 61078

students of that school participate in in-person instruction or 61079  
assessments at a location that is not covered by an existing 61080  
emergency management plan, developed under this section as of 61081  
December 14, 2021. 61082

(I) Copies of the emergency management plan and 61083  
information required under division (B) of this section are 61084  
security records and are not public records pursuant to section 61085  
149.433 of the Revised Code. In addition, the information posted 61086  
to the contact and information management system, pursuant to 61087  
division (C) (3) (b) of this section, is exempt from public 61088  
disclosure or release in accordance with sections 149.43, 61089  
149.433, and 5502.03 of the Revised Code. 61090

Notwithstanding section 149.433 of the Revised Code, a 61091  
floor plan filed with the attorney general pursuant to this 61092  
section is not a public record to the extent it is a record kept 61093  
by the attorney general. 61094

**Sec. 5502.263.** (A) As used in this section, "evidence- 61095  
based" means a program or practice that does either of the 61096  
following: 61097

(1) Demonstrates a rationale based on high-quality 61098  
research findings or positive evaluation that such a program or 61099  
practice is likely to improve relevant outcomes and includes 61100  
ongoing efforts to examine the effects of the program or 61101  
practice; 61102

(2) Has a statistically significant effect on relevant 61103  
outcomes based on: 61104

(a) Strong evidence from at least one well-designed and 61105  
well-implemented experimental study; 61106

(b) Moderate evidence from at least one well-designed and 61107

well-implemented quasi-experimental study; or 61108

(c) Promising evidence from at least one well-designed and 61109  
well-implemented correlation study with statistical controls for 61110  
selection bias. 61111

(B) Not later than two years after ~~the effective date of~~ 61112  
~~this section~~March 24, 2021, the department of public safety, in 61113  
consultation with the department of education and workforce and 61114  
the attorney general, shall develop a model threat assessment 61115  
plan that may be used in a building's emergency management plan 61116  
developed under section 5502.262 of the Revised Code. The model 61117  
plan shall do at least the following: 61118

(1) Identify the types of threatening behavior that may 61119  
represent a physical threat to a school community; 61120

(2) Identify individuals to whom threatening behavior 61121  
should be reported and steps to be taken by those individuals; 61122

(3) Establish threat assessment guidelines including 61123  
identification, evaluation of seriousness of threat or danger, 61124  
intervention to reduce potential violence, and follow-up to 61125  
assess intervention results; 61126

(4) Establish guidelines for coordinating with local law 61127  
enforcement agencies and reports collected through the 61128  
district's chosen anonymous reporting program under section 61129  
3313.6610 of the Revised Code and identify a point of contact 61130  
within each agency; 61131

(5) Conform with all other specifications in a school's 61132  
emergency management plan developed under section 5502.262 of 61133  
the Revised Code. 61134

Evidence-based threat assessment processes or best 61135

practice threat assessment guidelines created by the national 61136  
threat assessment center shall be a resource when developing the 61137  
model threat assessment plan. 61138

(C) Not later than two years after ~~the effective date of~~ 61139  
~~this section~~ March 24, 2021, the department of public safety, in 61140  
consultation with the department of education and workforce and 61141  
the attorney general, shall develop and maintain a list of 61142  
approved training programs for completion by school threat 61143  
assessment team members prescribed in section 3313.669 of the 61144  
Revised Code, one of which must be free or of no cost to 61145  
schools. Each program approved under this section must be an 61146  
evidence-based program that provides instruction in the 61147  
following: 61148

(1) Identifying behaviors, signs, and threats that may 61149  
lead to a violent act; 61150

(2) Determining the seriousness of a threat; 61151

(3) Developing intervention plans that protect the 61152  
potential victims and address the underlying problem or conflict 61153  
that initiated the behavior and assessments of plan results. 61154

Completion of an approved program under this section shall 61155  
fulfill the training requirements prescribed under section 61156  
3313.669 of the Revised Code. 61157

**Sec. 5513.04.** (A) Notwithstanding sections 125.12, 125.13, 61158  
and 125.14 of the Revised Code, the director of transportation 61159  
may sell, transfer, or otherwise dispose of any item of personal 61160  
property that is not needed by the department of transportation. 61161  
The director may exchange any such item, in the manner provided 61162  
for in this chapter, and pay the balance of the cost of such new 61163  
item from funds appropriated to the department. The director 61164

also may accept a credit voucher or cash in an amount mutually 61165  
agreed upon between a vendor and the department. The director 61166  
shall apply the amount of any credit voucher to future purchases 61167  
from that vendor and shall deposit any cash into the state 61168  
treasury to the credit of the highway operating fund created in 61169  
section 5735.051 of the Revised Code. 61170

(B) (1) The director may sell or transfer any structure, 61171  
machinery, tools, equipment, parts, material, office furniture, 61172  
or supplies unfit for use or not needed by the department of 61173  
transportation to any agency of the state or a political 61174  
subdivision of the state without notice of the proposed disposal 61175  
and upon any mutually agreed upon terms. 61176

(2) Before selling any passenger vehicle, van, truck, 61177  
trailer, or other heavy equipment, the director shall notify 61178  
each county, municipal corporation, township, and school 61179  
district of the sale. The director shall similarly notify the 61180  
board of trustees of any regional water and sewer district 61181  
established under Chapter 6119. of the Revised Code, when the 61182  
board has forwarded to the director the district's name and 61183  
current business address. For the purposes of this division, the 61184  
name and current business address of a regional water and sewer 61185  
district shall be forwarded to the director once each year 61186  
during any year in which the board wishes the notification to be 61187  
given. The notice required by this division may be given by the 61188  
most economical means considered to be effective. If after seven 61189  
days following mailing or other issuance of the director's 61190  
notice, no county, municipal corporation, township, regional 61191  
water and sewer district, educational service center, or school 61192  
district has notified the director that it wishes to purchase 61193  
any such vehicle or other heavy equipment, the director may 61194  
proceed with the sale under division (C) of this section. 61195

In the discretion of the director, the director may 61196  
transfer any vehicle or other heavy equipment that is unfit for 61197  
use or not needed by the department to any agency of the state 61198  
or political subdivision of the state without advertising for 61199  
bids and upon mutually agreed upon terms. 61200

(3) The director may sell or otherwise dispose of any 61201  
structure or structural materials salvaged on the state highway 61202  
system that in the director's judgment are no longer needed by 61203  
the department, or that, through wear or obsolescence, have 61204  
become unfit for use. The director may transfer the structure or 61205  
materials to counties, municipal corporations, school districts, 61206  
or other political subdivisions without advertising for bids and 61207  
upon mutually agreed upon terms. The director may transfer the 61208  
structure or structural materials to a nonprofit corporation 61209  
upon being furnished a copy of a contract between the nonprofit 61210  
corporation and a county, municipal corporation, or other 61211  
political subdivision to which the structure is to be moved 61212  
pursuant to which the nonprofit corporation must make the 61213  
structure or structural materials available for rent or sale 61214  
within a period of three months after becoming available for 61215  
occupancy to an individual or family which has been displaced by 61216  
governmental action or which occupies substandard housing as 61217  
certified by such political subdivision, without advertising for 61218  
bids. Any such transfers shall be for such consideration as 61219  
shall be determined by the director to be fair and reasonable, 61220  
and shall be upon such terms and specifications with respect to 61221  
performance and indemnity as shall be determined necessary by 61222  
the director. 61223

When, in carrying out an improvement that replaces any 61224  
structure or structural materials, it is advantageous to dispose 61225  
of the structure or structural materials by providing in the 61226

contract for the improvement that the structure or structural 61227  
materials, or any part thereof, shall become the property of the 61228  
contractor, the director may so proceed. 61229

(C) (1) Any item that has not been sold or transferred as 61230  
provided in division (B) of this section may be sold at a public 61231  
sale, as determined by the director. The director may authorize 61232  
such sale by the deputy directors of transportation, and the 61233  
proceedings of such sale shall be conducted in the same manner 61234  
as provided for sales by the director. The director may 61235  
establish a minimum price for any item to be sold and may 61236  
establish any other terms, conditions, and manner for the sale 61237  
of a particular item, which may be on any basis the director 61238  
determines to be most advantageous to the department. The 61239  
director may reject any offer or bid for an item. The director 61240  
may remove any item from a sale if it develops that a public 61241  
authority has a use for the item. In any notice of a sale, the 61242  
director shall include a brief description of the item to be 61243  
sold, the terms and conditions of the sale, and a statement of 61244  
the time, place, and manner of the sale. 61245

(2) (a) If, in the opinion of the director, any item to be 61246  
sold has an estimated fair market value in excess of one 61247  
thousand dollars, the director shall post a notice of the sale, 61248  
for not less than ten days, on the official web site of the 61249  
department. If the district where the property is located 61250  
maintains a web site, notice of the sale also shall be posted on 61251  
that web site. At least ten days before the sale, the director 61252  
also shall publish one notice of the sale in a periodical or 61253  
newspaper of general circulation in the region in which the 61254  
items are located. A sale under division (C) (2) (a) of this 61255  
section shall be made to the highest responsible bidder. 61256

(b) If, in the opinion of the director, any item to be sold has an estimated fair market value of one thousand dollars or less, the director is not required to advertise the proposed sale except by notice posted on the official web site of the department. The notice shall be posted for at least five working days. A sale under division (C) (2) (b) of this section shall be made to the highest responsible bidder.

(D) Proceeds of any sale described in this section shall be paid into the state treasury to the credit of the highway operating fund or any other fund of the department as determined by the director.

(E) Once each year, the ~~state board~~ department of education and workforce shall provide the director with a current list of the addresses of all school districts and educational service centers in the state.

(F) As used in this section:

(1) "Personal property" means any structure or structural material, machinery, tools, equipment, parts, material, office furniture, supplies, passenger vehicle, van, truck, trailer, or other heavy equipment of the department;

(2) "School district" means any city school district, local school district, exempted village school district, cooperative education school district, and joint vocational school district, as defined in Chapter 3311. of the Revised Code.

(3) "Sale" means fixed price sale, live or internet auction, or any other type of sale determined by the director.

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation,

except in the agent's report to the department or when called on 61286  
to testify in any court or proceeding, shall divulge any 61287  
information acquired by the agent as to the transactions, 61288  
property, or business of any person while acting or claiming to 61289  
act under orders of the department. Whoever violates this 61290  
provision shall thereafter be disqualified from acting as an 61291  
officer or employee or in any other capacity under appointment 61292  
or employment of the department. 61293

(B) (1) For purposes of an audit pursuant to section 117.15 61294  
of the Revised Code, or an audit of the department pursuant to 61295  
Chapter 117. of the Revised Code, or an audit, pursuant to that 61296  
chapter, the objective of which is to express an opinion on a 61297  
financial report or statement prepared or issued pursuant to 61298  
division (A) (7) or (9) of section 126.21 of the Revised Code, 61299  
the officers and employees of the auditor of state charged with 61300  
conducting the audit shall have access to and the right to 61301  
examine any state tax returns and state tax return information 61302  
in the possession of the department to the extent that the 61303  
access and examination are necessary for purposes of the audit. 61304  
Any information acquired as the result of that access and 61305  
examination shall not be divulged for any purpose other than as 61306  
required for the audit or unless the officers and employees are 61307  
required to testify in a court or proceeding under compulsion of 61308  
legal process. Whoever violates this provision shall thereafter 61309  
be disqualified from acting as an officer or employee or in any 61310  
other capacity under appointment or employment of the auditor of 61311  
state. 61312

(2) For purposes of an internal audit pursuant to section 61313  
126.45 of the Revised Code, the officers and employees of the 61314  
office of internal audit in the office of budget and management 61315  
charged with directing the internal audit shall have access to 61316

and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the 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 61346  
section 3125.43 of the Revised Code; 61347

(3) Disclosing to the motor vehicle repair board any 61348  
information in the possession of the department that is 61349  
necessary for the board to verify the existence of an 61350  
applicant's valid vendor's license and current state tax 61351  
identification number under section 4775.07 of the Revised Code; 61352

(4) Providing information to the administrator of workers' 61353  
compensation pursuant to sections 4123.271 and 4123.591 of the 61354  
Revised Code; 61355

(5) Providing to the attorney general information the 61356  
department obtains under division (J) of section 1346.01 of the 61357  
Revised Code; 61358

(6) Permitting properly authorized officers, employees, or 61359  
agents of a municipal corporation from inspecting reports or 61360  
information pursuant to section 718.84 of the Revised Code or 61361  
rules adopted under section 5745.16 of the Revised Code; 61362

(7) Providing information regarding the name, account 61363  
number, or business address of a holder of a vendor's license 61364  
issued pursuant to section 5739.17 of the Revised Code, a holder 61365  
of a direct payment permit issued pursuant to section 5739.031 61366  
of the Revised Code, or a seller having a use tax account 61367  
maintained pursuant to section 5741.17 of the Revised Code, or 61368  
information regarding the active or inactive status of a 61369  
vendor's license, direct payment permit, or seller's use tax 61370  
account; 61371

(8) Releasing invoices or invoice information furnished 61372  
under section 4301.433 of the Revised Code pursuant to that 61373  
section; 61374

(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;

(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;

(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with section 5749.02 of the Revised Code or to allow the department of natural resources to enforce Chapter 1509. of the Revised Code;

(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.

(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that

is necessary to verify a casino operator's or sports gaming 61404  
proprietor's compliance with section 5747.063, 5753.02, or 61405  
5753.021 of the Revised Code and sections related thereto; 61406

(15) Disclosing to the state lottery commission 61407  
information in the possession of the department of taxation that 61408  
is necessary to verify a lottery sales agent's compliance with 61409  
section 5747.064 of the Revised Code. 61410

(16) Disclosing to the department of development 61411  
information in the possession of the department of taxation that 61412  
is necessary to ensure compliance with the laws of this state 61413  
governing taxation and to verify information reported to the 61414  
department of development for the purpose of evaluating 61415  
potential tax credits, tax deductions, grants, or loans. Such 61416  
information shall not include information received from the 61417  
internal revenue service the disclosure of which is prohibited 61418  
by section 6103 of the Internal Revenue Code. No officer, 61419  
employee, or agent of the department of development shall 61420  
disclose any information provided to the department of 61421  
development by the department of taxation under division (C)(16) 61422  
of this section except when disclosure of the information is 61423  
necessary for, and made solely for the purpose of facilitating, 61424  
the evaluation of potential tax credits, tax deductions, grants, 61425  
or loans. 61426

(17) Disclosing to the department of insurance information 61427  
in the possession of the department of taxation that is 61428  
necessary to ensure a taxpayer's compliance with the 61429  
requirements with any tax credit administered by the department 61430  
of development and claimed by the taxpayer against any tax 61431  
administered by the superintendent of insurance. No officer, 61432  
employee, or agent of the department of insurance shall disclose 61433

any information provided to the department of insurance by the 61434  
department of taxation under division (C) (17) of this section. 61435

(18) Disclosing to the division of liquor control 61436  
information in the possession of the department of taxation that 61437  
is necessary for the division and department to comply with the 61438  
requirements of sections 4303.26 and 4303.271 of the Revised 61439  
Code. 61440

(19) Disclosing to the department of education and 61441  
workforce, upon that department's request, information in the 61442  
possession of the department of taxation that is necessary only 61443  
to verify whether the family income of a student applying for or 61444  
receiving a scholarship under the educational choice scholarship 61445  
pilot program is equal to, less than, or greater than the income 61446  
thresholds prescribed by section 3310.032 of the Revised Code. 61447  
The department of education and workforce shall provide 61448  
sufficient information about the student and the student's 61449  
family to enable the department of taxation to make the 61450  
verification. 61451

(20) Disclosing to the Ohio rail development commission 61452  
information in the possession of the department of taxation that 61453  
is necessary to ensure compliance with the laws of this state 61454  
governing taxation and to verify information reported to the 61455  
commission for the purpose of evaluating potential grants or 61456  
loans. Such information shall not include information received 61457  
from the internal revenue service the disclosure of which is 61458  
prohibited by section 6103 of the Internal Revenue Code. No 61459  
member, officer, employee, or agent of the Ohio rail development 61460  
commission shall disclose any information provided to the 61461  
commission by the department of taxation under division (C) (20) 61462  
of this section except when disclosure of the information is 61463

necessary for, and made solely for the purpose of facilitating, 61464  
the evaluation of potential grants or loans. 61465

(21) Disclosing to the state racing commission information 61466  
in the possession of the department of taxation that is 61467  
necessary for verification of compliance with and for 61468  
enforcement and administration of the taxes levied by Chapter 61469  
3769. of the Revised Code. Such information shall include 61470  
information that is necessary for the state racing commission to 61471  
verify compliance with Chapter 3769. of the Revised Code for the 61472  
purposes of issuance, denial, suspension, or revocation of a 61473  
permit pursuant to section 3769.03 or 3769.06 of the Revised 61474  
Code and related sections. Unless disclosure is otherwise 61475  
authorized by law, information provided to the state racing 61476  
commission under this section remains confidential and is not 61477  
subject to public disclosure pursuant to section 3769.041 of the 61478  
Revised Code. 61479

(22) Disclosing to the state fire marshal information in 61480  
the possession of the department of taxation that is necessary 61481  
for the state fire marshal to verify the compliance of a 61482  
licensed manufacturer of fireworks or a licensed wholesaler of 61483  
fireworks with section 3743.22 of the Revised Code. No officer, 61484  
employee, or agent of the state fire marshal shall disclose any 61485  
information provided to the state fire marshal by the department 61486  
of taxation under division (C) (22) of this section. 61487

(23) Disclosing to the department of job and family 61488  
services information in the possession of the department of 61489  
taxation for either of the following purposes: 61490

(a) Making a determination under section 4141.28 of the 61491  
Revised Code; 61492

(b) Verifying an individual's eligibility for a federal program described in section 4141.163 of the Revised Code. 61493  
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Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. 61495  
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**Sec. 5705.216.** A board of education that has issued notes in anticipation of the proceeds of a permanent improvements levy in the maximum amount permitted under division (D) (2) or (3) of section 5705.21 of the Revised Code or a taxing authority of a county school financing district that has issued notes in anticipation of the proceeds of a levy in the maximum amount permitted under section 5705.215 of the Revised Code may, if the proceeds from the issuance of such notes have been spent, contracted, or encumbered, apply to the ~~superintendent of public instruction~~ director of education and workforce for authorization to anticipate a fraction of the remaining estimated proceeds of the levy and issue anticipation notes for that purpose. The application shall be in such form and contain such information as the ~~superintendent~~ director considers necessary and shall specify the amount of notes to be issued. The amount shall not exceed the following: 61498  
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(A) In the case of a school district: 61514

(1) For levies described under division (D) (2) of section 5705.21 of the Revised Code, the amount by which the total estimated proceeds of the levy remaining to be collected throughout its life exceeds the amount from such proceeds required to pay the principal and interest on notes issued under section 5705.21 of the Revised Code and the interest on any notes issued under this section; 61515  
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(2) For levies described under division (D) (3) of section 5705.21 of the Revised Code, the amount by which the total estimated proceeds of the levy remaining to be collected over the specified number of years authorized for the issuance of the notes exceeds the amount from such proceeds required to pay the principal and interest on notes issued under section 5705.21 of the Revised Code and the interest on any notes issued under this section. 61522  
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(B) In the case of a county school financing district, the amount by which the total estimated proceeds of the levy remaining to be collected for the first five years of its life exceed the amount from such proceeds required to pay the principal and interest on notes issued under section 5705.215 of the Revised Code and the interest on any notes issued under this section. 61530  
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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. 61537  
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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. 61542  
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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. 61548  
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**Sec. 5705.391.** (A) The department of education and 61550

workforce and the auditor of state shall jointly adopt rules 61551  
requiring boards of education to submit five-year projections of 61552  
operational revenues and expenditures. The rules shall provide 61553  
for the auditor of state or the department to examine the five- 61554  
year projections and to determine whether any further fiscal 61555  
analysis is needed to ascertain whether a district has the 61556  
potential to incur a deficit during the first three years of the 61557  
five-year period. 61558

