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135th General Assembly

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Sub. S. B. No. 208

Senator Roegner

Cosponsors: Senators Brenner, Antonio, Blessing, Cirino, Craig, Dolan, Gavarone, Hackett, Hicks-Hudson, Huffman, S., Johnson, Landis, O'Brien, Reineke, Reynolds, Romanchuk, Schaffer, Schuring, Sykes, Wilkin, Wilson

Representatives Brennan, Click, Abrams, Blackshear, Brewer, Carruthers, Claggett, Dell'Aquila, Dobos, Fowler Arthur, Ghanbari, Grim, Gross, Holmes, Isaacsohn, Jarrells, John, Johnson, Jones, Lampton, Lipps, Liston, Manning, Mathews, McClain, McNally, Patton, Pavliga, Ray, Robb Blasdel, Robinson, Roemer, Rogers, Russo, Schmidt, Sims, Stein, Thomas, C., Upchurch, White, Whitted, Williams, Willis

A BILL

To amend sections 133.06, 3301.0721, 3310.41, 1
3310.52, 3310.64, 3313.37, 3313.98, 3314.03, 2
3319.073, 3319.0812, 3326.11, 3328.24, 5104.01, 3
5104.02, and 5104.38; to enact sections 303.215, 4
519.215, and 3301.85; and to repeal sections 5
3313.6025 and 4508.022 of the Revised Code 6
regarding open enrollment policy exceptions for 7
military children, school district and 8
educational service center purchases of 9
technological equipment, virtual services 10
provided under special needs scholarship 11
programs, public school employee in-service 12
training in child sexual abuse, pre-service 13
teacher permits, and student and driver training 14
instruction in peace officer interactions, to 15
establish the Regional Partnerships Program, and 16
to exempt home education groups from child care 17

regulations and county and township zoning 18
regulations. 19

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

Section 1. That sections 133.06, 3301.0721, 3310.41, 20
3310.52, 3310.64, 3313.37, 3313.98, 3314.03, 3319.073, 21
3319.0812, 3326.11, 3328.24, 5104.01, 5104.02, and 5104.38 be 22
amended and sections 303.215, 519.215, and 3301.85 of the 23
Revised Code be enacted to read as follows: 24

Sec. 133.06. (A) A school district shall not incur, 25
without a vote of the electors, net indebtedness that exceeds an 26
amount equal to one-tenth of one per cent of its tax valuation, 27
except as provided in divisions (G) and (H) of this section and 28
in division (D) of section 3313.372 of the Revised Code, or as 29
prescribed in section 3318.052 or 3318.44 of the Revised Code, 30
or as provided in division (J) of this section. 31

(B) Except as provided in divisions (E), (F), and (I) of 32
this section, a school district shall not incur net indebtedness 33
that exceeds an amount equal to nine per cent of its tax 34
valuation. 35

(C) A school district shall not submit to a vote of the 36
electors the question of the issuance of securities in an amount 37
that will make the district's net indebtedness after the 38
issuance of the securities exceed an amount equal to four per 39
cent of its tax valuation, unless the director of education and 40
workforce, acting under policies adopted by the department of 41
education and workforce, and the tax commissioner, acting under 42
written policies of the commissioner, consent to the submission. 43

A request for the consents shall be made at least one hundred 44
twenty days prior to the election at which the question is to be 45
submitted. 46

The director of education and workforce shall certify to 47
the district the director's and the tax commissioner's decisions 48
within thirty days after receipt of the request for consents. 49

If the electors do not approve the issuance of securities 50
at the election for which the director of education and 51
workforce and tax commissioner consented to the submission of 52
the question, the school district may submit the same question 53
to the electors on the date that the next special election may 54
be held under section 3501.01 of the Revised Code without 55
submitting a new request for consent. If the school district 56
seeks to submit the same question at any other subsequent 57
election, the district shall first submit a new request for 58
consent in accordance with this division. 59

(D) In calculating the net indebtedness of a school 60
district, none of the following shall be considered: 61

(1) Securities issued to acquire school buses and other 62
equipment used in transporting pupils or issued pursuant to 63
division (D) of section 133.10 of the Revised Code; 64

(2) Securities issued under division (F) of this section 65
and, to the extent in excess of the limitation stated in 66
division (B) of this section, under division (E) of this 67
section; 68

(3) Indebtedness resulting from the dissolution of a joint 69
vocational school district under section 3311.217 of the Revised 70
Code, evidenced by outstanding securities of that joint 71
vocational school district; 72

(4) Loans, evidenced by any securities, received under	73
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	74
(5) Debt incurred under section 3313.374 of the Revised	75
Code;	76
(6) Debt incurred pursuant to division (B)(5) <u>(B)(4)</u> of	77
section 3313.37 of the Revised Code to acquire computers and	78
related hardware;	79
(7) Debt incurred under section 3318.042 of the Revised	80
Code;	81
(8) Debt incurred under section 5705.2112 or 5705.2113 of	82
the Revised Code by the fiscal board of a qualifying partnership	83
of which the school district is a participating school district.	84
(E) A school district may become a special needs district	85
as to certain securities as provided in division (E) of this	86
section.	87
(1) A board of education, by resolution, may declare its	88
school district to be a special needs district by determining	89
both of the following:	90
(a) The student population is not being adequately	91
serviced by the existing permanent improvements of the district.	92
(b) The district cannot obtain sufficient funds by the	93
issuance of securities within the limitation of division (B) of	94
this section to provide additional or improved needed permanent	95
improvements in time to meet the needs.	96
(2) The board of education shall certify a copy of that	97
resolution to the director of education and workforce with a	98
statistical report showing all of the following:	99

(a) The history of and a projection of the growth of the tax valuation;	100 101
(b) The projected needs;	102
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	103 104
(3) The director of education and workforce shall certify the district as an approved special needs district if the director finds both of the following:	105 106 107
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	108 109 110
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the director and any other information the director obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the director shall be conclusive.	111 112 113 114 115 116 117 118
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	119 120 121 122
(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;	123 124 125 126 127 128

(b) Twelve per cent of the sum of its tax valuation plus 129
an amount that is the product of multiplying that tax valuation 130
by the percentage, determined by the director of education and 131
workforce, by which that tax valuation is projected to increase 132
during the next ten years. 133

(F) A school district may issue securities for emergency 134
purposes, in a principal amount that does not exceed an amount 135
equal to three per cent of its tax valuation, as provided in 136
this division. 137

(1) A board of education, by resolution, may declare an 138
emergency if it determines both of the following: 139

(a) School buildings or other necessary school facilities 140
in the district have been wholly or partially destroyed, or 141
condemned by a constituted public authority, or that such 142
buildings or facilities are partially constructed, or so 143
constructed or planned as to require additions and improvements 144
to them before the buildings or facilities are usable for their 145
intended purpose, or that corrections to permanent improvements 146
are necessary to remove or prevent health or safety hazards. 147

(b) Existing fiscal and net indebtedness limitations make 148
adequate replacement, additions, or improvements impossible. 149

(2) Upon the declaration of an emergency, the board of 150
education may, by resolution, submit to the electors of the 151
district pursuant to section 133.18 of the Revised Code the 152
question of issuing securities for the purpose of paying the 153
cost, in excess of any insurance or condemnation proceeds 154
received by the district, of permanent improvements to respond 155
to the emergency need. 156

(3) The procedures for the election shall be as provided 157

in section 133.18 of the Revised Code, except that: 158

(a) The form of the ballot shall describe the emergency 159
existing, refer to this division as the authority under which 160
the emergency is declared, and state that the amount of the 161
proposed securities exceeds the limitations prescribed by 162
division (B) of this section; 163

(b) The resolution required by division (B) of section 164
133.18 of the Revised Code shall be certified to the county 165
auditor and the board of elections at least one hundred days 166
prior to the election; 167

(c) The county auditor shall advise and, not later than 168
ninety-five days before the election, confirm that advice by 169
certification to, the board of education of the information 170
required by division (C) of section 133.18 of the Revised Code; 171

(d) The board of education shall then certify its 172
resolution and the information required by division (D) of 173
section 133.18 of the Revised Code to the board of elections not 174
less than ninety days prior to the election. 175

(4) Notwithstanding division (B) of section 133.21 of the 176
Revised Code, the first principal payment of securities issued 177
under this division may be set at any date not later than sixty 178
months after the earliest possible principal payment otherwise 179
provided for in that division. 180

(G) (1) The board of education may contract with an 181
architect, professional engineer, or other person experienced in 182
the design and implementation of energy conservation measures 183
for an analysis and recommendations pertaining to installations, 184
modifications of installations, or remodeling that would 185
significantly reduce energy consumption in buildings owned by 186

the district. The report shall include estimates of all costs of 187
such installations, modifications, or remodeling, including 188
costs of design, engineering, installation, maintenance, 189
repairs, measurement and verification of energy savings, and 190
debt service, forgone residual value of materials or equipment 191
replaced by the energy conservation measure, as defined by the 192
Ohio facilities construction commission, a baseline analysis of 193
actual energy consumption data for the preceding three years 194
with the utility baseline based on only the actual energy 195
consumption data for the preceding twelve months, and estimates 196
of the amounts by which energy consumption and resultant 197
operational and maintenance costs, as defined by the commission, 198
would be reduced. 199

If the board finds after receiving the report that the 200
amount of money the district would spend on such installations, 201
modifications, or remodeling is not likely to exceed the amount 202
of money it would save in energy and resultant operational and 203
maintenance costs over the ensuing fifteen years, the board may 204
submit to the commission a copy of its findings and a request 205
for approval to incur indebtedness to finance the making or 206
modification of installations or the remodeling of buildings for 207
the purpose of significantly reducing energy consumption. 208

The facilities construction commission, in consultation 209
with the auditor of state, may deny a request under division (G) 210
(1) of this section by the board of education of any school 211
district that is in a state of fiscal watch pursuant to division 212
(A) of section 3316.03 of the Revised Code, if it determines 213
that the expenditure of funds is not in the best interest of the 214
school district. 215

No district board of education of a school district that 216

is in a state of fiscal emergency pursuant to division (B) of 217
section 3316.03 of the Revised Code shall submit a request 218
without submitting evidence that the installations, 219
modifications, or remodeling have been approved by the 220
district's financial planning and supervision commission 221
established under section 3316.05 of the Revised Code. 222

No board of education of a school district for which an 223
academic distress commission has been established under section 224
3302.10 of the Revised Code shall submit a request without first 225
receiving approval to incur indebtedness from the district's 226
academic distress commission established under that section, for 227
so long as such commission continues to be required for the 228
district. 229

(2) The board of education may contract with a person 230
experienced in the implementation of student transportation to 231
produce a report that includes an analysis of and 232
recommendations for the use of alternative fuel vehicles by 233
school districts. The report shall include cost estimates 234
detailing the return on investment over the life of the 235
alternative fuel vehicles and environmental impact of 236
alternative fuel vehicles. The report also shall include 237
estimates of all costs associated with alternative fuel 238
transportation, including facility modifications and vehicle 239
purchase costs or conversion costs. 240

If the board finds after receiving the report that the 241
amount of money the district would spend on purchasing 242
alternative fuel vehicles or vehicle conversion is not likely to 243
exceed the amount of money it would save in fuel and resultant 244
operational and maintenance costs over the ensuing five years, 245
the board may submit to the commission a copy of its findings 246

and a request for approval to incur indebtedness to finance the 247
purchase of new alternative fuel vehicles or vehicle conversions 248
for the purpose of reducing fuel costs. 249