The auditor of state or the department may conduct any 61559  
further audits or analyses necessary to assess any district's 61560  
fiscal condition. If further audits or analyses are conducted by 61561  
the auditor of state, the auditor of state shall notify the 61562  
department of the district's fiscal condition, and the 61563  
department shall immediately notify the district of any 61564  
potential to incur a deficit in the current fiscal year or of 61565  
any strong indications that a deficit will be incurred in either 61566  
of the ensuing two years. If such audits or analyses are 61567  
conducted by the department, the department shall immediately 61568  
notify the district and the auditor of state of such potential 61569  
deficit or strong indications thereof. 61570

A district notified under this section shall take 61571  
immediate steps to eliminate any deficit in the current fiscal 61572  
year and shall begin to plan to avoid the projected future 61573  
deficits. 61574

(B) The state board of education, in accordance with 61575  
sections 3319.31 and 3319.311 of the Revised Code, may limit, 61576  
suspend, or revoke a license as defined under section 3319.31 of 61577  
the Revised Code that has been issued to any school employee 61578  
found to have willfully contributed erroneous, inaccurate, or 61579  
incomplete data required for the submission of the five-year 61580

projection required by this section. 61581

(C) The department and the auditor of state, in their 61582  
joint adoption of rules under division (A) of this section, 61583  
shall not require a board of education to submit its five-year 61584  
projection of operational revenues and expenditures prior to the 61585  
thirtieth day of November of any fiscal year. 61586

**Sec. 5705.412.** (A) As used in this section, "qualifying 61587  
contract" means any agreement for the expenditure of money under 61588  
which aggregate payments from the funds included in the school 61589  
district's five-year forecast under section 5705.391 of the 61590  
Revised Code will exceed the lesser of the following amounts: 61591

(1) Five hundred thousand dollars; 61592

(2) One per cent of the total revenue to be credited in 61593  
the current fiscal year to the district's general fund, as 61594  
specified in the district's most recent certificate of estimated 61595  
resources certified under section 5705.36 of the Revised Code. 61596

(B) (1) Notwithstanding section 5705.41 of the Revised 61597  
Code, no school district shall adopt any appropriation measure, 61598  
make any qualifying contract, or increase during any school year 61599  
any wage or salary schedule unless there is attached thereto a 61600  
certificate, signed as required by this section, that the school 61601  
district has in effect the authorization to levy taxes including 61602  
the renewal or replacement of existing levies which, when 61603  
combined with the estimated revenue from all other sources 61604  
available to the district at the time of certification, are 61605  
sufficient to provide the operating revenues necessary to enable 61606  
the district to maintain all personnel and programs for all the 61607  
days set forth in its adopted school calendars for the current 61608  
fiscal year and for a number of days in succeeding fiscal years 61609

equal to the number of days instruction was held or is scheduled 61610  
for the current fiscal year, as follows: 61611

(a) A certificate attached to an appropriation measure 61612  
under this section shall cover only the fiscal year in which the 61613  
appropriation measure is effective and shall not consider the 61614  
renewal or replacement of an existing levy as the authority to 61615  
levy taxes that are subject to appropriation in the current 61616  
fiscal year unless the renewal or replacement levy has been 61617  
approved by the electors and is subject to appropriation in the 61618  
current fiscal year. 61619

(b) A certificate attached, in accordance with this 61620  
section, to any qualifying contract shall cover the term of the 61621  
contract. 61622

(c) A certificate attached under this section to a wage or 61623  
salary schedule shall cover the term of the schedule. 61624

If the board of education has not adopted a school 61625  
calendar for the school year beginning on the first day of the 61626  
fiscal year in which a certificate is required, the certificate 61627  
attached to an appropriation measure shall include the number of 61628  
days on which instruction was held in the preceding fiscal year 61629  
and other certificates required under this section shall include 61630  
that number of days for the fiscal year in which the certificate 61631  
is required and any succeeding fiscal years that the certificate 61632  
must cover. 61633

The certificate shall be signed by the treasurer and 61634  
president of the board of education and the superintendent of 61635  
the school district, unless the district is in a state of fiscal 61636  
emergency declared under Chapter 3316. of the Revised Code. In 61637  
that case, the certificate shall be signed by a member of the 61638

district's financial planning and supervision commission who is 61639  
designated by the commission for this purpose. 61640

(2) In lieu of the certificate required under division (B) 61641  
of this section, an alternative certificate stating the 61642  
following may be attached: 61643

(a) The contract is a multi-year contract for materials, 61644  
equipment, or nonpayroll services essential to the education 61645  
program of the district; 61646

(b) The multi-year contract demonstrates savings over the 61647  
duration of the contract as compared to costs that otherwise 61648  
would have been demonstrated in a single year contract, and the 61649  
terms will allow the district to reduce the deficit it is 61650  
currently facing in future years as demonstrated in its five- 61651  
year forecast adopted in accordance with section 5705.391 of the 61652  
Revised Code. 61653

The certificate shall be signed by the treasurer and 61654  
president of the board of education and the superintendent of 61655  
the school district, unless the district is in a state of fiscal 61656  
emergency declared under Chapter 3316. of the Revised Code. In 61657  
that case, the certificate shall be signed by a member of the 61658  
district's financial planning and supervision commission who is 61659  
designated by the commission for this purpose. 61660

(C) Every qualifying contract made or wage or salary 61661  
schedule adopted or put into effect without such a certificate 61662  
shall be void, and no payment of any amount due thereon shall be 61663  
made. 61664

(D) The department of education and workforce and the 61665  
auditor of state jointly shall adopt rules governing the methods 61666  
by which treasurers, presidents of boards of education, 61667

superintendents, and members of financial planning and 61668  
supervision commissions shall estimate revenue and determine 61669  
whether such revenue is sufficient to provide necessary 61670  
operating revenue for the purpose of making certifications 61671  
required by this section. 61672

(E) The auditor of state shall be responsible for 61673  
determining whether school districts are in compliance with this 61674  
section. At the time a school district is audited pursuant to 61675  
section 117.11 of the Revised Code, the auditor of state shall 61676  
review each certificate issued under this section since the 61677  
district's last audit, and the appropriation measure, contract, 61678  
or wage and salary schedule to which such certificate was 61679  
attached. If the auditor of state determines that a school 61680  
district has not complied with this section with respect to any 61681  
qualifying contract or wage or salary schedule, the auditor of 61682  
state shall notify the prosecuting attorney for the county, the 61683  
city director of law, or other chief law officer of the school 61684  
district. That officer may file a civil action in any court of 61685  
appropriate jurisdiction to seek a declaration that the contract 61686  
or wage or salary schedule is void, to recover for the school 61687  
district from the payee the amount of payments already made 61688  
under it, or both, except that the officer shall not seek to 61689  
recover payments made under any collective bargaining agreement 61690  
entered into under Chapter 4117. of the Revised Code. If the 61691  
officer does not file such an action within one hundred twenty 61692  
days after receiving notice of noncompliance from the auditor of 61693  
state, any taxpayer may institute the action in the taxpayer's 61694  
own name on behalf of the school district. 61695

(F) This section does not apply to any contract or 61696  
increase in any wage or salary schedule that is necessary in 61697  
order to enable a board of education to comply with division (B) 61698

of section 3317.13 of the Revised Code, provided the contract or 61699  
increase does not exceed the amount required to be paid to be in 61700  
compliance with such division. 61701

(G) Any officer, employee, or other person who expends or 61702  
authorizes the expenditure of any public funds or authorizes or 61703  
executes any contract or schedule contrary to this section, 61704  
expends or authorizes the expenditure of any public funds on the 61705  
void contract or schedule, or issues a certificate under this 61706  
section which contains any false statements is liable to the 61707  
school district for the full amount paid from the district's 61708  
funds on the contract or schedule. The officer, employee, or 61709  
other person is jointly and severally liable in person and upon 61710  
any official bond that the officer, employee, or other person 61711  
has given to the school district to the extent of any payments 61712  
on the void claim, not to exceed ten thousand dollars. However, 61713  
no officer, employee, or other person shall be liable for a 61714  
mistaken estimate of available resources made in good faith and 61715  
based upon reasonable grounds. If an officer, employee, or other 61716  
person is found to have complied with rules jointly adopted by 61717  
the department of education and workforce and the auditor of 61718  
state under this section governing methods by which revenue 61719  
shall be estimated and determined sufficient to provide 61720  
necessary operating revenue for the purpose of making 61721  
certifications required by this section, the officer, employee, 61722  
or other person shall not be liable under this section if the 61723  
estimates and determinations made according to those rules do 61724  
not, in fact, conform with actual revenue. The prosecuting 61725  
attorney of the county, the city director of law, or other chief 61726  
law officer of the district shall enforce this liability by 61727  
civil action brought in any court of appropriate jurisdiction in 61728  
the name of and on behalf of the school district. If the 61729

prosecuting attorney, city director of law, or other chief law officer of the district fails, upon the written request of any taxpayer, to institute action for the enforcement of the liability, the attorney general, or the taxpayer in the taxpayer's own name, may institute the action on behalf of the subdivision.

(H) This section does not require the attachment of an additional certificate beyond that required by section 5705.41 of the Revised Code for current payrolls of, or contracts of employment with, any employees or officers of the school district.

This section does not require the attachment of a certificate to a temporary appropriation measure if all of the following apply:

(1) The amount appropriated does not exceed twenty-five per cent of the total amount from all sources available for expenditure from any fund during the preceding fiscal year;

(2) The measure will not be in effect on or after the thirtieth day following the earliest date on which the district may pass an annual appropriation measure;

(3) An amended official certificate of estimated resources for the current year, if required, has not been certified to the board of education under division (B) of section 5705.36 of the Revised Code.

**Sec. 5709.07.** (A) The following property shall be exempt from taxation:

(1) Real property used by a school for primary or secondary educational purposes, including only so much of the land as is necessary for the proper occupancy, use, and

enjoyment of such real property by the school for primary or 61759  
secondary educational purposes. The exemption under division (A) 61760  
(1) of this section does not apply to any portion of the real 61761  
property not used for primary or secondary educational purposes. 61762

For purposes of division (A) (1) of this section: 61763

(a) "School" means a public or nonpublic school. "School" 61764  
excludes home ~~instruction~~ education as authorized under section 61765  
~~3321.04~~3321.042 of the Revised Code. 61766

(b) "Public school" includes schools of a school district, 61767  
STEM schools established under Chapter 3326. of the Revised 61768  
Code, community schools established under Chapter 3314. of the 61769  
Revised Code, and educational service centers established under 61770  
section 3311.05 of the Revised Code. 61771

(c) "Nonpublic school" means a nonpublic school for which 61772  
the ~~state board~~ director of education and workforce has issued a 61773  
charter pursuant to section 3301.16 of the Revised Code and 61774  
prescribes minimum standards under division (D) (2) of section 61775  
3301.07 of the Revised Code. 61776

(2) Houses used exclusively for public worship, the books 61777  
and furniture in them, and the ground attached to them that is 61778  
not leased or otherwise used with a view to profit and that is 61779  
necessary for their proper occupancy, use, and enjoyment; 61780

(3) Real property owned and operated by a church that is 61781  
used primarily for church retreats or church camping, and that 61782  
is not used as a permanent residence. Real property exempted 61783  
under division (A) (3) of this section may be made available by 61784  
the church on a limited basis to charitable and educational 61785  
institutions if the property is not leased or otherwise made 61786  
available with a view to profit. 61787

(4) Public colleges and academies and all buildings 61788  
connected with them, and all lands connected with public 61789  
institutions of learning, not used with a view to profit, 61790  
including those buildings and lands that satisfy all of the 61791  
following: 61792

(a) The buildings are used for housing for full-time 61793  
students or housing-related facilities for students, faculty, or 61794  
employees of a state university, or for other purposes related 61795  
to the state university's educational purpose, and the lands are 61796  
underneath the buildings or are used for common space, walkways, 61797  
and green spaces for the state university's students, faculty, 61798  
or employees. As used in this division, "housing-related 61799  
facilities" includes both parking facilities related to the 61800  
buildings and common buildings made available to students, 61801  
faculty, or employees of a state university. The leasing of 61802  
space in housing-related facilities shall not be considered an 61803  
activity with a view to profit for purposes of division (A) (4) 61804  
of this section. 61805

(b) The buildings and lands are supervised or otherwise 61806  
under the control, directly or indirectly, of an organization 61807  
that is exempt from federal income taxation under section 501(c) 61808  
(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 61809  
U.S.C. 1, as amended, and the state university has entered into 61810  
a qualifying joint use agreement with the organization that 61811  
entitles the students, faculty, or employees of the state 61812  
university to use the lands or buildings; 61813

(c) The state university has agreed, under the terms of 61814  
the qualifying joint use agreement with the organization 61815  
described in division (A) (4) (b) of this section, that the state 61816  
university, to the extent applicable under the agreement, will 61817

make payments to the organization in amounts sufficient to 61818  
maintain agreed-upon debt service coverage ratios on bonds 61819  
related to the lands or buildings. 61820

(B) This section shall not extend to leasehold estates or 61821  
real property held under the authority of a college or 61822  
university of learning in this state; but leaseholds, or other 61823  
estates or property, real or personal, the rents, issues, 61824  
profits, and income of which is given to a municipal 61825  
corporation, school district, or subdistrict in this state 61826  
exclusively for the use, endowment, or support of schools for 61827  
the free education of youth without charge shall be exempt from 61828  
taxation as long as such property, or the rents, issues, 61829  
profits, or income of the property is used and exclusively 61830  
applied for the support of free education by such municipal 61831  
corporation, district, or subdistrict. Division (B) of this 61832  
section shall not apply with respect to buildings and lands that 61833  
satisfy all of the requirements specified in divisions (A) (4) (a) 61834  
to (c) of this section. 61835

(C) For purposes of this section, if the requirements 61836  
specified in divisions (A) (4) (a) to (c) of this section are 61837  
satisfied, the buildings and lands with respect to which 61838  
exemption is claimed under division (A) (4) of this section shall 61839  
be deemed to be used with reasonable certainty in furthering or 61840  
carrying out the necessary objects and purposes of a state 61841  
university. 61842

(D) As used in this section: 61843

(1) "Church" means a fellowship of believers, 61844  
congregation, society, corporation, convention, or association 61845  
that is formed primarily or exclusively for religious purposes 61846  
and that is not formed for the private profit of any person. 61847

(2) "State university" has the same meaning as in section 3345.011 of the Revised Code. 61848  
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(3) "Qualifying joint use agreement" means an agreement that satisfies all of the following: 61850  
61851

(a) The agreement was entered into before June 30, 2004; 61852

(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 61853  
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(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 academic school year that began in calendar year 2003 and ended in calendar year 2004. 61857  
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**Sec. 5709.92.** (A) As used in this section: 61863

(1) "School district" means a city, local, or exempted village school district. 61864  
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(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code. 61866  
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(3) "Total resources" means the sum of the amounts described in divisions (A)(3)(a) to (g) of this section less any reduction required under division (C)(3)(a) of this section. 61872  
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(a) The state education aid for fiscal year 2015; 61875

(b) The sum of the payments received in fiscal year 2015 61876  
for current expense levy losses under division (C) (3) of section 61877  
5727.85 and division (C) (12) of section 5751.21 of the Revised 61878  
Code, as they existed at that time, excluding the portion of 61879  
such payments attributable to levies for joint vocational school 61880  
district purposes; 61881

(c) The sum of fixed-sum levy loss payments received by 61882  
the school district in fiscal year 2015 under division (F) (1) of 61883  
section 5727.85 and division (E) (1) of section 5751.21 of the 61884  
Revised Code, as they existed at that time, for fixed-sum levies 61885  
charged and payable for a purpose other than paying debt 61886  
charges; 61887

(d) The district's taxes charged and payable against all 61888  
property on the tax list of real and public utility property for 61889  
current expense purposes for tax year 2014, including taxes 61890  
charged and payable from emergency levies charged and payable 61891  
under sections 5705.194 to 5705.197 of the Revised Code, 61892  
excluding taxes levied for joint vocational school district 61893  
purposes or levied under section 5705.23 of the Revised Code; 61894

(e) The amount certified for fiscal year 2015 under 61895  
division (A) (2) of section 3317.08 of the Revised Code; 61896

(f) Distributions received during calendar year 2014 from 61897  
taxes levied under section 718.09 of the Revised Code; 61898

(g) Distributions received during fiscal year 2015 from 61899  
the gross casino revenue county student fund. 61900

(4) (a) "State education aid" for a school district means 61901  
the sum of state amounts computed for the district under 61902  
sections 3317.022 and 3317.0212 of the Revised Code after any 61903  
amounts are added or subtracted under Section 263.240 of Am. 61904

Sub. H.B.59 of the 130th general assembly, entitled	61905
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL	61906
DISTRICTS."	61907
(b) "State education aid" for a joint vocational district	61908
means the amount computed for the district under section 3317.16	61909
of the Revised Code after any amounts are added or subtracted	61910
under Section 263.250 of Am. Sub. H.B.59 of the 130th general	61911
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL	61912
DISTRICTS."	61913
(5) "Taxes charged and payable" means taxes charged and	61914
payable after the reduction required by section 319.301 of the	61915
Revised Code but before the reductions required by sections	61916
319.302 and 323.152 of the Revised Code.	61917
(6) "Capacity quintile" means the capacity measure	61918
quintiles determined under division (B) of this section.	61919
(7) "Threshold per cent" means the following:	61920
(a) For a school district in the lowest capacity quintile,	61921
one per cent for fiscal year 2016 and two per cent for fiscal	61922
year 2017.	61923
(b) For a school district in the second lowest capacity	61924
quintile, one and one-fourth per cent for fiscal year 2016 and	61925
two and one-half per cent for fiscal year 2017.	61926
(c) For a school district in the third lowest capacity	61927
quintile, one and one-half per cent for fiscal year 2016 and	61928
three per cent for fiscal year 2017.	61929
(d) For a school district in the second highest capacity	61930
quintile, one and three-fourths per cent for fiscal year 2016	61931
and three and one-half per cent for fiscal year 2017.	61932

(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016 and four per cent for fiscal year 2017. 61933  
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(f) For a joint vocational school district, two per cent for fiscal year 2016 and four per cent for fiscal year 2017. 61936  
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(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C) (3) of section 5727.85 and division (C) (12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C) (3) (b) of this section. 61938  
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(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. 61945  
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(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. 61955  
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(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 61959  
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the Revised Code, excluding levy losses for debt purposes. 61962

(12) "TPP fixed-sum debt levy losses" means the sum of 61963  
payments received by a school district in fiscal year 2015 for 61964  
levy losses under division (E) of section 5751.21 of the Revised 61965  
Code for debt purposes. 61966

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 61967  
payments received by the school district in fiscal year 2015 for 61968  
levy losses under division (H) of section 5727.84 of the Revised 61969  
Code for debt purposes. 61970

(14) "Qualifying levies" means qualifying levies described 61971  
in section 5751.20 of the Revised Code as that section was in 61972  
effect before July 1, 2015. 61973

(15) "Total taxable value" has the same meaning as in 61974  
section 3317.02 of the Revised Code. 61975

(B) The department of education and workforce shall rank 61976  
all school districts in the order of districts' capacity 61977  
measures determined under former section 3317.018 of the Revised 61978  
Code from lowest to highest, and divide such ranking into 61979  
quintiles, with the first quintile containing the twenty per 61980  
cent of school districts having the lowest capacity measure and 61981  
the fifth quintile containing the twenty per cent of school 61982  
districts having the highest capacity measure. This calculation 61983  
and ranking shall be performed once, in fiscal year 2016. 61984

(C) (1) In fiscal year 2016, payments shall be made to 61985  
school districts and joint vocational school districts equal to 61986  
the sum of the amounts described in divisions (C) (1) (a) or (b) 61987  
and (C) (1) (c) of this section. In fiscal year 2017, payments 61988  
shall be made to school districts and joint vocational school 61989  
districts equal to the amount described in division (C) (1) (a) or 61990

(b) of this section. 61991

(a) If the ratio of the current expense allocation to 61992  
total resources is equal to or less than the district's 61993  
threshold percent, zero; 61994