The facilities construction commission, in consultation 250
with the auditor of state, may deny a request under division (G) 251
(2) of this section by the board of education of any school 252
district that is in a state of fiscal watch pursuant to division 253
(A) of section 3316.03 of the Revised Code, if it determines 254
that the expenditure of funds is not in the best interest of the 255
school district. 256

No district board of education of a school district that 257
is in a state of fiscal emergency pursuant to division (B) of 258
section 3316.03 of the Revised Code shall submit a request 259
without submitting evidence that the purchase or conversion of 260
alternative fuel vehicles has been approved by the district's 261
financial planning and supervision commission established under 262
section 3316.05 of the Revised Code. 263

No board of education of a school district for which an 264
academic distress commission has been established under section 265
3302.10 of the Revised Code shall submit a request without first 266
receiving approval to incur indebtedness from the district's 267
academic distress commission established under that section, for 268
so long as such commission continues to be required for the 269
district. 270

(3) The facilities construction commission shall approve 271
the board's request provided that the following conditions are 272
satisfied: 273

(a) The commission determines that the board's findings 274
are reasonable. 275

(b) The request for approval is complete.	276
(c) If the request was submitted under division (G) (1) of this section, the installations, modifications, or remodeling are consistent with any project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities under sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.	277 278 279 280 281 282
Upon receipt of the commission's approval, the district may issue securities without a vote of the electors in a principal amount not to exceed nine-tenths of one per cent of its tax valuation for the purpose specified in division (G) (1) or (2) of this section, but the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation.	283 284 285 286 287 288 289 290 291
(4) (a) So long as any securities issued under division (G) (1) of this section remain outstanding, the board of education shall monitor the energy consumption and resultant operational and maintenance costs of buildings in which installations or modifications have been made or remodeling has been done pursuant to that division. Except as provided in division (G) (4) (b) of this section, the board shall maintain and annually update a report in a form and manner prescribed by the facilities construction commission documenting the reductions in energy consumption and resultant operational and maintenance cost savings attributable to such installations, modifications, or remodeling. The resultant operational and maintenance cost savings shall be certified by the school district treasurer. The report shall be submitted annually to the commission.	292 293 294 295 296 297 298 299 300 301 302 303 304 305

(b) If the facilities construction commission verifies 306
that the certified annual reports submitted to the commission by 307
a board of education under division (G) (4) (a) of this section 308
fulfill the guarantee required under division (B) of section 309
3313.372 of the Revised Code for three consecutive years, the 310
board of education shall no longer be subject to the annual 311
reporting requirements of division (G) (4) (a) of this section. 312

(5) So long as any securities issued under division (G) (2) 313
of this section remain outstanding, the board of education shall 314
monitor the purchase of new alternative fuel vehicles or vehicle 315
conversions pursuant to that division. The board shall maintain 316
and annually update a report in a form and manner prescribed by 317
the facilities construction commission documenting the purchase 318
of new alternative fuel vehicles or vehicle conversions, the 319
associated environmental impact, and return on investment. The 320
resultant fuel and operational and maintenance cost savings 321
shall be certified by the school district treasurer. The report 322
shall be submitted annually to the commission. 323

(H) With the consent of the director of education and 324
workforce, a school district may incur without a vote of the 325
electors net indebtedness that exceeds the amounts stated in 326
divisions (A) and (G) of this section for the purpose of paying 327
costs of permanent improvements, if and to the extent that both 328
of the following conditions are satisfied: 329

(1) The fiscal officer of the school district estimates 330
that receipts of the school district from payments made under or 331
pursuant to agreements entered into pursuant to section 725.02, 332
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 333
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 334
or 5709.82 of the Revised Code, or distributions under division 335

(C) of section 5709.43 or division (B) of section 5709.47 of the Revised Code, or any combination thereof, are, after accounting for any appropriate coverage requirements, sufficient in time and amount, and are committed by the proceedings, to pay the debt charges on the securities issued to evidence that indebtedness and payable from those receipts, and the taxing authority of the district confirms the fiscal officer's estimate, which confirmation is approved by the director of education and workforce;

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

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

(I) A school district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in excess of the limit specified in division (B) or (C) of this section when necessary to raise the school district portion of the basic project cost and any additional funds necessary to participate in a project under Chapter 3318. of the Revised Code, including the cost of items designated by the facilities construction commission as required locally funded initiatives, the cost of other locally funded initiatives in an

amount that does not exceed fifty per cent of the district's 366
portion of the basic project cost, and the cost for site 367
acquisition. A school district shall notify the director of 368
education and workforce whenever that district will exceed 369
either limit pursuant to this division. 370

(J) A school district whose portion of the basic project 371
cost of its classroom facilities project under sections 3318.01 372
to 3318.20 of the Revised Code is greater than or equal to one 373
hundred million dollars may incur without a vote of the electors 374
net indebtedness in an amount up to two per cent of its tax 375
valuation through the issuance of general obligation securities 376
in order to generate all or part of the amount of its portion of 377
the basic project cost if the controlling board has approved the 378
facilities construction commission's conditional approval of the 379
project under section 3318.04 of the Revised Code. The school 380
district board and the Ohio facilities construction commission 381
shall include the dedication of the proceeds of such securities 382
in the agreement entered into under section 3318.08 of the 383
Revised Code. No state moneys shall be released for a project to 384
which this section applies until the proceeds of any bonds 385
issued under this section that are dedicated for the payment of 386
the school district portion of the project are first deposited 387
into the school district's project construction fund. 388

Sec. 303.215. (A) Except as provided in this section, 389
sections 303.01 to 303.25 of the Revised Code do not confer on 390
any county rural zoning commission, board of county 391
commissioners, or board of zoning appeals the authority to 392
prohibit or restrict the location of a home education learning 393
pod, as defined in section 5104.01 of the Revised Code, in any 394
district or zone in the county. 395

(B) A county rural zoning commission, board of county commissioners, or board of zoning appeals shall not impose additional or more stringent regulations on a building or residence based solely on its association with or use by a home education learning pod. 396
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(C) This section does not limit the authority of a county rural zoning commission, board of county commissioners, or board of zoning appeals to require that a building or residence used by a home education learning pod comply with zoning requirements that would otherwise apply to the building or residence if it was not associated with or used by a home education learning pod. 401
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Sec. 519.215. (A) Except as provided in this section, sections 519.01 to 519.25 of the Revised Code do not confer on any township zoning commission, board of township trustees, or board of zoning appeals the authority to prohibit or restrict the location of a home education learning pod, as defined in section 5104.01 of the Revised Code, in any district or zone in the township. 408
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(B) A township zoning commission, board of township trustees, or board of zoning appeals shall not impose additional or more stringent regulations on a building or residence based solely on its association with or use by a home education learning pod. 415
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(C) This section does not limit the authority of a township zoning commission, board of township trustees, or board of zoning appeals to require that a building or residence used by a home education learning pod comply with zoning requirements that would otherwise apply to the building or residence if it was not associated with or used by a home education learning 420
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pod. 426

Sec. 3301.0721. ~~(A)~~ The department of education and 427
workforce shall develop a model curriculum for instruction in 428
college and career readiness and financial literacy. The 429
curriculum shall focus on grades seven through twelve, but may 430
include other grade levels. When the model curriculum has been 431
developed, the department shall notify all school districts, 432
community schools established under Chapter 3314. of the Revised 433
Code, and STEM schools established under Chapter 3326. of the 434
Revised Code of the content of the curriculum. Any district or 435
school may utilize the model curriculum. 436

~~(B) The director of education and workforce, in- 437
collaboration with the director of public safety, shall develop- 438
a model curriculum for instruction in grades nine through twelve- 439
on proper interactions with peace officers during traffic stops- 440
and other in person encounters with peace officers. In- 441
developing the curriculum under division (B) of this section,- 442
the directors may consult with any interested party, including a- 443
volunteer work group convened for the purpose of making- 444
recommendations regarding the instruction. Before finalizing any- 445
curriculum under division (B) of this section, the directors- 446
shall provide a reasonable period for public comment. The- 447
curriculum shall include both of the following:- 448~~

~~(1) Information regarding all of the following:- 449~~

~~(a) A person's rights during an interaction with a peace- 450
officer;- 451~~

~~(b) Proper actions for interacting with a peace officer;- 452~~

~~(c) Which individuals are considered peace officers, and- 453
their duties and responsibilities;- 454~~

~~(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.~~ 455
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~~(2) Demonstrations and role play activities in a classroom setting that allow students to better understand how interactions between civilians and peace officers can and should unfold.~~ 459
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~~As used in this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code.~~ 463
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Sec. 3301.85. (A) The department of education and workforce, in conjunction with the department of higher education and the department of children and youth, shall create, administer, and oversee the prenatal-to-five early childhood to post-secondary regional partnerships program to support existing and establish new early childhood to post-secondary regional partnerships throughout Ohio in regions that choose to participate. The department of education and workforce is the agency primarily responsible for implementation of the program. Each partnership may consist of prenatal-to-five early learning programs, primary and secondary schools, educational service centers, out-of-school time providers, post-secondary institutions, and workforce and community partners that are located in the same region and that are working collaboratively to increase educational attainment and economic mobility outcomes for children and adults. 465
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(B) The departments shall do all of the following: 481

(1) Coordinate and convene a cohort of all existing and emerging regional partnerships at least quarterly to share best 482
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<u>practices and assist in organizational development and growth;</u>	484
<u>(2) Distribute grants, in a manner determined by the</u>	485
<u>departments, to qualifying partnerships to support regional</u>	486
<u>collaboration programs that align educational resources and</u>	487
<u>community support with regional in-demand workforce skills,</u>	488
<u>opportunities, and jobs;</u>	489
<u>(3) Work to ensure that at least one regional partnership</u>	490
<u>exists within each of the six different regions of the state, as</u>	491
<u>determined by JobsOhio, as defined in section 187.01 of the</u>	492
<u>Revised Code;</u>	493
<u>(4) Report the progress and outcomes of each regional</u>	494
<u>partnership at least twice a year to the director of education</u>	495
<u>and workforce, the chancellor of higher education, the director</u>	496
<u>of children and youth, and annually to the governor and the</u>	497
<u>general assembly.</u>	498
<u>(C) (1) Qualifying partnerships eligible to apply for</u>	499
<u>grants under this section shall demonstrate all of the</u>	500
<u>following:</u>	501
<u>(a) An identified theory of action and explicit commitment</u>	502
<u>to address all areas of the education and workforce continuum</u>	503
<u>over time, including a commitment to measure and report targeted</u>	504
<u>attainment outcome metrics;</u>	505
<u>(b) How it will integrate and align its work with business</u>	506
<u>advisory councils created under section 3313.82 of the Revised</u>	507
<u>Code within the region, the educational regional service system</u>	508
<u>established under Chapter 3312. of the Revised Code, industry</u>	509
<u>sector partnerships, and other regional educational attainment</u>	510
<u>efforts as appropriate;</u>	511
<u>(c) How it will work with local health care systems,</u>	512

service providers, and other stakeholders to better address the 513
workforce readiness, mental health, and well-being skills 514
children and young adults need to be successful in and beyond 515
elementary and secondary school years. 516

(2) Qualifying partnerships shall report all of the 517
following performance metrics for their region to the department 518
of education and workforce, the department of higher education, 519
and the department of children and youth: 520