(b) If the ratio of the current expense allocation to 61995  
total resources is greater than the district's threshold per 61996  
cent, the difference between the current expense allocation and 61997  
the product of the threshold percentage and total resources; 61998

(c) For fiscal year 2016, the product of the non-current 61999  
expense allocation multiplied by fifty per cent. 62000

(2) In fiscal year 2018 and subsequent fiscal years, 62001  
payments shall be made to school districts and joint vocational 62002  
school districts equal to the difference obtained by subtracting 62003  
the amount described in division (C) (2) (b) of this section from 62004  
the amount described in division (C) (2) (a) of this section, 62005  
provided that such amount is greater than zero. 62006

(a) The sum of the payments received by the district under 62007  
division (C) (1) (b) or (C) (2) of this section for the immediately 62008  
preceding fiscal year; 62009

(b) One-sixteenth of one per cent of the average of the 62010  
total taxable value of the district for tax years 2014, 2015, 62011  
and 2016. 62012

(3) (a) "Total resources" used to compute payments under 62013  
division (C) (1) of this section shall be reduced to the extent 62014  
that payments distributed in fiscal year 2015 were attributable 62015  
to levies no longer charged and payable for tax year 2014. 62016

(b) "Current expense allocation" used to compute payments 62017  
under division (C) (1) of this section shall be reduced to the 62018

extent that the payments distributed in fiscal year 2015 were 62019  
attributable to levies no longer charged and payable for tax 62020  
year 2014. 62021

(4) The department of education and workforce shall report 62022  
to each school district and joint vocational school district the 62023  
apportionment of the payments under division (C) (1) of this 62024  
section among the district's funds based on qualifying levies. 62025

(D) (1) Payments in the following amounts shall be made to 62026  
school districts and joint vocational school districts in tax 62027  
years 2016 through 2021: 62028

(a) In tax year 2016, the sum of the district's operating 62029  
TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy 62030  
losses. 62031

(b) In tax year 2017, the sum of the district's operating 62032  
TPP fixed-sum levy losses and eighty per cent of operating S.B. 62033  
3 fixed-sum levy losses. 62034

(c) In tax year 2018, the sum of eighty per cent of the 62035  
district's operating TPP fixed-sum levy losses and sixty per 62036  
cent of its operating S.B. 3 fixed-sum levy losses. 62037

(d) In tax year 2019, the sum of sixty per cent of the 62038  
district's operating TPP fixed-sum levy losses and forty per 62039  
cent of its operating S.B. 3 fixed-sum levy losses. 62040

(e) In tax year 2020, the sum of forty per cent of the 62041  
district's operating TPP fixed-sum levy losses and twenty per 62042  
cent of its operating S.B. 3 fixed-sum levy losses. 62043

(f) In tax year 2021, twenty per cent of the district's 62044  
operating TPP fixed-sum levy losses. 62045

No payment shall be made under division (D) (1) of this 62046

section after tax year 2021. 62047

(2) Amounts are payable under division (D) of this section 62048  
for fixed-sum levy losses only to the extent of such losses for 62049  
qualifying levies that remain in effect for the current tax 62050  
year. For this purpose, a qualifying levy levied under section 62051  
5705.194 or 5705.213 of the Revised Code remains in effect for 62052  
the current tax year only if a tax levied under either of those 62053  
sections is charged and payable for the current tax year for an 62054  
annual sum at least equal to the annual sum levied by the board 62055  
of education for tax year 2004 under those sections less the 62056  
amount of the payment under this division. 62057

(E) (1) For fixed-sum levies for debt purposes, payments 62058  
shall be made to school districts and joint vocational school 62059  
districts equal to one hundred per cent of the district's fixed- 62060  
sum levy loss determined under division (E) of section 5751.20 62061  
and division (H) of section 5727.84 of the Revised Code as in 62062  
effect before July 1, 2015, and paid in tax year 2014. No 62063  
payment shall be made for qualifying levies that are no longer 62064  
charged and payable. 62065

(2) Beginning in 2016, by the thirty-first day of January 62066  
of each year, the tax commissioner shall review the calculation 62067  
of fixed-sum levy loss for debt purposes determined under 62068  
division (E) of section 5751.20 and division (H) of section 62069  
5727.84 of the Revised Code as in effect before July 1, 2015. If 62070  
the commissioner determines that a fixed-sum levy that had been 62071  
scheduled to be reimbursed in the current year is no longer 62072  
charged and payable, a revised calculation for that year and all 62073  
subsequent years shall be made. 62074

(F) (1) For taxes levied within the ten-mill limitation for 62075  
debt purposes in tax year 1998 in the case of electric company 62076

tax value losses, and in tax year 1999 in the case of natural 62077  
gas company tax value losses, payments shall be made to school 62078  
districts and joint vocational school districts equal to one 62079  
hundred per cent of the loss computed under division (D) of 62080  
section 5727.85 of the Revised Code as in effect before July 1, 62081  
2015, as if the tax were a fixed-rate levy, but those payments 62082  
shall extend through fiscal year 2016. 62083

(2) For taxes levied within the ten-mill limitation for 62084  
debt purposes in tax year 2005, payments shall be made to school 62085  
districts and joint vocational school districts equal to one 62086  
hundred per cent of the loss computed under division (D) of 62087  
section 5751.21 of the Revised Code as in effect before July 1, 62088  
2015, as if the tax were a fixed-rate levy, but those payments 62089  
shall extend through fiscal year 2018. 62090

(G) If all the territory of a school district or joint 62091  
vocational school district is merged with another district, or 62092  
if a part of the territory of a school district or joint 62093  
vocational school district is transferred to an existing or 62094  
newly created district, the department of education and 62095  
workforce, in consultation with the tax commissioner, shall 62096  
adjust the payments made under this section as follows: 62097

(1) For a merger of two or more districts, fixed-sum levy 62098  
losses, total resources, current expense allocation, and non- 62099  
current expense allocation of the successor district shall be 62100  
the sum of such items for each of the districts involved in the 62101  
merger. 62102

(2) If property is transferred from one district to a 62103  
previously existing district, the amount of the total resources, 62104  
current expense allocation, and non-current expense allocation 62105  
that shall be transferred to the recipient district shall be an 62106

amount equal to the total resources, current expense allocation, 62107  
and non-current expense allocation of the transferor district 62108  
times a fraction, the numerator of which is the number of pupils 62109  
being transferred to the recipient district, measured, in the 62110  
case of a school district, by formula ADM as defined in section 62111  
3317.02 of the Revised Code or, in the case of a joint vocational 62112  
school district, by formula ADM as defined for a joint 62113  
vocational school district in that section, and the denominator 62114  
of which is the formula ADM of the transferor district. 62115

(3) After December 31, 2010, if property is transferred 62116  
from one or more districts to a district that is newly created 62117  
out of the transferred property, the newly created district 62118  
shall be deemed not to have any total resources, current expense 62119  
allocation, total allocation, or non-current expense allocation. 62120

(4) If the recipient district under division (G) (2) of 62121  
this section or the newly created district under division (G) (3) 62122  
of this section is assuming debt from one or more of the 62123  
districts from which the property was transferred and any of the 62124  
districts losing the property had fixed-sum levy losses, the 62125  
department of education and workforce, in consultation with the 62126  
tax commissioner, shall make an equitable division of the 62127  
reimbursements for those losses. 62128

(H) The payments required by divisions (C), (D), (E), (F), 62129  
and (I) of this section shall be distributed periodically to 62130  
each school and joint vocational school district by the 62131  
department of education and workforce unless otherwise provided 62132  
for. Except as provided in division (D) of this section, if a 62133  
levy that is a qualifying levy is not charged and payable in any 62134  
year after 2014, payments to the school district or joint 62135  
vocational school district shall be reduced to the extent that 62136

the payments distributed in fiscal year 2015 were attributable 62137  
to the levy loss of that levy. 62138

(I) For fiscal years 2022 through 2026, if the total 62139  
amount to be received under divisions (C) and (E) of this 62140  
section by any school district that has a nuclear power plant 62141  
located within its territory is less than the amount the 62142  
district received under this section in fiscal year 2017, the 62143  
district shall receive a supplemental payment equal to the 62144  
difference between the amount to be received under those 62145  
divisions for the fiscal year and the amount received under this 62146  
section in fiscal year 2017. 62147

**Sec. 5715.26.** (A) (1) Upon receiving the statement required 62148  
by section 5715.25 of the Revised Code, the county auditor shall 62149  
forthwith add to or deduct from each tract, lot, or parcel of 62150  
real property or class of real property the required percentage 62151  
or amount of the valuation thereof, adding or deducting any sum 62152  
less than five dollars so that the value of any separate tract, 62153  
lot, or parcel of real property shall be ten dollars or some 62154  
multiple thereof. 62155

(2) After making the additions or deductions required by 62156  
this section, the auditor shall transmit to the tax commissioner 62157  
the appropriate adjusted abstract of the real property of each 62158  
taxing district in the auditor's county in which an adjustment 62159  
was required. 62160

(3) If the commissioner increases or decreases the 62161  
aggregate value of the real property or any class thereof in any 62162  
county or taxing district thereof and does not receive within 62163  
ninety days thereafter an adjusted abstract conforming to its 62164  
statement for such county or taxing district therein, the 62165  
commissioner shall withhold from such county or taxing district 62166

therein fifty per cent of its share in the distribution of state 62167  
revenues to local governments pursuant to sections 5747.50 to 62168  
5747.55 of the Revised Code and shall direct the department of 62169  
education and workforce to withhold therefrom fifty per cent of 62170  
state revenues to school districts pursuant to Chapter 3317. of 62171  
the Revised Code. The commissioner shall withhold the 62172  
distribution of such funds until such county auditor has 62173  
complied with this division, and the department shall withhold 62174  
the distribution of such funds until the commissioner has 62175  
notified the department that such county auditor has complied 62176  
with this division. 62177

(B) (1) If the commissioner's determination is appealed 62178  
under section 5715.251 of the Revised Code, the county auditor, 62179  
treasurer, and all other officers shall forthwith proceed with 62180  
the levy and collection of the current year's taxes in the 62181  
manner prescribed by law. The taxes shall be determined and 62182  
collected as if the commissioner had determined under section 62183  
5715.24 of the Revised Code that the real property and the 62184  
various classes thereof in the county as shown in the auditor's 62185  
abstract were assessed for taxation and the true and 62186  
agricultural use values were recorded on the agricultural land 62187  
tax list as required by law. 62188

(2) If as a result of the appeal to the board it is 62189  
finally determined either that all real property and the various 62190  
classes thereof have not been assessed as required by law or 62191  
that the values set forth in the agricultural land tax list do 62192  
not correctly reflect the true and agricultural use values of 62193  
the lands contained therein, the county auditor shall forthwith 62194  
add to or deduct from each tract, lot, or parcel of real 62195  
property or class of real property the required percentage or 62196  
amount of the valuation in accordance with the order of the 62197

board or judgment of the court to which the board's order was 62198  
appealed, and the taxes on each tract, lot, or parcel and the 62199  
percentages required by section 319.301 of the Revised Code 62200  
shall be recomputed using the valuation as finally determined. 62201  
The order or judgment making the final determination shall 62202  
prescribe the time and manner for collecting, crediting, or 62203  
refunding the resultant increases or decreases in taxes. 62204

**Sec. 5715.34.** (A) When a reassessment of all real 62205  
property, or any class of property, situated in the county, 62206  
township, municipal corporation, or other taxing district is 62207  
ordered by the tax commissioner, the county auditor, within 62208  
sixty days of the receipt of such order, shall commence the 62209  
reassessment in the manner provided by law and by rules 62210  
prescribed and issued by the commissioner. 62211

(B) If a county auditor determines to reassess all real 62212  
property situated in the county prior to the time ~~he~~ the auditor 62213  
is ordered to do so in compliance with section 5713.01 of the 62214  
Revised Code and division (A) of this section, certifies to the 62215  
tax commissioner that ~~he~~ the auditor has sufficient moneys 62216  
available to do so, and requests the commissioner to order the 62217  
reassessment at a date earlier than would otherwise be required, 62218  
the commissioner shall issue an order to the auditor to do so. 62219  
The auditor shall commence the reassessment in the manner 62220  
provided by law and by rules adopted by the commissioner, within 62221  
sixty days after receiving the order. 62222

(C) If the county auditor refuses, neglects, or fails to 62223  
commence a reassessment within sixty days after receiving such 62224  
order, or refuses, neglects, or fails to complete the 62225  
reassessment within the time limit prescribed and set forth in 62226  
such order, the tax commissioner shall withhold from such county 62227

its share in the distribution of state revenue to local 62228  
government pursuant to section 5747.50 of the Revised Code and 62229  
shall direct the department of education and workforce to 62230  
withhold therefrom its share in the distribution of state 62231  
revenue to school districts pursuant to Title XXXIII of the 62232  
Revised Code. The commissioner shall withhold the distribution 62233  
of such funds until such county auditor has complied with all 62234  
the provisions of this section, and the department shall 62235  
withhold the distribution of such funds until the commissioner 62236  
has notified the department that such auditor has complied with 62237  
all of the provisions of this section. 62238

**Sec. 5747.057.** (A) As used in this section: 62239

(1) "Eligible employee" means an employee who is nineteen 62240  
years of age or younger and enrolled in a career-technical 62241  
education program approved under section 3317.161 of the Revised 62242  
Code. 62243

(2) "Eligible compensation" means compensation paid on and 62244  
~~after the effective date of this section~~ March 23, 2022, from 62245  
which the employer is required to deduct and withhold income tax 62246  
under section 5747.06 of the Revised Code. 62247

(B) A nonrefundable credit is allowed against a taxpayer's 62248  
aggregate tax liability under section 5747.02 of the Revised 62249  
Code for a taxpayer that holds a tax credit certificate issued 62250  
under this section. The credit equals the amount listed on the 62251  
certificate and shall be claimed for the taxable year that 62252  
includes the last day of the calendar year for which the 62253  
certificate was issued. The credit shall be claimed in the order 62254  
required under section 5747.98 of the Revised Code. 62255

(C) An employer that is a taxpayer or a pass-through 62256

entity and that employs an eligible employee in fulfillment of a 62257  
work-based learning experience, internship, or cooperative 62258  
education program associated with the career-technical education 62259  
program in which the eligible employee is enrolled may apply to 62260  
the department of education and workforce for a tax credit 62261  
certificate. The application shall be made on forms prescribed 62262  
by the department, in consultation with the tax commissioner, on 62263  
or after the first day of January and on or before the first day 62264  
of February of each year. The application shall include all of 62265  
the following information for the calendar year preceding the 62266  
year in which the application is made: 62267

(1) The amount of eligible compensation paid by the 62268  
applicant to each of its eligible employees; 62269

(2) The name, birth date, and social security number of 62270  
each eligible employee employed by the applicant; 62271

(3) The career-technical education program in which each 62272  
eligible employee is enrolled; 62273

(4) A description of each eligible employee's duties as 62274  
part of the employee's work-based learning experience, 62275  
internship, or cooperative education program; 62276

(5) Any other information requested by the department. 62277

(D) (1) After determining that the applicant satisfies the 62278  
conditions described in division (C) of this section, the 62279  
department of education and workforce shall issue, within sixty 62280  
days after the receipt of a complete application under that 62281  
division, a tax credit certificate to the applicant equal to the 62282  
lesser of (a) fifteen per cent of the eligible compensation paid 62283  
by the applicant to all eligible employees during the calendar 62284  
year or (b) five thousand dollars per eligible employee, in 62285

either case subject to the limitations in division (D) (2) of 62286  
this section. 62287

(2) If the applicant pays eligible compensation to an 62288  
employee who ceases to qualify as an eligible employee during 62289  
the calendar year, only the eligible compensation paid to the 62290  
employee while the employee qualified as an eligible employee 62291  
may be used to calculate the credit amount on a tax credit 62292  
certificate issued under this section. The department shall not 62293  
issue certificates in a total amount that would cause the tax 62294  
credits claimed in any fiscal biennium to exceed five million 62295  
dollars. 62296

(3) Each tax credit certificate issued under this section 62297  
shall include a unique identification number and shall state the 62298  
amount of tax credit that may be claimed. A taxpayer claiming 62299  
the credit allowed under this section shall submit a copy of the 62300  
certificate with the taxpayer's return or report. 62301

(E) If a tax credit certificate is issued to a pass- 62302  
through entity under this section, any taxpayer that is a direct 62303  
or indirect investor in the pass-through entity on the last day 62304  
of the entity's taxable year ending in the calendar year for 62305  
which the certificate was issued may claim the taxpayer's 62306  
distributive or proportionate share of the credit against the 62307  
taxpayer's aggregate tax liability under section 5747.02 of the 62308  
Revised Code. 62309

(F) For the purpose of issuing tax credit certificates 62310  
under this section, the department of education and workforce 62311  
may request from any of the following entities the data 62312  
verification code assigned under division (D) (2) of section 62313  
3301.0714 of the Revised Code to any student who is included on 62314  
an application made pursuant to division (C) of this section as 62315

an eligible employee: 62316

(1) The student's resident district; 62317

(2) The district or school offering the career-technical 62318  
education program in which the student is enrolled; 62319

(3) The independent contractor engaged to create and 62320  
maintain student data verification codes. 62321

The department may not release a data verification code 62322  
received under this division to any person except as authorized 62323  
by law. Any document related to the tax credit authorized under 62324  
this section that the department maintains in its files that 62325  
contains both a student's name or other personally identifiable 62326  
information and the student's data verification code is not a 62327  
public record as defined in section 149.43 of the Revised Code. 62328

**Sec. 5747.72.** (A) As used in this section: 62329

(1) "Qualifying taxpayer" means a taxpayer that is an 62330  
individual with a dependent who is a qualifying student. 62331

(2) "Qualifying student" means a student who ~~was excused~~ 62332  
is exempt from the compulsory attendance law for the purpose of 62333  
home ~~instruction-education~~ under section ~~3321.04~~3321.042 of the 62334  
Revised Code for the school year. 62335

(3) "Education expenses" means expenses or fees for any of 62336  
the following items used directly for home ~~instruction-education~~ 62337  
of a qualifying student: books, supplementary materials, 62338  
supplies, computer software, applications, or subscriptions. 62339  
"Education expenses" does not include expenses or fees for 62340  
computers or similar electronic devices or accessories thereto. 62341

(B) There is hereby allowed a nonrefundable credit against 62342  
a qualifying taxpayer's aggregate tax liability under section 62343

5747.02 of the Revised Code equal to the lesser of two hundred 62344  
fifty dollars or the amount of education expenses incurred by 62345  
the taxpayer in the taxable year for the benefit of one or more 62346  
of the taxpayer's qualifying students. The credit shall be 62347  
claimed in the order required under section 5747.98 of the 62348  
Revised Code. 62349

The tax commissioner may request that a qualifying 62350  
taxpayer claiming a credit under this section furnish 62351  
information as is necessary to support the claim for the credit 62352  
under this section, and no credit shall be allowed unless the 62353  
requested information is provided. 62354

**Sec. 5753.11.** (A) As used in this section: 62355

(1) "Public school district" means any city, local, 62356  
exempted village, or joint vocational school district, community 62357  
school established under Chapter 3314. of the Revised Code, STEM 62358  
school established under Chapter 3326. of the Revised Code, or 62359  
college-preparatory boarding school established under Chapter 62360  
3328. of the Revised Code. "Public school district" does not 62361  
include any STEM school operated under section 3326.51 of the 62362  
Revised Code. 62363

(2) "Student population" means the number of students 62364  
residing in a county who are enrolled in a public school 62365  
district in grades kindergarten through twelve and the total 62366  
number of preschool children with disabilities on the following 62367  
dates: 62368

(a) For the January distribution, the Friday of the first 62369  
full school week in October; 62370

(b) For the August distribution, the Friday of the first 62371  
full school week in May. 62372

(B) For the purpose of calculating student population, 62373  
each public school district shall, twice annually, report to the 62374  
department of education and workforce the students enrolled in 62375  
the district on the days specified in division (A) (2) of this 62376  
section. A student shall be considered to be enrolled in a 62377  
public school district if the student is participating in 62378  
education programs of the public school district and the public 62379  
school district has not: 62380

(1) Received documentation from a parent terminating 62381  
enrollment of the student; 62382

(2) Been provided documentation of a student's enrollment 62383  
in another public or private school; or 62384

(3) Ceased to offer education to the student. 62385

If more than one public school district reports a student 62386  
as enrolled, the department shall use procedures adopted by the 62387  
department for the reconciliation of enrollment to determine the 62388  
district of enrollment for purposes of this section. In the case 62389  
of the dual enrollment of a student in a joint vocational school 62390  
district and another public school district, the student shall 62391  
be included in the enrollments for both schools. If the valid 62392  
school district or enrollment cannot be determined in time for 62393  
the certification, the count of these students shall be divided 62394  
equally between the reporting districts. 62395

(C) The department of education and workforce shall 62396  
certify to the department of taxation the student population for 62397  
each county and the student population for each public school 62398  
district located in whole or in part in the county on or before 62399  
the thirtieth day of December, for the January distribution and 62400  
on or before the thirtieth day of July, for the August 62401

distribution. A student shall be included in the school district enrollment for a county only if a student resides in that county. The location of each community school shall be the enrollment area required to be defined by the community school and its sponsor in accordance with division (A)(19) of section 3314.03 of the Revised Code, the location of each STEM school shall be any county in which its enrolled students reside, and the location of the college-preparatory boarding schools shall be the territory of the school district in which the college-preparatory school is located or the territory of any city, exempted village, or local school district that has agreed to be a participating district under section 3328.04 of the Revised Code.