(a) Kindergarten readiness; 521

(b) Third-grade reading proficiency; 522

(c) Middle grade math proficiency; 523

(d) High school graduation rates; 524

(e) Free application for federal student aid completion 525
rates; 526

(f) Post-secondary enrollment; 527

(g) Post-secondary credential or degree completion; 528

(h) Employment for their region that includes the 529
following: 530

(i) Percentage of recent graduates who found employment 531
within one year of completing a post-secondary credential or 532
degree; 533

(ii) Percentage of recent graduates who completed some 534
form of work-based learning while enrolled in a post-secondary 535
institution. 536

Sec. 3310.41. (A) As used in this section: 537

(1) "Alternative public provider" means either of the 538

following providers that agrees to enroll a child in the 539
provider's special education program to implement the child's 540
individualized education program or an education plan developed 541
by the school district under division ~~(G)~~(K) of this section and 542
to which the child's parent owes fees for the services provided 543
to the child: 544

(a) A school district that is not the school district in 545
which the child is entitled to attend school; 546

(b) A public entity other than a school district. 547

(2) "Entitled to attend school" means entitled to attend 548
school in a school district under section 3313.64 or 3313.65 of 549
the Revised Code. 550

(3) "Formula ADM" has the same meaning as in section 551
3317.02 of the Revised Code. 552

(4) "Preschool child with a disability" and 553
"individualized education program" have the same meanings as in 554
section 3323.01 of the Revised Code. 555

(5) "Parent" has the same meaning as in section 3313.64 of 556
the Revised Code, except that "parent" does not mean a parent 557
whose custodial rights have been terminated. "Parent" also 558
includes the custodian of a qualified special education child, 559
when a court has granted temporary, legal, or permanent custody 560
of the child to an individual other than either of the natural 561
or adoptive parents of the child or to a government agency. 562

(6) "Qualified special education child" is a child who 563
either was enrolled in the school district in which the child is 564
entitled to attend school in any grade from preschool through 565
twelve in the school year prior to the year in which a 566
scholarship under this section is first sought for the child or 567

is eligible to enter school in any grade preschool through 568
twelve in the school district in which the child is entitled to 569
attend school in the school year in which a scholarship under 570
this section is first sought for the child and for whom any of 571
the following conditions apply: 572

(a) The school district in which the child is entitled to 573
attend school has identified the child as autistic. A child who 574
has been identified as having a "pervasive developmental 575
disorder - not otherwise specified (PPD-NOS)" shall be 576
considered to be an autistic child for purposes of this section. 577

(b) The school district in which the child is entitled to 578
attend school has developed an individualized education program 579
under Chapter 3323. of the Revised Code for the child that 580
includes services related to autism. 581

(c) The child has been diagnosed as autistic by a 582
physician or psychologist. 583

(7) "Registered private provider" means a nonpublic school 584
or other nonpublic entity that has been approved by the 585
department of education and workforce to participate in the 586
program established under this section. 587

(8) "Special education program" means a school or facility 588
that provides special education and related services to children 589
with disabilities. 590

(B) There is hereby established the autism scholarship 591
program. Under the program, the department shall pay a 592
scholarship under section 3317.022 of the Revised Code to the 593
parent of each qualified special education child upon 594
application of that parent pursuant to procedures and deadlines 595
established by rule of the department. Each scholarship shall be 596

used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program or education plan and that is operated by an alternative public provider or by a registered private provider, and to pay for other services agreed to by the provider and the parent of a qualified special education child that are not included in the individualized education program or education plan but are associated with educating the child. Upon agreement with the parent of a qualified special education child, the alternative public provider or the registered private provider may modify the services provided to the child. The purpose of the scholarship is to permit the parent of a qualified special education child the choice to send the child to a special education program, instead of the one operated by or for the school district in which the child is entitled to attend school, to receive the services prescribed in the child's individualized education program or education plan once the individualized education program or education plan is finalized and any other services agreed to by the provider and the parent of a qualified special education child. The services provided under the scholarship shall include an educational component or services designed to assist the child to benefit from the child's education.

(C) Services provided through the program established under this section may be provided virtually by any of the following:

(1) An educational aide or assistant who holds a valid permit issued under section 3319.088 of the Revised Code;

(2) An instructional assistant who holds a valid permit

issued under section 3310.43 of the Revised Code; 627

(3) A qualified, credentialed ~~providers~~ provider in 628
accordance with standards established by the department. 629

(D) A scholarship under this section shall not be awarded 630
to the parent of a child while the child's individualized 631
education program is being developed by the school district in 632
which the child is entitled to attend school, or while any 633
administrative or judicial mediation or proceedings with respect 634
to the content of the child's individualized education program 635
are pending. A scholarship under this section shall not be used 636
for a child to attend a public special education program that 637
operates under a contract, compact, or other bilateral agreement 638
between the school district in which the child is entitled to 639
attend school and another school district or other public 640
provider, or for a child to attend a community school 641
established under Chapter 3314. of the Revised Code. However, 642
nothing in this section or in any rule adopted by the department 643
shall prohibit a parent whose child attends a public special 644
education program under a contract, compact, or other bilateral 645
agreement, or a parent whose child attends a community school, 646
from applying for and accepting a scholarship under this section 647
so that the parent may withdraw the child from that program or 648
community school and use the scholarship for the child to attend 649
a special education program for which the parent is required to 650
pay for services for the child. 651

(E) Except for development of the child's individualized 652
education program or education plan, the school district in 653
which a qualified special education child is entitled to attend 654
school and the child's school district of residence, as defined 655
in section 3323.01 of the Revised Code, if different, are not 656

obligated to provide the child with a free appropriate public 657
education under Chapter 3323. of the Revised Code for as long as 658
the child continues to attend the special education program 659
operated by either an alternative public provider or a 660
registered private provider for which a scholarship is awarded 661
under the autism scholarship program. If at any time, the 662
eligible applicant for the child decides no longer to accept 663
scholarship payments and enrolls the child in the special 664
education program of the school district in which the child is 665
entitled to attend school, that district shall provide the child 666
with a free appropriate public education under Chapter 3323. of 667
the Revised Code. 668

(F) A child attending a special education program with a 669
scholarship under this section shall continue to be entitled to 670
transportation to and from that program in the manner prescribed 671
by law. 672

~~(C)~~ (G) As prescribed in division (A) (2) (h) of section 673
3317.03 of the Revised Code, a child who is not a preschool 674
child with a disability for whom a scholarship is awarded under 675
this section shall be counted in the formula ADM of the district 676
in which the child is entitled to attend school and not in the 677
formula ADM of any other school district. 678

~~(D)~~ (H) A scholarship shall not be paid under section 679
3317.022 of the Revised Code to a parent for payment of tuition 680
owed to a nonpublic entity unless that entity is a registered 681
private provider. The department shall approve entities that 682
meet the standards established by rule of the department for the 683
program established under this section. 684

~~(E)~~ (I) The department shall adopt rules under Chapter 119. 685
of the Revised Code prescribing procedures necessary to 686

implement this section, including, but not limited to, 687
procedures and deadlines for parents to apply for scholarships, 688
standards for registered private providers, and procedures for 689
approval of entities as registered private providers. 690

The rules also shall specify that intervention services, 691
including virtual services, under the autism scholarship program 692
may be provided by a qualified, credentialed provider, including 693
an educator or substitute teacher licensed by the state board of 694
education, and shall additionally include, but not be limited 695
to, all of the following: 696

(1) A behavior analyst certified by a nationally 697
recognized organization that certifies behavior analysts; 698

(2) A psychologist licensed to practice in this state 699
under Chapter 4732. of the Revised Code; 700

(3) An independent school psychologist or school 701
psychologist licensed to practice in this state under Chapter 702
4732. of the Revised Code; 703

(4) Any person employed by a licensed psychologist, 704
licensed independent school psychologist, or licensed school 705
psychologist, while carrying out specific tasks, under the 706
licensee's supervision, as an extension of the licensee's legal 707
and ethical authority as specified under Chapter 4732. of the 708
Revised Code who is ascribed as "psychology trainee," 709
"psychology assistant," "psychology intern," or other 710
appropriate term that clearly implies their supervised or 711
training status; 712

(5) Unlicensed persons holding a doctoral degree in 713
psychology or special education from a program approved by the 714
department; 715

(6) A "registered behavior technician" as described under	716
rule 5123-9-41 of the Administrative Code working under the	717
supervision and following the intervention plan of a certified	718
Ohio behavior analyst or a behavior analyst certified by a	719
nationally recognized organization that certifies behavior	720
analysts;	721
(7) A "certified Ohio behavior analyst" under Chapter	722
4783. of the Revised Code;	723
(8) An occupational therapist or physical therapist	724
licensed to practice in this state under Chapter 4755. of the	725
Revised Code;	726
(9) A speech-language pathologist licensed to practice in	727
this state under Chapter 4753. of the Revised Code;	728
(10) An intervention specialist who holds a valid license	729
issued by the state board;	730
(11) A literacy intervention specialist certified through	731
pathways recognized by the Ohio dyslexia committee established	732
by section 3323.25 of the Revised Code. To the extent that	733
certification for any of the following positions is approved by	734
the Ohio dyslexia committee under section 3323.25 of the Revised	735
Code, literary intervention specialists may include:	736
(a) A structured literacy dyslexia interventionist;	737
(b) A structured literacy dyslexia specialist;	738
(c) A certified academic language practitioner;	739
(d) A certified academic language therapist.	740
(12) Any other qualified individual as determined by the	741
department.	742

~~(F)~~(J) The department shall provide reasonable notice to 743
all parents of children receiving a scholarship under the autism 744
scholarship program, alternative public providers, and 745
registered private providers of any amendment to a rule 746
governing, or change in the administration of, the autism 747
scholarship program. 748

~~(G)~~(K) If a child qualifies for the autism scholarship 749
program pursuant to a diagnosis under division (A) (6) (c) of this 750
section and does not have an individualized education program 751
that includes services related to autism, the school district in 752
which the child is entitled to attend school shall develop an 753
education plan for the child. 754

~~(H)~~(L) Not later than the thirtieth day of June each year, 755
each alternative public provider and registered private provider 756
enrolling students receiving autism scholarships shall submit to 757
the department, in a form and manner prescribed by the 758
department, the tuition rates charged by the provider for the 759
following school year. 760

~~(I)~~(M) The department shall not require the parent of a 761
student who applies for or receives a scholarship under this 762
section to complete any kind of income verification regarding 763
the student's family income. 764

Sec. 3310.52. (A) The Jon Peterson special needs 765
scholarship program is hereby established. Under the program, 766
beginning with the 2012-2013 school year, subject to division 767
(B) of this section, the department of education and workforce 768
annually shall pay a scholarship under section 3317.022 of the 769
Revised Code to an eligible applicant for services provided by 770
an alternative public provider or a registered private provider 771
for a qualified special education child. The scholarship shall 772

be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program, in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school, and other services agreed to by the provider and eligible applicant that are not included in the individualized education program but are associated with educating the child. Beginning in the 2014-2015 school year, if the child is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, the scholarship shall be used only to pay for related services that are included in the child's individualized education program. Upon agreement with the eligible applicant, the alternative public provider or registered private provider may modify the services provided to the child.

Services provided through the program established under this section may be provided virtually by any of the following:

(1) An educational aide or assistant who holds a valid permit issued under section 3319.088 of the Revised Code;

(2) An instructional assistant who holds a valid permit issued under section 3310.43 of the Revised Code;

(3) A qualified, credentialed ~~providers~~ provider in accordance with standards established by the department.

(B) The number of scholarships awarded under the program in any fiscal year shall not exceed five per cent of the total number of students residing in the state identified as children with disabilities during the previous fiscal year.

(C) The department shall pay a scholarship under section 802
3317.022 of the Revised Code to the parent of each qualified 803
special education child, unless the parent authorizes a direct 804
payment to the child's provider, upon application of that parent 805
in the manner prescribed by the department. However, the 806
department shall not adopt specific dates for application 807
deadlines for scholarships under the program. 808

(D) The department shall not require the parent of a 809
student who applies for or receives a scholarship under this 810
section to complete any kind of income verification regarding 811
the student's family income. 812

Sec. 3310.64. The department of education and workforce 813
shall adopt rules in accordance with Chapter 119. of the Revised 814
Code prescribing procedures necessary to implement sections 815
3310.51 to 3310.63 of the Revised Code including, but not 816
limited to, procedures for parents to apply for scholarships, 817
standards for registered private providers, and procedures for 818
registration of private providers. 819

The rules also shall specify that intervention services, 820
including virtual services, under the Jon Peterson special needs 821
scholarship program may be provided by a qualified, credentialed 822
provider, including an educator or substitute teacher licensed 823
by the state board of education, and shall additionally include, 824
but not be limited to, the credentialed professionals listed in 825
division (C) of section 3310.58 of the Revised Code. 826

Sec. 3313.37. (A) (1) The board of education of any city, 827
local, or exempted village school district may build, enlarge, 828
repair, and furnish the necessary schoolhouses, purchase or 829
lease sites therefor, or rights-of-way thereto, or purchase or 830
lease real estate to be used as playgrounds for children or rent 831

suitable schoolrooms, either within or without the district, and 832
provide the necessary apparatus and make all other necessary 833
provisions for the schools under its control. 834

(2) A governing board of an educational service center may 835
acquire, lease or lease-purchase, or enter into a contract to 836
purchase, lease or lease-purchase, or sell real and personal 837
property and may construct, enlarge, repair, renovate, furnish, 838
or equip facilities, buildings, or structures for the 839
educational service center's purposes. The board may enter into 840
loan agreements, including mortgages, for the acquisition of 841
such property. 842

(3) A board of county commissioners may issue securities 843
of the county pursuant to Chapter 133. of the Revised Code for 844
the acquisition of real and personal property or for the 845
construction, enlargement, repair, or renovation of facilities, 846
buildings, or structures by an educational service center, but 847
only if the county has a contract with the educational service 848
center whereby the educational service center agrees to pay the 849
county an amount equal to the debt charges on the issued 850
securities on or before the date those charges fall due. For the 851
purposes of this section, "debt charges" and "securities" have 852
the same meanings as in section 133.01 of the Revised Code. 853

(B) (1) Boards of education of city, local, and exempted 854
village school districts may acquire land by gift or devise, by 855
purchase, or by appropriation. Lands purchased may be purchased 856
for cash, by installment payments, with or without a mortgage, 857
by entering into lease-purchase agreements, or by lease with an 858
option to purchase, provided that if the purchase price is to be 859
paid over a period of time, such payments shall not extend for a 860
period of more than five years. A special tax levy may be 861

authorized by the voters of the school district in accordance 862
with section 5705.21 of the Revised Code to provide a special 863
fund to meet the future time payments. 864

(2) For the purposes of section 5705.21 of the Revised 865
Code, acquisition of land under the provisions of this division 866
shall be considered a necessary requirement of the school 867
district. 868

(3) Boards of education of city, local, and exempted 869
village school districts may acquire federal land at a discount 870
by a lease-purchase agreement for use as a site for the 871
construction of educational facilities or for other related 872
purposes. External administrative and other costs pertaining to 873
the acquisition of federal land at a discount may be paid from 874
funds available to the school district for operating purposes. 875
Such boards of education may also acquire federal land by lease- 876
purchase agreements, by negotiation, or otherwise. 877

~~(4)~~ (4) (a) As used in ~~this division~~ (B) (4) of this 878
section: 879

~~(a)~~ (i) "Office equipment" includes but is not limited to 880
typewriters, copying and duplicating equipment, and computer and 881
data processing equipment. 882

~~(b)~~ (ii) "Software for instructional purposes" includes 883
computer programs usable for computer assisted instruction, 884
computer managed instruction, drill and practice, and problem 885
simulations. 886

(b) A board of education or governing board of an 887
educational service center may acquire the necessary office 888
equipment, and computer hardware and software for instructional 889
purposes, for the schools under its control by purchase, by 890

lease, by installment payments, by entering into lease-purchase 891
agreements, or by lease with an option to purchase. In the case 892
of a city, exempted village, or local school district, if the 893
purchase price is to be paid over a period of time, the contract 894
setting forth the terms of such purchase shall be considered a 895
continuing contract pursuant to section 5705.41 of the Revised 896
Code. Payments shall not extend for a period of more than five 897
years. Costs relating to the acquisition of necessary apparatus 898
may be paid from funds available to the school district or 899
educational service center for operating purposes. 900

(c) In acquiring technological equipment and computer 901
hardware and software under division (B) (4) (b) of this section, 902
the board of education or governing board shall seek to meet the 903
varying and unique needs of students and teachers in the schools 904
under its control, and shall consider all of the following: 905

(i) The long-term cost of ownership; 906

(ii) Flexibility for innovation; 907

(iii) Any anticipated residual or salvage value at the end 908
of the target life cycle. 909

(5) A board of education or governing board of an 910
educational service center may acquire the necessary equipment 911
for the maintenance or physical upkeep of facilities and land 912
under its control by entering into lease-purchase agreements. If 913
payments under the lease-purchase agreement are to be made over 914
a period of time, the agreement shall be considered a continuing 915
contract pursuant to section 5705.41 of the Revised Code, and 916
such payments shall not extend for a period of more than five 917
years. 918

Sec. 3313.98. Notwithstanding division (D) of section 919

3311.19 and division (D) of section 3311.52 of the Revised Code, 920
the provisions of this section and sections 3313.981 to 3313.983 921
of the Revised Code that apply to a city school district do not 922
apply to a joint vocational or cooperative education school 923
district unless expressly specified. 924

(A) As used in this section and sections 3313.981 to 925
3313.983 of the Revised Code: 926

(1) "Parent" means either of the natural or adoptive 927
parents of a student, except under the following conditions: 928

(a) When the marriage of the natural or adoptive parents 929
of the student has been terminated by a divorce, dissolution of 930
marriage, or annulment or the natural or adoptive parents of the 931
student are living separate and apart under a legal separation 932
decree and the court has issued an order allocating the parental 933
rights and responsibilities with respect to the student, 934
"parent" means the residential parent as designated by the court 935
except that "parent" means either parent when the court issues a 936
shared parenting decree. 937

(b) When a court has granted temporary or permanent 938
custody of the student to an individual or agency other than 939
either of the natural or adoptive parents of the student, 940
"parent" means the legal custodian of the child. 941

(c) When a court has appointed a guardian for the student, 942
"parent" means the guardian of the student. 943

(2) "Native student" means a student entitled under 944
section 3313.64 or 3313.65 of the Revised Code to attend school 945
in a district adopting a resolution under this section. 946

(3) "Adjacent district" means a city, exempted village, or 947
local school district having territory that abuts the territory 948

of a district adopting a resolution under this section.	949
(4) "Adjacent district student" means a student entitled	950
under section 3313.64 or 3313.65 of the Revised Code to attend	951
school in an adjacent district.	952
(5) "Adjacent district joint vocational student" means an	953
adjacent district student who enrolls in a city, exempted	954
village, or local school district pursuant to this section and	955
who also enrolls in a joint vocational school district that does	956
not contain the territory of the district for which that student	957
is a native student and does contain the territory of the city,	958
exempted village, or local district in which the student	959
enrolls.	960
(6) "Poverty line" means the poverty line established by	961
the director of the United States office of management and	962
budget as revised by the secretary of health and human services	963
in accordance with section 673(2) of the "Community Services	964
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.	965
(7) "IEP" has the same meaning as in section 3323.01 of	966
the Revised Code.	967
(8) "Other district" means a city, exempted village, or	968
local school district having territory outside of the territory	969
of a district adopting a resolution under this section.	970
(9) "Other district student" means a student entitled	971
under section 3313.64 or 3313.65 of the Revised Code to attend	972
school in an other district.	973
(10) "Other district joint vocational student" means a	974
student who is enrolled in any city, exempted village, or local	975
school district and who also enrolls in a joint vocational	976
school district that does not contain the territory of the	977

district for which that student is a native student in 978
accordance with a policy adopted under section 3313.983 of the 979
Revised Code. 980

(11) "Active duty member" means a member of the armed 981
forces of the United States who is on full-time duty. 982

(12) "Armed forces" means the United States army, navy, 983
air force, space force, marine corps, and coast guard. 984

(B) (1) ~~The~~ Subject to division (I) of this section, the 985
board of education of each city, local, and exempted village 986
school district shall adopt a resolution establishing for the 987
school district one of the following policies: 988

(a) A policy that entirely prohibits the enrollment of 989
students from adjacent districts or other districts, other than 990
students for whom tuition is paid in accordance with section 991
3317.08 of the Revised Code; 992

(b) A policy that permits enrollment of students from all 993
adjacent districts in accordance with policy statements 994
contained in the resolution; 995

(c) A policy that permits enrollment of students from all 996
other districts in accordance with policy statements contained 997
in the resolution. 998

(2) A policy permitting enrollment of students from 999
adjacent or from other districts, as applicable, shall provide 1000
for all of the following: 1001

(a) Application procedures, including deadlines for 1002
application and for notification of students and the 1003
superintendent of the applicable district whenever an adjacent 1004
or other district student's application is approved. 1005

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:	1006 1007 1008
(i) The establishment of district capacity limits by grade level, school building, and education program;	1009 1010
(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;	1011 1012 1013 1014
(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	1015 1016
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:	1017 1018 1019
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	1020 1021
(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;	1022 1023 1024 1025 1026
(3) A requirement that the student be proficient in the English language;	1027 1028
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the	1029 1030 1031 1032 1033

term for which admission is sought, the procedures may include a 1034
provision denying admission of such applicant. 1035

(D) (1) Each school board permitting only enrollment of 1036
adjacent district students shall provide information about the 1037
policy adopted under this section, including the application 1038
procedures and deadlines, to the superintendent and the board of 1039
education of each adjacent district and, upon request, to the 1040
parent of any adjacent district student. 1041

(2) Each school board permitting enrollment of other 1042
district students shall provide information about the policy 1043
adopted under this section, including the application procedures 1044
and deadlines, upon request, to the board of education of any 1045
other school district or to the parent of any student anywhere 1046
in the state. 1047

(E) Any school board shall accept all credits toward 1048
graduation earned in adjacent or other district schools by an 1049
adjacent or other district student or a native student. 1050

(F) (1) No board of education may adopt a policy 1051
discouraging or prohibiting its native students from applying to 1052
enroll in the schools of an adjacent or any other district that 1053
has adopted a policy permitting such enrollment, except that: 1054

(a) A district may object to the enrollment of a native 1055
student in an adjacent or other district in order to maintain an 1056
appropriate racial balance. 1057