The student population count certified by the department of education and workforce to the department of taxation is final and shall not be adjusted by future updates to the counts.

(D) Not later than the thirty-first day of January and the thirty-first day of August of each year, the tax commissioner shall distribute funds in the gross casino revenue county student fund to public school districts. The commissioner shall calculate the amount of funds to distribute to each public school district as follows:

(1) The commissioner shall calculate the proportional share of the funds attributable to each county by dividing the total student population certified for each county by the sum of the total student population certified in all counties statewide.

(2) The commissioner shall multiply the amount in division (D)(1) of this section by the total amount of funds in the gross casino revenue county student fund to obtain the share of funds

for each county. 62432

(3) The commissioner shall multiply the amount in division 62433  
(D) (2) of this section by the quotient of the student population 62434  
certified for each individual district located in the county 62435  
divided by the sum of the student population certified for all 62436  
public school districts located in the county. 62437

The commissioner shall distribute to each public school 62438  
district the amount so calculated for each district. 62439

**Sec. 6109.21.** (A) Except as provided in divisions (I) and 62440  
(J) of this section, no person shall operate a public water 62441  
system in this state without a license issued by the director of 62442  
environmental protection. 62443

(B) A person who proposes to operate a new public water 62444  
system, in addition to complying with section 6109.07 of the 62445  
Revised Code and rules adopted under it, shall obtain an initial 62446  
license from the director. The person shall submit an 62447  
application for the initial license at least forty-five days 62448  
prior to commencing the operation of the system. 62449

(C) A license shall expire on the thirtieth day of January 62450  
in the year following its issuance. 62451

(D) A license shall be renewed annually. A person 62452  
proposing to continue operating a public water system shall 62453  
apply for a license renewal at least thirty days prior to the 62454  
expiration date of the license. 62455

(E) Each application for a license or license renewal 62456  
shall be accompanied by the appropriate fee established under 62457  
division (M) of section 3745.11 of the Revised Code. However, an 62458  
applicant for an initial license who is proposing to operate a 62459  
new public water system shall submit a fee that equals a 62460

prorated amount of the appropriate fee established under that 62461  
division for the remainder of the licensing year. 62462

(F) Not later than thirty days after receiving a completed 62463  
application and the appropriate license fee for a license or 62464  
license renewal for a public water system, the director shall do 62465  
one of the following: 62466

(1) Issue the license or license renewal for the public 62467  
water system; 62468

(2) Issue the license or license renewal subject to terms 62469  
and conditions that the director determines are necessary to 62470  
ensure compliance with this chapter and rules adopted under it; 62471

(3) Deny the license or license renewal if the director 62472  
finds that the public water system cannot be operated in 62473  
substantial compliance with this chapter and rules adopted under 62474  
it. 62475

(G) The director may condition, suspend, or revoke a 62476  
license or license renewal issued under this section at any time 62477  
if the director finds that the public water system was not or 62478  
will not be operated in substantial compliance with this chapter 62479  
and rules adopted under it. 62480

(H) The director shall adopt rules in accordance with 62481  
Chapter 119. of the Revised Code establishing procedures and 62482  
requirements governing both of the following: 62483

(1) Information to be included on applications for 62484  
licenses and license renewals issued under this section; 62485

(2) The issuance, conditioning, suspension, revocation, 62486  
and denial of licenses and license renewals under this section. 62487

(I) (1) As used in division (I) of this section, "church" 62488

means a fellowship of believers, congregation, society, 62489  
corporation, convention, or association that is formed primarily 62490  
or exclusively for religious purposes and that is not formed or 62491  
operated for the private profit of any person. 62492

(2) This section does not apply to a church that operates 62493  
or maintains a public water system solely to provide water for 62494  
that church or for a campground that is owned by the church and 62495  
operated primarily or exclusively for members of the church and 62496  
their families. 62497

(J) This section does not apply to any public or nonpublic 62498  
school that meets minimum standards of the ~~state board~~ director 62499  
of education and workforce that operates or maintains a public 62500  
water system solely to provide water for that school. 62501

(K) The environmental protection agency shall collect well 62502  
log filing fees on behalf of the division of water resources in 62503  
the department of natural resources in accordance with section 62504  
1521.05 of the Revised Code and rules adopted under it. The fees 62505  
shall be submitted to the division quarterly as provided in 62506  
those rules. 62507

**Sec. 6301.04.** (A) The governor shall establish a state 62508  
board. The state board shall consist of the following members: 62509

(1) The governor; 62510

(2) Two members of the house of representatives, appointed 62511  
by the speaker of the house of representatives; 62512

(3) Two members of the senate, appointed by the president 62513  
of the senate; 62514

(4) Members required under section 101(b)(1)(C) of the 62515  
Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1) 62516

(C) ;	62517
(5) <u>The deputy director of primary and secondary education</u>	62518
<u>and the deputy director of career-technical education appointed</u>	62519
<u>under section 3301.13 of the Revised Code;</u>	62520
<u>(6) Any additional members appointed by the governor.</u>	62521
(B) The governor shall appoint members to the board, who	62522
serve at the governor's pleasure, to perform duties under the	62523
Workforce Innovation and Opportunity Act, as authorized by the	62524
governor.	62525
(C) The board is not subject to sections 101.82 to 101.87	62526
of the Revised Code.	62527
(D) All state agencies engaged in workforce development	62528
activities shall assist the board in the performance of its	62529
duties.	62530
(E) The board shall have the power and authority to do all	62531
of the following:	62532
(1) Develop, implement, and modify the state workforce	62533
development plan;	62534
(2) Review statewide workforce policies and programs and	62535
recommendations on actions to be taken by the state to align	62536
workforce development programs to support a comprehensive and	62537
streamlined workforce development system;	62538
(3) Recommend measures for the development and continuous	62539
improvement of the workforce development system in the state,	62540
including updating comprehensive state performance	62541
accountability measures, also known as workforce success	62542
measures;	62543

(4) Continue to identify and disseminate information on promising practices in the area of workforce development; 62544  
62545

(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor. 62546  
62547  
62548

**Sec. 6301.11.** (A) As used in this section, "public or private institution" means any of the following: 62549  
62550

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code; 62551  
62552

(2) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 62553  
62554  
62555

(3) An Ohio technical center that provides adult technical education services as recognized by the chancellor of higher education. 62556  
62557  
62558

(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: 62559  
62560  
62561  
62562  
62563  
62564

(1) Jobs that are in demand in each region of the state, as determined by the director of job and family services; 62565  
62566

(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. 62567  
62568  
62569  
62570  
62571

(C) The department of job and family services, the 62572  
department of education and workforce, and the public or private 62573  
institutions, in consultation with the state board, shall use 62574  
the methodology to create a list of such in-demand jobs in the 62575  
state and a list of such in-demand jobs in each region of the 62576  
state. The department of job and family services and the 62577  
department of education and workforce shall publish the lists on 62578  
the web ~~site~~ sites of the each department. The ~~department~~ 62579  
departments and public or private institutions shall 62580  
periodically update the lists to reflect evolving workforce 62581  
demands in this state and its regions. 62582

(D) Local boards and other providers of workforce training 62583  
shall use the lists of in-demand jobs to cultivate and 62584  
prioritize workforce development activities that correspond to 62585  
the employment needs of employers operating in this state and in 62586  
each of its regions and to assist individuals in maximizing 62587  
their employment opportunities. 62588

**Sec. 6301.111.** The governor's office of workforce 62589  
transformation, in conjunction with the department of job and 62590  
family services and the department of education and workforce, 62591  
shall conduct an electronic survey of employers in this state to 62592  
identify jobs that are in demand by those employers. The office, 62593  
in conjunction with the ~~department~~ departments, shall use the 62594  
survey results to update the list of in-demand jobs required 62595  
under section 6301.11 of the Revised Code, notwithstanding the 62596  
requirement in that section that the ~~department~~ departments and 62597  
public or private institutions, as defined in that section, 62598  
periodically update that list. The office shall complete the 62599  
initial survey and make the update required under this section 62600  
not later than December 31, 2018. The office shall complete a 62601  
subsequent survey and update not later than the last day of 62602

December every two years thereafter. 62603

**Sec. 6301.112.** (A) The governor's office of workforce 62604  
transformation, in collaboration with the departments of higher 62605  
education ~~and, job and family services, and education and~~ 62606  
workforce, shall create and publish on the OhioMeansJobs web 62607  
site a workforce supply tool that uses real-time demand and 62608  
supply data. The office shall provide all of the following 62609  
through the tool: 62610

(1) Businesses with historical information on graduates 62611  
from high demand fields; 62612

(2) Businesses with projections on future graduates; 62613

(3) The number of skilled workers available for work in 62614  
occupations included in the list of in-demand jobs created under 62615  
section 6301.11 of the Revised Code. 62616

(B) ~~Not later than January 1, 2018, the~~ The governor's 62617  
office of workforce transformation, in collaboration with the 62618  
departments of higher education ~~and, job and family services, \_~~ 62619  
and education and workforce, shall include in the workforce 62620  
supply tool created under division (A) of this section all in- 62621  
demand jobs included in the list of in-demand jobs created under 62622  
section 6301.11 of the Revised Code. 62623

(C) ~~Not later than December 31, 2018, the~~ The governor's 62624  
office of workforce transformation, in collaboration with the 62625  
~~departments~~ department of higher education and the department of 62626  
education and workforce, shall establish design teams. The 62627  
design teams shall do both of the following: 62628

(1) Identify emerging skill needs based on predictive 62629  
analytics and analysis of the data from the workforce supply 62630  
tool created under division (A) of this section; 62631

(2) Periodically recommend innovations for responding to 62632  
emerging in-demand jobs and skills. 62633

**Sec. 6301.15.** ~~Not later than September 1, 2014, the~~ The 62634  
director of job and family services, in consultation with ~~the~~ 62635  
~~superintendent of public instruction and the director of the~~ 62636  
governor's office of workforce transformation and the director 62637  
of education and workforce, shall develop and maintain an online 62638  
education and career planning tool to assist students in 62639  
developing education and career plans. ~~The director of job and~~ 62640  
~~family services also shall provide information regarding the~~ 62641  
~~online planning tool and all appropriate web site links,~~ 62642  
~~including a link to the OhioMeansJobs web site, to the~~ 62643  
~~department of education not later than that date.~~ The director 62644  
of job and family services shall periodically update the online 62645  
education and career planning tool and other information as 62646  
determined necessary by the director and shall provide the 62647  
updates to the department of education and workforce. 62648

The department of education and workforce shall post the 62649  
information ~~received from the director of job and family~~ 62650  
~~services developed~~ under this section in a prominent location on 62651  
the department's web site. 62652

**Sec. 6301.21.** (A) ~~Not later than December 31, 2017, the~~ 62653  
The governor's office of workforce transformation, the 62654  
department of education and workforce, and the chancellor of 62655  
higher education, in consultation with business and economic 62656  
development stakeholder groups, shall develop a regional 62657  
workforce collaboration model. The model shall provide guidance 62658  
on how the JobsOhio regional network, local chambers of 62659  
commerce, economic development organizations, business, business 62660  
associations, secondary and post-secondary education 62661

organizations, and Ohio college tech prep regional centers, that 62662  
are jointly managed by the department of education and workforce 62663  
and the chancellor, shall collaborate to form a partnership that 62664  
provides career services to students. 62665

Career services to students may include, but are not 62666  
limited to, job shadowing, internships, co-ops, apprenticeships, 62667  
career exploration activities, and problem-based curriculum 62668  
developed in alignment with in-demand jobs. 62669

(B) The governor's office of workforce transformation 62670  
shall oversee the creation of regional workforce collaboration 62671  
partnerships based on the model created under division (A) of 62672  
this section. The partnerships shall be located in each of the 62673  
six different regions of the state, as determined by JobsOhio. 62674

(C) As used in this section, "JobsOhio" has the same 62675  
meaning as in section 187.01 of the Revised Code. 62676

**Sec. 6301.22.** (A) With regard to industry-recognized 62677  
credentials and certificate programs, the governor's office of 62678  
workforce transformation shall act as a liaison between the 62679  
business community and the department of education and workforce 62680  
or the chancellor of higher education. In acting as a liaison, 62681  
the governor's office of workforce transformation shall accept 62682  
inquiries from the business community regarding all of the 62683  
following: 62684

(1) Industry-recognized credentials approved under section 62685  
3313.6113 of the Revised Code; 62686

(2) Certificate programs and industry-recognized 62687  
credentials included in the inventory prescribed under section 62688  
3333.94 of the Revised Code; 62689

(3) Any other existing or proposed credential or 62690

certificate program necessary to meet the workforce needs of the 62691  
state, as determined by the office. 62692

(B) Based on inquiries submitted under division (A) of 62693  
this section, the governor's office of workforce transformation 62694  
shall do either of the following: 62695

(1) Request information from the department of education\_  
and workforce regarding industry-recognized credentials approved 62696  
under section 3313.6113 of the Revised Code; 62697  
62698

(2) Request information from the chancellor regarding 62699  
certificate programs and industry-recognized credentials 62700  
included in the inventory prescribed under section 3333.94 of 62701  
the Revised Code or offered by an institution that holds a 62702  
certificate of authorization issued under Chapter 1713. of the 62703  
Revised Code. 62704

(C) Based on inquiries submitted under division (A) of 62705  
this section, the governor's office of workforce transformation, 62706  
in collaboration with the department of education and workforce, 62707  
the chancellor, and other stakeholders, including regional 62708  
education providers, determined appropriate by the office, shall 62709  
convene a review of an existing or proposed industry-recognized 62710  
credential or certificate program. The office shall submit the 62711  
findings of the department of education and workforce or the 62712  
chancellor, as appropriate, to the business that submitted the 62713  
inquiry for which the review was initiated. 62714

(D) Nothing in this section shall affect the 62715  
responsibilities assigned under division (B) of section 62716  
3313.6113 of the Revised Code to the committee established under 62717  
division (A) of that section or the responsibilities assigned to 62718  
the chancellor under division (B) of section 3333.94 of the 62719

Revised Code. 62720

**Sec. 6301.23.** (A) As used in this section: 62721

(1) "Ohio career-technical associations" includes all of 62722  
the following: 62723

(a) The Ohio association of career and technical 62724  
education; 62725

(b) The Ohio association of career-technical 62726  
superintendents; 62727

(c) The Ohio association of comprehensive and compact 62728  
career-technical schools. 62729

(2) "Other public school" has the same meaning as in 62730  
section 3301.0711 of the Revised Code. 62731

(3) "State agency" has the same meaning as in section 1.60 62732  
of the Revised Code. 62733

(B) ~~Not later than July 1, 2021, the~~ The governor's office 62734  
of workforce transformation, the department of education, and 62735  
workforce, and the chancellor of higher education, in 62736  
consultation with Ohio career-technical associations and other 62737  
appropriate stakeholders, shall develop model guidance for 62738  
maintaining a statewide inventory of industry-recognized 62739  
credentials. The guidance shall address the following: 62740

(1) Methods for state agencies to efficiently and 62741  
effectively organize the different categories of industry- 62742  
recognized credentials in a manner that allows students, school 62743  
districts, other public schools, chartered nonpublic schools, 62744  
and institutions of higher education to easily understand 62745  
available credentialing options, based on the unique 62746  
circumstances of each individual student; 62747

(2) The potential creation of a centralized, inter-agency database of information on all industry-recognized credentials that is accessible to the public; 62748  
62749  
62750

(3) Methods to streamline the process to add career-technical programs to the various approved credentialing lists; 62751  
62752

(4) Methods to increase transparency in the approval process for industry-recognized credentials. 62753  
62754

**Section 2.** That existing sections 5.224, 5.281, 9.231, 62755  
9.55, 102.02, 109.57, 109.572, 109.64, 109.65, 109.71, 109.72, 62756  
109.746, 113.73, 117.46, 121.02, 121.03, 121.35, 121.37, 121.40, 62757  
121.95, 124.15, 124.382, 124.384, 125.05, 125.13, 133.06, 62758  
133.061, 135.142, 149.331, 175.30, 197.04, 319.301, 901.71, 62759  
921.06, 2151.011, 2151.353, 2151.357, 2151.362, 2305.111, 62760  
2901.01, 2903.13, 2907.03, 2917.31, 2917.46, 2923.122, 2925.01, 62761  
2950.11, 2953.34, 3301.01, 3301.07, 3301.071, 3301.072, 62762  
3301.075, 3301.076, 3301.078, 3301.079, 3301.0710, 3301.0711, 62763  
3301.0712, 3301.0713, 3301.0714, 3301.0715, 3301.0716, 62764  
3301.0717, 3301.0718, 3301.0719, 3301.0720, 3301.0721, 62765  
3301.0723, 3301.0725, 3301.0726, 3301.0728, 3301.0730, 3301.10, 62766  
3301.11, 3301.12, 3301.121, 3301.131, 3301.133, 3301.134, 62767  
3301.135, 3301.136, 3301.14, 3301.15, 3301.16, 3301.162, 62768  
3301.163, 3301.18, 3301.19, 3301.22, 3301.221, 3301.23, 3301.27, 62769  
3301.28, 3301.30, 3301.311, 3301.40, 3301.45, 3301.49, 3301.52, 62770  
3301.521, 3301.53, 3301.54, 3301.541, 3301.55, 3301.56, 3301.57, 62771  
3301.58, 3301.59, 3301.61, 3301.62, 3301.63, 3301.64, 3301.68, 62772  
3301.70, 3301.80, 3301.81, 3301.923, 3301.94, 3301.941, 62773  
3301.948, 3302.01, 3302.02, 3302.021, 3302.03, 3302.031, 62774  
3302.032, 3302.033, 3302.034, 3302.035, 3302.036, 3302.037, 62775  
3302.038, 3302.039, 3302.04, 3302.041, 3302.042, 3302.043, 62776  
3302.05, 3302.06, 3302.062, 3302.063, 3302.066, 3302.068, 62777

3302.07, 3302.09, 3302.10, 3302.103, 3302.11, 3302.12, 3302.13,	62778
3302.14, 3302.15, 3302.151, 3302.17, 3302.20, 3302.21, 3302.22,	62779
3302.25, 3302.26, 3302.41, 3302.42, 3303.02, 3303.04, 3303.05,	62780
3303.06, 3303.20, 3304.12, 3307.01, 3307.05, 3307.31, 3309.011,	62781
3309.48, 3309.491, 3309.51, 3310.01, 3310.02, 3310.03, 3310.031,	62782
3310.032, 3310.033, 3310.036, 3310.07, 3310.11, 3310.13,	62783
3310.14, 3310.15, 3310.16, 3310.17, 3310.41, 3310.411, 3310.42,	62784
3310.51, 3310.52, 3310.521, 3310.522, 3310.53, 3310.58, 3310.59,	62785
3310.62, 3310.63, 3310.64, 3310.70, 3311.056, 3311.08, 3311.16,	62786
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3311.218, 3311.521, 3311.53, 3311.60, 3311.71, 3311.74,	62788
3311.741, 3311.76, 3311.86, 3311.87, 3312.01, 3312.02, 3312.04,	62789
3312.07, 3312.08, 3312.09, 3312.13, 3313.03, 3313.25, 3313.30,	62790
3313.413, 3313.472, 3313.48, 3313.483, 3313.484, 3313.487,	62791
3313.488, 3313.489, 3313.4810, 3313.531, 3313.532, 3313.533,	62792
3313.534, 3313.5310, 3313.5312, 3313.5314, 3313.56, 3313.57,	62793
3313.60, 3313.603, 3313.605, 3313.608, 3313.6011, 3313.6013,	62794
3313.6015, 3313.6016, 3313.6019, 3313.6020, 3313.6024,	62795
3313.6027, 3313.61, 3313.611, 3313.612, 3313.614, 3313.615,	62796
3313.618, 3313.619, 3313.6110, 3313.6111, 3313.6112, 3313.6113,	62797
3313.6114, 3313.64, 3313.642, 3313.643, 3313.644, 3313.645,	62798
3313.646, 3313.647, 3313.6410, 3313.65, 3313.66, 3313.662,	62799
3313.671, 3313.674, 3313.71, 3313.7110, 3313.7111, 3313.7112,	62800
3313.7113, 3313.7114, 3313.7115, 3313.7116, 3313.81, 3313.811,	62801
3313.813, 3313.814, 3313.815, 3313.817, 3313.818, 3313.821,	62802
3313.843, 3313.844, 3313.845, 3313.846, 3313.90, 3313.902,	62803
3313.903, 3313.904, 3313.905, 3313.906, 3313.91, 3313.911,	62804
3313.92, 3313.941, 3313.97, 3313.974, 3313.975, 3313.976,	62805
3313.978, 3313.979, 3313.98, 3313.981, 3313.982, 3314.011,	62806
3314.012, 3314.013, 3314.015, 3314.016, 3314.017, 3314.02,	62807
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3314.081, 3314.083, 3314.087, 3314.091, 3314.10, 3314.101, 62811  
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3314.18, 3314.19, 3314.191, 3314.20, 3314.21, 3314.22, 3314.232, 62813  
3314.24, 3314.26, 3314.27, 3314.271, 3314.28, 3314.29, 3314.35, 62814  
3314.351, 3314.353, 3314.354, 3314.36, 3314.38, 3314.50, 62815  
3314.51, 3315.18, 3315.181, 3315.33, 3315.34, 3315.35, 3316.03, 62816  
3316.031, 3316.04, 3316.041, 3316.042, 3316.05, 3316.06, 62817  
3316.08, 3316.20, 3317.01, 3317.011, 3317.012, 3317.014, 62818  
3317.015, 3317.017, 3317.019, 3317.02, 3317.021, 3317.022, 62819  
3317.023, 3317.024, 3317.025, 3317.026, 3317.028, 3317.0211, 62820  
3317.0212, 3317.0213, 3317.0214, 3317.0215, 3317.0217, 62821  
3317.0218, 3317.03, 3317.031, 3317.032, 3317.033, 3317.036, 62822  
3317.037, 3317.05, 3317.051, 3317.06, 3317.061, 3317.062, 62823  
3317.063, 3317.064, 3317.07, 3317.071, 3317.072, 3317.08, 62824  
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3319.221, 3319.224, 3319.228, 3319.229, 3319.231, 3319.234, 62832  
3319.235, 3319.236, 3319.25, 3319.262, 3319.263, 3319.28, 62833  
3319.291, 3319.292, 3319.316, 3319.319, 3319.33, 3319.35, 62834  
3319.361, 3319.39, 3319.391, 3319.393, 3319.40, 3319.44, 62835  
3319.46, 3319.55, 3319.56, 3319.57, 3319.60, 3319.61, 3319.611, 62836  
3319.612, 3321.01, 3321.03, 3321.04, 3321.07, 3321.09, 3321.12, 62837  
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3323.021, 3323.022, 3323.03, 3323.04, 3323.041, 3323.05, 62839  
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3323.091, 3323.13, 3323.14, 3323.141, 3323.142, 3323.15, 62841

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3325.09, 3325.11, 3325.12, 3325.13, 3325.14, 3325.16, 3325.17, 62846  
3326.02, 3326.03, 3326.032, 3326.04, 3326.08, 3326.081, 3326.15, 62847  
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3327.011, 3327.012, 3327.018, 3327.02, 3327.021, 3327.05, 62850  
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3328.02, 3328.04, 3328.11, 3328.12, 3328.13, 3328.15, 3328.18, 62852  
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3331.01, 3331.02, 3331.04, 3331.08, 3332.02, 3332.03, 3332.04, 62855  
3333.04, 3333.041, 3333.048, 3333.0411, 3333.0415, 3333.07, 62856  
3333.162, 3333.167, 3333.21, 3333.31, 3333.34, 3333.35, 3333.37, 62857  
3333.39, 3333.391, 3333.43, 3333.66, 3333.70, 3333.82, 3333.86, 62858  
3333.87, 3333.91, 3335.36, 3335.61, 3343.05, 3345.06, 3345.061, 62859  
3345.062, 3345.86, 3353.02, 3365.01, 3365.02, 3365.03, 3365.032, 62860  
3365.033, 3365.034, 3365.035, 3365.04, 3365.05, 3365.06, 62861  
3365.07, 3365.071, 3365.08, 3365.09, 3365.091, 3365.10, 3365.12, 62862  
3365.15, 3375.01, 3701.507, 3701.78, 3705.36, 3707.58, 3707.59, 62863  
3734.62, 3737.22, 3742.32, 3745.21, 3781.106, 3781.11, 3798.01, 62864  
4109.01, 4109.06, 4109.07, 4109.22, 4112.04, 4112.12, 4117.10, 62865  
4117.102, 4141.01, 4141.47, 4506.09, 4506.10, 4507.21, 4508.01, 62866  
4511.21, 4511.75, 4511.76, 4709.07, 4709.10, 4713.02, 4732.10, 62867  
4735.09, 4742.02, 4742.03, 4742.05, 4742.06, 4742.07, 4743.03, 62868  
4747.10, 4757.41, 4758.61, 4779.13, 5101.061, 5101.34, 5103.02, 62869  
5103.08, 5103.13, 5103.55, 5104.01, 5104.015, 5104.02, 5104.053, 62870  
5104.08, 5104.29, 5104.30, 5107.281, 5107.287, 5107.40, 5107.62, 62871  
5120.031, 5120.07, 5120.091, 5123.022, 5123.023, 5123.025, 62872  
5123.026, 5123.0423, 5126.04, 5126.05, 5126.23, 5126.24, 62873

5139.34, 5145.06, 5162.363, 5162.365, 5502.262, 5502.263, 62874  
5513.04, 5703.21, 5705.216, 5705.391, 5705.412, 5709.07, 62875  
5709.92, 5715.26, 5715.34, 5747.057, 5747.72, 5753.11, 6109.21, 62876  
6301.04, 6301.11, 6301.111, 6301.112, 6301.15, 6301.21, 6301.22, 62877  
and 6301.23 of the Revised Code are hereby repealed. 62878

**Section 3.** That sections 3301.13, 3302.101, and 3302.102 62879  
of the Revised Code are hereby repealed. 62880

**Section 4.** That the versions of sections 921.06, 3301.071, 62881  
3309.011, 3319.22, 3319.229, 3319.262, 3319.28, 3319.361, 62882  
3327.10, 4709.07, 4709.10, 4732.10, 4735.09, and 4747.10 of the 62883  
Revised Code that are scheduled to take effect December 29, 62884  
2023, be amended to read as follows: 62885

**Sec. 921.06.** (A) (1) No individual shall do any of the 62886  
following without having a commercial applicator license issued 62887  
by the director of agriculture: 62888

(a) Apply pesticides for a pesticide business without 62889  
direct supervision; 62890

(b) Apply pesticides as part of the individual's duties 62891  
while acting as an employee of the United States government, a 62892  
state, county, township, or municipal corporation, or a park 62893  
district, port authority, or sanitary district created under 62894  
Chapter 1545., 4582., or 6115. of the Revised Code, 62895  
respectively; 62896

(c) Apply restricted use pesticides. Division (A) (1) (c) of 62897  
this section does not apply to a private applicator or an 62898  
immediate family member or a subordinate employee of a private 62899  
applicator who is acting under the direct supervision of that 62900  
private applicator. 62901

(d) If the individual is the owner of a business other 62902

than a pesticide business or an employee of such an owner, apply	62903
pesticides at any of the following publicly accessible sites	62904
that are located on the property:	62905
(i) Food service operations that are licensed under	62906
Chapter 3717. of the Revised Code;	62907
(ii) Retail food establishments that are licensed under	62908
Chapter 3717. of the Revised Code;	62909
(iii) Golf courses;	62910
(iv) Rental properties of more than four apartment units	62911
at one location;	62912
(v) Hospitals or medical facilities as defined in section	62913
3701.01 of the Revised Code;	62914
(vi) Child day-care centers or school child day-care	62915
centers as defined in section 5104.01 of the Revised Code;	62916
(vii) Facilities owned or operated by a school district	62917
established under Chapter 3311. of the Revised Code, including	62918
an educational service center, a community school established	62919
under Chapter 3314. of the Revised Code, or a chartered or	62920
nonchartered nonpublic school that meets minimum standards	62921
established by the <del>state board</del> <u>director of education and</u>	62922
<u>workforce</u> ;	62923
(viii) State institutions of higher education as defined	62924
in section 3345.011 of the Revised Code, nonprofit institutions	62925
holding a certificate of authorization pursuant to Chapter 1713.	62926
of the Revised Code, institutions holding a certificate of	62927
registration from the state board of career colleges and schools	62928
and program authorization for an associate or bachelor's degree	62929
program issued under section 3332.05 of the Revised Code, and	62930

private institutions exempt from regulation under Chapter 3332. 62931  
of the Revised Code as prescribed in section 3333.046 of the 62932  
Revised Code; 62933

(ix) Food processing establishments as defined in section 62934  
3715.021 of the Revised Code; 62935

(x) Any other site designated by rule. 62936

(e) Conduct authorized diagnostic inspections. 62937

(2) Divisions (A) (1) (a) to (d) of this section do not 62938  
apply to an individual who is acting as a trained serviceperson 62939  
under the direct supervision of a commercial applicator. 62940

(3) Licenses shall be issued for a period of time 62941  
established by rule and shall be renewed in accordance with 62942  
deadlines established by rule. The fee for each such license 62943  
shall be established by rule. If a license is not issued or 62944  
renewed, the application fee shall be retained by the state as 62945  
payment for the reasonable expense of processing the 62946  
application. The director shall by rule classify by pesticide- 62947  
use category licenses to be issued under this section. A single 62948  
license may include more than one pesticide-use category. No 62949  
individual shall be required to pay an additional license fee if 62950  
the individual is licensed for more than one category. 62951

The fee for each license or renewal does not apply to an 62952  
applicant who is an employee of the department of agriculture 62953  
whose job duties require licensure as a commercial applicator as 62954  
a condition of employment. 62955

(B) Application for a commercial applicator license shall 62956  
be made on a form prescribed by the director. Each application 62957  
for a license shall state the pesticide-use category or 62958  
categories of license for which the applicant is applying and 62959

other information that the director determines essential to the 62960  
administration of this chapter. 62961

(C) (1) Except as provided in division (C) (2) of this 62962  
section, if the director finds that the applicant is competent 62963  
to apply pesticides and conduct diagnostic inspections and that 62964  
the applicant has passed both the general examination and each 62965  
applicable pesticide-use category examination as required under 62966  
division (A) of section 921.12 of the Revised Code, the director 62967  
shall issue a commercial applicator license limited to the 62968  
pesticide-use category or categories for which the applicant is 62969  
found to be competent. If the director rejects an application, 62970  
the director may explain why the application was rejected, 62971  
describe the additional requirements necessary for the applicant 62972  
to obtain a license, and return the application. The applicant 62973  
may resubmit the application without payment of any additional 62974  
fee. 62975

(2) The director shall issue a commercial applicator 62976  
license in accordance with Chapter 4796. of the Revised Code to 62977  
an individual if either of the following applies: 62978

(a) The individual holds a commercial applicator license 62979  
in another state. 62980

(b) The individual has satisfactory work experience, a 62981  
government certification, or a private certification as 62982  
described in that chapter as a commercial applicator in a state 62983  
that does not issue that license. 62984

A license issued under this division shall be limited to 62985  
the pesticide-use category or categories for which the applicant 62986  
is licensed in another state or has satisfactory work 62987  
experience, a government certification, or a private 62988

certification in that state. 62989

(D) (1) A person who is a commercial applicator shall be 62990  
deemed to hold a private applicator's license for purposes of 62991  
applying pesticides on agricultural commodities that are 62992  
produced by the commercial applicator. 62993

(2) A commercial applicator shall apply pesticides only in 62994  
the pesticide-use category or categories in which the applicator 62995  
is licensed under this chapter. 62996

(E) All money collected under this section shall be 62997  
credited to the pesticide, fertilizer, and lime program fund 62998  
created in section 921.22 of the Revised Code. 62999

**Sec. 3301.071.** (A) (1) Except as provided in division (E) 63000  
of this section, in the case of nontax-supported schools, 63001  
standards for teacher certification prescribed under section 63002  
3301.07 of the Revised Code shall provide for certification, 63003  
without further educational requirements, of any administrator, 63004  
supervisor, or teacher who has attended and received a 63005  
bachelor's degree from a college or university accredited by a 63006  
national or regional association in the United States except 63007  
that, at the discretion of the state board of education, this 63008  
requirement may be met by having an equivalent degree from a 63009  
foreign college or university of comparable standing. 63010

(2) Except as provided in division (E) of this section, in 63011  
the case of nonchartered, nontax-supported schools, the 63012  
standards for teacher certification prescribed under section 63013  
3301.07 of the Revised Code shall provide for certification, 63014  
without further educational requirements, of any administrator, 63015  
supervisor, or teacher who has attended and received a diploma 63016  
from a "bible college" or "bible institute" described in 63017

division (E) of section 1713.02 of the Revised Code. 63018

(3) A certificate issued under division (A) (3) of this 63019  
section shall be valid only for teaching foreign language, 63020  
music, religion, computer technology, or fine arts. 63021

Notwithstanding division (A) (1) of this section and except 63022  
as provided in division (E) of this section, the standards for 63023  
teacher certification prescribed under section 3301.07 of the 63024  
Revised Code shall provide for certification of a person as a 63025  
teacher upon receipt by the state board of an affidavit signed 63026  
by the chief administrative officer of a chartered nonpublic 63027  
school seeking to employ the person, stating that the person 63028  
meets one of the following conditions: 63029

(a) The person has specialized knowledge, skills, or 63030  
expertise that qualifies the person to provide instruction. 63031

(b) The person has provided to the chief administrative 63032  
officer evidence of at least three years of teaching experience 63033  
in a public or nonpublic school. 63034

(c) The person has provided to the chief administrative 63035  
officer evidence of completion of a teacher training program 63036  
named in the affidavit. 63037

(B) Each person applying for a certificate under this 63038  
section for purposes of serving in a nonpublic school chartered 63039  
by the ~~state board~~ director of education and workforce under 63040  
section 3301.16 of the Revised Code shall pay a fee in the 63041  
amount established under division (A) of section 3319.51 of the 63042  
Revised Code. Any fees received under this division shall be 63043  
paid into the state treasury to the credit of the state board of 63044  
education certification fund established under division (B) of 63045  
section 3319.51 of the Revised Code. 63046

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

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

(E) The state board shall issue a certificate to serve in a nonpublic school as an administrator, supervisor, or teacher in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a nonpublic school administrator, supervisor, or teacher in a state that does not issue one or more of those certificates.

**Sec. 3309.011.** "Employee" as defined in division (B) of section 3309.01 of the Revised Code, does not include any of the following:

(A) Any person having a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the ~~state board~~ department of education and workforce, under programs provided for by federal acts or regulations and financed in whole or in part from

federal funds, but for which no licensure requirements for the 63076  
position can be made under the provisions of such federal acts 63077  
or regulations; 63078

(B) Any person who participates in an alternative 63079  
retirement plan established under Chapter 3305. of the Revised 63080  
Code; 63081

(C) Any person who elects to transfer from the school 63082  
employees retirement system to the public employees retirement 63083  
system under section 3309.312 of the Revised Code; 63084

(D) Any person whose full-time employment by the 63085  
university of Akron as a state university law enforcement 63086  
officer pursuant to section 3345.04 of the Revised Code 63087  
commences on or after September 16, 1998; 63088

(E) Any person described in division (B) of section 63089  
3309.013 of the Revised Code; 63090

(F) Any person described in division (D) of section 63091  
145.011 of the Revised Code; 63092

(G) Any person described in division (B) (1) (b) or (g) of 63093  
section 3307.01 of the Revised Code. 63094

**Sec. 3319.22.** (A) (1) The state board of education shall 63095  
issue the following educator licenses: 63096

(a) A resident educator license, which shall be valid for 63097  
two years and shall be renewable for reasons specified by rules 63098  
adopted by the state board pursuant to division (A) (3) of this 63099  
section. The state board, on a case-by-case basis, may extend 63100  
the license's duration as necessary to enable the license holder 63101  
to complete the Ohio teacher residency program established under 63102  
section 3319.223 of the Revised Code; 63103

(b) A professional educator license, which shall be valid 63104  
for five years and shall be renewable; 63105

(c) A senior professional educator license, which shall be 63106  
valid for five years and shall be renewable; 63107

(d) A lead professional educator license, which shall be 63108  
valid for five years and shall be renewable. 63109

Licenses issued under division (A) (1) of this section on 63110  
and after November 2, 2018, shall specify whether the educator 63111  
is licensed to teach grades pre-kindergarten through five, 63112  
grades four through nine, or grades seven through twelve. The 63113  
changes to the grade band specifications under this amendment 63114  
shall not apply to a person who holds a license under division 63115  
(A) (1) of this section prior to November 2, 2018. Further, the 63116  
changes to the grade band specifications under this amendment 63117  
shall not apply to any license issued to teach in the area of 63118  
computer information science, bilingual education, dance, drama 63119  
or theater, world language, health, library or media, music, 63120  
physical education, teaching English to speakers of other 63121  
languages, career-technical education, or visual arts or to any 63122  
license issued to an intervention specialist, including a gifted 63123  
intervention specialist, or to any other license that does not 63124  
align to the grade band specifications. 63125

(2) (a) Except as provided in division (A) (2) (b) of this 63126  
section, the state board may issue any additional educator 63127  
licenses of categories, types, and levels the board elects to 63128  
provide. 63129

(b) Not later than December 31, 2024, the state board 63130  
shall cease licensing school psychologists. The state board 63131  
shall coordinate with the state board of psychology to 63132

transition to licensure under Chapter 4732. of the Revised Code 63133  
any school psychologists licensed under rules adopted in 63134  
accordance with sections 3301.07 and 3319.22 of the Revised 63135  
Code. 63136

(3) Except as provided in division (I) of this section, 63137  
the state board shall adopt rules establishing the standards and 63138  
requirements for obtaining each educator license issued under 63139  
this section. The rules shall also include the reasons for which 63140  
a resident educator license may be renewed under division (A) (1) 63141  
(a) of this section. 63142

(B) Except as provided in division (I) of this section, 63143  
the rules adopted under this section shall require at least the 63144  
following standards and qualifications for the educator licenses 63145  
described in division (A) (1) of this section: 63146

(1) An applicant for a resident educator license shall 63147  
hold at least a bachelor's degree from an accredited teacher 63148  
preparation program or be a participant in the teach for America 63149  
program and meet the qualifications required under section 63150  
3319.227 of the Revised Code. 63151

(2) An applicant for a professional educator license 63152  
shall: 63153

(a) Hold at least a bachelor's degree from an institution 63154  
of higher education accredited by a regional accrediting 63155  
organization; 63156

(b) Have successfully completed the Ohio teacher residency 63157  
program established under section 3319.223 of the Revised Code, 63158  
if the applicant's current or most recently issued license is a 63159  
resident educator license issued under this section or an 63160  
alternative resident educator license issued under section 63161

3319.26 of the Revised Code.	63162
(3) An applicant for a senior professional educator license shall:	63163
	63164
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	63165
	63166
	63167
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	63168
	63169
	63170
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	63171
	63172
	63173
	63174
(4) An applicant for a lead professional educator license shall:	63175
	63176
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	63177
	63178
	63179
(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;	63180
	63181
	63182
	63183
(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;	63184
	63185
	63186
(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	63187
	63188
	63189

adopted by the educator standards board under division (F) (4) or 63190  
(5) of section 3319.61 of the Revised Code. 63191

(C) The state board shall align the standards and 63192  
qualifications for obtaining a principal license with the 63193  
standards for principals adopted by the state board under 63194  
section 3319.61 of the Revised Code. 63195

(D) If the state board requires any examinations for 63196  
educator licensure, the ~~department of education state board~~ 63197  
shall provide the results of such examinations received by the 63198  
~~department state board~~ to the chancellor of higher education, in 63199  
the manner and to the extent permitted by state and federal law. 63200

(E) Any rules the state board of education adopts, amends, 63201  
or rescinds for educator licenses under this section, ~~division~~ 63202  
~~(D) of section 3301.07 of the Revised Code,~~ or any other law 63203  
shall be adopted, amended, or rescinded under Chapter 119. of 63204  
the Revised Code except as follows: 63205

(1) Notwithstanding division (E) of section 119.03 and 63206  
division (A) (1) of section 119.04 of the Revised Code, in the 63207  
case of the adoption of any rule or the amendment or rescission 63208  
of any rule that necessitates institutions' offering preparation 63209  
programs for educators and other school personnel that are 63210  
approved by the chancellor of higher education under section 63211  
3333.048 of the Revised Code to revise the curriculum of those 63212  
programs, the effective date shall not be as prescribed in 63213  
division (E) of section 119.03 and division (A) (1) of section 63214  
119.04 of the Revised Code. Instead, the effective date of such 63215  
rules, or the amendment or rescission of such rules, shall be 63216  
the date prescribed by section 3333.048 of the Revised Code. 63217

(2) Notwithstanding the authority to adopt, amend, or 63218

rescind emergency rules in division (G) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F) (1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. ~~The department of education state board~~ shall provide technical assistance and support to committees as the committees incorporate the professional development standards adopted ~~by the state board of education~~ pursuant to section 3319.61 of the Revised Code into their review of coursework that is appropriate for license renewal. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be established as described in division (F) (2) of this section.