(b) The board of education of a district receiving funds 1058
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 1059
may adopt a resolution objecting to the enrollment of its native 1060
students in adjacent or other districts if at least ten per cent 1061
of its students are included in the determination of the United 1062

States secretary of education made under section 20 U.S.C.A. 1063
238(a). 1064

(2) If a board objects to enrollment of native students 1065
under this division, any adjacent or other district shall refuse 1066
to enroll such native students unless tuition is paid for the 1067
students in accordance with section 3317.08 of the Revised Code. 1068
An adjacent or other district enrolling such students may not 1069
receive funding for those students in accordance with section 1070
3313.981 of the Revised Code. 1071

(G) The department of education and workforce shall 1072
monitor school districts to ensure compliance with this section 1073
and the districts' policies. The department may adopt rules 1074
requiring uniform application procedures, deadlines for 1075
application, notification procedures, and record-keeping 1076
requirements for all school boards that adopt policies 1077
permitting the enrollment of adjacent or other district 1078
students, as applicable. If the department adopts such rules, no 1079
school board shall adopt a policy that conflicts with those 1080
rules. 1081

(H) A resolution adopted by a board of education under 1082
this section that entirely prohibits the enrollment of students 1083
from adjacent and from other school districts does not abrogate 1084
any agreement entered into under section 3313.841 or 3313.92 of 1085
the Revised Code or any contract entered into under section 1086
3313.90 of the Revised Code between the board of education 1087
adopting the resolution and the board of education of any 1088
adjacent or other district or prohibit these boards of education 1089
from entering into any such agreement or contract. 1090

(I) Notwithstanding anything to the contrary in this 1091
section or section 3313.981 of the Revised Code, all of the 1092

following apply: 1093

(1) A policy adopted by a city, exempted village, or local 1094
school district board of education under division (B) (1) (a) or 1095
(b) of this section shall permit any student who is not a native 1096
student of the district to enroll in the district if both of the 1097
following apply: 1098

(a) The student's parent is an active duty member of the 1099
armed forces stationed in the state. 1100

(b) The student's parent provides to the district a copy 1101
of the parent's official written order verifying the parent's 1102
status as an active duty member of the armed forces. 1103

(2) In enrolling a student pursuant to division (I) of 1104
this section, a district shall comply with procedures prescribed 1105
under divisions (B) (2) and (C) of this section. In addition, the 1106
district shall not require tuition to be paid for the student's 1107
enrollment in the district. 1108

(3) A student who, pursuant to this division, enrolls in a 1109
district that has adopted a policy under division (B) (1) (a) of 1110
this section and who is not a native student of that district 1111
shall, for the purposes of sections 3313.981, 3315.18, 3317.03, 1112
and 3318.011 of the Revised Code, be considered as an "other 1113
district student" who enrolls in a district that has adopted a 1114
policy under division (B) (1) (c) of this section. Such student 1115
also shall receive transportation services under section 1116
3313.981 of the Revised Code in the same manner as an "other 1117
district student." 1118

(4) A student who, pursuant to this division, enrolls in a 1119
district that has adopted a policy under division (B) (1) (b) of 1120
this section and who is not a native student of the district or 1121

an adjacent district shall, nevertheless, be considered an 1122
"adjacent district student" for the purposes of sections 1123
3313.981, 3315.18, and 3317.03 of the Revised Code. 1124

(5) A student who, pursuant to this division, enrolls in a 1125
district that has adopted a policy under division (B) (1) (b) of 1126
this section and whose parent is subsequently discharged or 1127
released from active duty shall be permitted to attend school in 1128
that district and receive transportation services under section 1129
3313.981 of the Revised Code in the same manner as an "other 1130
district student" for the remainder of the school year in which 1131
the parent is discharged or released from active duty. After the 1132
conclusion of that school year, that student shall not be 1133
eligible under this division, as long as the student does not 1134
have a parent on active duty. 1135

(J) Nothing in this section shall be construed to permit 1136
or require the board of education of a city, exempted village, 1137
or local school district to exclude any native student of the 1138
district from enrolling in the district. 1139

Sec. 3314.03. A copy of every contract entered into under 1140
this section shall be filed with the director of education and 1141
workforce. The department of education and workforce shall make 1142
available on its web site a copy of every approved, executed 1143
contract filed with the director under this section. 1144

(A) Each contract entered into between a sponsor and the 1145
governing authority of a community school shall specify the 1146
following: 1147

(1) That the school shall be established as either of the 1148
following: 1149

(a) A nonprofit corporation established under Chapter 1150

1702. of the Revised Code, if established prior to April 8,	1151
2003;	1152
(b) A public benefit corporation established under Chapter	1153
1702. of the Revised Code, if established after April 8, 2003.	1154
(2) The education program of the school, including the	1155
school's mission, the characteristics of the students the school	1156
is expected to attract, the ages and grades of students, and the	1157
focus of the curriculum;	1158
(3) The academic goals to be achieved and the method of	1159
measurement that will be used to determine progress toward those	1160
goals, which shall include the statewide achievement	1161
assessments;	1162
(4) Performance standards, including but not limited to	1163
all applicable report card measures set forth in section 3302.03	1164
or 3314.017 of the Revised Code, by which the success of the	1165
school will be evaluated by the sponsor;	1166
(5) The admission standards of section 3314.06 of the	1167
Revised Code and, if applicable, section 3314.061 of the Revised	1168
Code;	1169
(6) (a) Dismissal procedures;	1170
(b) A requirement that the governing authority adopt an	1171
attendance policy that includes a procedure for automatically	1172
withdrawing a student from the school if the student without a	1173
legitimate excuse fails to participate in seventy-two	1174
consecutive hours of the learning opportunities offered to the	1175
student.	1176
(7) The ways by which the school will achieve racial and	1177
ethnic balance reflective of the community it serves;	1178

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

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

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

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

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

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

(10) Qualifications of employees, including both of the following:

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

(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.

(11) That the school will comply with the following

requirements: 1207

(a) The school will provide learning opportunities to a 1208
minimum of twenty-five students for a minimum of nine hundred 1209
twenty hours per school year. 1210

(b) The governing authority will purchase liability 1211
insurance, or otherwise provide for the potential liability of 1212
the school. 1213

(c) The school will be nonsectarian in its programs, 1214
admission policies, employment practices, and all other 1215
operations, and will not be operated by a sectarian school or 1216
religious institution. 1217

(d) The school will comply with sections 9.90, 9.91, 1218
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1219
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 1220
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 1221
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 1222
3313.6024, ~~3313.6025~~, 3313.6026, 3313.6028, 3313.6029, 3313.643, 1223
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 1224
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 1225
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 1226
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 1227
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 1228
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 1229
3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 1230
3319.391, 3319.393, 3319.41, 3319.46, 3319.614, 3320.01, 1231
3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 1232
3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 1233
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 1234
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 1235
and 4167. of the Revised Code as if it were a school district 1236

and will comply with section 3301.0714 of the Revised Code in 1237
the manner specified in section 3314.17 of the Revised Code. 1238

(e) The school shall comply with Chapter 102. and section 1239
2921.42 of the Revised Code. 1240

(f) The school will comply with sections 3313.61, 1241
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 1242
Revised Code, except that for students who enter ninth grade for 1243
the first time before July 1, 2010, the requirement in sections 1244
3313.61 and 3313.611 of the Revised Code that a person must 1245
successfully complete the curriculum in any high school prior to 1246
receiving a high school diploma may be met by completing the 1247
curriculum adopted by the governing authority of the community 1248
school rather than the curriculum specified in Title XXXIII of 1249
the Revised Code or any rules of the department. Beginning with 1250
students who enter ninth grade for the first time on or after 1251
July 1, 2010, the requirement in sections 3313.61 and 3313.611 1252
of the Revised Code that a person must successfully complete the 1253
curriculum of a high school prior to receiving a high school 1254
diploma shall be met by completing the requirements prescribed 1255
in section 3313.6027 and division (C) of section 3313.603 of the 1256
Revised Code, unless the person qualifies under division (D) or 1257
(F) of that section. Each school shall comply with the plan for 1258
awarding high school credit based on demonstration of subject 1259
area competency, and beginning with the 2017-2018 school year, 1260
with the updated plan that permits students enrolled in seventh 1261
and eighth grade to meet curriculum requirements based on 1262
subject area competency adopted by the department under 1263
divisions (J) (1) and (2) of section 3313.603 of the Revised 1264
Code. Beginning with the 2018-2019 school year, the school shall 1265
comply with the framework for granting units of high school 1266
credit to students who demonstrate subject area competency 1267

through work-based learning experiences, internships, or 1268
cooperative education developed by the department under division 1269
(J) (3) of section 3313.603 of the Revised Code. 1270

(g) The school governing authority will submit within four 1271
months after the end of each school year a report of its 1272
activities and progress in meeting the goals and standards of 1273
divisions (A) (3) and (4) of this section and its financial 1274
status to the sponsor and the parents of all students enrolled 1275
in the school. 1276

(h) The school, unless it is an internet- or computer- 1277
based community school, will comply with section 3313.801 of the 1278
Revised Code as if it were a school district. 1279

(i) If the school is the recipient of moneys from a grant 1280
awarded under the federal race to the top program, Division (A), 1281
Title XIV, Sections 14005 and 14006 of the "American Recovery 1282
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1283
the school will pay teachers based upon performance in 1284
accordance with section 3317.141 and will comply with section 1285
3319.111 of the Revised Code as if it were a school district. 1286

(j) If the school operates a preschool program that is 1287
licensed by the department under sections 3301.52 to 3301.59 of 1288
the Revised Code, the school shall comply with sections 3301.50 1289
to 3301.59 of the Revised Code and the minimum standards for 1290
preschool programs prescribed in rules adopted by the department 1291
of children and youth under section 3301.53 of the Revised Code. 1292

(k) The school will comply with sections 3313.6021 and 1293
3313.6023 of the Revised Code as if it were a school district 1294
unless it is either of the following: 1295

(i) An internet- or computer-based community school; 1296

(ii) A community school in which a majority of the 1297
enrolled students are children with disabilities as described in 1298
division (B) (2) of section 3314.35 of the Revised Code. 1299

(1) The school will comply with section 3321.191 of the 1300
Revised Code, unless it is an internet- or computer-based 1301
community school that is subject to section 3314.261 of the 1302
Revised Code. 1303

(12) Arrangements for providing health and other benefits 1304
to employees; 1305

(13) The length of the contract, which shall begin at the 1306
beginning of an academic year. No contract shall exceed five 1307
years unless such contract has been renewed pursuant to division 1308
(E) of this section. 1309

(14) The governing authority of the school, which shall be 1310
responsible for carrying out the provisions of the contract; 1311

(15) A financial plan detailing an estimated school budget 1312
for each year of the period of the contract and specifying the 1313
total estimated per pupil expenditure amount for each such year. 1314

(16) Requirements and procedures regarding the disposition 1315
of employees of the school in the event the contract is 1316
terminated or not renewed pursuant to section 3314.07 of the 1317
Revised Code; 1318

(17) Whether the school is to be created by converting all 1319
or part of an existing public school or educational service 1320
center building or is to be a new start-up school, and if it is 1321
a converted public school or service center building, 1322
specification of any duties or responsibilities of an employer 1323
that the board of education or service center governing board 1324
that operated the school or building before conversion is 1325

delegating to the governing authority of the community school 1326
with respect to all or any specified group of employees provided 1327
the delegation is not prohibited by a collective bargaining 1328
agreement applicable to such employees; 1329

(18) Provisions establishing procedures for resolving 1330
disputes or differences of opinion between the sponsor and the 1331
governing authority of the community school; 1332

(19) A provision requiring the governing authority to 1333
adopt a policy regarding the admission of students who reside 1334
outside the district in which the school is located. That policy 1335
shall comply with the admissions procedures specified in 1336
sections 3314.06 and 3314.061 of the Revised Code and, at the 1337
sole discretion of the authority, shall do one of the following: 1338

(a) Prohibit the enrollment of students who reside outside 1339
the district in which the school is located; 1340

(b) Permit the enrollment of students who reside in 1341
districts adjacent to the district in which the school is 1342
located; 1343

(c) Permit the enrollment of students who reside in any 1344
other district in the state. 1345

(20) A provision recognizing the authority of the 1346
department to take over the sponsorship of the school in 1347
accordance with the provisions of division (C) of section 1348
3314.015 of the Revised Code; 1349

(21) A provision recognizing the sponsor's authority to 1350
assume the operation of a school under the conditions specified 1351
in division (B) of section 3314.073 of the Revised Code; 1352

(22) A provision recognizing both of the following: 1353

(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 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.

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

(26) Whether the school's governing authority is planning 1384
to seek designation for the school as a STEM school equivalent 1385
under section 3326.032 of the Revised Code; 1386

(27) That the school's attendance and participation 1387
policies will be available for public inspection; 1388

(28) That the school's attendance and participation 1389
records shall be made available to the department, auditor of 1390
state, and school's sponsor to the extent permitted under and in 1391
accordance with the "Family Educational Rights and Privacy Act 1392
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 1393
regulations promulgated under that act, and section 3319.321 of 1394
the Revised Code; 1395

(29) If a school operates using the blended learning 1396
model, as defined in section 3301.079 of the Revised Code, all 1397
of the following information: 1398

(a) An indication of what blended learning model or models 1399
will be used; 1400

(b) A description of how student instructional needs will 1401
be determined and documented; 1402

(c) The method to be used for determining competency, 1403
granting credit, and promoting students to a higher grade level; 1404

(d) The school's attendance requirements, including how 1405
the school will document participation in learning 1406
opportunities; 1407

(e) A statement describing how student progress will be 1408
monitored; 1409

(f) A statement describing how private student data will 1410
be protected; 1411

(g) A description of the professional development	1412
activities that will be offered to teachers.	1413
(30) A provision requiring that all moneys the school's	1414
operator loans to the school, including facilities loans or cash	1415
flow assistance, must be accounted for, documented, and bear	1416
interest at a fair market rate;	1417
(31) A provision requiring that, if the governing	1418
authority contracts with an attorney, accountant, or entity	1419
specializing in audits, the attorney, accountant, or entity	1420
shall be independent from the operator with which the school has	1421
contracted.	1422
(32) A provision requiring the governing authority to	1423
adopt an enrollment and attendance policy that requires a	1424
student's parent to notify the community school in which the	1425
student is enrolled when there is a change in the location of	1426
the parent's or student's primary residence.	1427
(33) A provision requiring the governing authority to	1428
adopt a student residence and address verification policy for	1429
students enrolling in or attending the school.	1430
(B) The community school shall also submit to the sponsor	1431
a comprehensive plan for the school. The plan shall specify the	1432
following:	1433
(1) The process by which the governing authority of the	1434
school will be selected in the future;	1435
(2) The management and administration of the school;	1436
(3) If the community school is a currently existing public	1437
school or educational service center building, alternative	1438
arrangements for current public school students who choose not	1439

to attend the converted school and for teachers who choose not	1440
to teach in the school or building after conversion;	1441
(4) The instructional program and educational philosophy	1442
of the school;	1443
(5) Internal financial controls.	1444
When submitting the plan under this division, the school	1445
shall also submit copies of all policies and procedures	1446
regarding internal financial controls adopted by the governing	1447
authority of the school.	1448
(C) A contract entered into under section 3314.02 of the	1449
Revised Code between a sponsor and the governing authority of a	1450
community school may provide for the community school governing	1451
authority to make payments to the sponsor, which is hereby	1452
authorized to receive such payments as set forth in the contract	1453
between the governing authority and the sponsor. The total	1454
amount of such payments for monitoring, oversight, and technical	1455
assistance of the school shall not exceed three per cent of the	1456
total amount of payments for operating expenses that the school	1457
receives from the state.	1458
(D) The contract shall specify the duties of the sponsor	1459
which shall be in accordance with the written agreement entered	1460
into with the department under division (B) of section 3314.015	1461
of the Revised Code and shall include the following:	1462
(1) Monitor the community school's compliance with all	1463
laws applicable to the school and with the terms of the	1464
contract;	1465
(2) Monitor and evaluate the academic and fiscal	1466
performance and the organization and operation of the community	1467
school on at least an annual basis;	1468

(3) Provide technical assistance to the community school 1469
in complying with laws applicable to the school and terms of the 1470
contract; 1471

(4) Take steps to intervene in the school's operation to 1472
correct problems in the school's overall performance, declare 1473
the school to be on probationary status pursuant to section 1474
3314.073 of the Revised Code, suspend the operation of the 1475
school pursuant to section 3314.072 of the Revised Code, or 1476
terminate the contract of the school pursuant to section 3314.07 1477
of the Revised Code as determined necessary by the sponsor; 1478

(5) Have in place a plan of action to be undertaken in the 1479
event the community school experiences financial difficulties or 1480
closes prior to the end of a school year. 1481

(E) Upon the expiration of a contract entered into under 1482
this section, the sponsor of a community school may, with the 1483
approval of the governing authority of the school, renew that 1484
contract for a period of time determined by the sponsor, but not 1485
ending earlier than the end of any school year, if the sponsor 1486
finds that the school's compliance with applicable laws and 1487
terms of the contract and the school's progress in meeting the 1488
academic goals prescribed in the contract have been 1489
satisfactory. Any contract that is renewed under this division 1490
remains subject to the provisions of sections 3314.07, 3314.072, 1491
and 3314.073 of the Revised Code. 1492

(F) If a community school fails to open for operation 1493
within one year after the contract entered into under this 1494
section is adopted pursuant to division (D) of section 3314.02 1495
of the Revised Code or permanently closes prior to the 1496
expiration of the contract, the contract shall be void and the 1497
school shall not enter into a contract with any other sponsor. A 1498

school shall not be considered permanently closed because the 1499
operations of the school have been suspended pursuant to section 1500
3314.072 of the Revised Code. 1501

Sec. 3319.073. (A) The board of education of each city and 1502
exempted village school district and the governing board of each 1503
educational service center shall adopt or adapt the curriculum 1504
developed by the department of education and workforce for, or 1505
shall develop in consultation with public or private agencies or 1506
persons involved in child abuse prevention or intervention 1507
programs, a program of in-service training in the prevention of 1508
child abuse, violence, and substance abuse and the promotion of 1509
positive youth development. Each person employed by any school 1510
district or service center to work in a school as a nurse, 1511
teacher, counselor, school psychologist, or administrator shall 1512
complete at least four hours of the in-service training within 1513
two years of commencing employment with the district or center, 1514
and every five years thereafter. A person who is employed by any 1515
school district or service center to work in an elementary 1516
school as a nurse, teacher, counselor, school psychologist, or 1517
administrator on March 30, 2007, shall complete at least four 1518
hours of the in-service training not later than March 30, 2009, 1519
and every five years thereafter. A person who is employed by any 1520
school district or service center to work in a middle or high 1521
school as a nurse, teacher, counselor, school psychologist, or 1522
administrator on October 16, 2009, shall complete at least four 1523
hours of the in-service training not later than October 16, 1524
2011, and every five years thereafter. 1525

(B) Each board shall incorporate training in school safety 1526
and violence prevention, including human trafficking content, 1527
into the in-service training required by division (A) of this 1528
section. For this purpose, the board shall adopt or adapt the 1529

curriculum developed by the department or shall develop its own 1530
curriculum in consultation with public or private agencies or 1531
persons involved in school safety and violence prevention 1532
programs. 1533

(C) Each board shall incorporate training on the board's 1534
harassment, intimidation, or bullying policy adopted under 1535
section 3313.666 of the Revised Code into the in-service 1536
training required by division (A) of this section. Each board 1537
also shall incorporate training in the prevention of dating 1538
violence into the in-service training required by that division 1539
for middle and high school employees. The board shall develop 1540
its own curricula for these purposes. 1541

(D) Each board shall incorporate training in youth suicide 1542
awareness and prevention into the in-service training required 1543
by division (A) of this section for each person employed by a 1544
school district or service center to work in a school as a 1545
nurse, teacher, counselor, school psychologist, or 1546
administrator, and any other personnel that the board determines 1547
appropriate. The board shall require each such person to undergo 1548
training in youth suicide awareness and prevention programs once 1549
every two years. For this purpose, the board shall adopt or 1550
adapt the curriculum developed by the department under section 1551
3301.221 of the Revised Code or shall develop its own curriculum 1552
in consultation with public or private agencies or persons 1553
involved in youth suicide awareness and prevention programs. 1554

The training completed under this division shall count 1555
toward the satisfaction of requirements for professional 1556
development required by the school district or service center 1557
board, and the training may be accomplished through self-review 1558
of suitable suicide prevention materials approved by the board. 1559

(E) Each board shall incorporate training on child sexual abuse into the in-service training required by division (A) of this section. The training completed under this division shall count toward the satisfaction of requirements for professional development required by the school district or service center board. Any training provided under this section ~~shall~~ may be presented by either of the following ~~who~~, at their own discretion, so long as they have experience in handling cases involving child sexual abuse or child sexual violence:

- (1) Law enforcement officers;
- (2) Prosecutors.

Sec. 3319.0812. (A) The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code, establishing the standards and requirements for obtaining a pre-service teacher permit. The permit shall be required for an individual who is enrolled in an educator preparation program in order to participate in any student classroom teaching or other training experience that involves students in any of grades pre-kindergarten through twelve in a public or chartered nonpublic school and that is required for completion of the program.

(B) Notwithstanding section 3319.226 of the Revised Code, a school district or school may employ an individual who holds a permit issued under this section as a substitute teacher. The individual may teach for up to the equivalent of one full semester, subject to the approval of the employing district board of education or school governing authority and may be compensated for that service. The district superintendent or chief administrator of the school may request that the board or governing authority approve one or more additional subsequent semester-long periods of teaching for the individual.