Not later than the effective date of the rules adopted under this section, the board of education of each school district shall establish the structure for one or more local professional development committees to be operated by such school district. The committee structure so established by a

district board shall remain in effect unless within thirty days 63249  
prior to an anniversary of the date upon which the current 63250  
committee structure was established, the board provides notice 63251  
to all affected district employees that the committee structure 63252  
is to be modified. Professional development committees may have 63253  
a district-level or building-level scope of operations, and may 63254  
be established with regard to particular grade or age levels for 63255  
which an educator license is designated. 63256

Each professional development committee shall consist of 63257  
at least three classroom teachers employed by the district, one 63258  
principal employed by the district, and one other employee of 63259  
the district appointed by the district superintendent. For 63260  
committees with a building-level scope, the teacher and 63261  
principal members shall be assigned to that building, and the 63262  
teacher members shall be elected by majority vote of the 63263  
classroom teachers assigned to that building. For committees 63264  
with a district-level scope, the teacher members shall be 63265  
elected by majority vote of the classroom teachers of the 63266  
district, and the principal member shall be elected by a 63267  
majority vote of the principals of the district, unless there 63268  
are two or fewer principals employed by the district, in which 63269  
case the one or two principals employed shall serve on the 63270  
committee. If a committee has a particular grade or age level 63271  
scope, the teacher members shall be licensed to teach such grade 63272  
or age levels, and shall be elected by majority vote of the 63273  
classroom teachers holding such a license and the principal 63274  
shall be elected by all principals serving in buildings where 63275  
any such teachers serve. The district superintendent shall 63276  
appoint a replacement to fill any vacancy that occurs on a 63277  
professional development committee, except in the case of 63278  
vacancies among the elected classroom teacher members, which 63279

shall be filled by vote of the remaining members of the 63280  
committee so selected. 63281

Terms of office on professional development committees 63282  
shall be prescribed by the district board establishing the 63283  
committees. The conduct of elections for members of professional 63284  
development committees shall be prescribed by the district board 63285  
establishing the committees. A professional development 63286  
committee may include additional members, except that the 63287  
majority of members on each such committee shall be classroom 63288  
teachers employed by the district. Any member appointed to fill 63289  
a vacancy occurring prior to the expiration date of the term for 63290  
which a predecessor was appointed shall hold office as a member 63291  
for the remainder of that term. 63292

The initial meeting of any professional development 63293  
committee, upon election and appointment of all committee 63294  
members, shall be called by a member designated by the district 63295  
superintendent. At this initial meeting, the committee shall 63296  
select a chairperson and such other officers the committee deems 63297  
necessary, and shall adopt rules for the conduct of its 63298  
meetings. Thereafter, the committee shall meet at the call of 63299  
the chairperson or upon the filing of a petition with the 63300  
district superintendent signed by a majority of the committee 63301  
members calling for the committee to meet. 63302

(3) In the case of a school district in which an exclusive 63303  
representative has been established pursuant to Chapter 4117. of 63304  
the Revised Code, professional development committees shall be 63305  
established in accordance with any collective bargaining 63306  
agreement in effect in the district that includes provisions for 63307  
such committees. 63308

If the collective bargaining agreement does not specify a 63309

different method for the selection of teacher members of the 63310  
committees, the exclusive representative of the district's 63311  
teachers shall select the teacher members. 63312

If the collective bargaining agreement does not specify a 63313  
different structure for the committees, the board of education 63314  
of the school district shall establish the structure, including 63315  
the number of committees and the number of teacher and 63316  
administrative members on each committee; the specific 63317  
administrative members to be part of each committee; whether the 63318  
scope of the committees will be district levels, building 63319  
levels, or by type of grade or age levels for which educator 63320  
licenses are designated; the lengths of terms for members; the 63321  
manner of filling vacancies on the committees; and the frequency 63322  
and time and place of meetings. However, in all cases, except as 63323  
provided in division (F) (4) of this section, there shall be a 63324  
majority of teacher members of any professional development 63325  
committee, there shall be at least five total members of any 63326  
professional development committee, and the exclusive 63327  
representative shall designate replacement members in the case 63328  
of vacancies among teacher members, unless the collective 63329  
bargaining agreement specifies a different method of selecting 63330  
such replacements. 63331

(4) Whenever an administrator's coursework plan is being 63332  
discussed or voted upon, the local professional development 63333  
committee shall, at the request of one of its administrative 63334  
members, cause a majority of the committee to consist of 63335  
administrative members by reducing the number of teacher members 63336  
voting on the plan. 63337

(G) (1) The department of education and workforce, 63338  
educational service centers, county boards of developmental 63339

disabilities, college and university departments of education, 63340  
head start programs, and the Ohio education computer network may 63341  
establish local professional development committees to determine 63342  
whether the coursework proposed by their employees who are 63343  
licensed or certificated under this section or section 3319.222 63344  
of the Revised Code, or under the former version of either 63345  
section as it existed prior to October 16, 2009, meet the 63346  
requirements of the rules adopted under this section. They may 63347  
establish local professional development committees on their own 63348  
or in collaboration with a school district or other agency 63349  
having authority to establish them. 63350

Local professional development committees established by 63351  
county boards of developmental disabilities shall be structured 63352  
in a manner comparable to the structures prescribed for school 63353  
districts in divisions (F) (2) and (3) of this section, as shall 63354  
the committees established by any other entity specified in 63355  
division (G) (1) of this section that provides educational 63356  
services by employing or contracting for services of classroom 63357  
teachers licensed or certificated under this section or section 63358  
3319.222 of the Revised Code, or under the former version of 63359  
either section as it existed prior to October 16, 2009. All 63360  
other entities specified in division (G) (1) of this section 63361  
shall structure their committees in accordance with guidelines 63362  
which shall be issued by the ~~state board~~ department. 63363

(2) Educational service centers may establish local 63364  
professional development committees to serve educators who are 63365  
not employed in schools in this state, including pupil services 63366  
personnel who are licensed under this section. Local 63367  
professional development committees shall be structured in a 63368  
manner comparable to the structures prescribed for school 63369  
districts in divisions (F) (2) and (3) of this section. 63370

These committees may agree to review the coursework, 63371  
continuing education units, or other equivalent activities 63372  
related to classroom teaching or the area of licensure that is 63373  
proposed by an individual who satisfies both of the following 63374  
conditions: 63375

(a) The individual is licensed or certificated under this 63376  
section or under the former version of this section as it 63377  
existed prior to October 16, 2009. 63378

(b) The individual is not currently employed as an 63379  
educator or is not currently employed by an entity that operates 63380  
a local professional development committee under this section. 63381

Any committee that agrees to work with such an individual 63382  
shall work to determine whether the proposed coursework, 63383  
continuing education units, or other equivalent activities meet 63384  
the requirements of the rules adopted by the state board under 63385  
this section. 63386

(3) Any public agency that is not specified in division 63387  
(G) (1) or (2) of this section but provides educational services 63388  
and employs or contracts for services of classroom teachers 63389  
licensed or certificated under this section or section 3319.222 63390  
of the Revised Code, or under the former version of either 63391  
section as it existed prior to October 16, 2009, may establish a 63392  
local professional development committee, subject to the 63393  
approval of the department of education and workforce. The 63394  
committee shall be structured in accordance with guidelines 63395  
issued by the ~~state board~~ department. 63396

(H) Not later than July 1, 2016, the state board, in 63397  
accordance with Chapter 119. of the Revised Code, shall adopt 63398  
rules pursuant to division (A) (3) of this section that do both 63399

of the following: 63400

(1) Exempt consistently high-performing teachers from the 63401  
requirement to complete any additional coursework for the 63402  
renewal of an educator license issued under this section or 63403  
section 3319.26 of the Revised Code. The rules also shall 63404  
specify that such teachers are exempt from any requirements 63405  
prescribed by professional development committees established 63406  
under divisions (F) and (G) of this section. 63407

(2) For purposes of division (H)(1) of this section, the 63408  
state board shall define the term "consistently high-performing 63409  
teacher." 63410

(I) The state board shall issue a resident educator 63411  
license, professional educator license, senior professional 63412  
educator license, lead professional educator license, or any 63413  
other educator license in accordance with Chapter 4796. of the 63414  
Revised Code to an applicant if either of the following applies: 63415

(1) The applicant holds a license in another state. 63416

(2) The applicant has satisfactory work experience, a 63417  
government certification, or a private certification as 63418  
described in that chapter as a resident educator, professional 63419  
educator, senior professional educator, lead professional 63420  
educator, or any other type of educator in a state that does not 63421  
issue one or more of those licenses. 63422

**Sec. 3319.229.** (A) (1) Notwithstanding the repeal of former 63423  
section 3319.229 of the Revised Code by S.B. 216 of the 132nd 63424  
general assembly, the state board of education shall accept 63425  
applications for new, and for renewal of, professional career- 63426  
technical teaching licenses through June 30, 2019, and issue 63427  
them on the basis of the applications received by that date in 63428

accordance with the rules described in that former section. 63429  
Except as otherwise provided in divisions (A) (2) and (3) of this 63430  
section, beginning July 1, 2019, the state board shall issue 63431  
career-technical workforce development educator licenses only 63432  
under this section. 63433

(2) An individual who, on July 1, 2019, holds a 63434  
professional career-technical teaching license issued under the 63435  
rules described in former section 3319.229 of the Revised Code, 63436  
may continue to renew that license in accordance with those 63437  
rules for the remainder of the individual's teaching career. 63438  
However, nothing in this division shall be construed to prohibit 63439  
the individual from applying to the state board for a career- 63440  
technical workforce development educator license under this 63441  
section. 63442

(3) An individual who, on July 1, 2019, holds an 63443  
alternative resident educator license for teaching career- 63444  
technical education issued under section 3319.26 of the Revised 63445  
Code may, upon the expiration of the license, apply for a 63446  
professional career-technical teaching license issued under the 63447  
rules described in former section 3319.229 of the Revised Code. 63448  
Such an individual may continue to renew the professional 63449  
license in accordance with those rules for the remainder of the 63450  
individual's teaching career. However, nothing in this division 63451  
shall be construed to prohibit the individual from applying to 63452  
the state board for a career-technical workforce development 63453  
educator license under this section. 63454

(B) Except as provided in division (G) of this section, 63455  
the state board, in collaboration with the chancellor of higher 63456  
education, shall adopt rules establishing standards and 63457  
requirements for obtaining a two-year initial career-technical 63458

workforce development educator license and a five-year advanced 63459  
career-technical workforce development educator license. Each 63460  
license shall be valid for teaching career-technical education 63461  
or workforce development programs in grades four through twelve. 63462  
The rules shall require applicants for either license to have a 63463  
high school diploma or a certificate of high school equivalence 63464  
as awarded under section 3301.80 of the Revised Code or as 63465  
recognized as the equivalent of such certificate under division 63466  
(C) of that section. 63467

(C) (1) Except as provided in division (G) of this section, 63468  
the state board shall issue an initial career-technical 63469  
workforce development educator license to an applicant upon 63470  
request from the superintendent of a school district that has 63471  
agreed to employ the applicant. In making the request, the 63472  
superintendent shall provide documentation, in accordance with 63473  
procedures prescribed by the ~~department of education~~state board, 63474  
showing that the applicant has at least five years of work 63475  
experience, or the equivalent, in the subject area in which the 63476  
applicant will teach. The license shall be valid for teaching 63477  
only in the requesting district. The superintendent also shall 63478  
provide documentation, in accordance with procedures prescribed 63479  
by the ~~department~~state board, that the applicant is enrolled in 63480  
a career-technical workforce development educator preparation 63481  
program offered by an institution of higher education that has 63482  
an existing teacher preparatory program in place that meets all 63483  
of the following criteria: 63484

(a) Is approved by the chancellor of higher education to 63485  
provide instruction in teaching methods and principles; 63486

(b) Provides classroom support to the license holder; 63487

(c) Includes at least three semester hours of coursework 63488

in the teaching of reading in the subject area; 63489

(d) Is aligned with career-technical education and 63490  
workforce development competencies developed by the department\_ 63491  
of education and workforce; 63492

(e) Uses a summative performance-based assessment 63493  
developed by the program and aligned to the competencies 63494  
described in division (C) (1) (d) of this section to evaluate the 63495  
license holder's knowledge and skills; 63496

(f) Consists of not less than twenty-four semester hours 63497  
of coursework, or the equivalent. 63498

(2) As a condition of continuing to hold the initial 63499  
career-technical workforce development license, the holder of 63500  
the license shall be participating in a career-technical 63501  
workforce development educator preparation program described in 63502  
division (C) (1) of this section. 63503

(3) The state board shall renew an initial career- 63504  
technical workforce development educator license if the 63505  
supervisor of the program described in division (C) (1) of this 63506  
section and the superintendent of the employing school district 63507  
indicate that the applicant is making sufficient progress in 63508  
both the program and the teaching position. 63509

(D) Except as provided in division (G) of this section, 63510  
the state board shall issue an advanced career-technical 63511  
workforce development educator license to an applicant who has 63512  
successfully completed the program described in division (C) (1) 63513  
of this section, as indicated by the supervisor of the program, 63514  
and who demonstrates mastery of the applicable career-technical 63515  
education and workforce development competencies described in 63516  
division (C) (1) (d) of this section in the teaching position, as 63517

indicated by the superintendent of the employing school 63518  
district. 63519

(E) The holder of an advanced career-technical workforce 63520  
development educator license shall work with a local 63521  
professional development committee established under section 63522  
3319.22 of the Revised Code in meeting requirements for renewal 63523  
of the license. 63524

(F) Notwithstanding the provisions of section 3319.226 of 63525  
the Revised Code, the state board shall not require any 63526  
applicant for an educator license for substitute teaching who 63527  
holds a license issued under this section to hold a post- 63528  
secondary degree in order to be issued a license under section 63529  
3319.226 of the Revised Code to work as a substitute teacher for 63530  
career-technical education classes. 63531

(G) The state board shall issue a license to practice as 63532  
an initial career-technical workforce development educator or 63533  
advanced career-technical workforce development educator in 63534  
accordance with Chapter 4796. of the Revised Code to an 63535  
applicant if either of the following applies: 63536

(1) The applicant holds a license in another state. 63537

(2) The applicant has satisfactory work experience, a 63538  
government certification, or a private certification as 63539  
described in that chapter as a career-technical workforce 63540  
development educator in a state that does not issue one or both 63541  
of those licenses. 63542

**Sec. 3319.262.** (A) Notwithstanding any other provision of 63543  
the Revised Code or any rule adopted by the state board of 63544  
education to the contrary and except as provided in division (C) 63545  
of this section, the state board shall adopt rules establishing 63546

standards and requirements for obtaining a nonrenewable four- 63547  
year initial early college high school educator license for 63548  
teaching grades seven through twelve at an early college high 63549  
school described in section 3313.6013 of the Revised Code to any 63550  
applicant who meets the following conditions: 63551

(1) Has a graduate or terminal degree from an accredited 63552  
institution of higher education in a field related to the 63553  
subject area to be taught, as determined by the ~~department of~~ 63554  
education state board; 63555

(2) Has obtained a passing score on an examination in the 63556  
subject area to be taught, as prescribed by the state board; 63557

(3) Has experience teaching students at any grade level, 63558  
including post-secondary students; 63559

(4) Has proof that an early college high school intends to 63560  
employ the applicant pending a valid license under this section. 63561

An individual licensed under this section shall be subject 63562  
to sections 3319.291 and 3319.39 of the Revised Code. An initial 63563  
educator license issued under division (A) of this section shall 63564  
be valid for teaching only at the employing school described in 63565  
division (A) (4) of this section. 63566

(B) After four years of teaching under an initial early 63567  
college high school educator license issued under this section, 63568  
an individual may apply for a renewable five-year professional 63569  
educator license in the same subject area named in the initial 63570  
license. The state board shall issue the applicant a 63571  
professional educator license if the applicant attains a passing 63572  
score on an assessment of professional knowledge prescribed by 63573  
the state board. Nothing in division (B) of this section shall 63574  
be construed to prohibit an individual from applying for a 63575

professional educator license under section 3319.22 of the Revised Code. 63576  
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(C) The state board shall issue an initial early college high school educator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 63578  
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(1) The applicant holds a license in another state. 63582

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an early college high school educator in a state that does not issue that license. 63583  
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**Sec. 3319.28.** (A) As used in this section, "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 63587  
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(B) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary and except as provided in division (F) of this section, the state board shall issue a two-year provisional educator license for teaching science, technology, engineering, or mathematics in grades six through twelve in a STEM school to any applicant who meets the following conditions: 63590  
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(1) Holds a bachelor's degree from an accredited institution of higher education in a field related to the subject area to be taught; 63597  
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(2) Has passed an examination prescribed by the state board in the subject area to be taught. 63600  
63601

(C) The holder of a provisional educator license issued under this section shall complete a structured apprenticeship 63602  
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program provided by an educational service center or a teacher 63604  
preparation program approved under section 3333.048 of the 63605  
Revised Code, in partnership with the STEM school that employs 63606  
the license holder. The apprenticeship program shall include the 63607  
following: 63608

(1) Mentoring by a teacher or administrator who regularly 63609  
observes the license holder's classroom instruction, provides 63610  
feedback on the license holder's teaching strategies and 63611  
classroom management, and engages the license holder in 63612  
discussions about methods for fostering and measuring student 63613  
learning; 63614

(2) Regularly scheduled seminars or meetings that address 63615  
the following topics: 63616

(a) The statewide academic standards adopted ~~by the state~~ 63617  
~~board~~ under section 3301.079 of the Revised Code and the 63618  
importance of aligning curriculum with those standards; 63619

(b) The achievement assessments prescribed by section 63620  
3301.0710 of the Revised Code; 63621

(c) The school district and building accountability system 63622  
established under Chapter 3302. of the Revised Code; 63623

(d) Instructional methods and strategies; 63624

(e) Student development; 63625

(f) Assessing student progress and providing remediation 63626  
and intervention, as necessary, to meet students' special needs; 63627

(g) Classroom management and record keeping. 63628

(D) After two years of teaching under a provisional 63629  
educator license issued under this section, a person may apply 63630

for a five-year professional educator license in the same 63631  
subject area named in the provisional license. The state board 63632  
shall issue the applicant a professional educator license if the 63633  
applicant meets the following conditions: 63634

(1) The applicant completed the apprenticeship program 63635  
described in division (C) of this section. 63636

(2) The applicant receives a positive recommendation 63637  
indicating that the applicant is an effective teacher from both 63638  
of the following: 63639

(a) The chief administrative officer of the STEM school 63640  
that most recently employed the applicant as a classroom 63641  
teacher; 63642

(b) The educational service center or teacher preparation 63643  
program administrator in charge of the apprenticeship program 63644  
completed by the applicant. 63645

(3) The applicant meets all other requirements for a 63646  
professional educator license adopted by the state board under 63647  
section 3319.22 of the Revised Code. 63648

(E) ~~The department of education state board~~ shall evaluate 63649  
the experiences of STEM schools with classroom teachers holding 63650  
provisional educator licenses issued under this section. The 63651  
evaluation shall cover the first two school years for which 63652  
licenses are issued and shall consider at least the schools' 63653  
satisfaction with the teachers and the operation of the 63654  
apprenticeship programs. 63655

(F) The state board shall issue a provisional educator 63656  
license for teaching in a STEM school in accordance with Chapter 63657  
4796. of the Revised Code to an applicant if either of the 63658  
following applies: 63659

- (1) The applicant holds a license in another state. 63660
- (2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a STEM educator in a state that does not issue that license. 63661  
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- Sec. 3319.361.** (A) Except as provided in division (F) of this section, the state board of education shall establish rules for the issuance of a supplemental teaching license. This license shall be issued at the request of the superintendent of a city, local, exempted village, or joint vocational school district, educational service center, or the governing authority of a STEM school, chartered nonpublic school, or community school to an individual who meets all of the following criteria: 63665  
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- (1) Holds a current professional or permanent Ohio teaching certificate or resident educator license, professional educator license, senior professional educator license, or lead professional educator license, as issued under section 3319.22 or 3319.26 of the Revised Code; 63673  
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- (2) Is of good moral character; 63678
- (3) Is employed in a supplemental licensure area or teaching field, as defined by the state board; 63679  
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- (4) Completes an examination prescribed by the state board in the licensure area; 63681  
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- (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. 63683  
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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.

(C) Before the ~~department of education~~ state board will issue an individual a supplemental teaching license in another area, the supplemental licensee must complete the supplemental licensure program, or its equivalent, and be issued a standard teaching license in the area of the currently held supplemental license.

(D) An individual may advance from a supplemental teaching license to a standard teaching license upon:

(1) Verification from the employing superintendent or governing authority that the individual holding the supplemental teaching license has taught successfully in the licensure area for a minimum of two years; and

(2) Completing requirements as applicable to the licensure area or teaching field as established by the state board.

(E) A licensee who has filed an application under this section may work in the supplemental licensure area for up to sixty school days while completing the requirements in division (A) (4) of this section. If the requirements are not completed within sixty days, the application shall be declined.

(F) The state board shall issue a supplemental teaching license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educator providing supplemental instruction in a state that does not issue that license.

**Sec. 3327.10.** (A) Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the ~~state board~~ department of education and workforce of each driver to ascertain the driver's physical fitness for such employment. The examination shall be performed by one of the following:

(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;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife;

(6) A medical examiner who is listed on the national

registry of certified medical examiners established by the 63745  
federal motor carrier safety administration in accordance with 63746  
49 C.F.R. part 390. 63747

Any certificate may be revoked by the authority granting 63748  
the same on proof that the holder has been guilty of failing to 63749  
comply with division (D)(1) of this section, or upon a 63750  
conviction or a guilty plea for a violation, or any other 63751  
action, that results in a loss or suspension of driving rights. 63752  
Failure to comply with such division may be cause for 63753  
disciplinary action or termination of employment under division 63754  
(C) of section 3319.081, or section 124.34 of the Revised Code. 63755

(B) Except as provided in division (L) of this section, no 63756  
person shall be employed as driver of a school bus or motor van 63757  
not subject to the rules of the department ~~of education~~ pursuant 63758  
to division (A) of this section who has not received a 63759  
certificate from the school administrator or contractor 63760  
certifying that such person is at least eighteen years of age 63761  
and is qualified physically and otherwise for such position. 63762  
Each driver shall have an annual physical examination which 63763  
conforms to the state highway patrol rules, ascertaining the 63764  
driver's physical fitness for such employment. The examination 63765  
shall be performed by one of the following: 63766

(1) A person licensed under Chapter 4731. or 4734. of the 63767  
Revised Code or by another state to practice medicine and 63768  
surgery, osteopathic medicine and surgery, or chiropractic; 63769

(2) A physician assistant; 63770

(3) A certified nurse practitioner; 63771

(4) A clinical nurse specialist; 63772

(5) A certified nurse-midwife; 63773

(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. 63774  
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Any written documentation of the physical examination shall be completed by the individual who performed the examination. 63778  
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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. 63781  
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(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. 63784  
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(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: 63788  
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(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 operated school bus or motor van under contract. 63794  
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(2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the 63800  
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administrator or contractor. 63803

(E) In addition to resulting in possible revocation of a 63804  
certificate as authorized by divisions (A) and (B) of this 63805  
section, violation of division (D) of this section is a minor 63806  
misdemeanor. 63807

(F) (1) Not later than thirty days after June 30, 2007, 63808  
each owner of a school bus or motor van shall obtain the 63809  
complete driving record for each person who is currently 63810  
employed or otherwise authorized to drive the school bus or 63811  
motor van. An owner of a school bus or motor van shall not 63812  
permit a person to operate the school bus or motor van for the 63813  
first time before the owner has obtained the person's complete 63814  
driving record. Thereafter, the owner of a school bus or motor 63815  
van shall obtain the person's driving record not less frequently 63816  
than semiannually if the person remains employed or otherwise 63817  
authorized to drive the school bus or motor van. An owner of a 63818  
school bus or motor van shall not permit a person to resume 63819  
operating a school bus or motor van, after an interruption of 63820  
one year or longer, before the owner has obtained the person's 63821  
complete driving record. 63822

(2) The owner of a school bus or motor van shall not 63823  
permit a person to operate the school bus or motor van for ten 63824  
years after the date on which the person pleads guilty to or is 63825  
convicted of a violation of section 4511.19 of the Revised Code 63826  
or a substantially equivalent municipal ordinance. 63827

(3) An owner of a school bus or motor van shall not permit 63828  
any person to operate such a vehicle unless the person meets all 63829  
other requirements contained in rules adopted by the ~~state board~~ 63830  
~~of education department~~ prescribing qualifications of drivers of 63831  
school buses and other student transportation. 63832

(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 of the Revised Code or a substantially equivalent municipal ordinance prior to two years prior to July 1, 2007, shall not be considered a disqualifying event with respect to division (F) of this section.

(J) (1) This division applies to persons hired by a school district, educational service center, community school, chartered nonpublic school, or science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check in accordance with section 3319.39 of the Revised Code and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department ~~of education~~ and every six years thereafter.

(2) This division applies to persons hired by a public or private employer not described in division (J) (1) of this section to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the

federal bureau of investigation has on the person: 63892

(a) The employer previously requested the superintendent 63893  
to determine whether the bureau of criminal identification and 63894  
investigation has any information, gathered pursuant to division 63895  
(A) of section 109.57 of the Revised Code, on the person in 63896  
conjunction with a criminal records check requested under 63897  
section 3319.39 of the Revised Code or under division (J) of 63898  
this section. 63899

(b) The person presents proof that the person has been a 63900  
resident of this state for the five-year period immediately 63901  
prior to the date upon which the person becomes subject to a 63902  
criminal records check under this section. 63903

Upon receipt of a request, the superintendent shall 63904  
conduct the criminal records check in accordance with section 63905  
109.572 of the Revised Code as if the request had been made 63906  
under section 3319.39 of the Revised Code. However, as specified 63907  
in division (B)(2) of section 109.572 of the Revised Code, if 63908  
the employer requests the superintendent only to obtain any 63909  
criminal records that the federal bureau of investigation has on 63910  
the person for whom the request is made, the superintendent 63911  
shall not conduct the review prescribed by division (B)(1) of 63912  
that section. 63913

(K)(1) Until the effective date of the amendments to rule 63914  
3301-83-23 of the Ohio Administrative Code required by the 63915  
second paragraph of division (E) of section 3319.39 of the 63916  
Revised Code, any person who is the subject of a criminal 63917  
records check under division (J) of this section and has been 63918  
convicted of or pleaded guilty to any offense described in 63919  
division (B)(1) of section 3319.39 of the Revised Code shall not 63920  
be hired or shall be released from employment, as applicable, 63921

unless the person meets the rehabilitation standards prescribed 63922  
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 63923  
Administrative Code. 63924

(2) Beginning on the effective date of the amendments to 63925  
rule 3301-83-23 of the Ohio Administrative Code required by the 63926  
second paragraph of division (E) of section 3319.39 of the 63927  
Revised Code, any person who is the subject of a criminal 63928  
records check under division (J) of this section and has been 63929  
convicted of or pleaded guilty to any offense that, under the 63930  
rule, disqualifies a person for employment to operate a vehicle 63931  
used for pupil transportation shall not be hired or shall be 63932  
released from employment, as applicable, unless the person meets 63933  
the rehabilitation standards prescribed by the rule. 63934

(L) The superintendent of a school district or an 63935  
educational service center governing board shall issue a 63936  
certificate as a driver of a school bus or motor van or a 63937  
certificate to operate a vehicle used for pupil transportation 63938  
in accordance with Chapter 4796. of the Revised Code to an 63939  
applicant if either of the following applies: 63940

(1) The applicant holds a certificate in another state. 63941

(2) The applicant has satisfactory work experience, a 63942  
government certification, or a private certification as 63943  
described in that chapter as a school bus or motor van driver or 63944  
a pupil transportation vehicle operator in a state that does not 63945  
issue one or both of those certificates. 63946

**Sec. 4709.07.** (A) Each person who desires to obtain an 63947  
initial license to practice barbering shall apply to the state 63948  
cosmetology and barber board, on forms provided by the board. 63949  
The application form shall include the name of the person 63950

applying for the license and evidence that the applicant meets 63951  
all of the requirements of division (B) of this section. The 63952  
application shall be accompanied by the examination application 63953  
fee. 63954

(B) In order to take the required barber examination and 63955  
to qualify for licensure as a barber, an applicant must 63956  
demonstrate that the applicant meets all of the following: 63957

(1) Is at least eighteen years of age; 63958

(2) Has an eighth grade education or an equivalent 63959  
education as determined by the ~~state board department~~ of 63960  
education and workforce, or equivalent organization in the state 63961  
where the applicant resides; 63962

(3) Has graduated with at least one thousand eight hundred 63963  
hours of training from a board-approved barber school or has 63964  
graduated with at least one thousand hours of training from a 63965  
board-approved barber school in this state and has a current 63966  
cosmetology or hair designer license issued pursuant to Chapter 63967  
4713. of the Revised Code. No hours of instruction earned by an 63968  
applicant five or more years prior to the examination apply to 63969  
the hours of study required by this division. 63970

(C) Any applicant who meets all of the requirements of 63971  
divisions (A) and (B) of this section may take the barber 63972  
examination at the time and place specified by the board. If the 63973  
applicant fails to attain at least a seventy-five per cent pass 63974  
rate on each part of the examination, the applicant is 63975  
ineligible for licensure; however, the applicant may reapply for 63976  
examination within ninety days after the date of the release of 63977  
the examination scores by paying the required reexamination fee. 63978  
An applicant is only required to take that part or parts of the 63979

examination on which the applicant did not receive a score of 63980  
seventy-five per cent or higher. If the applicant fails to 63981  
reapply for examination within ninety days or fails the second 63982  
examination, in order to reapply for examination for licensure 63983  
the applicant shall complete an additional course of study of 63984  
not less than two hundred hours, in a board-approved barber 63985  
school. The board shall provide to an applicant, upon request, a 63986  
report which explains the reasons for the applicant's failure to 63987  
pass the examination. 63988

(D) The board shall issue a license to practice barbering 63989  
to any applicant who, to the satisfaction of the board, meets 63990  
the requirements of divisions (A) and (B) of this section, who 63991  
passes the required examination, and pays the initial licensure 63992  
fee. Every licensed barber shall display the certificate of 63993  
licensure in a conspicuous place adjacent to or near the 63994  
licensed barber's work chair. 63995

(E) The board shall issue a license to practice barbering 63996  
in accordance with Chapter 4796. of the Revised Code to an 63997  
applicant if either of the following applies: 63998

(1) The applicant holds a license to practice barbering in 63999  
another state. 64000

(2) The applicant has satisfactory work experience, a 64001  
government certification, or a private certification as 64002  
described in that chapter as a barber in a state that does not 64003  
issue that license. 64004

**Sec. 4709.10.** (A) Each person who desires to obtain a 64005  
license to operate a barber school shall apply to the state 64006  
cosmetology and barber board, on forms provided by the board. 64007  
The board shall issue a barber school license to a person if the 64008

board determines that the person meets and will comply with all 64009  
of the requirements of division (B) of this section and pays the 64010  
required licensure and inspection fees. 64011

(B) In order for a person to qualify for a license to 64012  
operate a barber school, the barber school to be operated by the 64013  
person must meet all of the following requirements: 64014

(1) Have a training facility sufficient to meet the 64015  
required educational curriculum established by the board, 64016  
including enough space to accommodate all the facilities and 64017  
equipment required by rule by the board; 64018

(2) Provide sufficient licensed teaching personnel to meet 64019  
the minimum pupil-teacher ratio established by rule of the 64020  
board; 64021

(3) Have established and provide to the board proof that 64022  
it has met all of the board requirements to operate a barber 64023  
school, as adopted by rule of the board; 64024

(4) File with the board a program of its curriculum, 64025  
accounting for not less than one thousand eight hundred hours of 64026  
instruction in the courses of theory and practical demonstration 64027  
required by rule of the board; 64028

(5) File with the board a surety bond in the amount of ten 64029  
thousand dollars issued by a bonding company licensed to do 64030  
business in this state. The bond shall be in the form prescribed 64031  
by the board and conditioned upon the barber school's continued 64032  
instruction in the theory and practice of barbering. The bond 64033  
shall continue in effect until notice of its termination is 64034  
provided to the board. In no event, however, shall the bond be 64035  
terminated while the barber school is in operation. Any student 64036  
who is injured or damaged by reason of a barber school's failure 64037

to continue instruction in the theory and practice of barbering 64038  
may maintain an action on the bond against the barber school or 64039  
the surety, or both, for the recovery of any money or tuition 64040  
paid in advance for instruction in the theory and practice of 64041  
barbering which was not received. The aggregate liability of the 64042  
surety to all students shall not exceed the sum of the bond. 64043

(6) Maintain adequate record keeping to ensure that it has 64044  
met the requirements for records of student progress as required 64045  
by board rule; 64046

(7) Establish minimum standards for acceptance of student 64047  
applicants for admission to the barber school. The barber school 64048  
may establish entrance requirements which are more stringent 64049  
than those prescribed by the board, but the requirements must at 64050  
a minimum require the applicant to meet both of the following: 64051

(a) Be at least seventeen years of age; 64052

(b) Have an eighth grade education, or an equivalent 64053  
education as determined by the ~~state board~~ department of 64054  
education and workforce. 64055

(8) Have a procedure to submit every student applicant's 64056  
admission application to the board for the board's review and 64057  
approval prior to the applicant's admission to the barber 64058  
school; 64059

(9) Operate in a manner which reflects credit upon the 64060  
barbering profession; 64061

(10) Offer a curriculum of study which covers all aspects 64062  
of the scientific fundamentals of barbering as specified by rule 64063  
of the board; 64064

(11) Employ no more than two licensed assistant barber 64065

teachers for each licensed barber teacher employed or fewer than 64066  
two licensed teachers or one licensed teacher and one licensed 64067  
assistant teacher at each facility. 64068

(C) Each person who desires to obtain a barber teacher or 64069  
assistant barber teacher license shall apply to the board, on 64070  
forms provided by the board. Except as provided in division (D) 64071  
of this section, the board shall only issue a barber teacher 64072  
license to a person who meets all of the following requirements: 64073

(1) Holds a current barber license issued pursuant to this 64074  
chapter and has at least eighteen months of work experience in a 64075  
licensed barber shop or has been employed as an assistant barber 64076  
teacher under the supervision of a licensed barber teacher for 64077  
at least one year, unless, for good cause, the board waives this 64078  
requirement; 64079

(2) Meets such other requirements as adopted by rule by 64080  
the board; 64081

(3) Passes the required examination; and 64082

(4) Pays the required fees. 64083

Except as provided in division (D) of this section, the 64084  
board shall only issue an assistant barber teacher license to a 64085  
person who holds a current barber license issued pursuant to 64086  
this chapter and pays the required fees. 64087

(D) The board shall issue a barber teacher or assistant 64088  
barber teacher license in accordance with Chapter 4796. of the 64089  
Revised Code to an applicant if either of the following applies: 64090

(1) The applicant holds a barber teacher or assistant 64091  
barber teacher license, as applicable, in another state. 64092

(2) The applicant has satisfactory work experience, a 64093

government certification, or a private certification as 64094  
described in that chapter as a barber teacher or assistant 64095  
barber teacher, as applicable, in a state that does not issue 64096  
the applicable license. 64097

(E) Any person who meets the qualifications of an 64098  
assistant teacher pursuant to division (C) or (D) of this 64099  
section, may be employed as an assistant teacher, provided that 64100  
within five days after the commencement of the employment the 64101  
barber school submits to the board, on forms provided by the 64102  
board, the applicant's qualifications. 64103

**Sec. 4732.10.** (A) The state board of psychology shall 64104  
appoint an entrance examiner who shall determine the sufficiency 64105  
of an applicant's qualifications for admission to the 64106  
appropriate examination. A member of the board or the executive 64107  
director may be appointed as the entrance examiner. 64108

(B) Requirements for admission to examination for a 64109  
psychologist license shall be that the applicant: 64110

(1) Is at least twenty-one years of age; 64111

(2) Meets one of the following requirements: 64112

(a) Received an earned doctoral degree from an institution 64113  
accredited or recognized by a national or regional accrediting 64114  
agency and a program accredited by any of the following: 64115

(i) The American psychological association, office of 64116  
program consultation and accreditation; 64117

(ii) The accreditation office of the Canadian 64118  
psychological association; 64119

(iii) A program listed by the association of state and 64120  
provincial psychology boards/national register designation 64121

committee;	64122
(iv) The national association of school psychologists.	64123
(b) Received an earned doctoral degree in psychology or	64124
school psychology from an institution accredited or recognized	64125
by a national or regional accrediting agency but the program	64126
does not meet the program accreditation requirements of division	64127
(B) (2) (a) of this section;	64128
(c) Received from an academic institution outside of the	64129
United States or Canada a degree determined, under rules adopted	64130
by the board under division (F) of this section, to be	64131
equivalent to a doctoral degree in psychology from a program	64132
described in division (B) (2) (a) of this section;	64133
(d) Held a psychologist license, certificate, or	64134
registration required for practice in a Canadian jurisdiction	64135
for a minimum of ten years and meets educational, experience,	64136
and professional requirements established under rules adopted by	64137
the board.	64138
(3) Has had at least two years of supervised professional	64139
experience in psychological work of a type satisfactory to the	64140
board, at least one year of which must be a predoctoral	64141
internship. The board shall adopt guidelines for the kind of	64142
supervised professional experience that fulfill this	64143
requirement.	64144
(4) If applying under division (B) (2) (b) or (c) of this	64145
section, has had at least two years of supervised professional	64146
experience in psychological work of a type satisfactory to the	64147
board, at least one year of which must be postdoctoral. The	64148
board shall adopt guidelines for the kind of supervised	64149
professional experience that fulfill this requirement.	64150

(C) Requirements for admission to examination for an independent 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 independent 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, licensed independent school psychologist, or licensed school psychologist;

(5) Furnishes proof of at least twenty-seven months, exclusive of internship, of full-time experience as a certificated school psychologist employed by a board of education or a private school meeting the standards prescribed by the ~~state board~~ director of education and workforce, or of experience that the board deems equivalent.