(C) A pre-service teacher permit shall be valid for one or 1590
three years. The state board, on a case-by-case basis, may 1591
extend the permit's duration as needed to enable the permit 1592
holder to complete the educator preparation program in which the 1593
permit holder is enrolled. 1594

(D) An individual applying for a pre-service teacher 1595
permit shall be subject to a criminal records check as 1596
prescribed by section 3319.39 of the Revised Code. In the manner 1597
prescribed by the state board, the individual shall submit the 1598
criminal records check to the state board. The state board shall 1599
use the information submitted to enroll the individual in the 1600
retained applicant fingerprint database, established under 1601
section 109.5721 of the Revised Code, in the same manner as any 1602
teacher licensed under sections 3319.22 to 3319.31 of the 1603
Revised Code. 1604

If the state board receives notification of the arrest or 1605
conviction of an individual under division (D) of this section, 1606
the state board shall promptly notify the applicable educator 1607
preparation program and any school district or school in which 1608
the pre-service teacher has been employed or assigned as part of 1609
the program and may take any action authorized under sections 1610
3319.31 and 3319.311 of the Revised Code that it considers to be 1611
appropriate. Upon receiving notification from the state board of 1612
an arrest or conviction of an individual under division (D) of 1613
this section, the educator preparation program shall provide to 1614
the state board a list of all school districts and schools to 1615
which the pre-service teacher has been assigned as a part of the 1616
program. 1617

Sec. 3326.11. Each science, technology, engineering, and 1618
mathematics school established under this chapter and its 1619

governing body shall comply with sections 9.90, 9.91, 109.65, 1620
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1621
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 1622
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1623
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 1624
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 1625
3313.6021, 3313.6023, 3313.6024, ~~3313.6025~~, 3313.6026, 1626
3313.6028, 3313.6029, 3313.61, 3313.611, 3313.614, 3313.615, 1627
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 1628
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 1629
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 1630
3313.673, 3313.69, 3313.71, 3313.716, 3313.717, 3313.718, 1631
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 1632
3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 1633
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 1634
3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 1635
3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 1636
3319.45, 3319.46, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 1637
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 1638
3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 1639
4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 1640
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 1641
4123., 4141., and 4167. of the Revised Code as if it were a 1642
school district. 1643

Sec. 3328.24. A college-preparatory boarding school 1644
established under this chapter and its board of trustees shall 1645
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 1646
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 1647
3313.6013, 3313.6021, 3313.6023, 3313.6024, ~~3313.6025~~, 1648
3313.6026, 3313.6029, 3313.617, 3313.618, 3313.6114, 3313.6411, 1649
3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 3313.7112, 1650

3313.7117, 3313.721, 3313.753, 3313.89, 3319.073, 3319.077, 1651
3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 3319.393, 1652
3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, and 1653
5502.262, and Chapter 3365. of the Revised Code as if the school 1654
were a school district and the school's board of trustees were a 1655
district board of education. 1656

Sec. 5104.01. As used in this chapter: 1657

(A) "Administrator" means the person responsible for the 1658
daily operation of a center, type A home, or approved child day 1659
camp. The administrator and the owner may be the same person. 1660

(B) "Approved child day camp" means a child day camp 1661
approved pursuant to section 5104.22 of the Revised Code. 1662

(C) "Authorized representative" means an individual 1663
employed by a center, type A home, or approved child day camp 1664
that is owned by a person other than an individual and who is 1665
authorized by the owner to do all of the following: 1666

(1) Communicate on the owner's behalf; 1667

(2) Submit on the owner's behalf applications for 1668
licensure or approval; 1669

(3) Enter into on the owner's behalf provider agreements 1670
for publicly funded child care. 1671

(D) "Border state child care provider" means a child care 1672
provider that is located in a state bordering Ohio and that is 1673
licensed, certified, or otherwise approved by that state to 1674
provide child care funded by the child care block grant act. 1675

(E) "Career pathways model" means an alternative pathway 1676
to meeting the requirements to be a child care staff member or 1677
administrator that does both of the following: 1678

(1) Uses a framework approved by the director of children and youth to document formal education, training, experience, and specialized credentials and certifications;

(2) Allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the director of education and workforce for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool-age child, or school-age child.

(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as amended.

(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than twelve hours per day and no more than fifteen weeks during the summer. For purposes of this division, the maximum twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day

camp to a child's home. 1708

(K) "Child care" means all of the following: 1709

(1) Administering to the needs of infants, toddlers, 1710
preschool-age children, and school-age children outside of 1711
school hours; 1712

(2) By persons other than their parents, guardians, or 1713
custodians; 1714

(3) For part of the twenty-four-hour day; 1715

(4) In a place other than a child's own home, except that 1716
an in-home aide provides child care in the child's own home; 1717

(5) By a provider required by this chapter to be licensed 1718
or approved by the department of children and youth, certified 1719
by a county department of job and family services, or under 1720
contract with the department to provide publicly funded child 1721
care as described in section 5104.32 of the Revised Code. 1722

(L) "Child care center" and "center" mean any place that 1723
is not the permanent residence of the licensee or administrator 1724
in which child care or publicly funded child care is provided 1725
for seven or more children at one time. "Child care center" and 1726
"center" do not include any of the following: 1727

(1) A place located in and operated by a hospital, as 1728
defined in section 3727.01 of the Revised Code, in which the 1729
needs of children are administered to, if all the children whose 1730
needs are being administered to are monitored under the on-site 1731
supervision of a physician licensed under Chapter 4731. of the 1732
Revised Code or a registered nurse licensed under Chapter 4723. 1733
of the Revised Code, and the services are provided only for 1734
children who, in the opinion of the child's parent, guardian, or 1735

custodian, are exhibiting symptoms of a communicable disease or	1736
other illness or are injured;	1737
(2) A child day camp;	1738
(3) A place that provides care, if all of the following	1739
apply:	1740
(a) An organized religious body provides the care;	1741
(b) A parent, custodian, or guardian of at least one child	1742
receiving care is on the premises and readily accessible at all	1743
times;	1744
(c) The care is not provided for more than thirty days a	1745
year;	1746
(d) The care is provided only for preschool-age and	1747
school-age children.	1748
(M) "Child care resource and referral service	1749
organization" means a community-based nonprofit organization	1750
that provides child care resource and referral services but not	1751
child care.	1752
(N) "Child care resource and referral services" means all	1753
of the following services:	1754
(1) Maintenance of a uniform data base of all child care	1755
providers in the community that are in compliance with this	1756
chapter, including current occupancy and vacancy data;	1757
(2) Provision of individualized consumer education to	1758
families seeking child care;	1759
(3) Provision of timely referrals of available child care	1760
providers to families seeking child care;	1761
(4) Recruitment of child care providers;	1762

(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;	1763 1764 1765 1766
(6) Collection and analysis of data on the supply of and demand for child care in the community;	1767 1768
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	1769 1770 1771
(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;	1772 1773 1774
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	1775 1776 1777
(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 children and youth;	1778 1779 1780 1781 1782
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family child care homes.	1783 1784 1785 1786
(O) "Child care staff member" means an employee of a child care center, type A family child care home, licensed type B family child care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a	1787 1788 1789 1790 1791

child care staff member when not involved in other duties.	1792
(P) "Drop-in child care center," "drop-in center," "drop-in type A family child care home," and "drop-in type A home"	1793
mean a center or type A home that provides child care or	1794
publicly funded child care for children on a temporary,	1795
irregular basis.	1796
(Q) "Employee" means a person who either:	1797
(1) Receives compensation for duties performed in a child	1798
care center, type A family child care home, licensed type B	1799
family child care home, or approved child day camp;	1800
(2) Is assigned specific working hours or duties in a	1801
child care center, type A family child care home, licensed type	1802
B family child care home, or approved child day camp.	1803
(R) "Employer" means a person, firm, institution,	1804
organization, or agency that operates a child care center, type	1805
A family child care home, licensed type B family child care	1806
home, or approved child day camp subject to licensure or	1807
approval under this chapter.	1808
(S) "Federal poverty line" means the official poverty	1809
guideline as revised annually in accordance with section 673(2)	1810
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat.	1811
511, 42 U.S.C. 9902, as amended, for a family size equal to the	1812
size of the family of the person whose income is being	1813
determined.	1814
(T) "Head start program" means a school-readiness program	1815
that satisfies all of the following:	1816
(1) Is for children from birth to age five who are from	1817
low-income families;	1818
	1819

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended; 1820
1821
1822

(3) Is licensed as a child care program. 1823

(U) "Home education" has the same meaning as in section 3321.042 of the Revised Code. 1824
1825

(V) "Home education learning pod" means a voluntary association of parents who direct their children's education through home education and includes the following characteristics: 1826
1827
1828
1829

(1) The parents choose to group their children together in a home or other location at various times, which may include hours when home education is not provided. 1830
1831
1832

(2) The pod includes only the parents' children who are receiving home education, except that it also may include siblings of those children, or other children who are under the care of the parents, regardless of age. 1833
1834
1835
1836

(3) At least one parent of any of the children participating in the pod must be on the premises while the pod is meeting. 1837
1838
1839

(W) "Homeless child care" means child care provided to a child who satisfies any of the following: 1840
1841

(1) Is homeless as defined in 42 U.S.C. 11302; 1842

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a; 1843
1844

(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is 1845
1846

determined by a county department of job and family services to 1847
be homeless. 1848

~~(V)~~ (X) "Income" means gross income, as defined in section 1849
5107.10 of the Revised Code, less any amounts required by 1850
federal statutes or regulations to be disregarded. 1851

~~(W)~~ (Y) "Indicator checklist" means an inspection tool, 1852
used in conjunction with an instrument-based program monitoring 1853
information system, that contains selected licensing 1854
requirements that are statistically reliable indicators or 1855
predictors of a child care center's, type A family child care 1856
home's, or licensed type B family child care home's compliance 1857
with licensing requirements. 1858

~~(X)~~ (Z) "Infant" means a child who is less than eighteen 1859
months of age. 1860

~~(Y)~~ (AA) "In-home aide" means a person who does not reside 1861
with the child but provides care in the child's home and is 1862
certified by a county director of job and family services 1863
pursuant to section 5104.12 of the Revised Code to provide 1864
publicly funded child care to a child in a child's own home 1865
pursuant to this chapter and any rules adopted under it. 1866

~~(Z)~~ (BB) "Instrument-based program monitoring information 1867
system" means a method to assess compliance with licensing 1868
requirements for child care centers, type A family child care 1869
homes, and licensed type B family child care homes in which each 1870
licensing requirement is assigned a weight indicative of the 1871
relative importance of the requirement to the health, growth, 1872
and safety of the children that is used to develop an indicator 1873
checklist. 1874

~~(AA)~~ (CC) "License capacity" means the maximum number in 1875

each age category of children who may be cared for in a child 1876
care center, type A family child care home, or licensed type B 1877
family child care home at one time as determined by the director 1878
of children and youth considering building occupancy limits 1879
established by the department of commerce, amount of available 1880
indoor floor space and outdoor play space, and amount of 1881
available play equipment, materials, and supplies. 1882

~~(BB)~~ (DD) "Licensed child care program" means any of the 1883
following: 1884

(1) A child care center licensed by the department of 1885
children and youth pursuant to this chapter; 1886

(2) A type A family child care home or type B family child 1887
care home licensed by the department of children and youth 1888
pursuant to this chapter; 1889

(3) A licensed preschool program or licensed school child 1890
program. 1891

~~(CC)~~ (EE) "Licensed preschool program" or "licensed school 1892
child program" means a preschool program or school child 1893
program, as defined in section 3301.52 of the Revised Code, that 1894
is licensed by the department of children and youth pursuant to 1895
sections 3301.52 to 3301.59 of the Revised Code. 1896

~~(DD)~~ (FF) "Licensed type B family child care home" and 1897
"licensed type B home" mean a type B family child care home for 1898
which there is a valid license issued by the director of 1899
children and youth pursuant to section 5104.03 of the Revised 1900
Code. 1901

~~(EE)~~ (GG) "Licensee" means the owner of a child care 1902
center, type A family child care home, or type B family child 1903
care home that is licensed pursuant to this chapter and who is 1904

responsible for ensuring compliance with this chapter and rules 1905
adopted pursuant to this chapter. 1906

~~(FF)~~ (HH) "Operate a child day camp" means to operate, 1907
establish, manage, conduct, or maintain a child day camp. 1908