(D) Requirements for admission to examination for a school psychologist shall be that the applicant:

(1) Has received from an educational institution 64180  
accredited or recognized by national or regional accrediting 64181  
agencies as maintaining satisfactory standards, including those 64182  
approved by the state board of education for the training of 64183  
school psychologists, at least a master's degree in school 64184  
psychology, or a degree considered equivalent by the board; 64185

(2) Is at least twenty-one years of age; 64186

(3) Has completed a nine month, full-time internship in an 64187  
approved school setting as described in rules adopted by the 64188  
board. 64189

(E) If the entrance examiner finds that the applicant 64190  
meets the requirements set forth in this section, the applicant 64191  
shall be admitted to the appropriate examination. 64192

(F) The board shall adopt under Chapter 119. of the 64193  
Revised Code rules for determining for the purposes of division 64194  
(B) (2) (c) of this section whether a degree is equivalent to a 64195  
degree in psychology from an institution in the United States. 64196

**Sec. 4735.09.** (A) Application for a license as a real 64197  
estate salesperson shall be made to the superintendent of real 64198  
estate on forms furnished by the superintendent and signed by 64199  
the applicant. The application shall be in the form prescribed 64200  
by the superintendent and shall contain such information as is 64201  
required by this chapter and the rules of the Ohio real estate 64202  
commission. The application shall be accompanied by the 64203  
recommendation of the real estate broker with whom the applicant 64204  
is associated or with whom the applicant intends to be 64205  
associated, certifying that the applicant is honest and 64206  
truthful, and has not been finally adjudged by a court to have 64207  
violated any municipal, state, or federal civil rights laws 64208

relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant. One dollar of each application fee shall be credited to the real estate education and research fund.

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

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

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to

the superintendent a processing fee in an amount determined by 64239  
the Ohio real estate commission pursuant to division (A) (1) of 64240  
section 4735.10 of the Revised Code. 64241

(E) The superintendent shall issue a real estate 64242  
salesperson's license when satisfied that the applicant has 64243  
received a passing score on each portion of the salesperson's 64244  
examination as determined by rule by the real estate commission. 64245

(F) No applicant for a salesperson's license shall take 64246  
the salesperson's examination who has not established to the 64247  
satisfaction of the superintendent that the applicant: 64248

(1) Is honest and truthful; 64249

(2) (a) Has not been convicted of a disqualifying offense 64250  
as determined in accordance with section 9.79 of the Revised 64251  
Code; 64252

(b) Has not been finally adjudged by a court to have 64253  
violated any municipal, state, or federal civil rights laws 64254  
relevant to the protection of purchasers or sellers of real 64255  
estate or, if the applicant has been so adjudged, at least two 64256  
years have passed since the court decision and the 64257  
superintendent has disregarded the adjudication because the 64258  
applicant has proven, by a preponderance of the evidence, that 64259  
the applicant is honest and truthful, and there is no basis in 64260  
fact for believing that the applicant again will violate the 64261  
laws involved. 64262

(3) Has not, during any period in which the applicant was 64263  
licensed under this chapter, violated any provision of, or any 64264  
rule adopted pursuant to this chapter, or, if the applicant has 64265  
violated such provision or rule, has established to the 64266  
satisfaction of the superintendent that the applicant will not 64267

again violate such provision or rule;	64268
(4) Is at least eighteen years of age;	64269
(5) If born after the year 1950, has a high school diploma	64270
or a certificate of high school equivalence issued <del>by the</del>	64271
<del>department of education</del> <u>under section 3301.80 of the Revised</u>	64272
<u>Code</u> ;	64273
(6) Has successfully completed at an institution of higher	64274
education all of the following credit-eligible courses by either	64275
classroom instruction or distance education:	64276
(a) Forty hours of instruction in real estate practice;	64277
(b) Forty hours of instruction that includes the subjects	64278
of Ohio real estate law, municipal, state, and federal civil	64279
rights law, new case law on housing discrimination,	64280
desegregation issues, and methods of eliminating the effects of	64281
prior discrimination. If feasible, the instruction in Ohio real	64282
estate law shall be taught by a member of the faculty of an	64283
accredited law school. If feasible, the instruction in	64284
municipal, state, and federal civil rights law, new case law on	64285
housing discrimination, desegregation issues, and methods of	64286
eliminating the effects of prior discrimination shall be taught	64287
by a staff member of the Ohio civil rights commission who is	64288
knowledgeable with respect to those subjects. The requirements	64289
of this division do not apply to an applicant who is admitted to	64290
practice before the supreme court.	64291
(c) Twenty hours of instruction in real estate appraisal;	64292
(d) Twenty hours of instruction in real estate finance.	64293
(G) (1) Successful completion of the instruction required	64294
by division (F) (6) of this section shall be determined by the	64295

law in effect on the date the instruction was completed. 64296

(2) Division (F) (6) (c) of this section does not apply to 64297  
any new applicant who holds a valid Ohio real estate appraiser 64298  
license or certificate issued prior to the date of application 64299  
for a real estate salesperson's license. 64300

(H) Only for noncredit course offerings, an institution of 64301  
higher education shall obtain approval from the appropriate 64302  
state authorizing entity prior to offering a real estate course 64303  
that is designed and marketed as satisfying the salesperson 64304  
license education requirements of division (F) (6) of this 64305  
section. The state authorizing entity may consult with the 64306  
superintendent in reviewing the course for compliance with this 64307  
section. 64308

(I) Any person who has not been licensed as a real estate 64309  
salesperson or broker within a four-year period immediately 64310  
preceding the person's current application for the salesperson's 64311  
examination shall have successfully completed the prelicensure 64312  
instruction required by division (F) (6) of this section within a 64313  
ten-year period immediately preceding the person's current 64314  
application for the salesperson's examination. 64315

(J) Not earlier than the date of issue of a real estate 64316  
salesperson's license to a licensee, but not later than twelve 64317  
months after the date of issue of a real estate salesperson 64318  
license to a licensee, the licensee shall submit proof 64319  
satisfactory to the superintendent, on forms made available by 64320  
the superintendent, of the completion of twenty hours of 64321  
instruction that shall be completed in schools, seminars, and 64322  
educational institutions approved by the commission. The 64323  
instruction shall include, but is not limited to, current 64324  
practices relating to commercial real estate, property 64325

management, short sales, and land contracts; contract law; 64326  
federal and state programs; economic conditions; and fiduciary 64327  
responsibility. Approval of the curriculum and providers shall 64328  
be granted according to rules adopted pursuant to section 64329  
4735.10 of the Revised Code and may be taken through classroom 64330  
instruction or distance education. 64331

If proof of completion of the required instruction is not 64332  
submitted within twelve months of the date a license is issued 64333  
under this section, the licensee's license is suspended 64334  
automatically without the taking of any action by the 64335  
superintendent. The superintendent immediately shall notify the 64336  
broker with whom such salesperson is associated of the 64337  
suspension of the salesperson's license. A salesperson whose 64338  
license has been suspended under this division shall have twelve 64339  
months after the date of the suspension of the salesperson's 64340  
license to submit proof of successful completion of the 64341  
instruction required under this division. No such license shall 64342  
be reactivated by the superintendent until it is established, to 64343  
the satisfaction of the superintendent, that the requirements of 64344  
this division have been met and that the licensee is in 64345  
compliance with this chapter. A licensee's license is revoked 64346  
automatically without the taking of any action by the 64347  
superintendent when the licensee fails to submit the required 64348  
proof of completion of the education requirements under division 64349  
(I) of this section within twelve months of the date the license 64350  
is suspended. 64351

(K) Examinations shall be administered with reasonable 64352  
accommodations in accordance with the requirements of the 64353  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 64354  
U.S.C. 12189. The contents of an examination shall be consistent 64355  
with the classroom instructional requirements of division (F) (6) 64356

of this section. An applicant who has completed the classroom 64357  
instructional requirements of division (F) (6) of this section at 64358  
the time of application shall be examined no later than twelve 64359  
months after the applicant is notified of the applicant's 64360  
admission to the examination. 64361

(L) Notwithstanding any provision of this chapter or 64362  
Chapter 4796. of the Revised Code to the contrary, the 64363  
superintendent shall issue a real estate salesperson's license 64364  
in accordance with Chapter 4796. of the Revised Code to an 64365  
applicant if both of the following apply: 64366

(1) The applicant satisfies the requirements specified in 64367  
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 64368  
applicable. 64369

(2) The applicant passes an examination on Ohio real 64370  
estate law. 64371

**Sec. 4747.10.** (A) (1) Each person currently engaged in 64372  
training to become a licensed hearing aid dealer or fitter shall 64373  
apply to the state speech and hearing professionals board for a 64374  
hearing aid dealer's and fitter's trainee permit. The board 64375  
shall issue to each applicant within thirty days of receipt of a 64376  
properly completed application and payment of an application fee 64377  
set by the board in rules adopted under section 4747.04 of the 64378  
Revised Code, a trainee permit if such applicant meets all of 64379  
the following criteria: 64380

(a) Is at least eighteen years of age; 64381

(b) Is the holder of a diploma from an accredited high 64382  
school or a certificate of high school equivalence issued ~~by the~~ 64383  
~~department of education~~ under section 3301.80 of the Revised 64384  
Code; 64385

(c) Is free of contagious or infectious disease. 64386

(2) The board shall issue a hearing aid dealer's and 64387  
fitter's trainee permit in accordance with Chapter 4796. of the 64388  
Revised Code to an applicant if either of the following applies: 64389

(a) The applicant holds a permit or license in another 64390  
state. 64391

(b) The applicant has satisfactory work experience, a 64392  
government certification, or a private certification as 64393  
described in that chapter as a hearing aid dealer and fitter 64394  
trainee in a state that does not issue that permit or license. 64395

(B) The board shall not deny a trainee permit issued under 64396  
this section to any individual based on the individual's past 64397  
criminal history unless the denial is in accordance with section 64398  
9.79 of the Revised Code. 64399

In considering a renewal of an individual's trainee 64400  
permit, the board shall not consider any conviction or plea of 64401  
guilty prior to the issuance of the initial trainee permit. 64402  
However, the board may consider a conviction or plea of guilty 64403  
if it occurred after the individual was initially granted the 64404  
trainee permit, or after the most recent trainee permit renewal. 64405  
The board shall comply with Chapter 119. of the Revised Code 64406  
when denying an individual for a trainee permit or renewal. 64407  
Additionally, the board may grant an individual a conditional 64408  
trainee permit that lasts for one year. After the one-year 64409  
period has expired, the permit is no longer considered 64410  
conditional, and the individual shall be considered to be 64411  
granted a full trainee permit. 64412

(C) Each trainee permit issued by the board expires one 64413  
year from the date it was first issued, and may be renewed once 64414

if the trainee has not successfully completed the qualifying 64415  
requirements for licensing as a hearing aid dealer or fitter 64416  
before the expiration date of such permit. The board shall issue 64417  
a renewed permit to each applicant upon receipt of a properly 64418  
completed application and payment of a renewal fee set by the 64419  
board in rules adopted under section 4747.04 of the Revised 64420  
Code. No person holding a trainee permit shall engage in the 64421  
practice of dealing in or fitting of hearing aids except while 64422  
under supervision by a licensed hearing aid dealer or fitter. 64423

**Section 5.** That the existing sections 921.06, 3301.071, 64424  
3309.011, 3319.22, 3319.229, 3319.262, 3319.28, 3319.361, 64425  
3327.10, 4709.07, 4709.10, 4732.10, 4735.09, and 4747.10 of the 64426  
Revised Code that are scheduled to take effect December 29, 64427  
2023, are hereby repealed. 64428

**Section 6.** Sections 4 and 5 of this act take effect 64429  
December 29, 2023. 64430

**Section 7.** (A) On the effective date of this section, the 64431  
Department of Education is hereby renamed as the Department of 64432  
Education and Workforce, as prescribed by new section 3301.13 of 64433  
the Revised Code as enacted by this act. 64434

(B) On and after the effective date of this section, all 64435  
powers and duties vested in the State Board of Education and the 64436  
Superintendent of Public Instruction terminate, except as 64437  
described in section 3301.111 of the Revised Code. Any business 64438  
commenced but not completed on the effective date of this 64439  
section by the State Board of Education or the State 64440  
Superintendent of Public Instruction shall be completed by the 64441  
Department of Education and Workforce in the same manner, and 64442  
with the same effect, as if completed by the State Board of 64443  
Education or the State Superintendent of Public Instruction. 64444

(C) (1) On or after the effective date of this section, all employees of the Department of Education and Workforce necessary for the State Board of Education to perform its powers and duties, as described in section 3301.111 of the Revised Code, are hereby transferred to the State Board. Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, employees who are transferred retain their same positions and all benefits accruing thereto. Once transferred to the State Board, changes to positions or benefits for employees not subject to Chapter 4117. of the Revised Code shall be controlled by Chapter 124. of the Revised Code, or other applicable revised and administrative code sections.

(2) On the effective date of this section, the assets, equipment, records, documents, files, and other materials, irrespective of form or medium, of the Department of Education and Workforce necessary for the State Board of Education to perform its duties and powers, as described in section 3301.111 of the Revised Code, are transferred to the State Board.

(D) (1) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section but shall be administered by the Director of Education and Workforce or Department of Education and Workforce. Any action or proceeding pending on the effective date of this section may be prosecuted or defended in the name of the Department of Education and Workforce. In all such actions or proceedings, the Department of Education and Workforce shall be substituted as a party upon application to the court or other tribunal.

(2) Except with regard to matters related to the statutorily prescribed powers and duties of the State Board of

Education as described in section 3301.111 of the Revised Code, 64475  
whenever the Department of Education, the State Board of 64476  
Education, or the Superintendent of Public Instruction is 64477  
referred to in any law, contract, or other document, the 64478  
reference shall be deemed to refer to the Department of 64479  
Education and Workforce or the Director of Education and 64480  
Workforce, whichever is appropriate in context. 64481

(E) All rules, orders, and determinations made or 64482  
undertaken by the Superintendent of Public Instruction or the 64483  
State Board of Education relating to the powers and duties 64484  
transferred to the Department or Director of Education and 64485  
Workforce continue in effect as rules, orders, and 64486  
determinations of the Department of Education and Workforce 64487  
until modified or rescinded by the Director of Education and 64488  
Workforce. On or after the effective date of this section, if 64489  
necessary to ensure the integrity of the numbering of the 64490  
Administrative Code, and to the extent permitted by statute, the 64491  
Director of the Legislative Service Commission shall renumber 64492  
the rules of the Department of Education, Superintendent of 64493  
Public Instruction, or the State Board of Education to reflect 64494  
its respective transfer to the Department or Director of 64495  
Education and Workforce pursuant to the provisions of law 64496  
enacted herein. 64497

This division does not affect the rules of the State Board 64498  
of Education regarding the statutorily prescribed powers and 64499  
duties of the State Board as described in section 3301.111 of 64500  
the Revised Code. 64501

(F) On or after the effective date of this section, 64502  
pursuant to section 126.15 of the Revised Code, the Director of 64503  
Budget and Management shall transfer the balance of all 64504

appropriations made related to the statutorily prescribed powers 64505  
and duties of the State Board of Education, as described in 64506  
section 3301.111 of the Revised Code, from the Department of 64507  
Education and Workforce to the State Board for the same purpose 64508  
as appropriated to the Department of Education and Workforce. 64509

(G) Not later than ninety days after the effective date of 64510  
this section, the Director of Education and Workforce, the 64511  
Department of Education and Workforce, the State Board of 64512  
Education, and the Superintendent of Public Instruction shall 64513  
complete any action necessary to implement the provisions of 64514  
this act regarding the transfer of powers described in this 64515  
section. 64516

(H) The Director of Education and Workforce shall, in a 64517  
timely manner, schedule a list of regular meetings under section 64518  
3301.137 of the Revised Code for fiscal year 2024. 64519

**Section 8.** The General Assembly, applying the principle 64520  
stated in division (B) of section 1.52 of the Revised Code that 64521  
amendments are to be harmonized if reasonably capable of 64522  
simultaneous operation, finds that the following sections, 64523  
presented in this act as composites of the sections as amended 64524  
by the acts indicated, are the resulting versions of the 64525  
sections in effect prior to the effective date of the sections 64526  
as presented in this act: 64527

Section 109.57 of the Revised Code as amended by both H.B. 64528  
405 and S.B. 288 of the 134th General Assembly. 64529

Section 109.572 of the Revised Code as amended by both 64530  
H.B. 509 and S.B. 288 of the 134th General Assembly. 64531

Section 121.95 of the Revised Code as amended by both H.B. 64532  
29 and S.B. 9 of the 134th General Assembly. 64533

Section 135.142 of the Revised Code as amended by both H.B. 197 and S.B. 276 of the 133rd General Assembly.	64534 64535
Section 2151.353 of the Revised Code as amended by H.B. 8 and H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 132nd General Assembly, and H.B. 50 and H.B. 158, both of the 131st General Assembly.	64536 64537 64538 64539
Section 2901.01 of the Revised Code as amended by H.B. 462, S.B. 164, and S.B. 288, all of the 134th General Assembly.	64540 64541
Section 2903.13 of the Revised Code as amended by H.B. 281, S.B. 16, and S.B. 288, all of the 134th General Assembly.	64542 64543
Section 2925.01 of the Revised Code as amended by H.B. 281, H.B. 509, and S.B. 25, all of the 134th General Assembly.	64544 64545
Section 3301.0712 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	64546 64547
Section 3301.0715 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	64548 64549
Section 3302.03 of the Revised Code as amended by both S.B. 166 and S.B. 229 of the 134th General Assembly.	64550 64551
Section 3302.04 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	64552 64553
Section 3310.41 of the Revised Code as amended by H.B. 509 and H.B. 554, both of the 134th General Assembly.	64554 64555
Section 3311.741 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	64556 64557
Section 3313.25 of the Revised Code as amended by both H.B. 291 and H.B. 491 of the 132nd General Assembly.	64558 64559
Section 3313.6113 of the Revised Code as amended by H.B.	64560

82, H.B. 110, and S.B. 166, all of the 134th General Assembly.	64561
Section 3314.02 of the Revised Code as amended by both	64562
H.B. 82 and H.B. 110 of the 134th General Assembly.	64563
Section 3319.02 of the Revised Code as amended by both	64564
H.B. 525 and S.B. 316 of the 129th General Assembly.	64565
The version of section 3319.22 of the Revised Code that is	64566
scheduled to take effect December 29, 2023, as amended by both	64567
H.B. 509 and S.B. 131 of the 134th General Assembly.	64568
Section 4141.01 of the Revised Code as amended by both	64569
H.B. 110 and H.B. 281 of the 134th General Assembly.	64570
The version of section 4709.07 of the Revised Code that is	64571
scheduled to take effect December 29, 2023, as amended by both	64572
H.B. 509 and S.B. 131 of the 134th General Assembly.	64573
The version of section 4709.10 of the Revised Code that is	64574
scheduled to take effect December 29, 2023, as amended by both	64575
H.B. 509 and S.B. 131 of the 134th General Assembly.	64576
The version of section 4732.10 of the Revised Code that is	64577
scheduled to take effect December 29, 2023, as amended by both	64578
H.B. 509 and S.B. 131 of the 134th General Assembly.	64579