~~(GG)~~ (II) "Owner" includes a person, as defined in section 1909
1.59 of the Revised Code, or government entity. 1910

~~(HH)~~ (JJ) "Parent cooperative child care center," "parent 1911
cooperative center," "parent cooperative type A family child 1912
care home," and "parent cooperative type A home" mean a 1913
corporation or association organized for providing educational 1914
services to the children of members of the corporation or 1915
association, without gain to the corporation or association as 1916
an entity, in which the services of the corporation or 1917
association are provided only to children of the members of the 1918
corporation or association, ownership and control of the 1919
corporation or association rests solely with the members of the 1920
corporation or association, and at least one parent-member of 1921
the corporation or association is on the premises of the center 1922
or type A home during its hours of operation. 1923

~~(II)~~ (KK) "Part-time child care center," "part-time 1924
center," "part-time type A family child care home," and "part- 1925
time type A home" mean a center or type A home that provides 1926
child care or publicly funded child care for not more than four 1927
hours a day for any child or not more than fifteen consecutive 1928
weeks per year, regardless of the number of hours per day. 1929

~~(JJ)~~ (LL) "Place of worship" means a building where 1930
activities of an organized religious group are conducted and 1931
includes the grounds and any other buildings on the grounds used 1932
for such activities. 1933

(KK) <u>(MM)</u> "Preschool-age child" means a child who is three	1934
years old or older but is not a school-age child.	1935
(LL) <u>(NN)</u> "Protective child care" means publicly funded	1936
child care for the direct care and protection of a child to whom	1937
all of the following apply:	1938
(1) A case plan has been prepared and maintained for the	1939
child pursuant to section 2151.412 of the Revised Code.	1940
(2) The case plan indicates a need for protective care.	1941
(3) The child resides with a parent, stepparent, guardian,	1942
or another person who stands in loco parentis as defined in	1943
rules adopted under section 5104.38 of the Revised Code.	1944
(MM) <u>(OO)</u> "Publicly funded child care" means administering	1945
to the needs of infants, toddlers, preschool-age children, and	1946
school-age children under age thirteen during any part of the	1947
twenty-four-hour day by persons other than their caretaker	1948
parents for remuneration wholly or in part with federal or state	1949
funds, including funds available under the child care block	1950
grant act, Title IV-A, and Title XX, distributed by the	1951
department of children and youth.	1952
(NN) <u>(PP)</u> "Religious activities" means any of the	1953
following: worship or other religious services; religious	1954
instruction; Sunday school classes or other religious classes	1955
conducted during or prior to worship or other religious	1956
services; youth or adult fellowship activities; choir or other	1957
musical group practices or programs; meals; festivals; or	1958
meetings conducted by an organized religious group.	1959
(OO) <u>(QQ)</u> "School-age child" means a child who is enrolled	1960
in or is eligible to be enrolled in a grade of kindergarten or	1961
above but is less than fifteen years old or, in the case of a	1962

child who is receiving special needs child care, is less than 1963
eighteen years old. 1964

~~(PP)~~ (RR) "Serious risk noncompliance" means a licensure 1965
or certification rule violation that leads to a great risk of 1966
harm to, or death of, a child, and is observable, not inferable. 1967

~~(QQ)~~ (SS) "Special needs child care" means child care 1968
provided to a child who is less than eighteen years of age and 1969
either has one or more chronic health conditions or does not 1970
meet age appropriate expectations in one or more areas of 1971
development, including social, emotional, cognitive, 1972
communicative, perceptual, motor, physical, and behavioral 1973
development and that may include on a regular basis such 1974
services, adaptations, modifications, or adjustments needed to 1975
assist in the child's function or development. 1976

~~(RR)~~ (TT) "Title IV-A" means Title IV-A of the "Social 1977
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 1978

~~(SS)~~ (UU) "Title XX" means Title XX of the "Social 1979
Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 1980

~~(TT)~~ (VV) "Toddler" means a child who is at least eighteen 1981
months of age but less than three years of age. 1982

~~(UU)~~ (WW) "Type A family child care home" and "type A 1983
home" mean the permanent residence of the administrator in which 1984
child care or publicly funded child care is provided for seven 1985
to twelve children at one time or a permanent residence of the 1986
administrator in which child care is provided for four to twelve 1987
children at one time if four or more children at one time are 1988
under two years of age. In counting children for the purposes of 1989
this division, any children under six years of age who are 1990
related to a licensee, administrator, or employee and who are on 1991

the premises of the type A home shall be counted. "Type A family child care home" and "type A home" do not include any child day camp. 1992
1993
1994

~~(VV)~~ (XX) "Type B family child care home" and "type B home" mean a permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family child care home" and "type B home" do not include any child day camp. 1995
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Sec. 5104.02. (A) The director of children and youth is responsible for licensing child care centers, type A family child care homes, and type B family child care homes. Each entity operating a head start program shall meet the criteria for, and be licensed as, a child care center. The director is responsible for the enforcement of this chapter and of rules promulgated pursuant to this chapter. 2004
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No person, firm, organization, institution, or agency shall operate, establish, manage, conduct, or maintain a child care center or type A family child care home without a license issued under section 5104.03 of the Revised Code. The current license shall be posted in the center or home in a conspicuous place that is accessible to parents, custodians, or guardians and employees of the center or home at all times when the center or home is in operation. 2011
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(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the requirements of this chapter: 2019
2020
2021

(1) A program caring for children that operates for two consecutive weeks or less and not more than six weeks total in each calendar year; 2022
2023
2024

(2) Caring for children in places of worship during religious activities while at least one parent, guardian, or custodian of each child is participating in such activities and is readily available; 2025
2026
2027
2028

(3) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; athletic skills or sports; computers; or an educational subject conducted on an organized or periodic basis that a child does not attend for more than eight total hours per week; 2029
2030
2031
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(4) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility that offers care and is readily accessible at all times and care is not provided for more than two and one-half hours a day per child; 2035
2036
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2039

(5) Programs that provide care and are regulated by state departments other than the department of children and youth or the department of education and workforce. 2040
2041
2042

(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of children and youth under sections 3301.52 to 3301.59 of the Revised Code. 2043
2044
2045
2046

(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 under section 3301.16 of the Revised Code for kindergarten only; 2047
2048
2049
2050

(a) The nonpublic school has given the notice to the state board of education and the director of children and youth required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the department of education and workforce for kindergarten, or receives and continues to hold a charter from the department for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the department of children and youth under section 3301.53 of the Revised Code.

(8) A youth development program operated outside of school hours to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal care, which is care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

(d) The entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

(9) A program caring for children that is operated by a nonchartered, nontax-supported school if the program meets all of the following conditions:

(a) The program complies with state and local health, 2079
fire, and safety laws. 2080

(b) The program annually certifies in a report to the 2081
children's parents that the program is in compliance with 2082
division (B) (9) (a) of this section and files a copy of the 2083
report with the department of children and youth on or before 2084
the thirtieth day of September of each year. 2085

(c) The program complies with all applicable reporting 2086
requirements in the same manner as required by the department of 2087
education and workforce for nonchartered, nonpublic primary and 2088
secondary schools. 2089

(d) The program is associated with a nonchartered, nontax- 2090
supported primary or secondary school. 2091

(10) A program that provides activities for children who 2092
are five years of age or older and is operated by a county, 2093
township, municipal corporation, township park district created 2094
under section 511.18 of the Revised Code, park district created 2095
under section 1545.04 of the Revised Code, or joint recreation 2096
district established under section 755.14 of the Revised Code. 2097

(11) A home education learning pod. 2098

Sec. 5104.38. In addition to any other rules adopted under 2099
this chapter, the director of children and youth ~~services~~ shall 2100
adopt rules in accordance with Chapter 119. of the Revised Code 2101
governing financial and administrative requirements for publicly 2102
funded child care and establishing all of the following: 2103

(A) Procedures and criteria to be used in making 2104
determinations of eligibility for publicly funded child care 2105
that give priority to children of families with lower incomes 2106
and procedures and criteria for eligibility for publicly funded 2107

protective child care or homeless child care. The rules shall 2108
specify the maximum amount of income a family may have for 2109
initial and continued eligibility. The maximum amount shall not 2110
exceed three hundred per cent of the federal poverty line. The 2111
rules may specify exceptions to the eligibility requirements in 2112
the case of a family that previously received publicly funded 2113
child care and is seeking to have the child care reinstated 2114
after the family's eligibility was terminated. 2115

(B) Procedures under which an applicant for publicly 2116
funded child care may receive publicly funded child care while 2117
the county department of job and family services determines 2118
eligibility and under which a child care provider may appeal a 2119
denial of payment under division (A) (2) (b) of section 5104.34 of 2120
the Revised Code; 2121

(C) A schedule of fees requiring all eligible caretaker 2122
parents to pay a fee for publicly funded child care according to 2123
income and family size, which shall be uniform for all types of 2124
publicly funded child care, except as authorized by rule, and, 2125
to the extent permitted by federal law, shall permit the use of 2126
state and federal funds to pay the customary deposits and other 2127
advance payments that a provider charges all children who 2128
receive child care from that provider. 2129

(D) A formula for determining the amount of state and 2130
federal funds appropriated for publicly funded child care that 2131
may be allocated to a county department to use for 2132
administrative purposes; 2133

(E) Procedures to be followed by the department and county 2134
departments in recruiting individuals and groups to become 2135
providers of child care; 2136

(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;	2137 2138 2139 2140 2141
(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	2142 2143
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	2144 2145
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	2146 2147 2148
(J) A definition of "person who stands in loco parentis" for the purposes of division (LL) (3) <u>(NN) (3)</u> of section 5104.01 of the Revised Code;	2149 2150 2151
(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;	2152 2153 2154 2155 2156
(L) If the director establishes a different reimbursement rate under division (E) (3) (d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;	2157 2158 2159 2160 2161
(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities	2162 2163 2164 2165

in anticipation of enrolling in or attending an education or 2166
training program or activity, if the employment or the education 2167
or training program or activity is expected to begin within the 2168
thirty-day period; 2169

(N) Any other rules necessary to carry out sections 2170
5104.30 to 5104.43 of the Revised Code. 2171

Section 2. That existing sections 133.06, 3301.0721, 2172
3310.41, 3310.52, 3310.64, 3313.37, 3313.98, 3314.03, 3319.073, 2173
3319.0812, 3326.11, 3328.24, 5104.01, 5104.02, and 5104.38 of 2174
the Revised Code are hereby repealed. 2175

Section 3. That sections 3313.6025 and 4508.022 of the 2176
Revised Code are hereby repealed. 2177

Section 4. The General Assembly, applying the principle 2178
stated in division (B) of section 1.52 of the Revised Code that 2179
amendments are to be harmonized if reasonably capable of 2180
simultaneous operation, finds that the following sections, 2181
presented in this act as composites of the sections as amended 2182
by the acts indicated, are the resulting versions of the 2183
sections in effect prior to the effective date of the sections 2184
as presented in this act: 2185

Section 3314.03 of the Revised Code as amended by H.B. 2186
214, H.B. 250, and S.B. 168, all of the 135th General Assembly. 2187

Section 3326.11 of the Revised Code as amended by H.B. 47, 2188
H.B. 214, and S.B. 168, all of the 135th General Assembly. 2189

Section 3328.24 of the Revised Code as amended by both 2190
H.B. 47 and H.B. 214 of the 135th General Assembly. 2191